

These minutes were approved by the Zoning Administrator 1-30-2020

**CITY OF SAN CLEMENTE  
MINUTES OF THE REGULAR MEETING  
OF THE ZONING ADMINISTRATOR  
JANUARY 23, 2020**

**1. CALL TO ORDER**

The Regular Meeting of the City of San Clemente Zoning Administrator was called to order on January 23, 2020 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) Cecilia Gallardo-Daly.

Staff Present: Cecilia Gallardo-Daly, Zoning Administrator; Jonathan Lightfoot, Associate Planner; David Carrillo, Assistant Planner; Lisa Acosta, Office Specialist I.

**2. MINUTES**

- A. The minutes of the Zoning Administrator meeting of December 19, 2019 were received and filed.

**3. ORAL AND WRITTEN COMMUNICATION**

None

**4. PUBLIC HEARING**

- A. **405 Pasadena Court – Tentative Parcel Map 2018-172 (PLN 19-230) – Pasadena Court Duplex Condo Subdivision** (Lightfoot)

A request to subdivide the airspace of a recently remodeled duplex for condominium purposes. The project site is located in the Residential Medium Zoning District and Coastal Overlay District (RM-CZ) and is within the Pier Bowl Specific Plan area.

Jonathan Lightfoot, Associate Planner, summarized the staff report.

Michael Palkovic, applicant, was present and available for questions.

ZA Gallardo-Daly asked staff to confirm the number of units in the previous apartments and if the previous project required a Coastal Development Permit.

Staff stated there were five units in the previous multi-family building. The previous project reduced the number of units to comply with the density standards for the Residential Medium zone and did not require a Coastal

Development permit, but parcel maps including airspace subdivisions require review by the Coastal Commission.

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 stated she read the staff report, reviewed the plans and the conditions of approval.

ZA Gallardo-Daly approved Tentative Parcel Map 2018-172 (PLN 19-230) based on the following findings: The site is physically suitable for the type of development. The project is the subdivision of airspace for two condominium units for individual ownership purposes. The proposed density of the development is within the maximum allowed for properties in the RM zoning district. The design of the condominium conversion is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife. The site is already developed with a multi-family residential building and there is no potential for environmental impacts. The design of the project and the type of improvement is not likely to cause serious public health problems. The condominium subdivision has been reviewed and is consistent with the General Plan and Coastal Land Use Plan. The project is consistent with the Residential Medium Land Use Designation of the site and complies with Coastal Land Use policies.

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15315 (Class 15: Minor Land Divisions).

Action: The Zoning Administrator approved and adopted Resolution ZA 20-001, Tentative Parcel Map 2018-172 (PLN 19-230), Pasadena Court Duplex Condo Subdivision, subject to the Conditions of Approval.

**B. 133 W Escalones – Minor Exception Permit 19-381/Staff Waiver of a Minor Architectural Permit 19-382 – Tucker Residence Addition (Maldonado/Lightfoot)**

A request to construct an addition to an existing legal non-conforming single family residence and the continuation of a nonconforming side-yard setback. The project site is located in the Residential Medium Zoning District and Coastal Overlay District (RM-CZ).

Jonathan Lightfoot, Associate Planner, summarized the staff report. Staff noted a clerical error on Condition 1.6 of the Conditions of Approval. Staff will add the entitlement numbers to the Conditions of Approval, and has requested removing Condition 1.7.

Enzio Buscemi, applicant, was present and available for questions. The homeowners, Jerry and Diane Tucker, were also present.

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 stated she read the staff report, reviewed the plans and the conditions of approval.

ZA Gallardo-Daly approved Minor Exception Permit 19-381 and Staff Waiver of a Minor Architectural Permit 19-382 based on the following findings: The proposed addition and remodel meet the development standards with the exception of the existing non-conforming side-yard conditions. The expansion is less than 50 percent of the overall existing project area. The architectural treatment is in keeping with the character of the neighborhood.

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) and Section 15305 (Class 5: Minor Alterations In Land Use Limitations).

Action: The Zoning Administrator approved and adopted Resolution ZA 20-002, Minor Exception Permit 19-381 and Staff Waiver of a Minor Architectural Permit 19-382, Tucker Residence Addition, subject to the Conditions of Approval.

**C. 2803-2809 South El Camino Real – Minor Exception Permit 19-374/Minor Exception Permit 19-376/Minor Exception Permit 19-377/Minor Exception Permit 19-378 – Trestles Cottages Walls and Arbors (Carrillo)**

A request to allow block walls and an arbor to exceed the allowable height of 42 inches within the front yard setback area on four separate, contiguous lots known as the "Trestles Cottages." The lots are located in the Mixed Use 5 Zoning District and Affordable Housing Overlay District (MU5-AH) and within the South El Camino Real Focus Area (East of Interstate 5).

David Carrillo, Assistant Planner, summarized the staff report. Staff noted the applicant requested the wall be 6 feet in height; however, being consistent with the nearby Surfers Row development, staff and the Design Review Subcommittee (DRSC) support the height of the wall at 5 feet and the project is conditioned to a maximum height of 5 feet. Additionally, the proposed material is a split face, rough surface. The DRSC recommended the material be changed to a smooth surface to be more compatible with the architecture of the development.

Dave Gutierrez, applicant, was present and available for questions.

ZA Gallardo-Daly asked staff for clarification on Attachment 7, project photographs. How is there a partially constructed wall on the project site? Additionally, what is the height of the wall on the Surfers Row Development?

Staff stated the project walls shown on Attachment 7 are 42 inches in height and were approved through a building permit. The walls at Surfers Row Development were approved with a height of 5 feet.

ZA Gallardo-Daly asked staff to clarify if the DRSC comments regarding the arbors height and design and the materials for the walls have been resolved.

Staff explained the arbors height and design have been resolved as recommended by the DRSC, but the applicant is still proposing the split face wall material as submitted.

Dave Gutierrez, applicant, purchased four individual lots. He stated at time of processing building plans, he discussed with the Contract Planner that he would like a wall similar to the Surfers Row Development, which measures at 5 feet, 9 inches. The Contract Planner suggested he do the wall latter in the project; otherwise, the DRSC may suggest changes to the building or design of the building. Taking the Planners advice, he built a 42-inch high wall in the interim. Before constructing that wall, he asked the Planner and Building Division if there was a material to be used and he was told he could use any material he wanted, so he selected a split face wall. He was asking for the 6-foot wall for privacy, safety, and sound attenuation.

ZA Gallardo-Daly asked staff if he measured the wall at Surfers Row.

Staff stated he did not measure the Surfers Row wall. The applicant measured the wall and Staff verified it was higher than 5 feet even though the building permit issued stated a height of 5 feet.

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 agrees with the Design Review Subcommittee that the split face block walls are not compatible with the design of the project. In regards to the height of the neighboring property walls, there should be a measure of privacy and there needs to be consistency, but without verification or substantial, supporting evidence to identify that the neighboring property walls are 5 feet, 9 inches, she is unable to approve an increase in height beyond the 5 feet.

ZA Gallardo-Daly stated she read the staff report, reviewed the plans and the conditions of approval.

ZA Gallardo-Daly approved Minor Exception Permit 19-374, Minor Exception Permit 19-376, Minor Exception Permit 19-377, and Minor Exception Permit 19-378 based on the following findings: The approved walls and arbor columns within the front-yard setback area are limited to a maximum height of 5 feet as measured from finished grade, and lowest side of subject structures, to the top of walls and columns. The texture, finish, and color of the arbor columns match the walls flanking the arbor structure on either side. The proposed steel latticework shall match the color of steel railing on the primary building. All exterior details and materials, including the arbor steel latticework, arbor gate, and wall material, shall be approved by the Planning Division prior to purchase and installation. The approved 5-foot high walls shall be constructed of a smooth surface and finished with a white or light earth tone color, subject to approval by the City Planner.

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) and Section 15305 (Class 5: Minor Alterations In Land Use Limitations).

Action: The Zoning Administrator approved and adopted:

Resolution ZA 20-003, Minor Exception Permit 19-374, 2803 South El Camino Real, Trestles Cottages Walls and Arbors, subject to the Conditions of Approval.

Resolution ZA 20-004, Minor Exception Permit 19-376, 2805 South El Camino Real, Trestles Cottages Walls and Arbors, subject to the Conditions of Approval.

Resolution ZA 20-005, Minor Exception Permit 19-377, 2807 South El Camino Real, Trestles Cottages Walls and Arbors, subject to the Conditions of Approval.

Resolution ZA 20-006, Minor Exception Permit 19-378, 2809 South El Camino Real, Trestles Cottages Walls and Arbors, subject to the Conditions of Approval.

5. **NEW BUSINESS**

None

6. **OLD BUSINESS**

None

7. **ADJOURNMENT**

The meeting adjourned at 3:41 p.m. to the Regular Meeting of the Zoning Administrator which will be held Thursday, February 6, 2020 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, Zoning Administrator