

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING
OF THE ZONING ADMINISTRATOR
SEPTEMBER 17, 2020**

Teleconference Only via

www.san-clemente.org/live or Cox Channel 854

1. CALL TO ORDER

Zoning Administrator Gallardo-Daly called the Regular Meeting of the City of San Clemente Zoning Administrator to order on September 17, 2020 at 3:02 p.m. The meeting was offered teleconference only due to the COVID-19 Pandemic, and available to the public via live stream from the City's YouTube Channel or live on Cox Channel 854.

Staff Present: *Cecilia Gallardo-Daly, Zoning Administrator
 *David Carrillo, Assistant Planner

 *Participated in meeting via teleconference

2. MINUTES

A. The minutes of the Zoning Administrator meeting of July 23, 2020 were received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARING

A. **1107 South Ola Vista – Minor Exception Permit 20-120 – Sheehan Residence** (Carrillo)

A request to consider a reduction of the required front yard setback by 15% and side yard setback by 20% of a vacant corner lot property for the construction of a new 2,828 sq. ft. residence located in the Residential Low Zone and Coastal Zone Overlay District (RL-CZ), within the Coastal Exclusion Area.

David Carrillo, Assistant Planner, summarized the staff report, and added that he has received several public comments in regard to this project.

ZA Gallardo-Daly asked staff to clarify that the plans will be revised to indicate the 17-foot front yard setback at the widest and narrowest points. She also

asked staff to confirm the minimum lot size required in the zone, the size of the subject property, and if the lot was created prior to the lot standard requirements.

Staff stated the he will work with the applicant for a revised footprint clearly indicating the widest and narrowest part of the set back, and recommended that a condition of approval be added which requires the applicant to revise plans to show the southern building corner across the front lot line at 17 feet from the front property line. The minimum lot size in the zone is 6,000 square feet. The lot size of the property is 4,400 square feet and was created prior to the lot standard requirements.

ZA Gallardo-Daly asked staff if the project is in compliance with the lot coverage of the zone and to explain how this is calculated.

Staff stated that the project complies with the maximum lot coverage of 50%, and that lot coverage is calculated by dividing the building footprint by the lot size.

ZA Gallardo-Daly asked staff if line of sight issues existed with the proposed project.

Staff stated that the application was reviewed by the Development Management Team and that line of sight issues were not raised.

ZA Gallardo-Daly asked staff if Minor Exception Permits for encroachments into setbacks have been previously approved for properties in the area.

Staff confirmed that there have been Minor Exception Permits approved for properties in the area allowing encroachments into required setbacks and provided addresses as examples.

ZA Gallardo-Daly asked staff to explain how the front yard setback was determined.

Staff explained that lot line types first have to be identified pursuant to lot line definitions in Title 17 of the Municipal Code. The lot line along South Ola Vista was identified as the front lot line, from the center of the corner radius to the northwest corner of the lot, and the lot line along West Paseo De Cristobal was identified as the street-side lot line, from the center of the corner radius to the south east corner of the lot. The 17-foot setback is then measured from the front lot line.

Robert Williams, Studio 6 Architects, stated he has reviewed and agrees to the Conditions of Approval. In regards to the corner view, he noted image two of the staff report shows the outline of the original residence, how it sat on the property, and protruded into the corner of Paseo de Cristobal and Ola Vista. The

proposed project will not go out further than original residence and has been cut back significantly opening up that corner. Additionally, the existing residence used to sit into the rear setback and that has been pulled back to regulation of code which is a 10-foot required setback.

ZA Gallardo-Daly opened the public hearing.

City staff read public comments into the record which are on file with the Community Development Department.

Kirk and Janet Andrews, email dated September 14, 2020.

Philip Cadenhead, email dated September 16, 2020.

Kelly Earhardt, email dated September 16, 2020.

John Long, email dated September 17, 2020.

Amy Long, email dated September 17, 2020.

Kathryn and Marvin Dennis, email dated September 17, 2020.

ZA Gallardo-Daly closed the public hearing.

ZA Gallardo-Daly stated she reviewed the staff report, plans, findings, conditions of approval, has visited the site, and reviewed and considered the public comments received.

ZA Gallardo-Daly addressed some comments received regarding the development standards, how they are applied, and corrections to the staff report. The lot size has been corrected. One public concern was with the lot coverage being approximately 4,400 square foot that the additional encroachment into the setbacks that the building footprint or square footage would be so large that it would exceed developments standards, but the lot coverage is not being exceeded with the project proposed.

ZA Gallardo-Daly approved Minor Exception Permit 20-120 based on the following findings: The requested minor exception will not interfere with the purpose of the zone or the standards of the zone in which the property is located. The residential use of the corner lot will continue to be single-family residential. The property complies with all development standards of the Residential Low zone, with the exception of the reduced front and street-side yard setbacks. The neighboring properties will not be adversely affected as a result of the approval or conditional approval of the Minor Exception Permit. The proposed project's two-story design is in keeping with the design of other properties in the neighborhood. The setback reductions allow for on-site parking

to be provided, which helps to reduce on-street parking congestion in the neighborhood. The exception maintains neighborhood compatibility and street appeal since the property is subject to landscape requirements that maintain a soft buffer between the public right-of-way and the primary structure, consistent with neighboring properties. The property directly to the south across Paseo de Cristobal also has a reduced setback that looks to be less than 10-feet from the Paseo de Cristobal right-of-way. The approval of the Minor Exception Permit will not be detrimental to the health, safety or welfare of the general public. The property will be required to meet the California Building Code and Orange County Fire Authority regulations. With respect to Conditions A and B and compliance with zoning, no adverse impacts to the neighborhood as the new two-car garage will be accessed from the existing street side drive-way.

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15305 (Class 5: Minor Alterations In Land Use Limitations).

Action: The Zoning Administrator approved and adopted Resolution ZA 20-023, Minor Exception Permit 20-120, Sheehan Residence, subject to the Conditions of Approval with the following modifications:

- Add supplemental finding to Land Use Plan Finding A-1: The project is consistent with Coastal Land Use Policy LU-3 which states “maintain elements of residential streets that unify and enhance the character of neighborhoods, including parkways, street trees, and compatible setbacks”.
- Land Use Plan Finding A-2: The proposed architecture improves articulation on street-facing building elevations through the use of varied roof heights between building elements and exterior finishes and materials. The proposed garage is visually secondary to the rest of the home due to its location and front entry angle. Additionally, the proposed landscaping along the street facing sides of the lot enhances the street appeal, consistent with Coastal Land Use Plan Policy LU-5 which states, “Require that single-family houses and sites be designed to convey a high level of architectural and landscape quality and consideration of the following: Varied and distinct building elevations, facades, and masses (avoiding undifferentiated "box-like" structures); Use of landscaping to complement the architectural designs of structures; and Location and design of garages so that they do not dominate the appearance of the dwelling from the street”.
- Addition of Condition 4.15 to the Conditions of Approval to read: Prior to the issuance of a building permit, the applicant or designee, shall revise plans to show the southern building corner across the front lot line at 17 feet from the front property line.

B. 3551 Camino Mira Costa, Suite Q – Minor Conditional Use Permit 20-248 – San Clemente Health Center Accessory Massage (Carrillo)

A request to consider accessory massage services in conjunction with primary acupuncture services at 3551 Camino Mira Costa, Suite Q, located in the Community Commercial 2 Zone and Medical Office Overlay District (CC2-MO).

Assistant Planner, David Carrillo, recommended this item be continued to October 8, 2020 to allow staff additional time to address concerns related to the use of the site.

Action: The Zoning Administrator continued this item to the regularly scheduled Zoning Administrator meeting of October 8, 2020.

5. NEW BUSINESS

None

6. OLD BUSINESS

None

7. ADJOURNMENT

The meeting adjourned at 3:45 p.m. to the Regular Meeting of the Zoning Administrator which will be held Thursday, October 8, 2020 at 3:00 p.m., via teleconference.

Respectfully submitted,

SAN CLEMENTE ZONING ADMINISTRATOR

Cecilia Gallardo-Daly, Zoning Administrator