

**CITY OF SAN CLEMENTE  
MINUTES OF THE REGULAR MEETING OF THE  
DESIGN REVIEW SUBCOMMITTEE  
MAY 26, 2021**

Subcommittee Members Present: Bart Crandell, Zhen Wu, and Michael Blackwell  
(All Subcommittee members participated in meeting via teleconference)

Staff Present: Senior Planner Stephanie Roxas, Associate Planner Katie Crockett (Staff participated in meeting via teleconference)

**1. MINUTES**

The Subcommittee approved the minutes from the May 12, 2021 regular meeting.

**2. ARCHITECTURAL REVIEW OF THE FOLLOWING ITEMS:**

**Cultural Heritage Permit 20-378/Minor Exception Permit 21-003, 1011 Buena Vista, Ashabi Addition** (Crockett)

A request for a 619 square-foot addition and remodel to a nonconforming multi-family residence within 300 feet of a historic structure on the Coastal Bluff including Minor Exception Permit for garage encroachment into the front setback and extension of a six-foot wall within the front setback.

Associate Planner Katie Crockett summarized the staff report, and noted that the report erroneously stated that the garage is attached to the residential structure. The applicants, Pari and Allen Ashabi, and project designers, Heidi and Nik Kohler, were also present and available to answer questions.

The Design Review Subcommittee (DRSC) discussed the project, and made the following comments either individually or as a group:

- Noted that Section 17.72.030.B.2.c. of the Zoning Ordinance could be interpreted to exempt this project from complying with the nonconforming regulations in the Zoning Ordinance, which could allow the nonconforming garage to be altered or added to with no limitations on the amount of alteration or addition, provided the alteration or addition does not increase the nonconformity. The DRSC noted that an official code interpretation may be beneficial in this case.
- Requested that the plans show that the landscape in the turf block driveway will be irrigated.
- Concurred with staff that one additional tree should be added to the front yard to comply with Zoning Standards.
- Suggested that the patio cover structure be removed from the plans, since it is a non-permanent structure without a foundation.

- Raised the issue of City (and applicant) exposure to lawsuits related to accessibility should the City approve the garage to be moved back to the proposed location, which could block the accessible sidewalk, should vehicles be parked in the driveway. Suggested staff solicit opinions from the City Attorney’s office, Building Official, and Code Compliance division related to this issue.
- Concluded that the proposed project would not have any impacts on the nearby historic resource.

The Subcommittee discussed that the nonconforming section of the code could potentially allow the garage to be moved back as requested, but recommended that a condition of project approval be added (whether the garage remains in the current location or is moved according to the plans) prohibiting the sidewalk from being blocked by parked vehicles. The Subcommittee recommended forwarding the project to the Planning Commission for consideration once staff researches questions related to the nonconforming provisions of the code and potential legal exposure under ADA if the proposed garage location is approved.

**3. NEW BUSINESS**

None

**4. OLD BUSINESS**

None

**5. ORAL AND WRITTEN COMMUNICATION**

None

**ADJOURNMENT**

Adjourn to the Regular Meeting of the Design Review Subcommittee to be held Wednesday, June 9, 2021 at 4:00 p.m., by teleconference only and available to the public via live stream from the City’s YouTube channel.

Respectfully submitted,

---

Bart Crandell, Chair

Attest:

---

Stephanie Roxas, Senior Planner