

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING
OF THE ZONING ADMINISTRATOR
SEPTEMBER 9, 2021
Teleconference Only via
www.san-clemente.org/live**

1. CALL TO ORDER

Zoning Administrator Atamian called the Regular Meeting of the City of San Clemente Zoning Administrator to order on September 9, 2021 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.

Staff Present: *Adam Atamian, Zoning Administrator
 *Katie Crockett, Associate Planner

 *Participated in meeting via teleconference

2. MINUTES

- A. The minutes of the Zoning Administrator meeting of August 19, 2021 were received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARING

- A. **420 Calle Gomez – Minor Exception Permit 21-043 – Ragenovich Fence & Pool** (Roxas/Crockett)

A request for minor exceptions to allow: (1) installation of a 60-inch tall aluminum fence within the setback area of a through lot, where the maximum fence height is 42 inches; and (2) construction of a swimming pool within the rear setback area of a single-family residence on a through lot abutting Calle Del Rito.

Katie Crockett, Associate Planner, summarized the staff report.

Nicholas Ragenovich, applicant, was present and available for questions. Mr. Ragenovich stated the material to be used for the proposed fence will be wrought iron.

ZA Atamian asked for clarification of 1) why the fence is being proposed at the top of the slope by the street as opposed to further down the slope, and 2) if any existing landscape will be removed.

Mr. Ragenovich stated the proposed fence is not visible as it descends from the street. The proposed fence location is a flat area and runs perpendicular to a stair step that ends at the top of the property line. The proposed fence will be in front of the plants along the street. The existing landscaping will be trimmed to allow workers access to the area, but will not affect screening or privacy.

ZA Atamian stated the existing hedges appear to be over-height as shown in Figure 3 of the staff report and may not comply with landscaping requirements with fences, walls, and hedges. Because there is a natural barrier, he would like to modify Condition 7.20 of the Conditions of Approval to state "Compliant landscaping along the fence is required and shall be maintained in a healthy, growing condition. Landscaping shall be trimmed and maintained to prevent overgrown vegetation".

ZA Atamian opened the public hearing, and there being no public comment received to this item, closed the public hearing.

ZA Atamian stated he reviewed the staff report, findings, plans, and conditions of approval.

ZA Atamian approved Minor Exception Permit 21-043 based on the following findings: The requested minor exception will not interfere with the purpose of the zone or the standards of the zone. The neighboring properties will not be adversely affected as a result of the approval or conditional approval of the Minor Exception Permit. The fence is contained entirely within the project site and does not encroach onto neighboring properties or the public right-of-way. The proposed 5-foot tall fence is compatible with the character of the neighborhood. The approval or conditional approval of the Minor Exception Permit will not be detrimental to the health, safety or welfare of the general public. The proposed fence height is designed to satisfy Building Code pool safety standards. The site does not currently have a rear property line fence. The proposed fence will provide added security to the residence. The height of the fence, wall or hedge will not be unsightly or incompatible with the character of or uses in the neighborhood. The neighborhood is located on a hill with substantial grade changes. Many properties have retaining walls and/or accessory fences or walls over 42-inches in height within the 20-foot setback areas. The property contains mature landscaping along its Calle Del Rito street frontage. The applicant intends to maintain the landscaping, with the exception of minor trimming to install the proposed fence. The existing hedges will soften views of the proposed fence and mitigate any visual impacts. The height of the fence, wall, or hedge will not have negative visual impacts upon the street scene or obstruct views of traffic to and from driveways.

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 21-023, Minor Exception Permit 21-043, Ragenovich Fence and Pool, subject to the Conditions of Approval with the following modification:

- Condition 7.20 to read: Compliant landscaping along the fence is required and shall be maintained in a healthy, growing condition. Landscaping shall be trimmed and maintained to prevent overgrown vegetation.

B. 213 Avenida Barcelona – Minor Exception Permit 21-090 – Tonokaboni Pool Barrier Wall (Roxas/Crockett)

A request to install a 60-inch tall CMU block wall within the front yard setback area of a single-family residence. The Residential Low zone limits walls to 42 inches in height in the front setback area. The proposed wall height is intended to meet pool safety standards per the Building Code.

Katie Crockett, Associate Planner, summarized the staff report.

Ryan Dietz, applicant, was present and available for questions.

ZA Atamian stated on May 7, 2014, the Zoning Administrator approved a Minor Architectural Permit and a Minor Exception Permit allowing the owner to expand the residence maximizing the area. He asked the applicant to verify if the property has an exterior courtyard at the rear of the residence, between the two wings.

Applicant stated the property owner has had the property for several years. The area in question is an exterior courtyard area.

ZA Atamian stated he is unable to make the findings and approve the project as proposed. The wall is for a pool barrier and does not need to be 17-feet in front of the pool in order to provide the pool barrier required by the Building Code, and additionally expressed concerns related to how open the street scene is on this section of the street, so the project as proposed could have negative visual impacts upon the street scene and not be in character with the neighborhood.

The applicant stated that in addition to pool barrier compliance, the wall is also for privacy, and usability of the front yard area given the size of the rear yard due to the nonconforming setback.

The Zoning Administrator, project planner, and applicant discussed alternative solutions for the proposal. The Zoning Administrator advised that the wall be moved back from the front property line further, consideration be given to utilizing an open construction fence, such as wrought iron instead of the solid CMU wall proposed, and additional landscape information be provided in order to make the project consistent with the required findings.

Action: The Zoning Administrator continued this item to the September 23, 2021 Zoning Administrator meeting to allow the applicant additional time to consult with the property owner regarding alternative solutions to the proposed pool barrier wall.

5. **NEW BUSINESS**

None

6. **OLD BUSINESS**

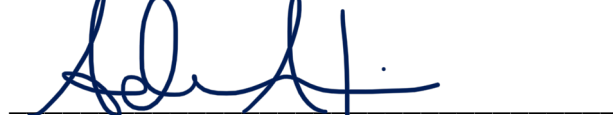
None

7. **ADJOURNMENT**

The meeting adjourned at 3:47 p.m. to the Regular Meeting of the Zoning Administrator, which will be held Thursday, September 23, 2021 at 3:00 p.m. via teleconference.

Respectfully submitted,

SAN CLEMENTE ZONING ADMINISTRATOR

A handwritten signature in blue ink, appearing to read 'Adam Atamian', is written over a horizontal line.

Adam Atamian, Zoning Administrator