

These minutes were approved by the Zoning Administrator 10/27/2021

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING
OF THE ZONING ADMINISTRATOR
OCTOBER 21, 2021**

**San Clemente City Hall
First Floor Community Room
910 Calle Negocio
San Clemente, California 92673**

1. CALL TO ORDER

Zoning Administrator Gallardo-Daly called the Regular Meeting of the City of San Clemente Zoning Administrator to order on October 21, 2021 at 3:00 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: Cecilia Gallardo-Daly, Zoning Administrator
Stephanie Roxas, Senior Planner
Kyle Webber, Assistant Planner
Jonathan Lightfoot, Economic Development Officer

2. MINUTES

- A. The minutes of the Zoning Administrator meeting of October 7, 2021 were received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARING

- A. **305 E. Avenida Magdalena – Minor Exception Permit 21-039 – Duncan-Hughes Addition** (Webber)

A request to consider a 321 square foot addition to an existing one-story single-family nonconforming residence with a detached guesthouse and detached two-car garage at the rear of the property. The primary residence is nonconforming with regard to the 4'10" side yard setback where 6' is required. The applicant requests to attach the primary residence to the existing detached structures requiring a reduction to the established rear yard setback.

Kyle Webber, Assistant Planner, summarized the staff report.

Kristine Sprague, Architect, was present and available for questions.

ZA Gallardo-Daly asked staff to confirm whether the project complies with Zoning Ordinance Section 17.72.050(l) maintaining its nonconforming status.

Staff stated that the project is in compliance with Zoning Ordinance Section 17.72.050(l) allowing a property to maintain the nonconforming status as the addition expands the floor space less than 50 percent, and modifies exterior walls less than 50 percent.

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

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

ZA Gallardo-Daly approved Minor Exception Permit 21-039 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. Except for the requested minor setback reduction and existing non-conforming side yard setback, the project meets development standard of the zoning district, such as height, front yard setback, southern side yard setback, lot coverage, and parking. The addition that requires the minor exception is proposed in the rear half of the property with screening from the street. The project does not exacerbate the exiting non-conformity on the site. 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 project will be required to meet the California Building Code and Orange County Fire Authority regulations.

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 21-026, Minor Exception Permit 21-039, Duncan-Hughes Addition, subject to the Conditions of Approval.

B. 119 E. Mariposa – Short Term Apartment Rental 21-162 – Bennett STAR (Roxas)

A request to establish a short-term apartment rental within an existing three-unit multi-family building located in the Residential Medium (RM) Zoning District. The proposal would convert Unit A and Unit B into short-term rentals for rentals less than 30 days. Unit C would be occupied by a full-time, on-site property manager.

Stephanie Roxas, Senior Planner, summarized the staff report.

Jordan Bennett, applicant and property owner, was present and available for questions.

ZA Gallardo-Daly opened the public hearing.

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

Matthew Dennison, email received 10/15/2021.

Sherry Murphy, email received 10/21/2021.

ZA Gallardo-Daly closed the public hearing.

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

ZA Gallardo-Daly approved Short Term Apartment Rental 21-162 based on the following findings: The proposed use is permitted within the subject zone pursuant to the approval of a STAR permit and complies with all applicable provisions of the Zoning Ordinance, General Plan, and the purpose and intent of the zone. The site is suitable for the type and intensity of 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 property will be occupied by a full-time, on-site property manager. The manager would be responsible for maintaining the premises and addressing any concerns raised by the short-term tenants or neighbors, such as overcrowding, noise, parking, and trash. The proposed use will not negatively impact surrounding land uses. The proposed STAR units comply with the City's location setback requirements and will not create a concentration of short-term rentals in a given area. The use meets the minimum operating and development standards required by the Code. The application has demonstrated compliance with all operating standards for STLUs, including maintaining vacation rental insurance, prohibiting parties, and setting a maximum occupancy limit. The proposed STAR qualifies for a STLU operating license pursuant to Chapter 3.24.

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 21-027, Short Term Apartment Rental 21-162, Bennett STAR, subject to the Conditions of Approval.

C. 1520 N. El Camino Real, Unit 6 – Minor Conditional Use Permit 21-246 – State Farm Pedestrian Orientation (Lightfoot)

A request to consider an insurance and financial services office to occupy an existing tenant suite within the Pedestrian Overlay Zone.

Jonathan Lightfoot, Economic Development Officer, summarized the staff report and noted for the record clerical errors on pages 3 and 5 of the published staff report referencing proposed restaurant use. The proposed project is for office use.

Greg Rosalino, applicant, was present and available for questions.

ZA Gallardo-Daly asked if there would be any pedestrian oriented features or advertising of the business layout of the office; building set up, or tenant space.

Applicant stated that they regularly receive walk in customers and designed their office with an open layout and a seating area at the entry. There will be advertisements, flyers, and posters of services provided located in the front of the business as well as the window front.

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

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

ZA Gallardo-Daly approved Minor Conditional Use Permit 21-246 based on the following findings: The proposed use is permitted within the subject zone and complies with all the applicable provisions of this title, the San Clemente General Plan and the purpose and intent of the zone. Professional office uses are permitted within the Mixed Use 2 zone. The project supports the General Plan Economic Development Policy. The site is suitable for the type and intensity of use that is proposed. The proposed use does not result in an increase of the required amount of on-site parking spaces. 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 applicant is required to obtain a building permit for any interior tenant improvements to ensure the work is completed appropriately. The proposed use will not negatively impact surrounding land uses. The tenant suite is an existing commercial space. The use sufficiently generates pedestrian activity to be appropriate in a pedestrian-oriented space. The business offers financial services, and financial service institutions are considered a pedestrian-oriented use. This business is locally owned and operated and is relocating from a building that is a block to the south and also within the Pedestrian Overlay.

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 21-024, Minor Conditional Use Permit 21-246, State Farm Pedestrian Orientation, subject to the Conditions of Approval.

5. **NEW BUSINESS**

None

6. **OLD BUSINESS**

None

7. **ADJOURNMENT**

The meeting adjourned at 3:34 p.m. to the Regular Meeting of the Zoning Administrator, which will be held Thursday, November 4, 2021 at 3:00 p.m. at City Hall, First Floor Community Room, located at 910 Calle Negocio, San Clemente, California.

Respectfully submitted,

SAN CLEMENTE ZONING ADMINISTRATOR



Cecilia Gallardo-Daly, Zoning Administrator