

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING
OF THE ZONING ADMINISTRATOR
MAY 19, 2022**

**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 May 19, 2022 at 3:00 p.m. The meeting was held in the First Floor Community Room of City Hall, 910 Calle Negocio, San Clemente, California.

Staff Present: Cecilia Gallardo-Daly, Zoning Administrator
Karla Morales, Community Development Technician
David Carrillo, Assistant Planner
Nancy Mith, Contract Planner
Zach Ponsen, Acting Deputy Public Works Director

2. MINUTES

- A. Receive and file the minutes from the May 5, 2022 meeting.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARING

- A. **209 Avenida Rosa – Short Term Apartment Rental 22-045 – Bennett STAR**
(Morales)

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.

Karla Morales, Community Development Technician, recommended the hearing be postponed due to an incorrect day of week on the Notice to Public.

Applicant Jordan Bennett requested that the hearing proceed.

Action: The Zoning Administrator approved the staff's recommendation to postpone and re-notice the Hearing to June 23, 2022 due to public concern regarding confusion and availability.

B. 1050 Calle Amanacer – Tentative Parcel Map 2021-116 (TPM 21-057) – Project 1050 Condo Conversion (Carrillo)

A request to consider a commercial condominium conversion to allow for individual ownership of four commercial suites.

David Carrillo, Assistant Planner, summarized the staff report.

ZA Gallardo-Daly opened the public hearing.

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

Karen Weiss, Master Association, email received and attached for filing.

ZA Gallardo-Daly 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 Tentative Parcel Map 2021-116 (TPM 21-057) based on the following findings: This project is limited to sub-dividing the lots airspace to allow for separate ownership of the commercial suites. There are no potentials for environmental impacts. Conditions of approval are included requiring CC&R's to establish maintenance responsibilities over common areas including driveways, parking, landscaping, and walls. There will be a creation of a sub-association. The request complies with the municipal code, building health and safety codes, and other applicable regulations and 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 22-005, Tentative Parcel Map 2021-116, subject to the Conditions of Approval.

C. 127 Avenida Pizarro – Minor Exception Permit 21-341 – Garber Fence (Mith)

A request to legalize an existing nonconforming wood fence in the front yard setback of the residence located at 127 Avenida Pizarro.

Nancy Mith, Contract Planner, summarized the staff report.

ZA Gallardo-Daly asked staff if Engineering required an Encroachment Maintenance Removal Agreement, to which staff responded that Engineering required an Administrative Encroachment Permit that was submitted in 2018.

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 21-341 based on the following findings: The fence is consistent with the color of the residence and neighboring properties. Fence does not encroach into driver's line of sight and doesn't obstruct views. There are other properties in that neighborhood that have fences over-height within the 20' setback, therefore the request for this exception permit is consistent with the general plan and the zoning for the property.

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301.

Action: The Zoning Administrator approved and adopted Resolution ZA 22-007, Minor Exception Permit 21-341, subject to the Conditions of Approval that an Administrative Encroachment Permit be a requirement.

D. 129 Via Artemesia – Minor Exception Permit 22-047 – Sigmund Residence (Mith)

A request for Minor Exceptions to allow: (1) installation of a 5'-6" over-height combination masonry and glass fence to be used as a pool barrier in the front yard setback; and (2) construction of a swimming pool within the front yard setback area of a single-family residence.

Nancy Mith, Contract Planner, summarized the staff report.

ZA Gallardo-Daly asked staff to confirm 1) if the balcony displayed as Fig. 2 of the staff report is inclusive of this permit, to which it staff confirmed that the balcony is not included, 2) if a Coastal Development Permit is required by the Coastal Commission, to which the staff responded that Condition of Approval

4.10 was added that included Section 25 of the Coastal Development Permit that states the applicant must demonstrate to the City Planner that approval has been obtain by the Coastal Commission.

ZA Gallardo-Daly opened the public hearing.

Elizabeth Rogers, neighbor to property expressed support of MEP.

ZA Gallardo-Daly 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 22-047 based on the following findings: The encroachment of the pool into the setback area is minimal encroachment of the 20' setback requirement. While the zoning ordinance does limit height to 3'6" in the front area. The code also allows a Minor Exception Permit to a maximum of 6', thus 5'6" is consistent with code. The proposed location does not encroach on anyone's line of sight or obstruct traffic to or from driveways. The proposed masonry and glass top does not obstruct views of the property, and does not impact coastal views. In addition, the applicant is proposing new landscaping.

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301.

Action: The Zoning Administrator approved and adopted Resolution ZA 22-007, Minor Exception Permit 22-047 – Sigmund Residence, subject to the revised Conditions of Approval that were provided by staff.

E. 309 Calle De Los Molinos – Minor Architectural Permit 21-228 – 309 Commercial (Mith)

A request to modify the exterior of an industrial building for the property located at 309 Calle De Los Molinos in the I2 (Light Industrial) Area of the West Pico Corridor Specific Plan. The proposed project includes new landscaping and sidewalk improvements along Calle De Los Molinos.

Nancy Mith, Contract Planner, summarized the staff report.

ZA Gallardo-Daly asked staff if staff supports the proposed modified condition with a staff response that stated the conditions in the proposed recommended resolutions are staff's recommendation.

ZA Gallardo-Daly asked Zack Ponsen, Acting Deputy Public Works Director, to summarize Engineering's recommendation on the request to modify Condition 4.13. Engineering stated that the code requires a sidewalk be installed any time the evaluation is over \$50,000 of improvements and gave his summary. ZA Gallardo-Daly confirmed that Engineering's recommendation is for the Condition to remain as it is identified in the Conditions of Approval that would require the dedication of the sidewalk easement and construction of the sidewalk. As for the construction of the sidewalk, not the easement, there is a waiver process that the applicant may undertake that is separate and apart from the discretionary action that is an administrative review by the City Engineer. Engineering added that once determined, if the applicant chooses, they can appeal to City Council.

ZA Gallardo-Daly asked if the set of unique circumstances with a large, undeveloped parcel referenced in the summary would be considered under the waiver process, which Engineering clarified that the waiver process has nine criteria so it would most likely be denied and then moved to City Council. Engineering's concern was with two phases of development and potential delays, the requested conditions may not be carried out over time.

ZA Gallardo-Daly stated that the condition does not tie into issuance of the building permit, it just says that "they shall," then asked what is the trigger for the sidewalk construction, the response being whenever there is a building permit evaluation over \$50,000 the applicant shall construct sidewalks along the frontage.

ZA Gallardo-Daly read the code that referenced that in the event the project is evaluated at \$50,000 or more, per municipal code 12.08, the applicant shall be responsible, but the condition isn't included; which was replied by Engineering that the second part of the application refers to the street right-of-way on Los Molinos that is wide enough, so the easement is not anticipated to be required since the street right-of-way on Rincon is approximately 6" behind the curb face. The sidewalk easement is anticipated to be required unless the waiver is subsequently approved.

ZA Gallardo-Daly asked to confirm that the subsequent waiver process could involve the easement and the requirement to construct the sidewalk, to which Engineering responded that the easement decision is per the Condition of Approval today. Engineering definitely recommended to keep the Condition of Approval to include the easement has to be part of the sidewalk construction to ensure construction.

ZA Gallardo-Daly referred back to landscape photos on the Rincon frontage where there is an existing fence, then referred to the landscape plan that shows planting in that area and asked the applicant if the fence will be removed or replaced to add additional landscaping between the street and the fencing. The applicant Jonas Dryer stated that the 6' wood fence will be replaced with an 8'

rusted corrugated metal fence with 5.5' of landscape after the curb and will push back 2' with landscape between the trees. There will be 8' of right-of-way to the curb, and that there is a plan for additional landscape.

Having no further questions, ZA Gallardo-Daly invited applicants Dryer and Brandon Powell to give a presentation where he requested the modification request to delay until the development of Rincon is completed, and he believed this to be a reasonable request.

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

ZA Gallardo-Daly clarified that the fence is going to be replaced and pushed back to accommodate additional landscape along Rincon frontage. The request is to defer any sidewalk improvements and easement dedication to the property along the Rincon frontage.

Engineering requested the condition to dedicate the sidewalk easement remain intact. There are options to establish the easement for the sidewalk that will allow a waiver process to be considered to push that will allow them another category for delay just in this case. Not recommended is bonding the sidewalk improvement for future development due to tracking complications.

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

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

ZA Gallardo-Daly approved Minor Architectural Permit 21-228 for 309 Commercial subject to amended Item 3 Condition 4.13 that the sidewalk improvements along the approximate 120' Rincon parcel frontage will be deferred until such time in a future application(s) with a building permit evaluations of \$50,000 or more within a three year period is submitted and approved for this parcel portion.

Action: The Zoning Administrator approved and adopted Resolution ZA 22-009, Minor Architectural Permit 21-228, subject to the revised Conditions of Approval and the modified condition.

5. **NEW BUSINESS**

None

6. **OLD BUSINESS**

None

7. **ADJOURNMENT**

The meeting adjourned at 4:11 p.m. to the Special Meeting of the Zoning Administrator, which will be held Tuesday, May 24, 2022 at 3:00 p.m. at Community Development Department, 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