

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING
OF THE ZONING ADMINISTRATOR
AUGUST 18, 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 August 18, 2022 at 3:00 p.m. The meeting was held in the First Floor Community Room of City Hall, 910 Calle Negocio, and San Clemente, California.

Staff Present: Cecilia Gallardo-Daly, Zoning Administrator
Adam Atamian, Deputy Community Development Director
David Carrillo, Assistant Planner
Tamara Tatich, Office Specialist

2. MINUTES

- A. Receive and file the minutes of the Regular Zoning Administrator Meeting held on August 4, 2022.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARING

- A. 149 Avenida Del Mar – Minor Conditional Use Permit 21-204, Captain Mauri’s Beer and Wine (Morales)**

A request to provide beer and wine service for indoor consumption at an existing deli restaurant daily from 7 a.m. to 9 p.m.

Staff recommends that the project be found Categorical Exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities).

On behalf of Community Development Technician Karla Morales, Deputy Community Development Director Adam Atamian summarized the staff report.

Having no questions of staff, ZA Gallardo-Daly opened the public hearing.

There being no public comments, ZA Gallardo-Daly closed the public hearing.

ZA Gallardo-Daly reviewed the staff reports and visited the site. Beer and wine service within restaurants is a conditionally permitted use in the zone and is consistent with the General Plan. The project will be maintaining the primary use as a restaurant with proposed alcohol service as an ancillary use. The proposed sale and consumption of beer and wine is contained entirely within the building, and the proposed hours are consistent with other restaurants in the area. The project doesn't increase seating beyond what is approved and the proposed addition of beer and wine will not be detrimental to public health or safety. Further, the project will be required to comply with the Conditions of Approval of the permit and also Alcoholic Beverage Control licensing requirements, including the requirement of employees to receive alcoholic service training.

Based on the information in the staff report and subject to the required Findings and Conditions of Approval, ZA Gallardo-Daly determined the project Categorical Exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities).

Action: The Zoning Administrator adopted Resolution ZA22-016, and approved Minor Conditional Use Permit 21-204, Captain Mauri's Beer and Wine, subject to the Conditions of Approval.

B. 101 W. Avenida Vista Hermosa – Special Activities Permit 22-195, Saddleback Grocery Distribution (Carrillo)

A request to hold a maximum of eight food distribution events in 2022 at the southeast parking lot at the San Clemente Outlets located at 101 Avenida Vista Hermosa. Event hours are between 10:00 a.m. and 12:00 p.m., with setup at 7:30 a.m. and breakdown at 12:00 p.m. Expected attendance throughout each event is 250 people.

Staff recommends that the project be found Categorical Exempt from CEQA pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities) and Section 15311 (Class 11: Accessory Structures).

Assistant Planner David Carrillo summarized the staff report.

ZA Gallardo-Daly asked the applicant if she would like to make a presentation, whereby applicant Susan Langley thanked the City of San Clemente staff and

introduced the Saddleback Church staff and volunteers that were in attendance. Langley presented a summary of previous efforts, stated their successes based on the number of families and individuals served, and reviewed their experience organizing grocery distributions.

Having no questions of the applicant, ZA Gallardo-Daly opened the public hearing.

There being no public comments, ZA Gallardo-Daly closed the public hearing.

ZA Gallardo-Daly reviewed the staff reports and visited the site. ZA Gallardo-Daly stated that there is ample parking to support this added distribution event twice a month, the proposed area has sufficient space for the set up, the outlets have a proven record of posting events very well, and these events will occur during the week in that it will not interfere with other operations.

Based on the information in the staff report and subject to the required Findings and Conditions of Approval, ZA Gallardo-Daly determined the project Categorical Exempt from CEQA pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities) and Section 15311 (Class 11: Accessory Structures).

Action: The Zoning Administrator adopted Resolution ZA22-017, and approved Special Activities Permit 22-195, Saddleback Grocery Distribution, subject to the Conditions of Approval.

C. 115 W. Avenida Cadiz Minor Exception Permit 22-091 McCormick Residence (Carrillo)

A request to reduce the required minimum front yard setback by less than one foot to accommodate a second-story addition, and to exceed the maximum height limit for walls in the front yard setback area by nine inches, for a retaining wall in the public right-of-way adjoining the subject single-family residence.

Staff recommends that the project be found Categorical Exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities) and 15305 (Class 5: Minor Alterations in Land Use Limitations).

Assistant Planner David Carrillo summarized the staff report.

Having no questions of staff, ZA Gallardo-Daly asked the applicant if they had any comments. Applicant and architect for the project, Christine Lampert gave a presentation that the original house was not built to the front yard setback. They are requesting a waiver to maintain the front of the house as it is and then add a second story. There is also a non-conforming setback on the west side caused by an over-hang in the side yard setback, which will be removed to be in

compliance. The east side is a driveway that is parallel to the neighbor's driveway allowing 20 feet between houses. The applicant explained the financial impacts of additional construction if they are not able to obtain a Minor Exception Permit.

ZA Gallardo-Daly stated that the neighborhood consists mainly of single-story homes and that a property owner is allowed to add a second story. ZA Gallardo-Daly asked the applicant/architect if they are able to adhere to the required setbacks in the new addition, adding variation to the front design by stepping back the second story; whereby the applicant/architect stated that it was more affordable to go straight up.

The architectural drawings were passed around to those that were in attendance and applicant/architect Lampert gave a review of the drawings.

ZA Gallardo-Daly opened the public hearing.

Roger Sahn, neighbor read his letter of opposition to the proposed second story. Letter is received and filed.

Rob Fenerstein, neighbor asked for clarification on the design and expressed opposition.

Cybil Street, neighbor expressed opposition to allowing exemptions on setbacks.

Denise Vlosky, neighbor expressed opposition to allowing exemptions on setbacks.

Cybil Street read a letter from **Tom & Pam Ender**, neighbor that expressed opposition to allowing exemptions on setbacks.

Debra Ritchi, neighbor expressed opposition to allowing exemptions on setbacks.

There being no further public comments, ZA Gallardo-Daly closed the public hearing.

ZA Gallardo-Daly reviewed the staff reports and visited the site. ZA Gallardo-Daly can legalize the wall height for the front yard wall and can make the Findings for maintaining the existing first floor, non-conforming front yard setback in order for the applicant to not tear down or demolish five inches to redevelop the property. ZA Gallardo-Daly expressed concern that the second story addition does not adhere to the setback as new construction. Although minimal, the encroachment length into the front yard setback is approximately thirteen feet in length. A compelling reason for not stepping back the second story was not

accomplished, which would also provide some variation in the front façade. ZA Gallardo-Daly heard the testimony from the neighbors that expressed concern with the request. Minor Exemption Permits that the Zoning Administrator consider is often to allow a property owner to maintain a setback that is non-conforming and has existed a long period of time. In order to make a change or add anything to the property with a non-conforming condition, they need to come to the Zoning Administrator. Even if the addition is in compliance with the code, there is still a non-conforming condition to memorialize. ZA Gallardo-Daly stated that she can make the Findings to memorialize the existing non-conforming condition to the front yard, but she cannot allow it on the second floor. ZA Gallardo-Daly stated that the second story addition shall adhere to the required setback.

ZA Gallardo-Daly informed those in attendance with concern of views that the City does not regulate views, that they are not identified in our municipal code and not standard of review. Therefore, we do not protect private property views. Alternatively, we utilize the development standards of setback and height limitations to regulate mass, scale and form of structure.

Based on the information in the staff report and subject to the required Findings and Conditions of Approval, Gallardo-Daly determined the project Categorically Exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities) and 15305 (Class 5: Minor Alterations in Land Use Limitations).

Action: The Zoning Administrator adopted Resolution ZA22-014, and approved Minor Exception Permit 22-091, McCormick Residence, with the following changes: 1) that the Findings in the Resolution which reference the second story addition as included in the Minor Exception Permit be modified to remove the second story addition from those Findings, 2) to clarify that the Minor Exception Permit only applies to the first story, 3) that the addition is required to comply with the setbacks of the code, and is subject to the Conditions of Approval.

5. **NEW BUSINESS**

None

6. **OLD BUSINESS**

None

7. **ADJOURNMENT**

The meeting adjourned at 3:53 p.m. to the Regular Meeting of the Zoning Administrator, which will be held Thursday, September 22, 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