

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING
OF THE ZONING ADMINISTRATOR
JUNE 20, 2024
San Clemente City Hall
First Floor Community Room
910 Calle Negocio
San Clemente, California 92673**

1. CALL TO ORDER

Zoning Administrator Adam Atamian called the Regular Meeting of the City of San Clemente Zoning Administrator to order on June 20, 2024 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: Adam Atamian, Zoning Administrator
Zach Rehm, Senior Planner

2. MINUTES

A. Minutes from the Zoning Administrator Regular Meeting of June 6, 2024.

Zoning Administrator Atamian received and filed the minutes for the regular meeting of June 6, 2024.

3. ORAL AND WRITTEN COMMUNICATION

None.

4. PUBLIC HEARING

a. Public Hearing Project 24-171, Anderson Residence, 111 Avenida Buena Ventura

The Zoning Administrator considered a request for a Development Permit (DP 24-180) and a Minor Exception Permit (MEP 24-172) to expand a nonconforming 1,120 sq. ft. single-family residence, addition of 714 sq. ft. living area, maintaining a legal nonconforming single car garage. The project would add a new 288 sq. ft. roof deck, new sidewalk, removal of a large street tree in the public right of way with replacement planting of three trees on the private property.

The Zoning Administrator also considered whether the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines §15301 (Class 1: Existing Facilities) and §15303 (Class 3: New Construction Or Conversion Of Small Structures).

Senior Planner Zach Rehm summarized the staff report.

Zoning Administrator Atamian asked the applicant if he anything to add to the staff's presentation. Rob Williams with Studio 6 Architects thanked Mr. Rehm on the report and stated that there were several conversations with Assistant City Engineer Zachary Ponsen, and that he provided a letter to Mr. Ponsen that will be filed with the City if a determination to remove the tree has been made.

Zoning Administrator Atamian opened the public hearing.

Mr. Howard Fischer, neighboring resident expressed support of the addition and removing the tree, and stated that while the tree is beautiful, it is a nuisance due to debris in the public right-of-way.

Zoning Administrator Atamian clarified with staff that there is side setback on the eastern property boundary that is non-conforming as stated in the staff report. Staff confirmed that the survey stated as such; however, staff based their analysis on the architectural site plan. The existing non-conformity is three-inches shy of the required four-and-one-half-foot set back, which Zoning Administrator Atamian stated is very minimal.

Zoning Administrator Atamian confirmed with the applicant that the patio screening on the deck of the proposed second-story addition on the right side of the building is similar to louver blinds.

Zoning Administrator Atamian asked whether the tree removal and sidewalk waiver request requires the City Manager's approval, and if the applicant is asking for a sidewalk waiver. Mr. Williams stated that if the tree is to remain, then he will apply for a sidewalk waiver; however, what is proposed is to remove the tree and install an ADA sidewalk. The sidewalk would require an easement.

Zoning Administrator Atamian asked staff if the City Manager's approval is required to remove a street tree, which staff confirmed and added that the City Manager must also make a Finding that the tree is either damaging a public utility that connects to a private utility, or that the tree is diseased or injured. Engineering found that the tree is damaging to utilities.

Zoning Administrator Atamian disclosed that he drove by the property and is familiar the area. Zoning Administrator Atamian stated that it does not appear that a sidewalk can be installed if the street tree is maintained.

Zoning Administrator Atamian asked Mr. Williams what was submitted to Engineering, which Mr. Williams responded a letter to Zachary Ponsen requesting to remove the tree. Zoning Administrator Atamian mentioned that there's a fee for a sidewalk waiver, and then asked if a fee was discussed with this process, which Mr. Williams replied that nothing was discussed regarding fees other than the Zoning Administrator process.

Zoning Administrator Atamian is supportive of removing the tree in exchange for the benefit of installing a sidewalk with additional landscaping in the front yard. As the neighbor indicated, the tree is a public nuisance. Additionally, the proposed landscaping is an improvement, and the street frontage will benefit.

Having no further questions, Zoning Administrator Atamian closed the public hearing.

Zoning Administrator Atamian thanked staff for the detailed and informative report, and can make the Findings for the addition to the existing nonconforming structure in that the project complies with the San Clemente General Plan; the addition complies with the development standards of the zoning ordinance; and the architectural treatment complies with the architectural guidelines and the City's Design Guidelines.

Zoning Administrator Atamian stated that he can make the Findings for the Minor Exception Permit in that it is necessary for the general appearance of the project to be in character with the neighborhood, and that other properties will not be adversely affected.

Zoning Administrator Atamian determined the project Categorically Exempt from CEQA pursuant to State CEQA Guidelines §15304 (Class 4e: Minor Alterations to Land: Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.).

Action: The Zoning Administrator adopted Resolution ZA24-010, approving Development Permit 24-180 and Minor Exception Permit 24-172, Anderson Residence, 111 Avenida Buena Ventura, subject to the Conditions of Approval; and is supportive of the removal of a street tree for the benefit of installing a sidewalk and additional landscaping to the front yard.

5. NEW BUSINESS

None

6. **OLD BUSINESS**

None

7. **ADJOURNMENT**

The meeting adjourned at 3:55 p.m. to the Regular Meeting of the Zoning Administrator, which will be held Thursday, July 18, 2024 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

Adam Atamian, Zoning Administrator

DRAFT