

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING
OF THE ZONING ADMINISTRATOR
AUGUST 22, 2024
San Clemente City Hall
First Floor Community Room
910 Calle Negocio
San Clemente, California 92673**

1. CALL TO ORDER

Zoning Administrator (ZA) Adam Atamian called the Regular Meeting of the City of San Clemente Zoning Administrator to order on August 22, 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
Zachary Ponsen, Assistant City Engineer
Christopher Wright, Lead Project Planner
Laura Coury, Assistant Planner
Tamara Tatich, Office Specialist

2. MINUTES

A. Minutes from the Zoning Administrator Regular Meeting of July 18, 2024.

ZA Atamian received and filed the minutes for the regular meeting of July 18, 2024.

3. ORAL AND WRITTEN COMMUNICATION

None.

4. PUBLIC HEARING

A. Public Hearing Project (PHP) 24-099, Shell E.V. Charging Facility, 422 Avenida De La Estrella

A request for the Zoning Administrator to allow Development Permit (DP) 24-132 to convert a vacant and abandoned gas station site into an electronic vehicle charging station, involving minor site improvements and installation of chargers at 422 Avenida de la Estrella.

The Zoning Administrator will also consider whether the project is categorically exempt from CEQA pursuant to State CEQA Guidelines §15303 (Class 3: New Construction or Conversion of Small Structures) and §15304 (Class 4: Minor Alterations to Land).

Lead Project Planner Christopher Wright summarized the staff report.

Lydell Lauro representing the applicant Shell Oil Products US thanked staff and commented that the charging station will be a great benefit to the community.

ZA Atamian opened the public hearing.

Zhen Wu, resident and supporter of the project, requested consideration of a Condition of Approval be added for an easement of nine feet along the northeastern property line for the purpose of allowing public works the space to add an additional travel lane.

Adam Ghassemi, owner's son of the gas station on the opposite northeast corner of the project property on Avenida Palizada and Avenida De La Estrella, expressed support of an easement of nine feet on the proposed project site to allow future street upgrade to reduce traffic impacts of the intersection.

ZA Atamian stated that he is familiar with the location, that he did have initial conversations with the Shell representatives when they first approached the City of San Clemente on the project, but that he did not impart any opinions or provide any direction. ZA Atamian thanked staff for a detailed report.

ZA Atamian stated that the California government code requires the City to approve electric vehicle charging uses, limiting the City's review to that of the site improvements and not the use.

ZA Atamian stated that he is aware of the request by the public related to an additional easement or area of the property that they would like to see the City utilize in the future for an additional traffic lane. ZA Atamian clarified that there is an COA to dedicate a triangular portion of the property to address a sidewalk easement for existing sidewalk at the corner of Avenida Palizada and Avenida De La Estrella.

ZA Atamian reviewed the materials and clarified that signage is not part of the request, and that signage will be addressed administratively by staff.

ZA Atamian reviewed the traffic study and introduced Assistant City Engineer, Zachary Ponsen. ZA Atamian confirmed with Mr. Ponsen that the proposed site use in question was not a high traffic generated use. ZA Atamian stated that the use should not be compared to a gas station use, which would have a much higher turnover. In response to ZA Atamian question of queuing, Mr. Ponsen stated the parking study provided several options in the event the queuing goes into the street, and that the queuing should be manageable onsite. Mr. Ponsen shared that the parking study reported other options such as street striping if queuing becomes an issue on the public street, and that a Condition of

Approval was added that is similar to that other drive-through uses that allows staff to modify the queuing, such as adding a “keep clear” or modification of striping for one or two cars to turn in that prevents an impact on through traffic.

Mr. Ponsen addressed ZA Atamian’s question on how vehicles will be managed if the three onsite vehicles queuing is full by answering that it is anticipated that customers leave for an alternative station or charge at another time.

Mr. Ponsen stated that there is also a Condition that prohibits traffic from making a left on Palizada into the charging station, as it may impact traffic exiting from the freeway, Mr. Ponsen continued to state that the driveway may potentially become an exit only.

ZA Atamian asked if the service is only available through an application on a device; whereby the applicant stated that per state law, payments can also be processed with a credit card.

ZA Atamian stated that with traffic not being a concern and that there are Conditions of Approval that ensure how future impacts will be addressed, he failed to see the nexus to require an easement as part of this project. More specifically, if in the future the City wanted to modify the traffic in this area, the City has that ability through Eminent Domain.

Adding an additional lane of traffic would require modifications to a number of other properties in the area. Therefore, acquiring an easement on this property doesn’t provide an immediate benefit.

ZA Atamian advised that the easement as suggested would create impacts to the water retention basin, the signage and landscaping; and that at a future time, it would be more beneficial to analyze what land requirements would be required rather than speculate today on a potential project that would require the applicant to revise their submitted application. The current project’s plans are in final form, and that type of easement would require a revision to both the plans and the Water Quality Management Plan (WQMP) or requiring them to adjust it in the future based on the City’s use of this portion of the property. Mr. Ponsen concurred that changes to reduce the size of the basin could have unpredictable impacts.

Having no further questions, ZA Atamian closed the public hearing.

ZA Atamian presented other reasons why exercising an easement at this time was not in the best interest of the City and the neighboring properties including the slope of the existing steep neighboring driveway on the eastern side of the project’s property. ZA Atamian stated that there is no established nexus for an easement, that the type of easement

would cause the applicant significant and unnecessary cost and time delays at this juncture, and that the street modification begin discussed are not something the City will be undertaking any time soon.

ZA Atamian stated the existing Conditions of Approval address the City's ability to acquire easements related to specific public right-of-way impacts. ZA Atamian verified that the application does not include signage. ZA Atamian reviewed the Resolution and the Conditions of Approval, and thanked staff for their reporting.

ZA Atamian determined the project Categorically Exempt from CEQA pursuant to State CEQA Guidelines §15303 (Class 3: New Construction or Conversion of Small Structures) and §15304 (Class 4: Minor Alterations to Land).

Action: The Zoning Administrator adopted Resolution ZA24-013, approving Development Permit 24-132, Shell EV Charging Station, 422 Avenida Del La Estrella, subject to the Conditions of Approval.

B. Public Hearing Project (PHP) 24-118, Fine Addition, 111 E. Escalones

A request for the Zoning Administrator to approve Minor Exception Permit (MEP) 24-126 to allow an addition of 538 square feet of living space to an existing 807 square foot single family residence with non-conforming parking.

The Zoning Administrator will also consider whether the project is categorically exempt from CEQA pursuant to State CEQA Guidelines §15301.e (Class 1.e: Existing Facilities).

Assistant Planner Laura Coury summarized the staff report and introduced the applicant/architect Laura Aguilera, and property owner Andrew Fine.

ZA Atamian opened the public hearing, and disclosed that he had driven by the property to view the public right-of-way and the neighborhood, and can concur with staff's representation that the proposed plans are consistent in the scale and development of the neighborhood. ZA Atamian confirmed that there are two existing non-conformities: a single car garage and the encroachment to the set-back. Without those non-conformities, the improvements would not require a Development Permit.

ZA Atamian cited the reasons for a discretionary review.

ZA Atamian agreed with the staff's recommending findings for the project that were listed in the staff report.

ZA Atamian stated that the City received one public comment in opposition to the project citing impacts of parking due to the expansion of the home. ZA Atamian asked staff for details, and staff stated they requested additional information so that an official public comment could be made, but did not receive any responses.

Having no further questions, ZA Atamian closed the public hearing.

ZA Atamian stated per the code that the existing non-conformity is allowed to remain since the scale of the development is under the threshold that would require a full adherence to the Zoning Ordinance. The applicant is aware that further additions beyond 2,100 s.f. would require modifications to the residence to comply with the code, thus requiring two covered parking spaces, which is currently not required.

ZA Atamian determined the project Categorically Exempt from CEQA pursuant to State CEQA Guidelines §15301.e (Class 1.e: Existing Facilities).

Action: The Zoning Administrator adopted Resolution ZA24-014, approving Public Hearing Project 24-118 and Minor Exception Permit 24-126, Fine Remodel and Addition, subject to the Conditions of Approval.

5. **NEW BUSINESS**

None

6. **OLD BUSINESS**

None

7. **ADJOURNMENT**

The meeting adjourned at 3:43 p.m. to the Regular Meeting of the Zoning Administrator, which will be held Thursday, September 5, 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