



## STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: January 23, 2013

---

**PLANNER:** Christopher Wright, Associate Planner

**SUBJECT:** Conditional Use Permit 12-380/Minor Architectural Permit 12-381, Wine Bar Arnoa, a request to consider a wine bar with outdoor seating in the Talega Village Center at 831 Via Suerte Suite 106.

### **REQUIRED FINDINGS**

Prior to approval of the proposed project, the below findings shall be made. The draft Resolution, provided as Attachment 1, and analysis section of this report provide an assessment of the project's compliance with these findings.

#### ***Section 17.16.060 - Conditional Use Permit***

- a. The proposed use is permitted within the subject zone pursuant to the approval of a Conditional Use Permit and complies with all the applicable provisions of this title, the General Plan, and the purpose and intent of the zone in which the use is being proposed.
- b. The site is suitable for the type and intensity of use that is proposed.
- c. The proposed use will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity.
- d. The proposed use will not negatively impact surrounding land uses.

#### ***Table 17.16.100A – Minor Architectural Permit***

- a. The architectural treatment of the project complies with the San Clemente General Plan.
- b. The architectural treatment of the project complies with any applicable specific plan and this title in areas including, but not limited to, height, setback color, etc.
- c. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines.
- d. The general appearance of the proposal is in keeping with the character of the neighborhood.
- e. The proposal is not detrimental to the orderly and harmonious development of the City.

**BACKGROUND**

This is a request to establish a wine bar within the Talega Village Center at 831 Via Suerte, Suite 106. The subject site is located in the Commercial area of Talega Specific Plan. Surrounding land uses include neighborhood serving commercial uses such as fitness facilities, restaurants, a coffee shop, grocery store, and service facilities. Refer to Attachment 2 for a vicinity map.

***Development Management Team***

The City's Development Management Team (DMT) reviewed the applicant's request and determined it meets requirements. Recommended conditions of approval are included in the resolution.

***Noticing***

Public notices were distributed and posted per City and State requirements. No public comments have been received to date.

**PROJECT DESCRIPTION**

Arnoa Wine Bar LLC proposes to establish a wine bar in a 2,314 square foot corner suite. Beer and wine service would be sold for consumption off site, indoors, and within a proposed outdoor patio created adjacent to a parking lot. The wine bar would also offer simple food items such as cheeses, tapas, and cured meat. The floor plan shows there would be 34 seats indoors and eight outdoors. No entertainment is proposed. The hours of operation would be: Mondays to Thursdays 10:00 a.m. to 1:00 a.m., Fridays and Saturdays: 10:00 a.m. to 2:00 a.m., Sunday: 10:00 a.m. to 1:00 a.m. The outdoor patio would close daily at 12:00 a.m.

Figure A shows the proposed patio guardrail. The tan metal guardrail is used throughout the Talega village Center.

**Figure A – Railing used in Talega Village Center**



*Photograph location: across Via Suerte from Peet's Coffee*

**PROJECT ANALYSIS*****Conditional Use Permit***

Section 504.C of the Talega Specific Plan requires Planning Commission approval of a CUP to allow drinking establishments as a primary use, such as bars whose primary business the sale of alcoholic beverages for consumption on the premises. While food would be offered at the proposed wine bar, the primary use would be the sale and consumption of beer and wine on site. A Conditional Use Permit is required to ensure the proposed use would be compatible with surrounding uses. Staff believes the request, as conditioned, meets required CUP findings because:

1. The proposed use is buffered from residential land uses. The patio area is approximately 290 feet from the closest residence, located to the east of the subject site. The residence is on the opposite side of Avenida Vista Hermosa at a higher grade than the subject site.
2. The use will operate within a development planned to accommodate a variety of neighborhood commercial uses.
3. The site has adequate parking to accommodate the proposed use.
4. The police department, code enforcement division, and State Department of Alcohol Beverage Control do not have concerns with the proposed use.

***Minor Architectural Permit***

Table 17.16.100A requires the approval of a Minor Architectural Permit to allow exterior modifications to a commercial site. Minor Architectural Permits are considered by the Planning Commission when they are processed in conjunction with a CUP per 17.12.090.B. A Minor Architectural Permit is required to ensure the proposed guardrail and outdoor patio design is consistent with design guidelines and development standards.

Staff determined the patio guardrail complies with development standards. The Design Review Subcommittee reviewed the project on December 12, 2012. The subcommittee supported the project without changes, concluding it is consistent with design guidelines.

**GENERAL PLAN CONSISTENCY**

The proposed use is consistent with the Land Use Element of the City's General Plan. General Plan Policy 1.0(IV)(A)(1) states as the intent of the General Plan to accommodate a range of land uses which provide for the basic needs of existing and future residents, including housing, commercial services, employment, entertainment, recreation, personal services, and similar uses. The use proposed is in keeping with this policy.

**ENVIRONMENTAL REVIEW**

The Planning Division completed an initial environmental assessment for the above matter in accordance with the California Environmental Quality Act (CEQA). It was determined that the project is categorically exempt per CEQA Guidelines Section 15301 as a Class 1 activity because the project is a negligible expansion of an existing use within an urbanized zone.

**ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES**

1. Concur with staff and approve the proposed project.

*This is the recommended action. Adoption of Resolution No. 13-004 would result in allowing a drinking establishment and exterior modifications to a commercial site.*

2. Add, modify or delete provisions of the proposed project or conditions.

*This action would result in modifying the proposed project and/or Conditions of approval, such as changes to hours of operation.*

3. Deny of the proposed project.

*This action would result in the denial of the application. The applicant could appeal to the City Council. The Commission should cite reasons or findings for its recommended denial.*

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission approve CUP 12-380/MAP 12-381, Arnoa Wine Bar, subject to the attached resolution and conditions of approval.

**Attachments:**

1. Resolution No. 13-004  
Exhibit A - Conditions of approval
2. Location Map
3. Photographs
4. Letter from applicant

*Plans under separate cover*

# ATTACHMENT 1

## RESOLUTION NO. PC 13-004

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY  
OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 12-380/MINOR  
ARCHITECTURAL PERMIT 12-381 , A REQUEST TO ALLOW A RESTAURANT AND BAR USE WITH  
BEER AND WINE SALES FOR ON-SITE CONSUMPTION INDOORS AND OUTDOORS WITHIN THE  
TALEGA VILLAGE CENTER AT 831 VIA SUERTE SUITE 106**

**WHEREAS**, on November 1, 2012, an application was filed and deemed complete on November 28, 2012, by Arnoa LLC, 214 Via Robina #15, San Clemente, CA 92672, for Conditional Use Permit 12-380 and Minor Architectural Permit (MAP) 12-381, a request to allow a restaurant and bar use with beer and wine sales for on-site consumption indoors and outdoors. The subject site is located within the commercial area of the Talega Village Center at 831 Via Suerte, Suite 106. The legal description is Lot 4 of Tract 16936 and Assessor's Parcel Number 701-372-01; and

**WHEREAS**, the Planning Division completed an initial environmental assessment for this project in accordance with the California Environmental Quality Act (CEQA) and recommends the the Planning Commission determine that the project is exempt from CEQA as a Class 1 exemption pursuant to Section 15301 because the project involves a negligible expansion of an existing use; and

**WHEREAS**, the City's Development Management Team has reviewed the proposed Conditional Use Permit for consistency with the General Plan policies and other applicable City ordinances and policies; and

**WHEREAS**, on January 23, 2013, the Planning Commission of the City of San Clemente held a duly noticed public hearing on the subject application and considered evidence presented by City staff, the project applicant, and other interested parties.

**NOW THEREFORE**, the Planning Commission of the City of San Clemente hereby resolves as follows:

**Section 1:** The project is categorically exempt from CEQA as a Class 1 exemption pursuant to Section 15301 because the project involves a negligible expansion of an existing use.

**Section 2:** With respect to CUP 12-380, the Planning Commission finds:

- A. The proposed commercial use is permitted within the subject zone pursuant to the approval of a Conditional Use Permit and complies with all of the applicable provisions of the Talega Specific Plan as amended by SPA 98-05, the Talega Area Plan as amended

by AM ARP 98-82, the goals and objectives of the San Clemente General Plan, and the purpose and intent of the zone in which the development is being proposed in that:

1. The proposed use is permitted within the subject zone pursuant to the approval of a Conditional Use Permit and complies with all the applicable provisions of this title, the San Clemente General Plan and the purpose and intent of the zone in which the use is being proposed in that restaurant and bar uses are conditionally permitted per the Talega Specific Plan.
  2. The proposed wine bar and restaurant use is consistent with the goals of creating a pedestrian-oriented, neighborhood serving community in the Talega Village Center.
- B. The site is suitable for the type and intensity of development that is proposed in that Planning Area H1 is designated for mixed use including commercial, open space, recreation and multi-family development. The site is a 9.64 acre commercial development with a variety of dining, entertainment, service, and retail uses.
- C. The proposed development, as conditioned, will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity in that:
1. The proposed service of alcoholic beverages is subject to California Department of Alcohol Beverage Control requirements in addition to the conditions of approval.
  2. The proposed use is buffered from residential land uses. The patio area is approximately 290 feet from the closest residence, located to the east of the subject site. The residence is on the opposite side of Avenida Vista Hermosa at a higher grade than the subject site.
  3. The use will operate within a development planned to accommodate a variety of neighborhood commercial uses. There are other outdoor dining areas in the commercial development, including one with outdoor alcohol consumption.
  4. The site has adequate parking to accommodate the proposed use.
- D. The proposed development will not be unsightly or create disharmony with its locale and surroundings, and the general appearance of the project is in keeping with the character of the neighborhood in that:
1. The site has adequate parking to accommodate the proposed use.

2. The proposed railing for the outdoor seating area is similar to existing railings in the commercial development.

**Section 3:** With respect to MAP 12-381, the Planning Commission finds:

- A. The architectural treatment of the project complies with the San Clemente General Plan in that the proposed materials are in character with the architecture of the commercial center.
- B. The architectural treatment of the project complies with the Zoning Ordinance in areas including, but not limited to, height, color, etc. in that the proposed railing meets development standards.
- C. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines in that the proposed materials and finish of the railing are similar to existing railings in the commercial center.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood in that the proposed materials and finish of the railing are similar to existing railings in the commercial center.
- E. The proposal is not detrimental to the orderly and harmonious development of the City in that the project is compatible with the site plan and architecture of the commercial center.

**Section 4:** The Planning Commission hereby adopts herby approves CUP 12-380/MAP 12-381, subject to the above Findings and the Conditions of Approval attached hereto as Exhibit A.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of San Clemente on January 23, 2013.

---

Chair

**TO WIT:**

**I HEREBY CERTIFY** that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of San Clemente on January 23, 2013, and carried by the following roll call vote:

<b>AYES:</b>	<b>COMMISSIONERS:</b>
<b>NOES:</b>	<b>COMMISSIONERS:</b>
<b>ABSTAIN:</b>	<b>COMMISSIONERS:</b>
<b>ABSENT:</b>	<b>COMMISSIONERS:</b>

---

Secretary of the Planning Commission



**EXHIBIT A****CONDITIONS OF APPROVAL\*  
CUP 12-380/MAP 12-381**

1. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City of San Clemente and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the "Indemnitees") from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either (i) the City's approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act ("CEQA"), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an "Action") within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City's full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PInG.)\_\_\_\_\_
2. Thirty (30) days after project approval, the applicant shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. *[Citation – City Attorney Legal Directive]* (PInG.)\_\_\_\_\_
3. The applicant shall develop the approved project in conformance with the site plan, elevations, floor plans, and other submittals approved by the Planning Commission. Any deviation from the site plan, elevations, landscaping plan, materials, colors or other approved submittal shall require the owner or designee to submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines the deviation is significant, the owner or designee shall be required to apply for review and obtain the

approval of the Zoning Administrator or Planning Commission, as appropriate. *[Citation – City Quality Insurance Program]* ■ (PIng.)\_\_\_\_\_

4. The on-site sale and indoor consumption of alcohol use shall be deemed to have lapsed, and CUP 12-380/MAP 12-381 shall be deemed to have expired, ninety (90) days after the date the on-site sale and indoor and outdoor consumption of beer and wine ceases operation and/or the business closes at such location. *[Citation - Section 17.12.150(C) of the SCMC]* (PIng.)\_\_\_\_\_
  
5. The applicant shall have the right to request an extension of CUP 12-380/MAP 12-381 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request may be subject to review and approval by the final decision making authority that ultimately approved or conditionally approved the original application. *[Citation - Section 17.12.160 of the SCMC]* (PIng.)\_\_\_\_\_
  
6. The sale of beer and wine for on-site consumption shall be limited to the hours of Monday to Thursday and Sunday from 10:00 a.m. to 1:00 a.m and Friday and Saturday from 10 a.m. to 2 a.m. The outdoor patio shall be closed at 12:00 a.m. daily. Any proposed change in the hours of operation shall require an amendment to this Conditional Use Permit. *[Citation – Division 9 (Alcoholic Beverages), Section 25631 to 25633 of Business & Professions Code, State of California]* ■ (PIng.)\_\_\_\_\_
  
7. The owner or designee shall obey all rules, regulations and conditions imposed upon the project through, but not limited to, the Alcoholic Beverage Commission (ABC) and relevant State laws. Revocation of, or sale of said ABC license to another person at another location, shall render this Use Permit null and void. Prior to any sale of the ABC license, the owner or designee shall notify the Community Development Department of the sale. *[Citation – Division 9 (Alcoholic Beverages), Business and Professions Code, State of California]* (PIng.)\_\_\_\_\_
  
8. The owner or designee shall obey all rules, regulations and conditions imposed upon the project through, but not limited to, the Alcoholic Beverage Commission (ABC) and relevant State laws. Revocation of, or sale of said ABC license to another person at another location, shall render any City approved CUP for alcohol service at the subject property null and void. Prior to any sale of the ABC license, the owner or designee shall notify the Community Development Department of the sale. *[Citation – Division 9 (Alcoholic Beverages), Business and Professions Code, State of California]* (PIng.)\_\_\_\_\_

- 9. The owner or designee shall be responsible for ensuring that all employees receive “Responsible Alcoholic Beverage Service” training as offered through programs established by the Orange County Health Care Agency and Alcoholic Beverage Control of the State of California. Evidence of such training and the training records of all employees shall be maintained on-site during business hours, and made available for inspection upon request. *[Citation - Section 17.16.070.K of the of the SCMC]*
  
- 10. Conditional Use Permit 12-380 is also subject to any relevant conditions of approval associated with the development of the Talega Village Center as approved by City Council on May 2, 2006 with Resolution No. 06-27. ■■ (PIng.) \_\_\_\_\_
  
- 11. In addition to any other remedy authorized by law, CUP 12-380/MAP 12-381 may be modified or revoked by the City if the establishment is operated in violation of any of the Conditions of Approval imposed herein or, any element of the permit, or if the operation of the establishment results in a public nuisance. *[Citation - Section 17.04.060 of the SCMC]* ■■(Sheriff's) \_\_\_\_\_
  
- 12. Outdoor alcohol consumption shall be limited to the designated, enclosed patio which shall be physically separated from the general public plaza areas by a gate or other barrier. *[Citation – Division 9 (Alcoholic Beverages), Section 25631 to 25633of Business & Professions Code, State of California]* ■■(Sheriff) \_\_\_\_\_
  
- 13. There shall be no more than 49 persons on the premises at any time. ■■(PIng.) \_\_\_\_\_
  
- 14. The owner or designee shall be responsible for maintaining, free of litter, the sidewalk and parking areas immediately adjacent to the premises. ■■ (Code Enforce.) \_\_\_\_\_
  
- 14. A separate Building Permit is required. Plans to construct new building, add or alter the existing building configuration, change in use, add or alter structural, mechanical, electrical or plumbing features of the project must be reviewed and approved through a separate building plan check / permit process. *[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]* (Bldg.) \_\_\_\_\_
  
- 15. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to, the Zoning Ordinance, Grading Code, Security Ordinance, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 of the California Code of Regulations as adopted by the City including, but not limited to the California Administrative, Building, Electrical, Plumbing, Mechanical, Energy, Green, and Fire Codes. *[S.C.M.C – Title 8 – Chapter 8.16 – Fire Code, Title 15 Building and Construction Chapters 15.08, 15.12, 15.16, 15.20, 15.21, Title 16 Subdivisions, Title 17 Zoning ]* (Bldg.) \_\_\_\_\_

16. Prior to the issuance of building permits, the owner or designee shall pay all applicable development fees in effect at the time, which may include, but are not limited to, Regional Circulation Financing and Phasing Program (RCFPP), park acquisition and development, water and sewer connection, drainage, Public Facility Construction, transportation corridor, Avenida La Pata Supplemental Road Fee and school fees, etc.  
*[S.C.M.C. – Title 15 Building and Construction, Chapters 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]* (Bldg.)\_\_\_\_\_


- \* All Conditions of Approval are standard, unless indicated as follows:
  - Denotes modified standard Condition of Approval
  - ■ Denotes project specific Condition of Approval



## LOCATION MAP

CUP 12-380/MAP 12-381, Wine Bar Arnoa  
831 Via Suerte Suite 106



No scale 

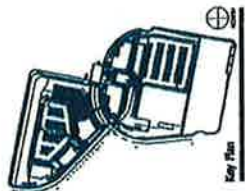
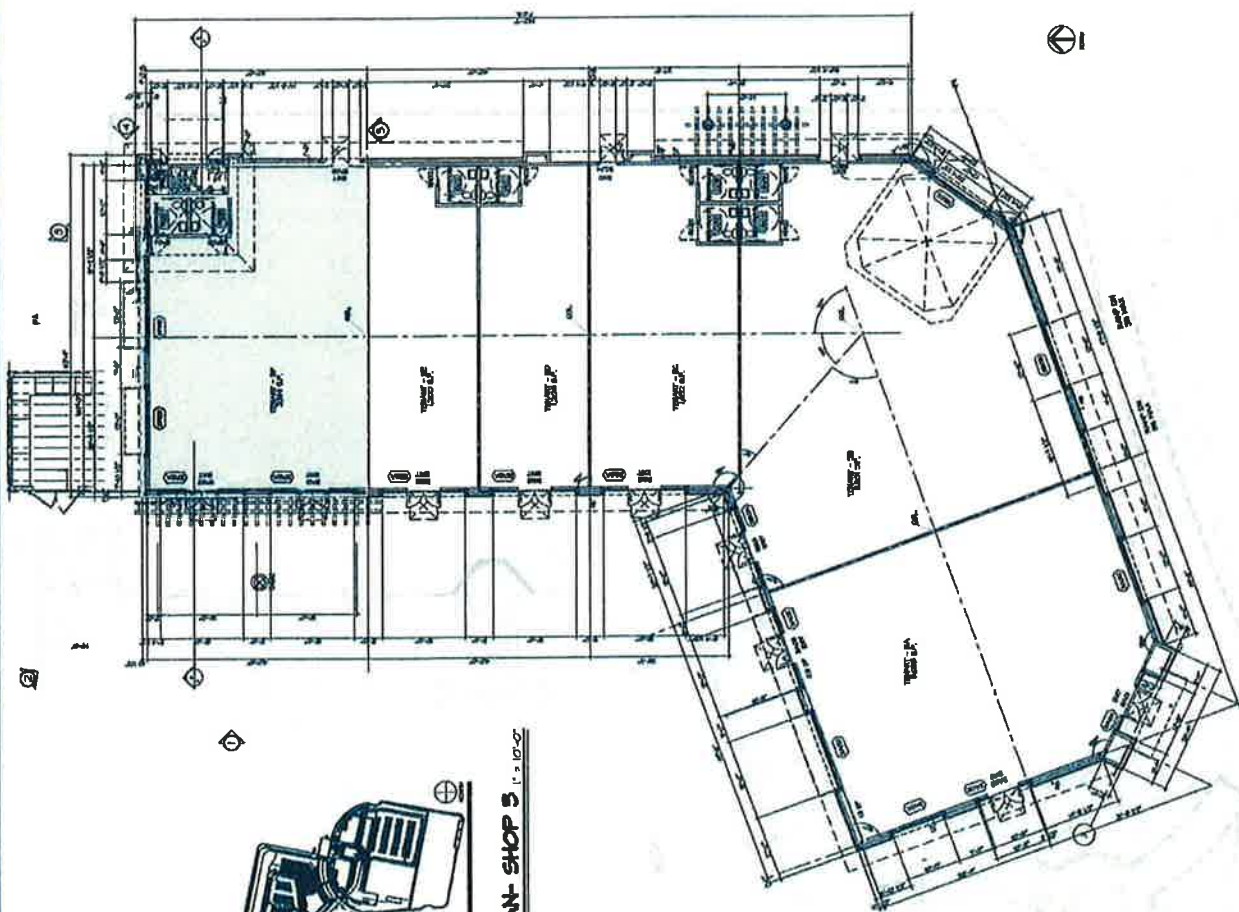
# ATTACHMENT 3

**BAR ARNOA**  
 LA GUERTE, SUITE 106  
 LEMENTE, CA 92673

**STAN SCHRÖPFR & ASSOCIATES, INC.**  
 ARCHITECT  
 3800 OULI BL., SUITE A, GARDENA, CA 90247 (909) 499-9225 (909) 499-9226



① ② ③ ④ ⑤



**EXISTING PLAN - SHOP 3**  
 1" = 10'-0"

PHOTO KEY IMAGES

CITY SUBMITTAL















**ARNOA, LLC**

**214 Via Robina # 15 San Clemente, 92672, CA | 949-201-6669 | pottok@me.com**

City Of San Clemente  
910 Calle Negocio Suite 100  
San Clemente, CA 92673

October 10, 2012

R/E: CUP Application Wine Bar in Talega

Talega is a neighborhood of San Clemente that is growing everyday. It has a sports park, grocery stores, a golf course, barbershops, coffee shops... but only 2 restaurants.

In Talega, places to relax and meet friends after work are almost impossible to find. For this reason, ARNOA, LLC came up with the idea of opening a wine bar in the Talega Village Center. This wine bar will only serve wine and beer and will offer simple food such as cheeses, tapas, and cured meat in a relaxing and peaceful atmosphere. The concept will be simple and will offer a great experience for customers without having to drive to downtown San Clemente.

The wine bar will not be a competitor to the existing businesses but will be more complementary as it will not offer lunch or dinner but will be a starting, ending and meeting place in the local neighborhood. The hours of operation shall be Monday to Thursday and Sunday 10 A.M. to 1 A.M. and Friday and Saturday 10A.M. to 2 A.M. we will close the outside patio on all nights at midnight.

The 2 owners are French and have a great experience in hosting guests and managing this kind of business. And with a wine diploma, they can offer a great journey into the wine, and food world which will fit the Talega clientele; relaxed, sophisticated and looking for new experiences.

Approving this CUP will allow the Talega experience to grow and will offer the residents a new place to relax and enjoy meeting with friends and family in their own neighborhood.

We are at your disposal for more information and look forward to working with you to open a fine wine bar.

Regards,

ARNOA, LLC