



**AGENDA FOR THE REGULAR MEETING
OF THE ZONING ADMINISTRATOR
FOR THE CITY OF SAN CLEMENTE, CALIFORNIA**

**Wednesday, February 6, 2013
3:00 p.m.**

**Community Development Department
Conference Room A
910 Calle Negocio, Suite 100
San Clemente, California**

MISSION STATEMENT

*The City of San Clemente, in partnership with the community we serve,
will foster a tradition dedicated to:*

Maintaining a safe, healthy atmosphere in which to live, work and play;

*Guiding development to ensure responsible growth while preserving and
enhancing our village character, unique environment and natural amenities;*

*Providing for the City's long-term stability through promotion
of economic vitality and diversity;*

*Resulting in a balanced community committed to protecting
what is valued today while meeting tomorrow's needs.*

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such a modification from the Community Development Department at (949)361-6100. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

Written material distributed to the Zoning Administrator after the original agenda packet was distributed is available for public inspection in the Community Development Department, located at 910 Calle Negocio, San Clemente, CA during normal business hours.

I. CALL TO ORDER

II. MINUTES

Receive and file minutes of the Zoning Administrator meeting of January 23, 2013.

III. ORAL AND WRITTEN COMMUNICATION

Members of the audience may address the Zoning Administrator on any item within the jurisdiction of the Zoning Administrator that is not on the Zoning Administrator agenda. If you wish to speak, please step forward, state your name and City of residence and make your presentations. Please limit your presentations to three (3) minutes.

IV. PUBLIC HEARINGS

A. 555 N. El Camino Real Suite D – Amendment to Conditional Use Permit 01-178 – Iva Lee’s Restaurant (Nicholas)

A request to consider an indoor 935 square foot expansion into an adjacent vacant unit for an existing restaurant that serves a full range of alcohol and live entertainment at 555 North El Camino Real Suite D within the Neighborhood Commercial (NC2) zoning district. The legal description is Lots 1-7, and 13-15, of Block 2, of Tract 793, Assessor’s Parcel Number 057-144-23.

B. 122 Avenida Victoria – Minor Cultural Heritage Permit 12-322 – Miller Apartment Remodel (Gregg)

A request to consider a Spanish Colonial Revival façade remodel of a five-unit apartment complex located at 122 Avenida Victoria. The project is located in the Mixed Use zoning district and Central Business district and Architectural Overlays. The legal description is lots 27 and 28 of Block 7, Tract 779 and Assessor’s Parcel Number 058-083-39.

C. 111 South Alameda Lane – Minor Cultural Heritage Permit 12-356 – Day Apartment Complex (Atamian)

A request to consider a minor exterior alteration to an apartment building abutting a historic structure, located at 111 South Alameda Lane. The project is located in the Residential High zoning district of the Pier Bowl Specific Plan and Architectural Overlay. The legal description is lots 6 and 7, of Block 10, of Tract 785 and Assessor’s Parcel Number 692-023-06.

V. NEW BUSINESS - None

VI. OLD BUSINESS - None

VII. ADJOURNMENT

Adjourn to the regular Zoning Administrator meeting to be held at 3:00 p.m. on Wednesday, February 20, 2013 at the Community Development Department, Conference Room A, located at 910 Calle Negocio, Suite 100, San Clemente, CA.

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR
ZONING ADMINISTRATOR MEETING
January 23, 2013**

Staff Present: James Holloway, Cliff Jones, Adam Atamian, and Kimberly Maune

2. MINUTES

Minutes of the Zoning Administrator meetings of December 19, 2012 and January 9, 2013 received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARINGS

A. 424 Calle Vista Torito – Minor Architectural Permit 12-408 – Vasilauskas Residence Addition (Atamian)

A request to consider a 468 square foot addition to the rear portion of a non-conforming structure located at 424 Calle Vista Torito in the Residential-Low zoning district (RL-11). The legal description is Lot 99, of Tract 4938, Assessor's Parcel Number 691-252-18.

Assistant Planner Adam Atamian summarized the staff report.

General contractor Kirk Bassett was present representing the owner. He stated that he provided the project plans and Mr. Atamian walked him through the process.

There were no members of the public present to address this item.

Mr. Holloway asked Mr. Atamian to explain the difference between a Minor Architectural Permit (MAP) and a Minor Exception Permit (MEP) regarding this request. Mr. Atamian stated a MEP would allow an encroachment into a setback that would make the entire structure conforming. For this project, there is no exception that will allow the garage to encroach into the 18 foot setback, the applicant's only option is to get the MAP which allows certain additions to nonconforming structures.

Mr. Holloway stated this is a straight forward request. The purpose of the MAP is to accommodate additions, such as this one, to structures that were

conforming when they were built 40 years ago, and then the codes changed, rendering them nonconforming. When the codes were changed this process was put into place to deal with this type of situation, which is common. This is a detached, single family, single story home. The addition is in the rear, there will not be any massing or scale issues, the neighborhood will not be impacted. The addition is conforming to the current setbacks. There have not been any comments from any of the neighbors.

Mr. Holloway informed Mr. Bassett of the ten day appeal period and thanked him for working with staff.

Action: The Zoning Administrator approved Minor Architectural Permit 12-408, Vasilauskas Residence Addition, subject to Resolution ZA 13-002 with attached Conditions of Approval.

ACTION SUBJECT TO APPEAL TO OR CALL-UP BY CITY COUNCIL.

B. 306 Avenida San Pablo – Minor Architectural Permit 12-414 – Hanes Entryway Remodel (Jones)

A request to consider a 409 square foot addition to the front portion of a non-conforming structure located at 306 Avenida San Pablo in the Residential-Low zoning district (RL-1). The legal description is Lot 24, of Tract 5586, Assessor's Parcel Number 060-243-04.

Associate Planner Cliff Jones summarized the staff report. Mr. Jones stated the Minor Architectural Permit (MAP) is required because this is an addition to a nonconforming structure. The MAP can be processed as long as the addition to the nonconforming structure does not exceed 50 percent; this request is for a 24 percent increase in size.

Applicant Larry Hanes was present; he had no comments.

Neighbor Tom Benton was present. Mr. Benton stated he believes this will be a great improvement to this property, from the standpoint of both curb appeal and usage of the property.

Mr. Holloway stated this is a detached, single story, single family residence. The exhibits, photographs, and maps provided by staff show a number of residences on Avenida San Pablo that have a similar garage setback. They are all similar in design; they are all single story, single family residences. All the photographic evidence indicates this request is consistent with the surrounding neighborhood. This request is only for a 24 percent expansion.

Mr. Holloway informed the applicant of the ten day appeal period and thanked him for working with staff. Mr. Holloway thanked Mr. Benton for attending the meeting in support of his neighbor.

Action: The Zoning Administrator approved Minor Architectural Permit 12-414, Hanes Entryway Remodel, subject to Resolution ZA 13-003 with attached Conditions of Approval.

ACTION SUBJECT TO APPEAL TO OR CALL-UP BY CITY COUNCIL.

5. NEW BUSINESS

None

6. OLD BUSINESS

None

ADJOURNMENT

The meeting adjourned at 3:20 p.m. to the regular Zoning Administrator meeting to be held on February 6, 2013 at 3:00 p.m., at the Community Development Department, Conference Room A, located at 910 Calle Negocio, Suite 100, San Clemente, California.

Respectfully submitted,

SAN CLEMENTE ZONING ADMINISTRATOR


James Holloway



STAFF REPORT

SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: February 6, 2013

PLANNER: Sean Nicholas, Associate Planner SN

SUBJECT: Amendment to Conditional Use Permit 01-178, Iva Lee's Restaurant, a request to consider an indoor 935 square foot expansion into an adjacent vacant unit for an existing restaurant that serves a full range of alcohol and live entertainment.

LOCATION: 555 North El Camino Real, Suite D

ZONING/GP: Neighborhood Commercial (NC2)

BACKGROUND:

- Iva Lee's Conditional Use Permit was approved in January of 2002, and amended once to include a wrought iron frame and canopy for outdoor dining in April of 2004.
- This amendment proposes to enlarge the bar area of the restaurant by 935 square feet by expanding into the adjacent, now vacant, suite. Currently the bar and entertainment area of the restaurant is cramped and approval of the amendment would expand the full service bar and live entertainment in the added suite.
- The expansion will also enlarge the waiting area which will prevent an overflow of people standing in front of the restaurant on El Camino Real.
- Pursuant to Municipal Code Section 17.12.180 (B), if there is significant deviation from the approved project but no public concern, the owner or designee shall be required to apply for review and obtain the approval of the Zoning Administrator. This is why the application is before the Zoning Administrator today. Public notification was completed for the expansion, and staff did not receive any input from the public on the expansion.
- The additional square footage increases the overall size of the restaurant above 3,000 square feet. Pursuant to Municipal Code Section 17.64.050(B), when a restaurant exceeds 3,000 square feet it is considered a single destination restaurant and the parking requirement is one parking space per 120 square feet of interior space. This results in an increase demand for parking. When the project was approved the restaurant had 17 parking spaces attributed to the use, including a shared parking agreement with Denault's for six spaces. With the increase in square footage of the restaurant space the parking requirement for the restaurant is now 30 spaces, meaning they need to provide an additional 13 parking spaces. This is being accomplished in the following ways:
 - Suite D, the expansion area, has four parking spaces associated with the space.

- Suite C is the catering office for Iva Lee's which closes prior to the restaurant opening, and the applicants are proposing to enter into a shared parking for those four spaces associated with the suite.
- The remaining five parking spaces are being added by expanding the shared parking agreement with Denault's from six to 11. Denault's has submitted a letter of support of the enhanced parking agreements.
- No other portion of the restaurant is being modified, and all previous conditions of approval are still applicable.
- With the new shared parking agreements, the project meets all development standards and findings for the approval of the project in that:
 - The restaurant is existing and has not had any issues with Code Compliance and Orange County Sheriff.
 - The sale of alcohol is a conditionally permitted use associated with a restaurant which is a bonafide eating location.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve AM CUP 01-178, Iva Lee's Restaurant, subject to the attached Resolution and Conditions of Approval.

Attachments:

- 1) Resolution
 - Exhibit A: Conditions of Approval
 - 2) Location Map
 - 3) Letter from Denault's regarding parking agreement modifications
 - 4) Letter from applicant
- Plans

RESOLUTION NO. ZA 13-006

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT 01-178, IVA LEE'S RESTAURANT, A REQUEST TO EXPAND AN EXISTING RESTAURANT WITH A FULL RANGE OF ALCOHOL AND AMPLIFIED LIVE ENTERTAINMENT INTO AN ADJACENT VACANT SUITE LOCATED AT 555 NORTH EL CAMINO REAL, SUITE D

WHEREAS, on January 5, 2002, the Planning Commission approved an application for a Conditional Use Permit to allow the sale and consumption of a full range of alcohol, amplified live entertainment, and shared parking agreement for a restaurant located at 555 North El Camino Real, legal description being lots 1, 2, and 3, of Tract 793, Assessor's Parcel Number 057-144-17; and

WHEREAS, on April 7, 2004, the Planning Commission approved an amendment to the Conditional Use Permit to expand and enhance the outdoor eating experience of the restaurant; and

WHEREAS, on December 10, 2012 an application was submitted and completed on January 10, 2013 by Eric Wagoner, 555 North El Camino Real, San Clemente, CA 92672 for an expansion of an existing restaurant with a full range of alcohol and amplified live entertainment; and

WHEREAS, on January 10, 2013 the City's Development Management Team reviewed the application for compliance with the General Plan, Zoning Ordinance, and other applicable requirements; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301, as the project is a minor expansion of an existing restaurant into an adjacent suite; and

WHEREAS, on February 6, 2013, the Zoning Administrator held a duly noticed public hearing on the subject application, and considered evidence presented by the applicant, City Staff, and other interested parties.

NOW, THEREFORE, the Zoning Administrator of the City of San Clemente hereby resolves as follows:

Section 1: This project is categorically exempt from the California Environmental Quality Act (CEQA) as a Class 1 exemption pursuant to CEQA Guidelines Section 15301, as the project is a minor expansion of an existing restaurant into an adjacent suite, and there is sufficient parking onsite for the expanded use.

Section 2: In regards to Amendment of Conditional Use Permit No. 01-178, the Zoning Administrator finds:

1. The proposed use is permitted within the Neighborhood Commercial (NC2) zoning designation pursuant to the approval of a Conditional Use Permit and complies with all the applicable provisions of the City of San Clemente General Plan and Zoning Ordinance in that the expansion is into an adjacent use and will allow for a full range of alcohol and amplified sound to occur in the new expanded suite. There is sufficient parking onsite and the applicant is expanding his existing shared parking agreement.
2. The site is suitable for the type and intensity of use that is proposed, in that the project complies with all required development standards, is served adequately by all required utilities and public services, and has sufficient on-site parking to sustain the proposed use.
3. The proposed use will not be detrimental to the public health, safety, or welfare, or be materially injurious to the properties and improvements in the vicinity, in that the use is proposed on a developed site in an urban area and will be required to meet all applicable code regulations including but not limited to the California Building Code and Orange County Fire Authority.
4. The proposed use will not negatively impact the surrounding land uses in that all required parking has been provided on-site and the development adheres to the NC2 standards. The applicant has operated the business for over 10 years without issue.

Section 3: The Zoning Administrator of the City of San Clemente hereby approves the categorical exemption and Amendment to Conditional Use Permit 01-178, Iva Lee's Restaurant, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Zoning Administrator of the City of San Clemente on February 6, 2013.

SAN CLEMENTE ZONING ADMINISTRATOR

Jim Holloway
Community Development Director

EXHIBIT A

CONDITIONS OF APPROVAL*
AM CUP 01-178
Iva Lee's Restaurant

GENERAL CONDITIONS

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 owner or designee shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)_____

3. The subject applicants shall become null and void if the use is not commenced within three (3) years from the date of the approval thereof. Since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development. *[Citation - Section 17.12.150.A.1 of the SCMC]* (Plng.)_____

A use shall be deemed to have lapsed, and the subject applications shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the California Building Code, as amended. *[Citation - Section 17.12.150.C.1 of the SCMC]* (Plng.)_____

4. The owner or designee shall have the right to request an extension of the subject applications if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall 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]* (Plng.)_____

5. Prior to issuance of any permit and again prior to certificate of occupancy, the applicant shall request an inspection by the City Planner, or his designee, to ensure compliance with all previous conditions of approval associated with Conditional Use Permit 01-178. ■■ (Plng.)_____

6. Prior to issuance of certificate of occupancy, the project shall be develop in conformance with the site plan, floor plans, elevations, details, and any other applicable submittals approved by the Planning Commission on February 6, 2013, subject to the Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, details, or other approved submittal shall require that the owner or designee 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 that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Zoning Administrator. (Plng.)_____

[Citation - Section 17.12.180 of the SCMC]

7. 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. (Bldg.)_____

[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]

8. 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. (Bldg.)_____

[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]

- 9. Prior to the issuance of building permits, the owner or designee shall submit plans that identify the intended use of each building or portion of building and obtain approval of the Building Official. (Bldg.)_____

[S.C.M.C – Title 15 – Chapter 15.08]

- 10. 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.

(Bldg.)_____

[S.C.M.C. – Title 15 Building and Construction, Chapters 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]

- 11. Prior to issuance of any permit, the owner shall demonstrate to the satisfaction of the City Engineer that the project includes designs to construct a permanent cover for the existing trash enclosure adjacent El Camino Real. The architectural design of the cover shall be Spanish Colonial Revival in character and subject to City Planner Approval. Prior to issuance of permits, the applicant shall receive approval of a Staff Waiver and building permits for the trash enclosure. The structural plan check of the cover is to be reviewed and approved by the Building Department. Construction of the cover shall be complete prior to final release of the building permit and occupancy of the expanded building area. *[Citation – Section 13.40 of the SCMC]*

■ (Eng.)(Plng.)(Bldg.)_____

- 12. Prior to final of the building permit, or any type of certificate of occupancy or use of the expanded area, the applicant shall provide to the City evidence, to the satisfaction of the City Planner, that the expanded shared parking agreement has been recorded at the County of Orange.

■■ (Plng.)_____

* All Conditions of Approval are standard, unless indicated as follows:

- Denotes a modified standard Condition of Approval
- Denotes a project specific Condition of Approval



LOCATION MAP

ATTACHMENT 2

AM CUP 01-178, Iva Lee's Restaurant
555 North El Camino Real, Suite D



Not to scale

From: "Bob DeNault"

Date: January 18, 2013, 12:26:46 PM PST

To: "Eric Wagoner"

Subject: RE: Iva Lee Weekly Update 1/11/13

Eric,

As you know I absolutely support the expansion of the entrance area of Iva Lee's Restaurant. Since you have been a tenant of mine for over ten years I am totally familiar with the traffic patterns and parking demands of your restaurant. With you expanding in to Suite D, the remaining tenants of DeNault Plaza are DeNault's Hardware, The UPS Store, and Pacific Water Solutions, all retail. As was the case eleven years ago, the peak business time at DeNault's Hardware is between 11:00 a.m. and 2:00 p.m. The same is true for the two other tenants. DeNault's is open until 8:00 p.m. for customer convenience with diminished traffic. Since Iva Lee's does not open until 5:00 p.m., there is ample parking available for the expansion. I would agree to modify the existing agreement by the required number of spaces. Obviously, you control Suite C, which you use as an office. Any agreement that you make with Suite C is fine with me.

Robert J. DeNault
DeNault Properties, LLC

ATTACHMENT 4

Letter of Intent

To whom it may concern,

12/10/12

My name is Eric Wagoner and my wife Lisa and I opened Iva Lee's Restaurant in June of 2002. We have built our business over the last ten years and recently, we've been given the opportunity to expand. We presently occupy Suites E, F and G at 555 North El Camino Real in the DeNault Plaza. We also lease suite C and use it as our administration office. In January, 2013, Suite D will become available. (Please see attached diagram) Our intent for the expansion is to create a more comfortable environment for our dining customers to wait for their tables. The entry to our Restaurant does tend to get congested during our busy times and the new space would be an asset to our business.

We believe that this expansion of our business will be of very low impact to the surrounding area. With this expansion, Iva Lee's Restaurant will not be moving any closer to surrounding schools, churches or residential neighborhoods. In the past ten years of business, we have never had a single complaint from the surrounding neighborhood. Also, over the past ten years, we have had a perfect track record with the Department of ABC, the Sheriff's Department, the Health Department and the City of San Clemente.

Please take the above information into consideration and help a small business in San Clemente grow. The community of San Clemente has amazing potential and we have worked hard to be a part of it.

Sincerely,

Eric Wagoner

Owner,

Iva Lee's Restaurant

Parking Study

To whom it may concern,

12/5/12

I have done some recent studies on the parking trend at the DeNault Plaza located at 555 North El Camino Real. The DeNault Plaza contains 85 parking spots, plus a considerable amount of street parking along El Camino Real and Marquita Street. The busiest hours for the DeNault Hardware store are from 10:00 a.m. to 4:00 p.m. The average customer spends from 5 to 15 minutes in the store, making a turnover of parking spaces an average of 4 times or more per hour. The absolute peak business is 160 customers during a one hour period requiring 40 parking spaces. This equation equals less than half of the existing parking spots.

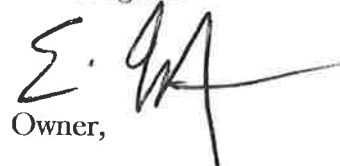
Presently in the suites below the hardware store, there are the UPS store, The Water Store Iva Lee's Restaurant and Iva Lee's Catering office. The Water Store is open from 10 a.m. to 6 p.m. and the UPS store is open from 10 a.m. to 6:30 p.m. The majority of the Water Store and UPS customers tend to park on El Camino Real or on Marquita Street, as it's the most convenient place to park in relation to the mentioned businesses locations. (See attached diagram)

The Iva Lee's Catering office located in suite C and is 1,080 square feet. This office requires minimal parking. The main use for Suite C is for Iva Lee's administration needs and the operating hours are from 8:00 a.m. to 4:00 p.m. The office is closed on Saturday and Sunday. With the hours of operation and the minimal traffic of the Suite C, it has no impact on the parking during the operating hours of Iva Lee's Restaurant.

Iva Lee's Restaurant is open from 5:00 p.m. to 11:00 p.m., Tuesday through Saturday, plus the occasional Sunday Brunch. Iva Lee's Restaurant's operating hours do not overlap with any other business in the DeNault Plaza enough to cause any parking issues.

The total square footage of Iva Lee's Restaurant is 2,583. The new proposed area would add 935 square feet and approximately 24 seats. The new space will primarily be used as a waiting area for our existing dining room. With the equation of 1 parking spot per 4 seats, our newly expanded entrance would require approximately 6 parking spots. With the amount of parking spaces and the neighboring businesses' hours of operation, we believe that the expansion of Iva Lee's Restaurant will not have any impact on the parking in the DeNault Plaza.

Eric Wagoner



Owner,

Iva Lee's Restaurant

Parking Analysis for DeNault Plaza at 535 North El Camino Real

Existing Suites on El Camino Real

Parking Requirements

Suite A - The UPS Store 1480 Sq. Ft.	1/300 Sq. Ft. = 5 Parking Spaces
Suite B - The Water Store 935 Sq. Ft.	1/300 Sq. Ft. = 4 Parking Spaces
Suite C - Iva Lee's Admin. Office 1080 Sq. Ft.	1/300 Sq. Ft. = 4 Parking Spaces
Suite D - Available Suite 935 Sq. Ft.	1/300 Sq. Ft. = 4 Parking Spaces
Suite E, F, G Iva Lee's Restaurant 2,583 Sq. Ft.	1/ 4 Seats = 17 Parking Spaces (66 Seats)
	Total Required Parking Spaces =34

Proposed Expansion of Iva Lee's into Suite D

Suite A - The UPS Store 1480 Sq. Ft.	1/300 Sq. Ft. = 5 Parking Spaces
Suite B - The Water Store 935 Sq. Ft.	1/300 Sq. Ft. = 4 Parking Spaces
Suite C - Iva Lee's Admin. Office 1080 Sq. Ft.	1/300 Sq. Ft. = 4 Parking Spaces

(Above Suite C Uses 0 Parking During Iva Lee's Operating Hours)

Suite D, E, F, G Iva Lee's Restaurant 3,518 Sq. Ft.	1/ 4 Seats = 23 Parking Spaces (90 Seats)
	Total Required Parking Spots= 38



STAFF REPORT

SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: February 6, 2013

PLANNER:

Amber Gregg, Associate Planner

A handwritten signature in blue ink, appearing to be "AG", is written over the printed name.

SUBJECT:

Minor Cultural Heritage Permit 12-322, Miller Apartment Remodel, a request to consider a Spanish Colonial Revival façade remodel of a five-unit apartment complex and enclose a 116 square foot breezeway of the 5,068 square foot structure.

LOCATION:

122 Avenida Victoria

ZONING/GP:

Mixed Use zoning district and Central Business district and Architectural Overlays (MU3-CB-A)

BACKGROUND:

- The existing site is approximately 8,000 square feet and located directly across the street from the new Fire Station and Senior Center. It is in the Central Business District and Architectural Overlay, and is located within 300 feet of five historic resources.
- The existing structure is a two-story, five unit apartment building with four, one-car garages. The project was constructed and permitted in 1952 as a five-unit complex and is legal non-conforming as to use as well as development standards.
- The property is blighted and in the past has been the source of many issues and concerns for the sheriffs department. The applicant is proposing an extensive remodel of the property, inside and out.
- The current development design is a traditional post war two-story apartment complex. The applicant is proposing a façade remodel to Spanish Colonial Revival architecture.
- The applicant is also proposing to enclose a 116 square foot breezeway, which will relocate the entrance of the unit from the back of the building, to the front.
- Per zoning Ordinance Section 17.16.100, exterior modifications to properties located in the Architectural Overlay or multi-family projects within 300 feet of a historic resource, with additions less than 200 square feet, require approval of a Minor Cultural Heritage Permit.
- Per Zoning Ordinance Section 17.72.050, a development that is non-conforming as to use and structure can add up to 300 square feet of habitable space, as long as it does not increase the footprint of the structure, with an approval of a Staff Waiver or Minor Cultural Heritage Permit.
- The location of the proposed project, within an Architectural Overlay, requires that the architecture be Spanish Colonial Revival.

- The applicant has complied with this requirement and is proposing traditional details which include smooth white stucco finish, single barrel roof tiles with random mortar packing, and wrought iron details.
- The five historic resources within 300 feet of the development are as follows:
 1. *143 Avenida Granada*, located approximately 130 feet away, the resource is on the street behind the development, three parcels from the project site.
 2. *130 Avenida Granada*, approximately 150 feet from the project site, the resource is located on the street behind the development, on the north side of Avenida Granada.
 3. *142 Avenida Granada*, approximately 200 feet from the project site, on the street behind the development, on the north side of Avenida Granada.
 4. *204 South El Camino Real*, approximately 230 feet from the project site, the historic resource is five parcels from the proposed remodel.
 5. *125 Avenida Del Mar*, approximately 295 feet from the project site, the historic resource is located two streets north of the remodel.

The existing development can not be seen when viewing the historic resources and the applicant is not proposing to increase the size of the building. Therefore staff anticipates no impact to the historic resources from the proposed project. For exact locations please refer to the location map provided under Attachment 2.

- The project was reviewed by the Design Review Subcommittee (DRSC) on November 28, 2012 and January 9, 2013 and supports the proposed design. At the meeting the DRSC supported the use of fiberglass windows on the project but requested that the front four windows be wood. At the time the applicant agreed. However, after the meeting the applicant contacted staff and stated that they prefer to use the fiberglass on the front windows as well due to maintenance concerns. The applicant is asking for the Zoning Administrator’s consideration to utilize fiberglass on the entire project. The window policy is provided under Attachment 5.
- The proposed project complies with all of the required findings for a MCHP. The architectural treatment, Spanish Colonial Revival, meets the Design Guidelines and goals of the Architectural Overlay and City’s General Plan. The general appearance of the remodel is keeping with the character of the neighborhood and will strengthen the City’s identity as a Spanish Village.
- Given the state of the existing building, and its past history, staff is very supportive of the proposed project. It will enhance the Spanish Village atmosphere, a goal and policy of the General Plan, and will improve the streetscape of the neighborhood.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve MCHP 12-322, Miller Apartment Remodel, subject to the attached Resolution and Conditions of Approval.

Attachments:	Attachment 1	Resolution
	Exhibit A	Conditions of Approval
	Attachment 2	Location Map
	Attachment 3	Photos
	Attachment 4	Colored Elevations
	Attachment 5	Window Policy
	Plans	

RESOLUTION NO. ZA 13-005

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CULTURAL HERITAGE PERMIT 12-322, MILLER APARTMENT REMODEL, A REQUEST TO REMODEL A FIVE UNIT APARTMENT BUILDING LOCATED AT 122 AVENIDA VICTORIA

WHEREAS, on September 19, 2012, an application was submitted, and on October 17, 2012, completed by Laurie Pilz, 223 Vista Montana Way, Oceanside, CA 92054, for a Minor Cultural Heritage Permit to remodel a five unit apartment complex and enclose a 116 square foot breezeway located at 122 Avenida Victoria, the legal description being Lots 27 and 28, of Block 7, of Tract 779, Assessor's Parcel Number 058-083-39.; and

WHEREAS, the Planning Division completed an initial environmental assessment of the above matter in accordance with California Environmental Quality Act (CEQA) and determined this project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301 because the project is a minor alteration to an existing structure that will not result in an expanded use; and

WHEREAS, on February 6, 2013, the Zoning Administrator held a duly noticed public hearing on the subject application and considered evidence presented by the City staff, the applicant, and other interested parties.

NOW THEREFORE, the Zoning Administrator of the City of San Clemente hereby resolves as follows:

Section 1: This project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301 because the project is a minor alteration to an existing structure that will not result in an expanded use.

Section 2: The architectural treatment of the project complies with the San Clemente's General Plan in that development will be of Spanish Colonial Revival architecture as required by the Architectural Overlay, and will strengthen the goals and policies of the downtown which is to preserve San Clemente's historic identity as a Spanish Village.

Section 3: The project site is not located within a Specific Plan; however, it is located within the Architectural overlay. The Architectural Overlay requires projects to be of Spanish Colonial Revival design, which the project is. Development of the project will allow the non-Spanish building to be remodeled to meet the requirements of the Architectural Overlay.

Section 4: The architectural treatment of the proposed project complies with the architectural guidelines in the City's Design Guidelines in that the remodel is Spanish Colonial Revival and has incorporated traditional architectural details such as a single barrel tile roof, smooth white stucco finish, and wrought iron details.

Section 5: The general appearance of the proposal is in keeping with the character of the neighborhood in that directly across the street from the project is the new fire station and senior center that is also in Spanish Colonial Revival architecture. In addition there are five Spanish Colonial historic resources with 300 feet of the proposed project. The remodel will strengthen the Spanish Colonial revival character of the area.

Section 6: The proposed remodel will not be detrimental to the orderly and harmonious development of the City. The property is located within the Mixed Use zoning district and the proposed project complies with all requirements outlined in the Municipal Code.

Section 7: The proposed project preserves and strengthens the San Clemente's historic identity as a Spanish Village in that it will change a non-descript building into a Spanish Colonial Revival Building.

Section 8: The proposed project will not have negative visual or physical impacts upon the historic structures in that the project site can not be viewed when looking at the historic resources from the public right of way.

Section 9: The Zoning Administrator of the City of San Clemente hereby approves MCHP 12-322, Miller Apartment Remodel, a request to remodel a five unit apartment complex and enclose a 116 square foot breezeway, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Zoning Administrator of the City of San Clemente on February 6, 2013.

SAN CLEMENTE ZONING ADMINISTRATOR

EXHIBIT 1

CONDITIONS OF APPROVAL*
MINOR CULTURAL HERITAGE PERMIT NO. 13-322
MILLER APARTMENT REMODEL

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 owner or designee shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)_____
3. MCHP 12-322 shall become null and void if the use is not commenced within three (3) years from the date of the approval thereof. Since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the

building permit is issued for the development. *[Citation - Section 17.12.150.A.1 of the SCMC]*

A

use shall be deemed to have lapsed, and MCHP 12-322 shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the California Building Code, as amended. *[Citation - Section 17.12.150.C.1 of the SCMC]*

(Plng.)_____

4. The owner or designee shall have the right to request an extension of MCHP 12-322 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall 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]* (Plng.)_____
5. Prior to issuance of certificate of occupancy, the project shall be develop in conformance with the site plan, floor plans, elevations, details, and any other applicable submittals approved by the Zoning Administrator on February 6, 2013, subject to the Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, details, or other approved submittal shall require that the owner or designee 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 that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Zoning Administrator. *[Citation - Section 17.12.180 of the SCMC]* (Plng.)_____

6. Prior to the issuance Certificates of Occupancy, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that all exterior lighting is designed, arranged, directed or shielded per the approved plans, and in such a manner as to contain direct illumination on site, thereby preventing excess illumination onto adjoining site(s) and/or street(s). *[Citation – Section 17.24.130 of the SCMC]* (Plng.)_____
7. Prior to issuance of certificates of occupancy, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that the stucco on the entire structure is a smooth finish with slight undulations, painted the approved color. *[Citation – City of San Clemente Design Guidelines, November 1991]* (Plng.)_____

8. Prior to issuance of building permits, the owner or designee shall submit for review and obtain approval of the City Planner or designee for plans indicating the following: (PIng.)_____
- A. Two-piece clay tile roofing shall be used with booster tiles on the edges and ridges and random mortar packing. The mortar shall be packed on 100 percent of the tiles in the first two rows of tiles and along any rake and ridgeline, and shall be packed on 25 percent of the tiles on the remaining field. Mortar packing shall serve as bird stops at the roof edges. The volume of mortar pack to achieve the appropriate thickness shall be equivalent to a 6 inch diameter sphere of mortar applied to each tile. *[Citation – City of San Clemente Design Guidelines, November 1991]*
- B. Stucco walls with a ‘steel, hand trowel’ (no machine application), smooth Mission finish and slight undulations (applied during brown coat) and bull-nosed corners and edges, including archways (applied during lathe), with no control/expansion joints. *[Citation – City of San Clemente Design Guidelines, November 1991]*

Building

9. 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.)_____
10. 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. (Bldg.)_____ *[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]*
11. Prior to the issuance of building permits, the owner or designee shall submit plans that identify the intended use of each building or portion of building and obtain approval of the Building Official. (Bldg.)_____ *[S.C.M.C – Title 15 – Chapter 15.08]*

12. 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. (Bldg.)____
[S.C.M.C. – Title 15 Building and Construction, Chapters 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]
13. Prior to the Building Division's approval of the framing inspection, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer that is licensed to do surveying or land surveyor has certified that the height of all structures are in conformance to the approved plans. (Bldg.)____
[S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24]
14. An automatic Fire sprinkler system shall be installed throughout if the existing Group R Occupancy building alteration or combination of an Addition and Alteration, within any two year period, is 50% or more of area of the existing structure and where the scope of the work exposes building framing and facilitates sprinkler installation and is such that the Building/Fire Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building. (Bldg.)____
[S.C.M.C – Title 15 – Chapter 15.08]
15. If the Project involves remodeling, alteration, or addition to the existing main building exceeding 50% of the existing building floor area, under- ground utilities are required. Overhead wiring shall not be installed outside on private property. (Bldg.)____
[S.C.M.C – Title 15 – Chapter 15.12-Electrical Code]
16. Prior to issuance of building permits, applicant shall secure all utility agencies approvals for the proposed project. (Bldg.)____
[S.C.M.C – Title 15 Building Construction]

IMPROVEMENTS

18. Prior to issuance of any permits, if applicable, the owner or designee shall submit for review and shall obtain the approval of the City Engineer or designee for frontage improvement plans, including but not limited to the following provisions: *[Citation – Section 15.36, 12.08.010, and 12.24.050 of the SCMC]* ■(Eng.)_____

A. Per City Municipal Code Section 12.08.010 (A), when building permit valuations exceed \$50,000, the owner or designee shall construct sidewalk along the property frontage. This includes construction of compliant sidewalk up and around drive approaches to meet current City standards when adequate right-of-way exists. If necessary, a sidewalk easement may be required to be granted to the City prior to final of permits for any portion of sidewalk within the property needed to go up and around the drive approach or other obstructions. Alternatively, prior to the issuance of any permits, the property owner may apply for a Sidewalk Waiver Request for the sidewalk requirement to go up and around the drive approach due to topographic reasons. A final determination of any Sidewalk Waiver Request will need to be concluded prior to the issuance of any permits.

B. An Engineering Department Encroachment Permit will be required for any work in the public right-of-way. The frontage improvement plan shall include detailed topographic construction detail to show that current city standards are to be met including but not limited to, the construction of sidewalk up and around drive approaches, where applicable, with a minimum width of 4 feet at no more than 2% cross fall.

* All Conditions of Approval are standard, unless indicated as follows:

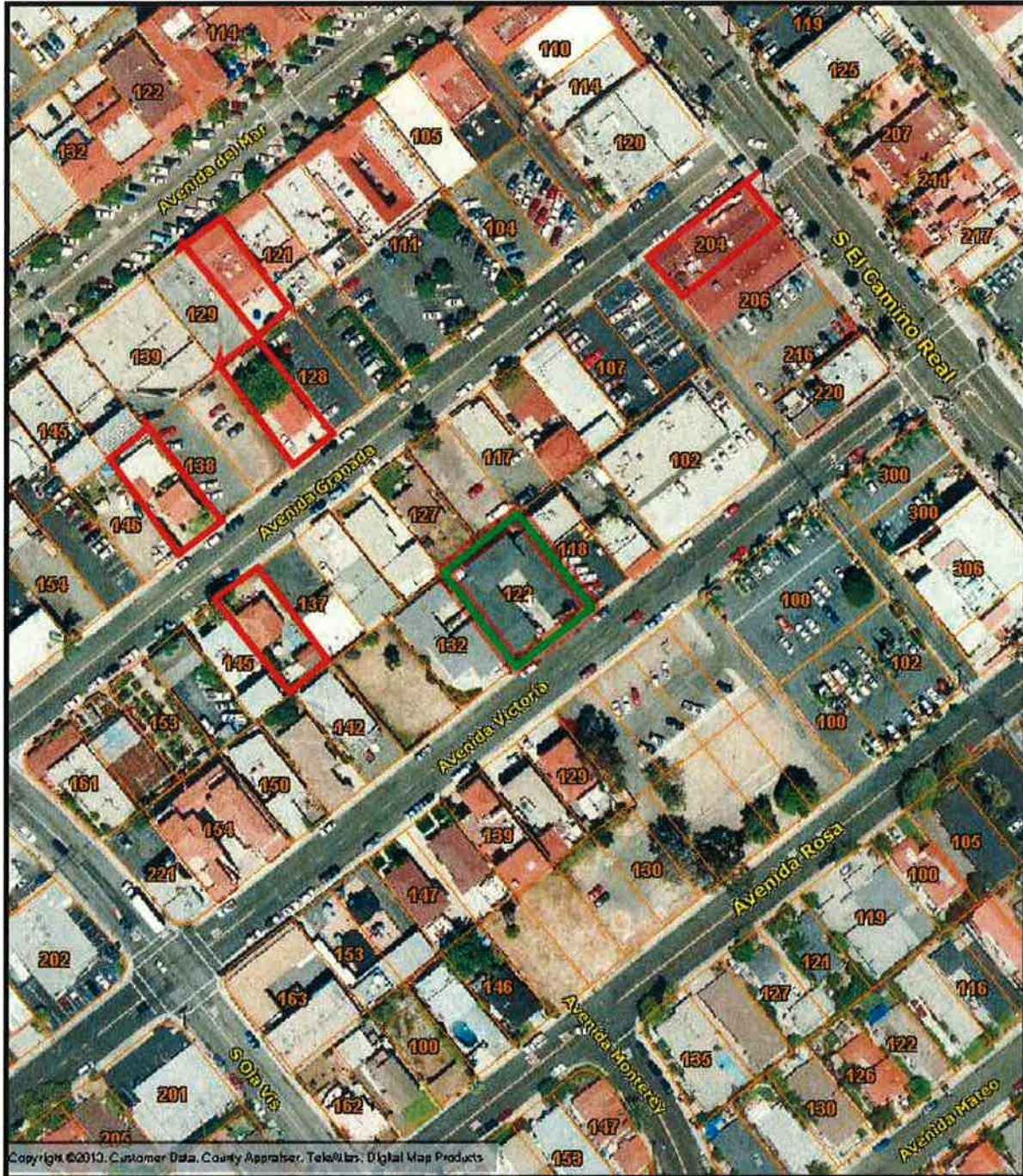
■ Denotes a modified standard Condition of Approval.

■ ■ Denotes a project specific Condition of Approval



LOCATION MAP

MCHP 12-322, Miller Apartment Remodel
122 Avenida Victoria



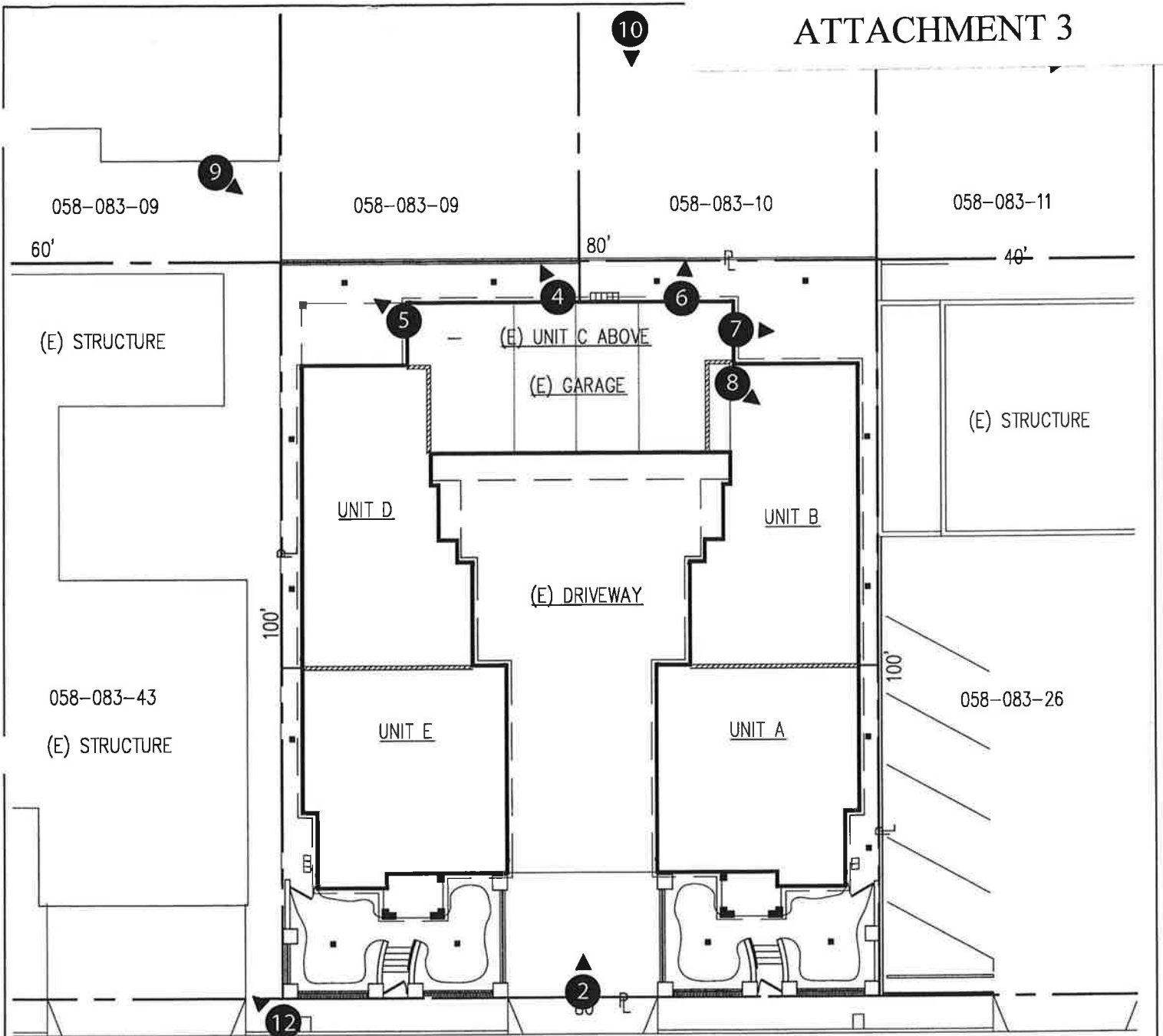
Project Site



Historic Property

No scale





AVENIDA VICTORIA

1

PHOTOGRAPHIC LOCATION MAP

1" = 20'-0"

AVENIDA VICTORIA APARTMENTS RENOVATION

122 AVENIDA VICTORIA
SAN CLEMENTE, CALIFORNIA 92672



1



2



3



4

5



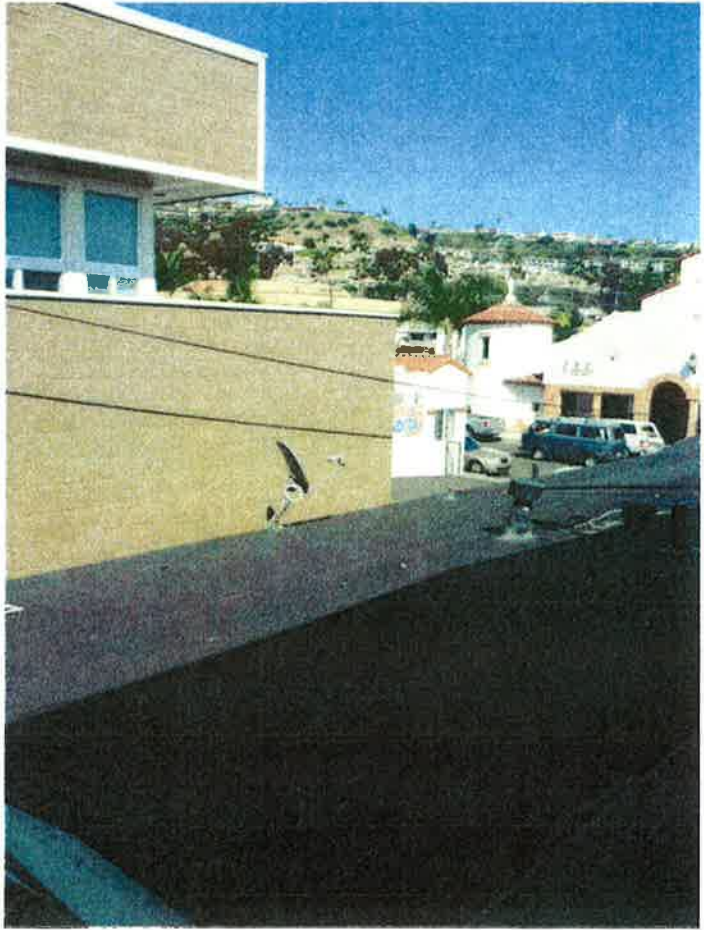
6



7



8





9



10

11



12





1 PROPOSED EXTERIOR ELEVATION - FRONT



PROPOSED EXTERIOR COURTYARD ELEVATION - LEFT SIDE (RIGHT SIDE SIM.)



Memorandum Planning

November 8, 2011

To: Planning Staff
From: Jim Pechous, City Planner
Subject: Design Guidelines Interpretation - Window Materials in the
Architectural and Pedestrian Overlay
Copies: Planning Commission

SUMMARY

To enhance and maintain the sense of historical character within the Architectural (A) and Pedestrian (P) Overlay districts, the following interpretation of the City's Design Guidelines related to acceptable window materials for non historic properties has been established:

∂ WINDOWS IN THE ARCHITECTURAL (A) OVERLAY AND PEDESTRIAN (P) OVERLAY

- Exterior modifications to structures, including windows, located within the overlay are subject to a Minor Cultural Heritage Permit (MCHP); staff waivers may be requested and shall be reviewed as described in Section 17.16.110 of the Municipal Code.
- Sensitive areas, including but not limited to, Avenida Del Mar, El Camino Real, and the MU4 zones within the Pier Bowl Specific Plan, shall have wood framed windows on the ground floor and/or pedestrian level of a structure.

Exceptions may be allowed for the use of non-wood framed windows within the Architectural Overlay in the following cases:

- Alternative paintable materials such as aluminum and fiberglass may be considered on non-Spanish buildings provided they are painted on site (no factory painted finish), have a similar look as wood and are approved in accordance with the MCHP or staff waiver process described above.

- Windows located on the second story or higher and/or not visible from the public right-of-way may be steel or aluminum framed windows provided they are approved in accordance with the MCHP or staff waiver process described above.
- Residential properties not within sensitive areas may use aluminum, vinyl, fiberglass, or wood framed windows when replacing existing windows at the discretion of the City Planner provided they are approved in accordance with the MCHP or staff waiver process described above.

∂ DESIGN STANDARDS

- Windows shall be true divided lite.
- Design shall be traditional in style.
- The window surround, or flange, shall be constructed and may not be a plant on detail.
- Plant-on mullions are not permitted.

The interpretation was originally established in Planning Commission Study Sessions on August 16, 2006, September 6, 2006, and October 4, 2006. Modifications to the interpretation to allow aluminum windows were discussed during a Planning Commission Study Sessions of May 18, 2011 and was revised at the November 2, 2011 Planning Commission Study Session.



STAFF REPORT

SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: February 6, 2013

PLANNER:

Adam Atamian, Assistant Planner

SUBJECT:

Minor Cultural Heritage Permit 12-356, Day Apartment Complex, a request to consider a minor exterior alteration to a structure in the Architectural Overlay and abutting a historic structure.

LOCATION:

111 South Alameda Lane

ZONING/GP:

Residential High (RH-A) of the Pier Bowl Specific Plan

BACKGROUND:

- The project site is a 6,222 square foot lot improved with a 5,283 square foot, nine-unit apartment complex built in 1956. It is located in an Architectural Overlay and abuts a designated historic structure.
- The property owner received Staff Waivers for a Minor Cultural Heritage Permit to paint and re-roof the structure. The applicant is replacing the roof “like-for-like”, and is painting the building white with brown accents eave fascia to make the structure more compatible with the Design Guidelines which encourage earth tones.
- The applicant proposes to remove approximately 300 linear feet of simple, black wrought-iron railing and install a contemporary, modular railing system made of rolled, galvanized steel posts with galvanized steel-wire grid panels. The majority of the railing is located on second and third story decks that cantilever from the building over South Alameda Lane, and on exterior walkways and a staircase visible from the street. A 20 linear foot portion is located at the rear building entrance along Santa Ana Lane. The applicant proposes to paint the railing to match the trim of the balcony and eave fascia.
- Zoning Ordinance Section 17.16.100B requires Zoning Administrator approval of a MCHP to allow minor exterior alterations because it is a residential structure with three or more units that is within 300 feet of a residentially zoned, historic structure, and is located within the Architectural Overlay.
- Architecturally, the building, constructed before the implementation of the Architectural Overlay, does not incorporate most of the Spanish Colonial Revival elements discussed in the Design Guidelines Section IV.G., “Spanish Colonial Revival” Districts, and is generally not compatible with that style.
- There are five designated Historic structures located within 300 feet of the project site. The historic structures closest to this project are located at 103 South Alameda Lane, 109 South

Alameda Lane, and 117 Coronado Lane (these properties are shown on Attachment 2). The project site abuts the historic structure located at 109 South Alameda Lane.

- The Design Review Subcommittee (DRSC) reviewed this project for consistency with the Design Guidelines of the City and the Pier Bowl Specific Plan. The DRSC found that the railing did not meet the requirements of the Design Guidelines in terms of color, design, materials, and how it connects to the balcony fascia instead of the balcony floor. The DRSC suggested that the applicant present the railing as part of a larger project that moves the entire building closer to being compatible with the Spanish Colonial Revival style. However, the DRSC stated that even if the applicant proposes painting the railing, they would still not recommend approval. The main issue for the DRSC was the contemporary look of the railing and the grid inserts between the posts.
- The applicant is not able to change the design of the proposed railing, but has worked closely with staff to incorporate the railing into a building façade improvement project that includes changing the eave fascia color from dark blue to Devoe Paint's "Ancient Pottery" brown, replacing the blue garage doors with white roll-up doors, and painting the railing and balcony fascia "Ancient Pottery" brown to minimize the visual appearance of the railing's connection to the fascia. Condition of approval #6 requires the applicant to prepare, paint, and maintain the galvanized metal railings according to the paint manufacturer's specifications to ensure the architectural quality of the project.
- As part of the entire building façade treatment, this project improves the overall design of the structure by introducing colors more compatible with the Design Guidelines. This project meets the intent of the Zoning Ordinance because this project is part of a remodel that improves the architectural quality of the building and includes a Spanish Colonial Revival color palette.
- In addition to meeting the general requirements for a Minor Architectural Permit, the project meets the specific findings for a MCHP required in Zoning Ordinance Section 17.16.100(F)(2) for the following reasons:
 1. The proposed project is a minor remodel and it is not practical to attempt conversion to Spanish Colonial Revival style, and that the proposed changes improve the quality and architectural integrity of the proposed project.
 2. The project will not have negative visual or physical impacts upon the historic structure, because the proposed railing is part of a façade improvement project that makes the entire structure more consistent with the Design Guidelines.
 3. The proposed project complies with the purpose and intent of the Architectural Overlay District, in that the building façade improvements taken together maintain and enhance the unique "Spanish-Village-by-the-Sea" character of the City, and make the building incrementally more consistent with the Design Guidelines by including Spanish Colonial Revival elements, where practical.
- Staff did not receive any comments from the public as of the date this report was prepared.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve Minor Cultural Heritage Permit 12-356, Day Apartment Complex, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution
 Exhibit 1 Conditions of Approval
2. Location Map
3. Photos
 Plans

ATTACHMENT 1

RESOLUTION NO. ZA 13-004

**A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF
SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CULTURAL HERITAGE PERMIT
12-356, DAY APARTMENT COMPLEX, A REQUEST TO ALLOW A MINOR EXTERIOR
ALTERATION TO AN APARTMENT BUILDING ABUTTING THE DESIGNATED HISTORIC
PROPERTY LOCATED AT 109 SOUTH ALAMEDA LANE AND WITHIN THE
ARCHITECTURAL OVERLAY LOCATED AT
111 SOUTH ALAMEDA LANE**

WHEREAS, an application was submitted on October 16, 2012 and completed on January 9, 2013 by Dave Bennett, P.O. Box 1426, Lake Arrowhead, CA 92352 for Minor Cultural Heritage Permit (MCHP) 12-356 to allow minor exterior alterations to an apartment building located within the Residential High (RH-A) land use designation of the Pier Bowl Specific Plan, the legal description being a portion of Lots 6 and 7, of Block 10, of Tract 785, Assessors Parcel Number 692-023-06; and

WHEREAS, the Planning Division completed an initial environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA) and recommends the Zoning Administrator determine this project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301 because the project consists of minor alterations to an existing private structure with no expansion of use; and

WHEREAS, on November 8, 2012, the City's Development Management Team reviewed the application for compliance with the General Plan, Zoning Ordinance, and other applicable requirements; and

WHEREAS, on February 6, 2013, the Zoning Administrator held a duly noticed public hearing and considered evidence and testimony presented by City staff, the applicant and other interested parties.

NOW, THEREFORE, the Zoning Administrator of the City of San Clemente hereby resolves as follows:

Section 1: The project is categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15301 because the project consists of minor alterations to an existing private structure with no expansion of use.

Section 2: With regard to MCHP 12-356, the Zoning Administrator finds as follows:

- A. The architectural treatment of the project complies with the San Clemente General Plan in that the proposed materials and design, as conditioned, are of a high architectural quality that will be consistent with and complement the neighborhood.

- B. The architectural treatment of the project complies with the Pier Bowl Specific Plan and the City's Zoning Ordinance, in that the project is part of a façade improvement that will make the structure more consistent with the City's Design Guidelines.
- C. The architectural treatment of the project as part of the façade improvements complies with the architectural guidelines in the City's Design Guidelines, in that the entire project makes the structure more consistent with the intent and purpose of the Architectural Overlay.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood in that the proposal, as conditioned, is of a high quality that will complement the surrounding neighborhood.
- E. The proposal is not detrimental to the orderly and harmonious development of the City in that, as conditioned, the project is complementary to the surrounding neighborhood.
- F. The proposed project is a minor remodel and it is not practical to attempt conversion to Spanish Colonial Revival style, and that the proposed changes improve the quality and architectural integrity of the proposed project.
- G. The project will not have negative visual or physical impacts upon the abutting historic structure, in that the proposed railing is part of a façade improvement project that makes the entire structure more consistent with the Design Guidelines.
- H. The general appearance of the proposal is in keeping with the character of the neighborhood in that the massing and architectural quality of the project is compatible with the neighborhood.
- I. The proposal is not detrimental to the orderly and harmonious development of the City in that, the structure will be constructed in compliance with all required Building, Safety and Fire codes.

Section 3: The Zoning Administrator of the City of San Clemente hereby approves MCHP 12-356, Day Apartment Complex, subject to the above Findings and the Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Zoning Administrator of the City of San Clemente on February 6, 2013.

SAN CLEMENTE ZONING ADMINISTRATOR

James Holloway, Zoning Administrator

EXHIBIT 1**CONDITIONS OF APPROVAL
MINOR CULTURAL HERITAGE PERMIT 12-356
DAY APARTMENT COMPLEX**

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]*(PInG.)_____
2. Thirty (30) days after project approval, the owner or designee 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. Minor Cultural Heritage Permit (MCHP) 12-356 shall become null and void if the use is not commenced within three (3) years from the date of the approval thereof. Pursuant to Section 17.12.150(B) of the Zoning Ordinance of the City of San Clemente, since the use requires the issuance of a building permit, the use shall not be deemed to have

commenced until the date that the building permit is issued for the development.
[Citation - Section 17.12.150.A.1 of the SCMC]

Pursuant to Section 17.12.150(C) of the Zoning Ordinance, a use shall be deemed to have lapsed, and MCHP 12-356 shall be deemed to have expired, when a building permit has been issued, construction has not been completed, and the building permit has expired in accordance with applicable sections of the Uniform Building Code, as amended. *[Citation - Section 17.12.150.C.2 of the SCMC]* (PIng.)_____

4. Prior to Final Approval of the Building permit, the project shall be develop in conformance with the site plan, elevations, details, and any other applicable submittals approved by the Zoning Administrator on February 6, 2013, subject to the Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, details, or other approved submittal shall require that the owner or designee 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 that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Zoning Administrator. *[Citation - Section 17.12.180 of the SCMC]* (PIng.)_____

5. Prior to the issuance of building permits, the owner or designee shall include within the first four pages of the working drawings a list of all conditions of approval imposed by the final approval for the project. *[Citation – City Quality Insurance Program]* (PIng.)_____

6. The new galvanized metal railings shall be prepared and painted according to the paint manufacturer’s specifications. The painted finish shall be maintained, to the satisfaction of the City Planner, as approved until the railing is replaced with another approved railing, or this condition of approval is modified. The approved paint color is Devoe Paint “Ancient Pottery” #80YR 21/118. ■■ (PIng.)_____

7. 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, 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, 1 5.20, Title 16 Subdivisions, Title 17 Zoning]* (Bldg.)_____

8. 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.)_____

- 9. Project consists of removing and replacing guardrails throughout the apartment complex. 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.)_____

- 10. Prior to issuance of building permits, code compliance will be reviewed during building plan check. *[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.)_____

- 11. Prior to the issuance of building permits, the owner or designee shall submit plans that identify the intended use of each building or portion of building and obtain approval of the Building Official. *[S.C.M.C – Title 15 – Chapter 15.08]* (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

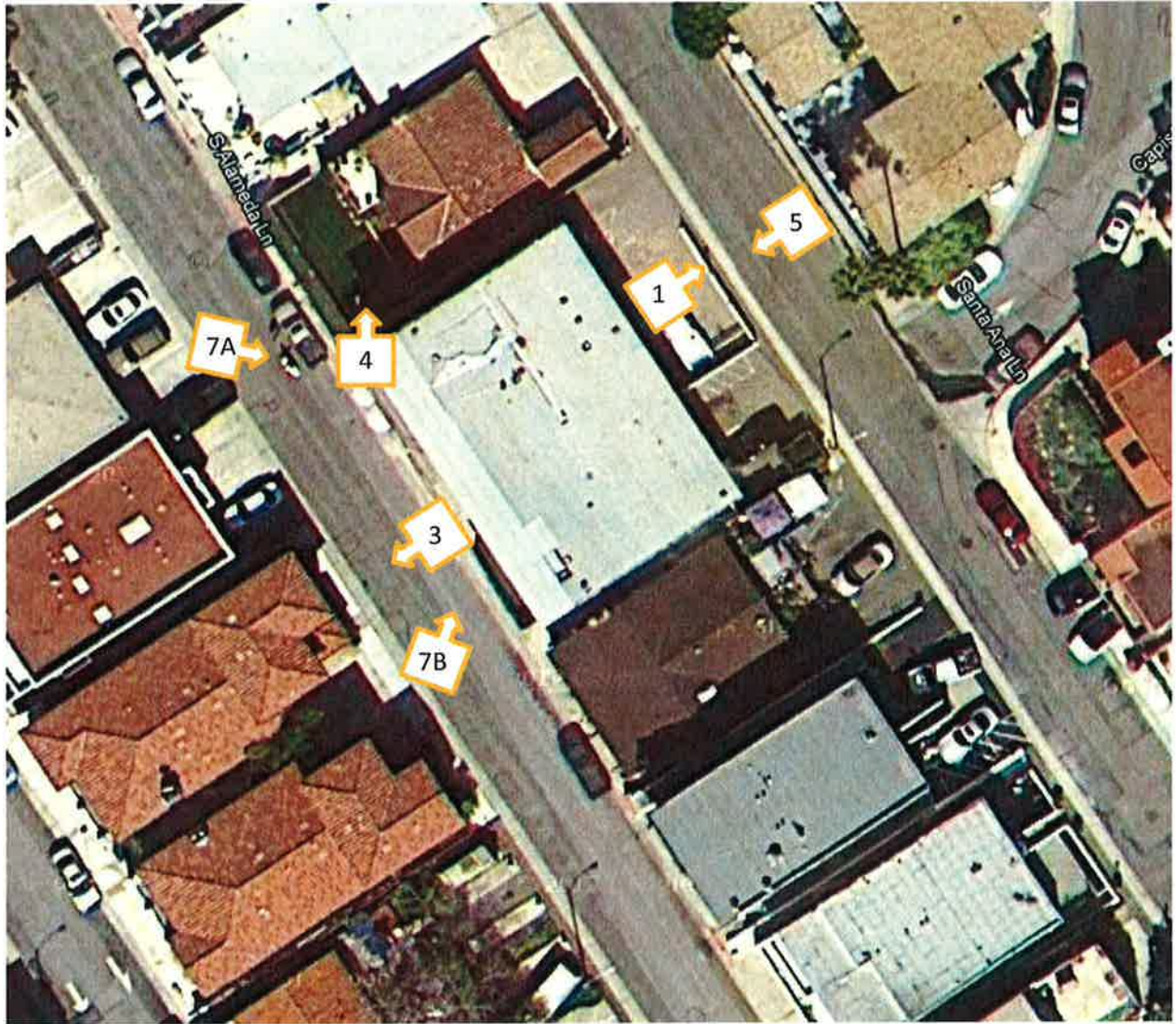
ATTACHMENT 2

Minor Cultural Heritage Permit 12-356, Day Apartment Complex
111 South Alameda Lane



PHOTO LOCATION MAP

111 South Alameda Lane
MCHP 12-356, Day Apartment Complex



10/08/2012



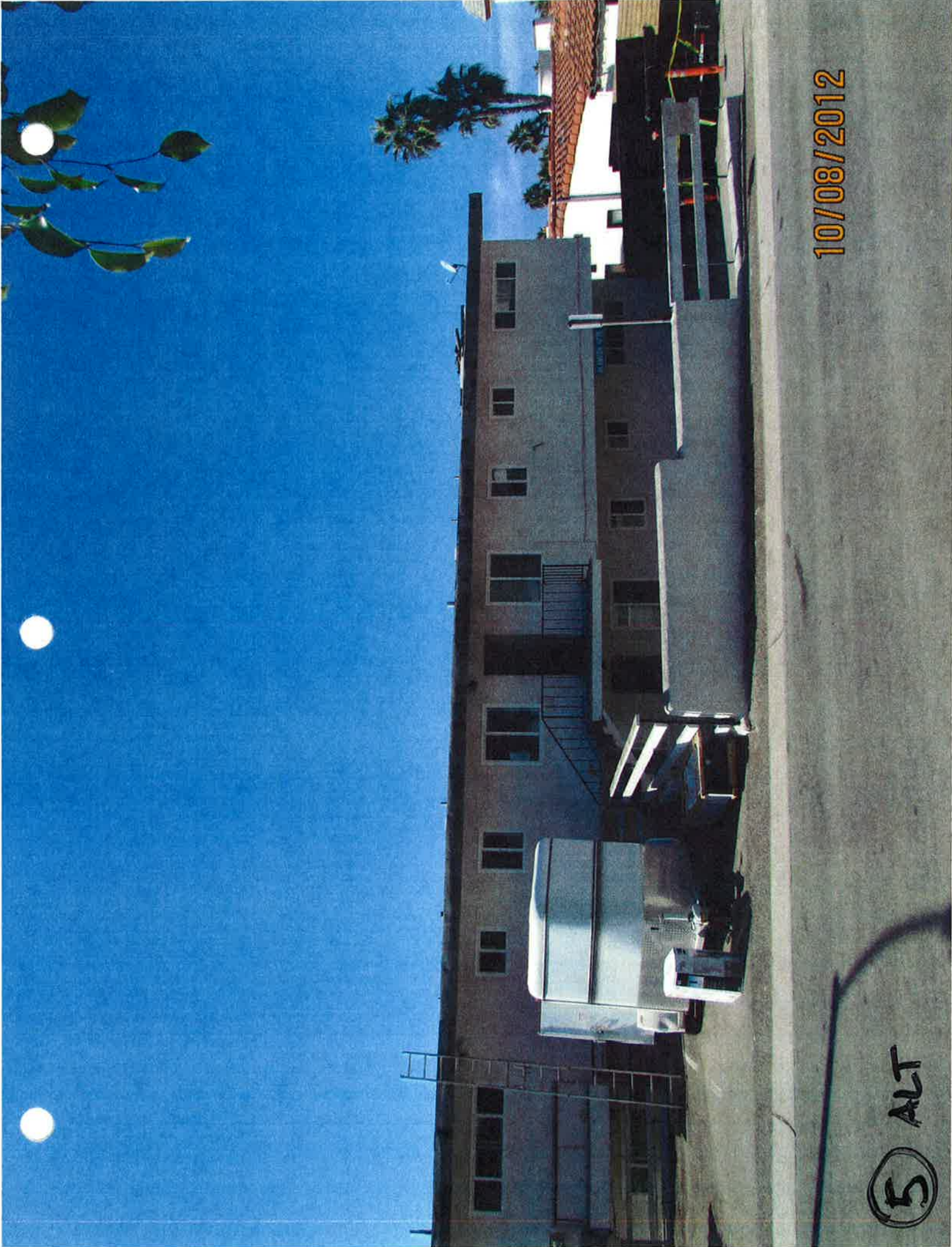


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5 ALT



7 BEFORE



7 AFTER



7 ALT BEFORE



10/08/2012

7 AFTER