



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

**Wednesday, March 5, 2014
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.

1. CALL TO ORDER

2. MINUTES

Receive and file minutes of the Zoning Administrator meeting of February 19, 2014.

3. 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.

4. PUBLIC HEARINGS

A. 505 Elena Lane – Minor Cultural Heritage Permit 13-492 – Kerstetter Addition (Jones)

A request to consider a 199 square foot expansion of a historic house with nonconforming setbacks located at 505 Elena Lane located within the Residential Medium Density (Coastal Zone) zoning district. The legal description is Lot 11 and Portion of Lot 12, Block 2, of Tract 785, Assessor's Parcel Number 692-044-09. The subject property is across from a historic resource located at 508 Elena Lane.

B. 305 South El Camino Real Suite 102 – Minor Conditional Use Permit 14-009 – A Ha Sushi Beer and Wine (Ciampa)

A request to consider the service of beer and wine for a new restaurant located within the Mixed Use zoning district and the Central Business and Architectural district overlays. The legal description is Lots 49-51 of Tract 789, Assessor's Parcel Number 692-402-13.

C. 101 West Avenida Vista Hermosa – Amendment to Site Plan Permit 99-16 – Modifications to Building 21 and Buildings 22-24 within Plaza San Clemente (Nicholas)

A request to consider modifications to the rear elevation of Building 21 to modify the number of delivery truck bay doors, and to the rear elevation of Buildings 22-24 to incorporate a new service courtyard for the Commercial zoned property of the Marblehead Coastal Specific Plan. The legal description is Lot 327, of Tract 8817, Assessor's Parcel Number 691-422-13.

5. NEW BUSINESS

None

6. OLD BUSINESS

None

Zoning Administrator Meeting March 5, 2014

7. ADJOURNMENT

Adjourn to the regular Zoning Administrator meeting to be held at 3:00 p.m. on Wednesday, March 19, 2014 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
February 19, 2014**

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

2. MINUTES

Minutes of the Zoning Administrator meeting of February 5, 2014 received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARINGS

A. 614 Avenida Victoria – Amendment to Cultural Heritage Permit 09-452 – Pier Bowl Mixed Use Windows (Jones)

A request to consider non-wood windows on a non-historic Spanish Colonial Revival style building under construction at 614 Avenida Victoria within the Pier Bowl Core - Mixed Use land use designation of the Pier Bowl Specific Plan and the Architectural and Pedestrian Overlays (MU 4.1 P-A). The legal description is Lot 3, of Block 12, of Tract 785, Assessor's Parcel Number 692-021-02.

Associate Planner Cliff Jones summarized the staff report. Mr. Jones provided samples of the proposed windows. He stated he received a letter of support for the project from Rick Anderson and he provided the Zoning Administrator with a copy of that letter. He stated that the applicant was unfortunately unable to attend this meeting but is hoping for approval of this project.

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

Mr. Holloway reviewed the window samples and stated aesthetically they are very suitable. The aluminum clad wood windows, with wood on the inside and double pane glass, have an efficient R-factor and meet energy conservation specifications. Mr. Jones stated there are environmental benefits of having dual pane glass for the interior. For the exterior the windows do not have to be painted multiple times; salt air and sun are abusive to paint on wood windows. The applicant will be limiting the

installation of wood windows and doors to the enclosed patio area where there will be less exposure to sun and salt air.

Mr. Holloway stated there will be aluminum clad windows on the exterior portion which provides the benefits of good R-factor for energy conservation, good characteristics for noise attenuation, and by virtue of having the aluminum clad windows on the exterior, remains aesthetically pleasing in appearance for two to four decades.

Mr. Holloway asked staff to inform the applicant of the ten day appeal period.

Action: The Zoning Administrator approved Amendment to Cultural Heritage Permit 09-452, Pier Bowl Mixed Use Windows, subject to Resolution ZA 14-009 with attached Conditions of Approval.

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

B. 2102 South El Camino Real – Minor Architectural Permit 13-475 – Stewart Surfboards Tree Carving (Atamian)

A request to consider an artistic carving of a palm tree on private property. The project is located at 2102 South El Camino Real within the Neighborhood Commercial zoning district (NC3). The legal description is Lots 1 and 2, of Block 8, of Tract 852, Assessor's Parcel Number 690-444-01.

Assistant Planner Adam Atamian summarized the staff report.

Applicant Bill Stewart was present. Mr. Stewart stated he is the artist doing the work, he also did the mural. He has been an artist his entire life. He has done murals live on MTV. He has painted catamaran sails. There isn't anything he hasn't painted or sculpted.

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

Mr. Holloway stated this is an iconic building. Mr. Stewart stated he has been there 27 years. Mr. Holloway stated this request has the distinction of being one of the first applications through the Zoning Administrator process that is spot on for the new General Plan. The policies have evolved and are being adopted which reflect what Mr. Stewart has been doing for 27 years.

Mr. Stewart asked what the General Plan encompasses as it relates to the south side of town. Mr. Holloway responded specifically the Centennial General Plan discusses and reduces into policy, which this project

completely exemplifies, in this geographic area a celebration of the City's surf history and culture. This building and this art certainly does that. There are other policies included in the Urban Design Element which encourage public art which was weakly stated in the previous General Plan. It is specifically stated in the new General Plan.

Mr. Holloway stated this is one of the first requests of this type since the adoption of the Centennial General Plan which only occurred a couple of weeks ago. This request is a reflection of the culture which is already present in this part of the city.

Mr. Stewart stated he has been in San Clemente for 40 years. He sees the tree carving as a long term monument. It will be preserved with a clear sealant. It is easy to stabilize this type of project so it will not deteriorate and he hopes it remains past his life span. Presently the carving is 30 percent complete at a cost of \$2,000. He still has a lot to do, a lot of details including facial structures with a nose and symbolic ears which won't stick out because those would break off over time. He will use a torch to put shadows into it, then it will be sealed, it will be beautifully three dimensional. He believes it will be a monument to the City.

Mr. Stewart stated that he has a world wide brand and many people have traveled to San Clemente from all around the world to see his work. Throughout his history in San Clemente his visitors have filled a lot of hotels and restaurants in this town. Also right now he has the best neighbors he has ever had; Hapa J's is a phenomenal restaurant, his own shop is unique and different, and now there's a great motorcycle shop too, Montgomery Motorcycle. There is this cool strip in the south end of town. When he first came here it was the grunge side of town, there were no sidewalks. His building was originally Franklin Adams Clay Ceramics Manufacturing. The south end has woken up and has become a diamond in the rough. This is why people are pouring into the south end of town, there is a limited number of front row seats.

Mr. Holloway stated the General Plan recognizes this and it is reflected in policy. People who want to do the types of things Mr. Stewart wants to do will have an easier time of it policy-wise.

Mr. Stewart stated when he decided to carve the tree he had to visualize what is in that tree and dig it out. This is not an easy project and it is not friendly wood, it is very spiny, grainy, and fibrous. He thinks these kinds of things in the long term are good for San Clemente. Laguna Beach is a famous art town, San Clemente is a famous surf town.

Mr. Holloway thanked Mr. Stewart for his efforts and for working with Mr. Atamian. He thanked Mr. Atamian for his staff report which brought out the information about the General Plan which is pertinent to this project. He informed Mr. Stewart of the ten day appeal period.

Action: The Zoning Administrator approved Minor Architectural Permit 13-475, Stewart Surfboards Tree Carving, subject to Resolution ZA 14-007 with attached Conditions of Approval.

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

**C. 48 Via Cartama – Minor Exception Permit 14-005 – Moulin Pool
(Ciampa)**

A request to consider a reduction in the rear yard setback for a residential pool. The project is located at 48 Via Cartama within the Low Medium Residential (LM) zoning designation of the Talega Specific Plan. The legal description is Lot 33 of Tract 16369, Assessor's Parcel Number 708-035-32.

Associate Planner John Ciampa summarized the staff report.

Applicant Leonard Moulin was present; he had no comments.

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

Mr. Holloway asked where the pumping equipment will be located. Mr. Ciampa responded along the side yard area, there is a four foot separation. Per the Zoning Ordinance it requires five feet unless the equipment runs at a lower decibel level per the manufacturer's specifications or there has to be a cover or some type of an enclosure to reduce the noise level. The applicant understands this is a standard Building Division code review that will be completed during the building permit application process.

Mr. Holloway, Mr. Moulin, and Mr. Ciampa examined the plans. Mr. Moulin stated the neighbor's air conditioner unit sits across from where his pool equipment will be located.

Mr. Holloway stated generally there isn't community interest in what home owners do in their back yard; however, the City does want to provide an opportunity for thoughtful positioning of things that generate noise so that over time there is a harmonious relationship between neighbors. He stated that Mr. Moulin has accomplished this goal.

Mr. Holloway thanked Mr. Moulin for working with Mr. Ciampa and he informed him of the ten day appeal period.

Action: The Zoning Administrator approved Minor Exception Permit 14-005, Moulin Pool, subject to Resolution ZA 14-010 with attached Conditions of Approval.

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

D. 4008 Calle Louisa – Minor Exception Permit 13-519 – Callender Remodel (Ciampa)

A request to consider a continuation of a legal nonconforming side yard setback, addition, and remodel to a house. The project is located at 4008 Calle Louisa in the Residential Low zoning designation within the 10 Overlay, (RL-10). The legal description is Lot 45 of Tract 4202, Assessor's Parcel Number 060-231-45.

Associate Planner John Ciampa summarized the staff report.

Applicant's representative James Glover was present. Mr. Glover stated they have received approval from the home owners association. He believes this is a minor request and he and the Callender's are hoping for approval.

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

Mr. Holloway stated this request is specifically one of the reasons the City has the Minor Exception Permit process built into the zoning code. In many cases the zones have changed over time. It is likely this house was not cited correctly back in 1963 which caused it to be off by four inches. Home owners may improve their property within current standards because there is this exception process.

Mr. Holloway informed Mr. Glover of the ten day appeal period and thanked him for working with staff. He stated this will be a nice project. Mr. Glover added that he spoke to the neighbors on the side and they had no objections to this request; no views will be affected and this will not increase the massing.

Action: The Zoning Administrator approved Minor Exception Permit 13-519, Callender Remodel, subject to Resolution ZA 14-011 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 3:30 p.m. to the regular Zoning Administrator meeting to be held on March 5, 2014 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: March 5, 2014

PLANNER: Cliff Jones, Associate Planner 

SUBJECT: **Minor Cultural Heritage Permit 13-492, Kerstetter Addition**, a request to consider a 199 square foot expansion of a historic house with nonconforming setbacks. The subject property is across from a historic resource located at 508 Elena Lane.

LOCATION: 505 Elena Lane

ZONING/GP: Residential Medium Density (Coastal Zone) zoning district.

BACKGROUND:

- The single-story 1,077 square foot historic house was built in 1946. The property does not have a Historic Property Preservation Agreement (HPPA) or "Mills Act". Refer to Attachment 3 for additional information on the historic resource. The historic residence abuts a historic property across the street at 508 Elena Lane. The survey of the adjacent historic property is provided as Attachment 4.
- The project is a 199 square foot expansion located at the rear of the residence. The expansion would create a new bathroom and walk-in-closet and expand the house to 1,276 square feet. The project satisfies required development standards.
- The residence is legal-nonconforming because it has a 3'-4" side yard setback where 5' is required. The projects maintains the legal-nonconforming setback.
- Zoning Ordinance Table 17.16.100B requires Zoning Administrator review a Minor Cultural Heritage Permit (MCHP) because the project involves an addition less than 200 square feet to a historic structure, it is an addition to a non-conforming structure, and it abuts a historic home.
- The Design Review Subcommittee (DRSC) reviewed the project on February 12, 2014 and did not have recommended revisions to the project. Refer to Attachment 5 for draft DRSC minutes.
- This request satisfies the required findings for a Minor Cultural Heritage Permit based on the following:
 - The proposed design, materials, and massing of the project are consistent with the house's Spanish Colonial Revival architecture, Design Guidelines, and is in conformance with the Secretary of interior Standards for the Treatment of Historic Properties.
 - The Spanish Colonial Revival architecture will preserve the historic context of the homes in the area.

- The massing and scale of the project would not adversely impact the adjacent historic property or the historic house because the project would have the same visual footprint and height when viewed from the street.
- Staff has not received public comments on the project to-date.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve Minor Cultural Heritage Permit 13-492, Kerstetter Addition, subject to the attached Resolution and Conditions of Approval.

Attachments:	Attachment 1	Resolution
	Exhibit A	Conditions of Approval
	Attachment 2	Location Map
	Attachment 3	Historic survey of 505 Elena Lane
	Attachment 4	Historic survey of 508 Elena Lane
	Attachment 5	Draft DRSC Minutes – February 12, 2014 (excerpted)
	Plans	

RESOLUTION NO. ZA 14-012

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CULTURAL HERITAGE PERMIT 13-492, KERSTETTER ADDITION, A REQUEST TO CONSIDER THE EXPANSION OF A NON-CONFORMING HISTORIC HOUSE LOCATED AT 505 ELENA LANE

WHEREAS, an application was submitted on November 26, 2013 and completed on February 3, 2014 by Eileen Kerstetter, 505 Elena Lane, San Clemente, CA 92672, for Minor Cultural Heritage Permit 13-492, Kerstetter Addition, to consider the expansion of a non-conforming historic house located at 505 Elena Lane. The subject property is located across from a historic resource at 508 Elena Lane. The subject site is in the Residential Medium Density (Coastal Zone) zoning district. The site's legal description is Lot 11 and Portion of Lot 12, Block 2, of Tract 785, Assessor's Parcel Number 692-044-09; 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(e)(2) because the project is an addition that will not result in an increase of more than 10,000 square feet; and

WHEREAS, on March 5, 2014, 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 1 exemption pursuant to CEQA Guidelines Section 15301(e)(2) because the project is an addition that will not result in an increase of more than 10,000 square feet.

Section 2: With regard to MCHP 13-492, 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 will be consistent with the neighborhood.
- B. The architectural treatment of the project complies with the Zoning Ordinance and architectural guidelines in the City's Design Guidelines, in that the project demonstrates sensitivity to the neighborhood by maintaining the structure's Spanish Colonial Revival historic context.

- C. The general appearance of the project is consistent with the surrounding neighborhood in that there are many homes designed in Spanish Colonial Revival architectural style within the neighborhood.
- D. The project is not detrimental to the orderly and harmonious development of the City in that the project remains consistent with the surrounding neighborhood and meets required Building, Safety and Fire codes.
- E. The proposed modifications, alternations, or additions are sufficiently in conformance with the Secretary of Interior Standards for the Treatment of Historic Properties and the San Clemente Design Guidelines to substantially further the City's goals of historic preservation in that the proposed design, materials, and massing of the project are consistent with the house's Spanish Colonial Revival architecture. The consistent architecture will preserve the historic context of homes in the area. The addition would be differentiated from the historic portions of the house because the new improvements will not match the aged materials, textures and colors of the historic house exactly. The massing and scale of the project would not adversely impact the historic house because the project would have the same visual footprint and height when viewed from the street.
- F. The project will not have negative visual or physical impacts upon the abutting historic structure, in that the architectural treatment compliments the Spanish Colonial Revival architecture of the neighborhood. Furthermore, the addition is not visible from the adjacent streets and has no impacts on the public view of the abutting historic building.

Section 3: The Zoning Administrator of the City of San Clemente hereby approves Minor Cultural Heritage Permit 13-492, Kerstetter Addition, 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 March 5, 2014.

SAN CLEMENTE ZONING ADMINISTRATOR

James Holloway, Zoning Administrator

EXHIBIT 1

**CONDITIONS OF APPROVAL
MINOR CULTURAL HERITAGE PERMIT 13-492
KERSTETTER ADDITION**

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 13-492 shall become null and void if the use is not completed within one (1) year 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 13-492 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 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 March 5, 2014, 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. 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]

- 6. Prior to issuance of building permits, code compliance will be reviewed during building plan check.

(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]

- 7. 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]

- 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 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]*
10. Prior to the Building Division's approval to pour foundations, 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 forms for the building foundations conform to the front, side and rear setbacks are in conformance to the approved plans. *[S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24]* (Bldg.)_____
11. Prior to the issuance of any permits, in the event that Grading Plans are required due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, plan check fees shall be submitted for the Engineering Department plan check of soils reports and grading plans. *[Citation – Fee Resolution No. 08-81 and Section 15.36 of the SCMC]* (Eng.)_____
12. Prior to the issuance of any permits, in the event that Grading Plans are required due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for, a soils and geologic report prepared by a registered geologist and/or geotechnical engineer which conforms to City standards and all other applicable codes, ordinances and regulations. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____
13. Prior to the issuance of any permits, in the event that Grading Plans are required due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, the City Engineer shall determine that development of the site shall conform to general recommendations presented in the geotechnical studies, including specifications for site preparation, treatment of cut and fill, soils engineering, and surface and subsurface drainage. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____
14. Prior to the issuance of any permits, in the event that Grading Plans are required due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, the owner or designee shall submit for review, and obtain the approval of the City Engineer, a precise grading plan, prepared by a registered civil engineer, showing all applicable onsite improvements, including but not limited to, grading,

building pad grades, storm drains, sewer system, retaining walls, water system, etc., as required by the City Grading Manual and Ordinance. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____

15. Prior to the issuance of any permits, in the event that Grading Plans are required due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, the owner shall demonstrate to the satisfaction of the City Engineer that the project meets all requirements of the Orange County National Pollutant Discharge Elimination System (NPDES) Storm Drain Program, and Federal, State, County and City guidelines and regulations, in order to control pollutant run-off. The owner shall submit for review, and shall obtain approval of the City Engineer for, plans for regulation and control of pollutant run-off by using Best Management Practices (BMP's). *[Citation – Section 13.40 of the SCMC]* (Eng.)_____

16. Prior to the issuance of any permits, in the event that Grading Plans are required due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, the owner shall provide surety, improvement bonds, or irrevocable letters of credit for performance, labor and materials as determined by the City Engineer for 100% of each estimated improvement cost plus a 10% contingency, as prepared by a registered civil engineer as required and approved by the City Attorney or the City Engineer, for each applicable item, but not limited to, the following: grading earthwork, grading plan improvements, retaining walls, frontage improvements; sidewalks; sewer lines; water lines; storm drains; and erosion control. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____

17. 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 approach to meet current City standards (2% cross fall) when adequate right-of-way exists. If necessary, a sidewalk easement may be required to be granted to the City prior to the final of permits for any portion of sidewalk within the property needed to go up and around the drive approach or other obstructions. At this time the projected building permit valuation is below \$50,000, therefore it is not anticipated that this Condition of Approval may be applicable.

B. An Engineering Department Encroachment Permit shall in place prior to the commencement of any work in the public right-of-way.

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

MCHP 13-492, Kerstetter Addition
505 Elena Lane



No scale

CONTINUATION SHEET

Page 1 of 2

Resource Name or #: 505 ELENA LN

Recorded by: Historic Resources Group

Date: 9/18/2006

 Continuation Update

PROPERTY NAME Unknown

HISTORIC NAME Unknown

PROPERTY ADDRESS 505 Elena Lane

ASSESSOR PARCEL NUMBER 692-044-09

PROPERTY TYPE Single-family residential

OTHER DESCRIPTION

DATE OF CONSTRUCTION 1946 (F) Building Permit

INTEGRITY No substantial changes post-1995 Historic Resources Survey prepared by Leslie Heumann & Associates.

SIGNIFICANCE This one-story single family residence was built for Ralph Rusby by Strang & Smith in 1946. This property is a typical example of the Spanish Colonial Revival style as represented in San Clemente. This property appears eligible as a contributor to a potential local district under Criterion A for its association with San Clemente in the 30s and 40s (1937-1949).

STATUS CODE 5D

STATUS The property appears eligible at the local level as a contributor to a potential historic district. It is recommended for retention on the Historic Structures List.

Project	City of San Clemente Historic Resources Survey Update
Prepared for	City of San Clemente 910 Calle Negicio, Suite 100 San Clemente, CA 92673
Prepared by	Historic Resources Group 1728 Whitley Avenue Hollywood, CA 90028

CONTINUATION SHEET

Page 2 of 2

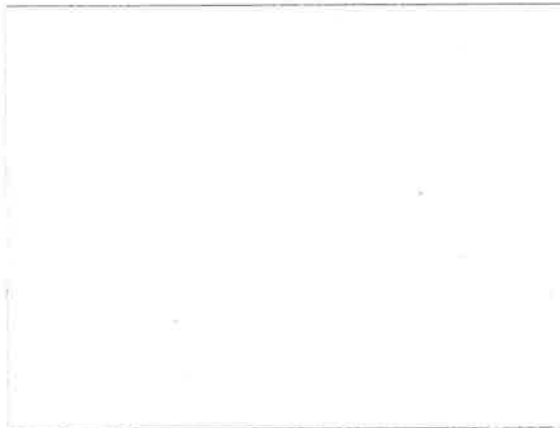
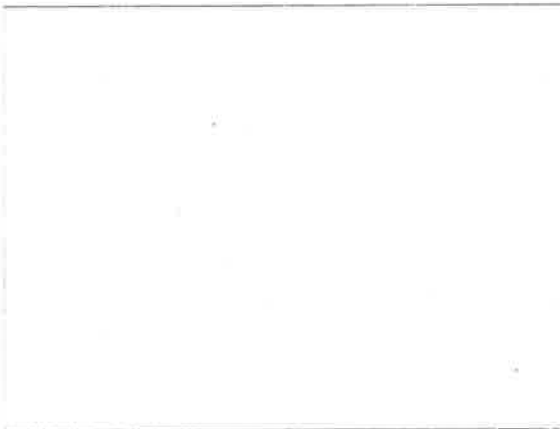
Resource Name or #: 505 ELENA LN

Recorded by: Historic Resources Group

Date: 9/18/2006

Continuation Update

Photographs of the Subject Property:



Prima
HRI#
Trinomial

CONTINUATION SHEET

Page 1 of 2 Resource Name or #: 508 ELENA LANE

Recorded by: Historic Resources Group

Date: 9/21/2006

Continuation Update

PROPERTY NAME	Unknown
HISTORIC NAME	Unknown
PROPERTY ADDRESS	508 Elena Lane
ASSESSOR PARCEL NUMBER	692-032-14
PROPERTY TYPE	Single-family residential
OTHER DESCRIPTION	
DATE OF CONSTRUCTION	1948 (F) Building Permit
<hr/>	
INTEGRITY	No substantial changes post-1995 Historic Resources Survey prepared by Leslie Heumann & Associates.
SIGNIFICANCE	This one-story single family residence was built for Robert W. Carrick in 1948. This property is a modest example of the Spanish Colonial Revival style as represented in San Clemente. This property appears eligible as a contributor to a potential local district under Criterion A for its association with San Clemente in the 30s and 40s (1937-1949).
STATUS CODE	5D
STATUS	The property appears eligible at the local level as a contributor to a potential historic district. It is recommended for retention on the Historic Structures List.
<hr/>	
Project	City of San Clemente Historic Resources Survey Update
Prepared for	City of San Clemente 910 Calle Negicio, Suite 100 San Clemente, CA 92673
Prepared by	Historic Resources Group 1728 Whitley Avenue Hollywood, CA 90028

CONTINUATION SHEET

Page 2 of 2

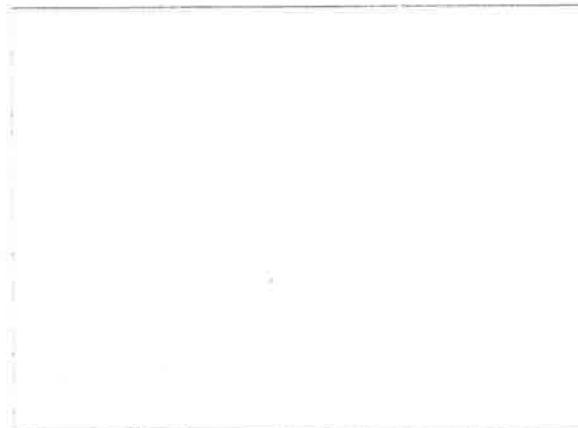
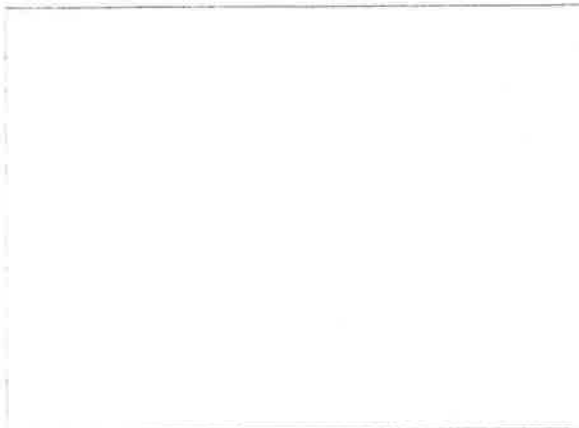
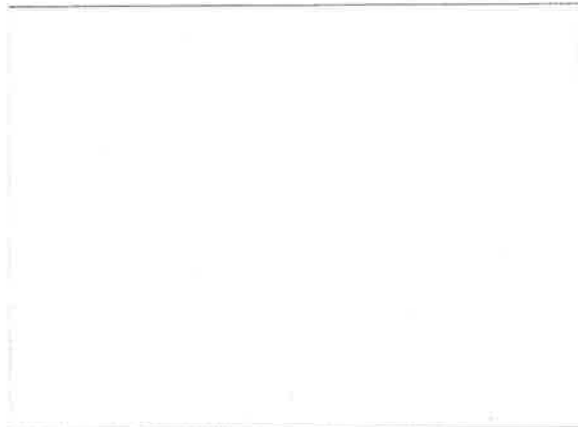
Resource Name or #: 508 ELENA LANE

Recorded by: Historic Resources Group

Date: 9/21/2006

Continuation Update

Photographs of the Subject Property:



improved but could support it because it is not exactly the same design as the house and would comply with the Secretary of the Interior's Standards.

The applicant stated that the garage that was approved from demolition had an attached trellis and the proposed project replicates the previous structures.

Subcommittee Member Kaupp stated that he had concerns with the previous proposal of the trellis and felt that the design modifications made by the applicant made while going through the review process. Need to look at the structure in a five sided review approach. He stated that while the structure and spiral staircase are detached the context and design feels contemporary and does not appear compatible with the historic property.

The applicant asked the DRSC if staff's recommendation of adding the columns on the west corners of the view deck would improve the design to get DRSC support.

Subcommittee Members Kaupp and Darden position was that the concerns are not so much with the details but with the concept, proportions, and that the structure does not appear to be compatible with the historic property. They stated that the design of the structure does not appear purposeful and needs to be integrated and grounded.

The DRSC recommended the applicant revise the project to address their concerns and bring it back for further review.

B. Minor Cultural Heritage Permit 13-492, Kerstetter Addition (Jones)

A request to consider the expansion of a non-conforming historic house located at 505 Elena Lane. The subject property is located across from a historic resource at 508 Elena Lane.

Associate Planner Cliff Jones summarized the staff report.

David Sanders, Architect, indicated that the remodel will allow his elderly client to navigate a larger more accessible restroom and closet.

Subcommittee Member Darden indicated that the addition is respectful of the historic home.

Subcommittee Member Crandell asked staff to investigate the garage, which goes beyond the exiting property line, and indicated that he was supportive of the project.

Subcommittee Member Kaupp indicated that he was supportive of the project and thought it was a modest addition.

The Subcommittee suggested the project move forward for Zoning Administrator for review.

C. Minor Cultural Heritage Permit 13-523, Russell Carwash Accent Stripe (Gregg)

A request to paint a red accent stripe along the top of the Russell Car Wash and auto service buildings located at 1731 North El Camino Real. The project is zoned Commercial (C-2) and is within the North Beach Study area, Architectural, pedestrian and Coastal Zone overlays.

Associate Planner Amber Gregg summarized the staff report.

Subcommittee Member Darden asked the applicant what the goal was he was trying to meet. By understanding what he wanted they may be able to inform him of options that would be permitted and would meet his needs. The applicant, Chase Russell, stated he was trying to update the building and give it a fresh updated feel and make it more up scale.

Subcommittee Member Darden suggested reviewing the signage on the building. She noted that the existing signage was hard to read due to its size and that more sophisticated signage might help.

Russell agreed and stated that they were planning on submitting a sign package after getting feedback on the stripe. Subcommittee Member Darden noted that as stated in the staff report the Subcommittees hands are tied on the stripe because it's not permitted by the Zoning Ordinance or the Design Guidelines.

Subcommittee Member Crandell noted that he is located in the City's gateway, and a delicate area of town. The City is trying to improve the area consistent with the architectural overlay and the design guidelines. Subcommittee Member Crandell acknowledged that this puts Mr. Russell in a tough situation regarding colors and wanting the business to "stand out", but the stripe is not allowed. He concurred with Julia on the signage.

Subcommittee Member Kaupp concurred that new signage will help a lot and there isn't much room on the stripe because of the A-overlay.

Subcommittee Member Darden suggested removing the red stripe may gear the building to more of an upscale establishment. She also suggested looking at locating a monument sign at the corner of El Camino Real and Pico. Russell was very open to that idea.



STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: March 5, 2014

SUBJECT: Minor Conditional Use Permit 14-009, A Ha Sushi Beer and Wine, a request to consider the on-site sale and indoor consumption of beer and wine for a restaurant.

PLANNER: John Ciampa, Associate Planner *JC*

LOCATION: 305 South El Camino Real, Suite 102

ZONING: Mixed Use, Central Business District, Architectural Overlay (MU3-CB-A)

BACKGROUND:

- The project site is a 13,064 square foot lot with an existing multi-tenant building located at 305 South El Camino Real. The suite is 1,342 square feet and was previously occupied by a coffee shop.
- The restaurant tenant improvement plans were approved on August 29, 2013 and completed on February 3, 2014. The restaurant is now open.
- The applicant is request a type 41 ABC License to serve beer and wine from 9:00am to 11:00pm. The request would not increase the number of seats or the required parking for the business.
- Zoning Ordinance Section 17.36.020 requires approval of a Minor Conditional Use Permit to sell beer and wine for on-site consumption.
- Staff has reviewed the required findings and have determined that the project is consistent with those requirements in the following ways:
 - The request is suitable for the location because restaurant is located within the Central Business District Overlay of the downtown that promotes visitor serving uses.
 - The request is consistent with the surrounding uses in that there are a number of restaurants that serve alcohol within the downtown.
 - The indoor service of beer and wine would be ancillary to the restaurant use and would be limited to 11:00pm to not impact adjacent uses.
 - The request for beer and wine will not increase the required parking for the business.
 - The business must comply with standard conditions of approval required by ABC (Attachment 1).
- Staff contacted the Orange County Sheriff Department and the Code Compliance Division and neither has concerns with the request.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve MCUP 14-009, A Ha Sushi Beer and Wine, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution ZA 14-013
2. Vicinity Map
3. Photos
Plan

ATTACHMENT 1

RESOLUTION NO. ZA 14-013

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CONDITIONAL USE PERMIT 14-009, A HA SUSHI BEER AND WINE, TO ALLOW THE SALE OF BEER AND WINE FOR ON-SITE SALE AND CONSUMPTION FOR RESTAURANT, LOCATED AT 305 SOUTH EL CAMINO REAL, SUITE 102

WHEREAS, on January 9, 2014, an application was submitted and completed, by Seung Hwan Pak, 400 S. Berendo Street, Los Angeles, CA, 90077, for a Minor Conditional Use Permit to allow the sale of beer and wine for on-site consumption at a restaurant located at 305 Avenida Pico, Suite 102, with the legal description being Assessor's Parcel Number 692-402-13.

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

WHEREAS, on January 30, 2014, the City's Development Management Team reviewed the application for compliance with the General Plan, Zoning Ordinance, and other applicable requirements; and

WHEREAS, on March 5, 2014, 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 categorical exemption pursuant to CEQA Guidelines Section 15301 because the project involves a negligible expansion of an existing use.

Section 2: With respect to MCUP 14-009, the Zoning Administrator finds as follows:

- A) The proposed use is permitted within the subject zone pursuant to the approval of a Minor 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 the sale of beer and wine for on-site sale and consumption is an ancillary to the existing restaurant use.
- B) The site is suitable for the type and intensity of use that is proposed for the following reasons:

- a. The 1,342 square foot restaurant is suitable for the sale of beer and wine for on-site consumption under a Type 41 ABC license because it will be an ancillary use.
- b. The restaurant is located within the Central Business District Overlay of the downtown which promotes visitor serving uses.
- C) The proposed use will not be detrimental to the public health, safety, welfare, or materially injurious to properties and improvements in the vicinity in that the proposed sale of beer and wine for indoor consumption is ancillary and a negligible expansion for a permitted restaurant location.
- D) The proposed use will not negatively impact surrounding land uses in that the expansion of the restaurant use is minimal and to date there have been no code enforcement or law enforcement actions with the new restaurant.

Section 3: The Zoning Administrator of the City of San Clemente hereby approves MCUP 14-009, A Ha Sushi Beer and Wine, to allow the sale of beer and wine for on-site sale and consumption, indoors only, 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 March 5, 2014.

SAN CLEMENTE ZONING ADMINISTRATOR

James Pechous, Zoning Administrator

**CONDITIONS OF APPROVAL
Minor Conditional Use Permit 14-009
A Ha Sushi Beer and Wine**

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. 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.)_____ (Bldg.)_____

3. The owner or designee shall develop the approved project in conformance with the site plan, elevations, and any other applicable submittals approved by the Planning Commission on March 20, 2013, subject to these Conditions of Approval.

Any deviation from approved submittals shall require that, prior to the issuance of building permits, the owner or designee shall 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 Planning Commission, as appropriate.. *[Citation – City Quality Insurance Program]* (PIng.)_____

4. The owner or designee shall be allowed to apply for and maintain a Type 41 beer and wine sales licenses from the State Department of Alcoholic Beverage Control provided all the following conditions are continually met.

Any deviation from the approved request shall required that the owner or designee submit a modified application 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 or Planning Commission. *[Citation - Section 16.12.100.A of the SCMC]* (PIng.) _____

5. Minor Conditional Use Permit (MCUP) 14-009 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 of the Zoning Ordinance of the City of San Clemente. *[Citation - Section 17.12.150.A.1 of the SCMC]*

6. The on-site sale and indoor consumption of alcohol use shall be deemed to have lapsed, and MCUP 14-009 shall be deemed to have expired, ninety (90) days after the date the on-site sale and indoor 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.)_____

7. Pursuant to Section 17.12.160, the owner or designee shall have the right to request an extension of MCUP 14-009 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 Zoning Administrator. *[Citation - Section 17.12.160 of the SCMC]* (PIng.) _____

8. The sale of beer and wine for on-site consumption shall be limited to the hours of 9:00am to 11:00pm. 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 25633of Business & Professions Code, State of California]* (PIng.)_____

9. 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.)_____

10. 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] (PIng.)_____

11. The on-site sale and indoor consumption of alcohol use shall be deemed to have lapsed, and MCUP 14-009 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.)_____

12. All alcohol consumption shall be located on-site and indoors only. ■■(PIng.) _____

13. The applicant shall post signage within the establishment that all alcoholic beverages consumed on-site shall be done indoors. No alcoholic beverages are permitted to be consumed outdoors. [Citation – Division 9 (Alcoholic Beverages), Business and Professions Code, State of California] (PIng.) _____

14. 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.)_____

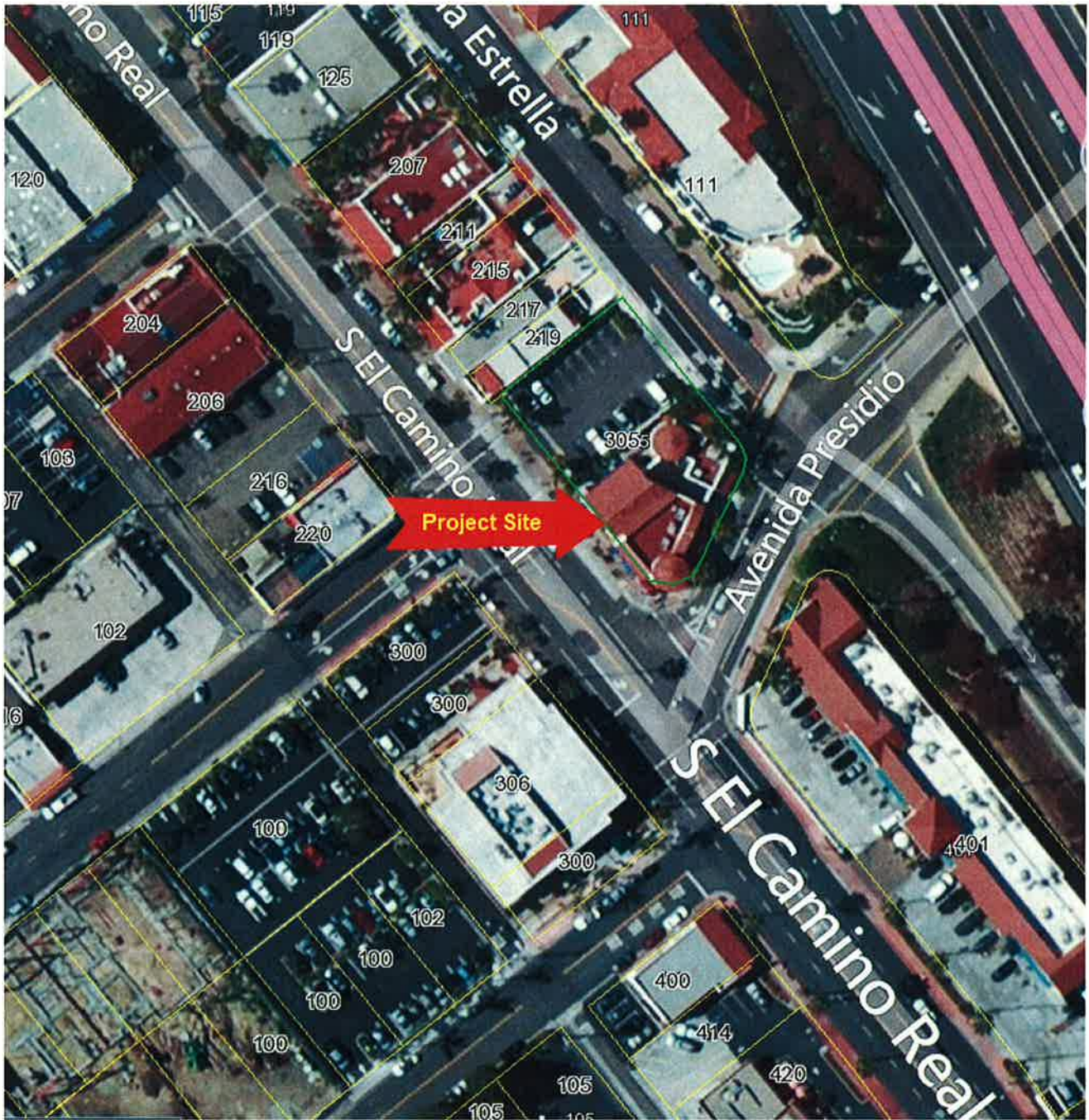
- All Conditions of Approval are standard, unless indicated as follows:
- Denotes a modified standard Condition of Approval.
- Denotes a project specific Condition of Approval



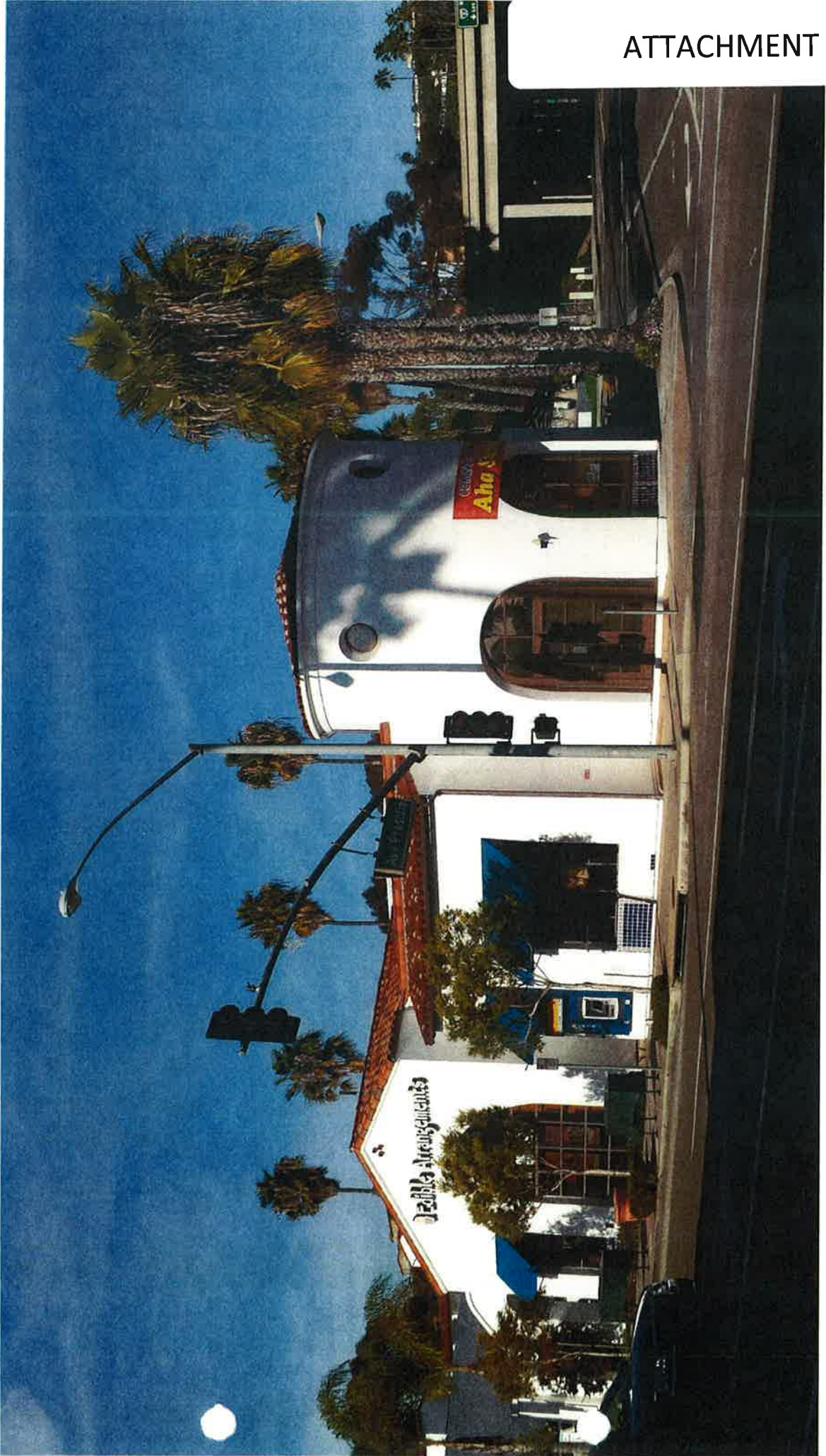
LOCATION MAP

ATTACHMENT 2

MCUP 14-009, A Ha Sushi Beer and Wine
305 South El Camino Real, Suite 102



No scale



L1







STAFF REPORT

SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: March 5, 2014

PLANNER: Sean Nicholas, Associate Planner *SN*

SUBJECT: **AM SPP 99-16, Modifications to Building 21 and Buildings 22-24, Plaza San Clemente,** a request to consider modifications to the rear elevation of Building 21 to modify the number of delivery truck bay doors, and to the rear elevation of Buildings 22-24 to incorporate a new service courtyard.

LOCATION: 101 West Avenida Vista Hermosa

ZONING/GP: Marblehead Coastal Specific Plan-Regional Commercial (RC1)

BACKGROUND:

- On July 20, 2004, the City Council approved an Amendment to Site Plan 99-16 which approved the Plaza San Clemente commercial project in its current form. The applicant has been working towards pulling building permits to begin construction of phase one of the development
- Recently, based on final floor plan layouts and tenant leasing, Craig Realty determined that some modifications were needed for better functionality of the buildings. These modifications affect the rear portions of Building 21-24, and do not impact heights or views.

Building 21

- The applicant is proposing to modify the rear elevation of Building 21 to allow more opportunities for truck deliveries to the site.
- The applicant has created a storage and maintenance room at the rear of the building. The three double-bay doors will better serve the interior space than the approved design and is consistent with the original design.
- Louis Troiani, the design architect, has incorporated design features of the approved double day door, including corner stucco accents, inset, wainscot, and opportunities for landscaping to grow around the doors. The doors will be the same quality as the other bay doors around the project and blend with the architecture.

Buildings 22-24 Courtyard

- The applicant has stated that for economic reasons, the theater will not be developed. But the applicant is re-purposing the space, as is required by the projects conditions of approval. In so doing the building footprint has been reduced. The proposed courtyard is located within a portion of the original theater building footprint and is

tucked up against building 24.

- One benefit of the new service courtyard is that it would house trash facilities approved in a fenced trash enclosure located at the edge of the parking area by the bluff.
- Tucking the service courtyard next to the building and removing the other trash enclosure facility area will reduce visibility of the necessary operational facilities.
- While it will reduce visibility by removing the more prominent trash enclosure at the edge of the site, it will still have some visibility from the freeway. Image 1 shows the original theater footprint, the revised building footprint, the service courtyard proposed, and the trash enclosure location that will be removed with this project. Image 2 and image 3 shows a view simulation from 2006 which staff has modified to approximate the visibility of the service courtyard.

Image 1

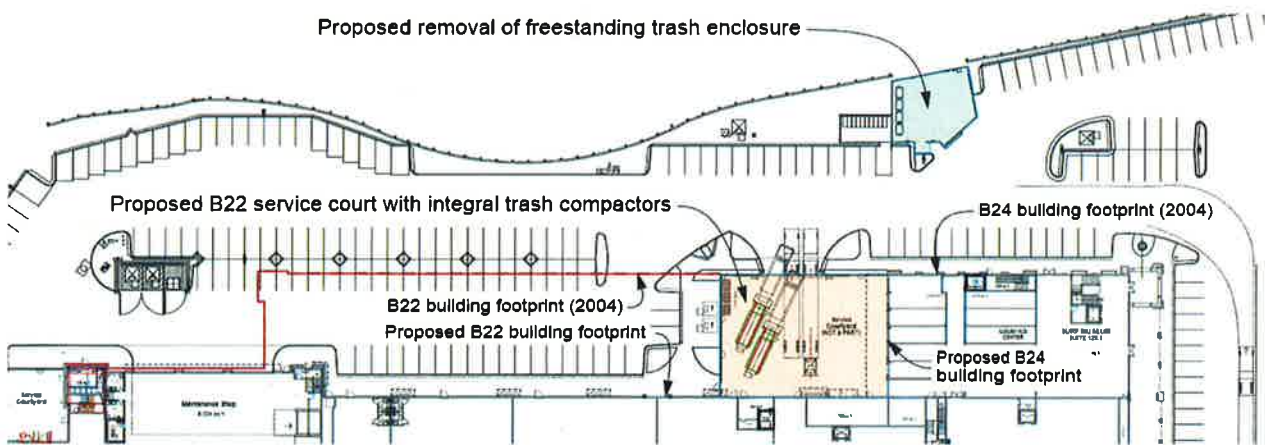


Image 2



NORTHBOUND VIEW

Image 3

CLOSEUP NORTHBOUND VIEW

28 AUGUST 2000
CRAN REALTY GROUP

- The service courtyard fence is connected to Building 24 and is 16 feet tall for 10 feet, after which it transitions down to six feet tall. The height is necessary adjacent to Building 24 to screen views of the loading and unloading of trucks in the courtyard. The rest of the service courtyard fence is only six feet tall, with the exceptions of two pilasters and an entry gate, that match the height of other service courtyard fences onsite, at nine feet six inches.
- The applicant is proposing the same style of doors as the service courtyards that are more visible to pedestrians. Landscape planters are proposed for vines to grow to further soften the courtyard.

Overall

- Pursuant to Municipal Code Section 17.12.180, the Zoning Administrator can approve minor modifications to approved projects. The modifications are minor as it is the result of functionality change and the design features of the approved project will be carried over to the new service bays, and the service courtyard will be tucked in next to the building and will blend in with the approved structures, and will result in a trash enclosure being removed closer to the edge of the site.
- The Design Review Subcommittee reviewed the proposed modifications on February 26, 2014 and Design Review Subcommittee commented that the changes make sense and supported the modifications.
- Staff is recommending a condition of approval limiting the time any delivery trucks can be parked behind buildings 21-24 to four hours so it does not become a storage area for delivery trucks.

- Staff supports the request because the modifications are minor in nature, is continuing the design of the approved structures, and is consistent with the conditions of approval for the project which allows for the re-purposing of the theater building.
- The public was notified of this hearing item per requirements. Staff has not received comments on this item to-date.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve AM SPP 99-16, Modifications to Building 21 and Buildings 22-24, Plaza San Clemente, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution # ZA 14-013
Exhibit A Conditions of Approval
2. Location Map
Plans

ATTACHMENT 1

RESOLUTION NO. ZA 14-013

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AMENDMENT TO SITE PLAN PERMIT 99-16, A REQUEST TO CONSIDER MODIFICATIONS TO THE REAR ELEVATION OF BUILDING 21 AND A NEW SERVICE COURTYARD BEHIND BUILDINGS 22-24 OF PLAZA SAN CLEMENTE LOCATED AT 101 WEST AVENIDA VISTA HERMOSA

WHEREAS, on July 7, 1999, the City Council of the City of San Clemente approved Site Plan Permit 99-16 for the development of a commercial development within the Marblehead Coastal Specific Plan; and

WHEREAS, on March 9, 2004, the City Council of the City of San Clemente approved an Amendment to Site Plan Permit 99-16 which approved the revised commercial site as Plaza San Clemente; and

WHEREAS, City Council certifies the Marblehead Coastal Final Environmental Impact Report 95-01 (SCH No. 95091037) and subsequent addendums address impacts, mitigation, and mitigation monitoring for the development of Plaza San Clemente. The previously adopted environmental documents, which adequately describe the activity for the purposes of CEQA, no additional significant environmental effects will result from the project, thus no additional mitigation measures or alternatives are required, and that, per Section 15168 of the CEQA Guidelines, no additional environmental documentation is required. This is a minor modification to the project and is covered by the environmental work that has been completed for the project; and

WHEREAS, the City's Design Review Subcommittee reviewed the project on February 26, 2014 and supported the modifications as designed; and

WHEREAS, on March 5, 2014, the Zoning Administrator 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; and approved the request; and

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

Section 1: Pursuant to CEQA and the CEQA Guidelines, a Final Subsequent Environmental Impact Report (FSEIR) was prepared and certified by the City Council with addendums for the development of the Marblehead Coastal site including Plaza San Clemente. After reviewing the previously certified FEIR and Addendums the Initial Study on the present projects, the Zoning Administrator finds that the present project is within the scope of the program evaluated in the previously adopted environmental documents, which adequately describe the activity for the purposes of CEQA, that no additional significant environmental effects will result from the project, that no additional mitigation

measures or alternatives are required, and that, per Section 15168 of the CEQA Guidelines, no additional environmental documentation is required. All records pertaining to preparation, review and comment on the FEIR and subsequent addendums are contained in the Planning Division of the City of San Clemente.

Section 2: The Zoning Administrator finds and determines as follows with regard to AM SPP 99-16:

- A. The proposed modifications to the commercial development is permitted within the subject zone pursuant to the approval of an Amendment to the approved Site Plan Permit and complies with all of the applicable provisions of the Marblehead Coastal Specific Plan, 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 the proposed modifications do not alter the heights of any of the approved building designs. The modifications to the rear of building 21 will incorporate the same aesthetics as the originally approved project and will not negatively impact the exterior of the project. The service courtyard will blend into the buildings and will result in the removal of a trash enclosure closer to the bluffs edge. Due to the reduction in square footage of the project the service courtyard tucks into the space the theater building use to occupy so there is no increase in the area covered by structures, and is still an overall reduction in the square footage of the project.
- B. The site is suitable for the type and intensity of development that is proposed in that the modifications to building 21 are just adding loading bays, and the design aesthetics of the project have been utilized for the expanded number of bays, and the service courtyard will exist in the footprint of what was the theater building. The overall square footage of the project will still be less than what was approved, and no heights of buildings are being modified associated with these amendments.
- 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 the project is being developed in accordance with all applicable development and building code standards, and no heights are being modified by the proposed amendment.
- D. The proposed development, as conditioned, will not be unsightly or create disharmony with its locale and surroundings in that these modifications are minor in nature and building 21 is being modified to just add loading bays, and the design aesthetics of the project have been utilized for the expanded number of bays, and the service courtyard will exist in the footprint of what was the theater building. The overall square footage of the project will still be less than what was approved, and no heights of buildings are being modified associated with these amendments.
- E. The proposed project is not detrimental to the orderly and harmonious development of the City in that these modifications are minor in nature and building 21 is being modified to just add loading bays, and the design aesthetics of the

project have been utilized for the expanded number of bays, and the service courtyard will exist in the footprint of what was the theater building. The overall square footage of the project will still be less than what was approved, and no heights of buildings are being modified associated with these amendments.

- F. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or location in that these modifications are minor in nature and building 21 is being modified to just add loading bays, and the design aesthetics of the project have been utilized for the expanded number of bays, and the service courtyard will exist in the footprint of what was the theater building. The overall square footage of the project will still be less than what was approved, and no heights of buildings are being modified associated with these amendments.

Section 3: The Zoning Administrator of the City of San Clemente hereby approves AM SPP 99-16 Modifications to Building 21 and Buildings 22-24, Plaza San Clemente, 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 March 5, 2014.

SAN CLEMENTE ZONING ADMINISTRATOR

James Holloway, Zoning Administrator

CONDITIONS OF APPROVAL

AM SPP 99-16, Modifications to Building 21 and Buildings 22-24, Plaza San Clemente

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. Prior to the issuance of building permits, the applicant 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 Assurance Program]* (PIng.) _____

4. All conditions of approval associated with City Council Resolution 04-61 apply to this project as well and must be satisfied for this minor amendment.

■ ■ (PIng.) _____

5. No delivery trucks can be parked behind buildings 21-24 for more than four hours so the area does not become truck storage.

■ ■ (PIng.) _____

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

AM SPP 99-16, Modifications to Building 21 and Buildings 22-24, Plaza San Clemente
101 West Avenida Vista Hermosa



No scale 