



ORIGINAL STAFF REPORT
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Agenda Item 7-A

Approvals:

City Manager PJ
Dept. Head JSA
Attorney [Signature]
Finance [Signature]

AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: June 18, 2013

Department: Community Development/Planning Division
Prepared By: Sean Nicholas, Associate Planner SN

Subject: **CONDITIONAL USE PERMIT 11-507, SIGN EXCEPTION PERMIT 11-508, DISCRETIONARY SIGN PERMIT 11-509, MINOR CONDITIONAL USE PERMIT 11-510, ARCHITECTURAL PERMIT 11-511, SITE PLAN PERMIT 11-512, DE LA ESTRELLA PLAZA (VALERO)**

Summary: On June 12, 2013, staff received a request from the applicant to continue the public hearing of the De La Estrella Plaza (Valero) project to the July 16, 2013 City Council Meeting. The reason for the continuance is the applicant and their representative had a conflict occur and are not be able to attend the meeting on June 18, 2013.

Recommended

Action: STAFF RECOMMENDS THAT the City Council continue the public hearing for the De La Estrella Plaza (Valero) project to the City Council meeting of July 16, 2013.

ORIGINAL STAFF REPORT ON NEXT PAGE...



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: June 18, 2013

Approvals:

City Manager *[Signature]*
Dept. Head *[Signature]*
Attorney *[Signature]*
Finance *[Signature]*

Department: Community Development/Planning Division
Prepared By: Sean Nicholas, Associate Planner *SN*

Subject: *CONDITIONAL USE PERMIT 11-507, SIGN EXCEPTION PERMIT 11-508, DISCRETIONARY SIGN PERMIT 11-509, MINOR CONDITIONAL USE PERMIT 11-510, ARCHITECTURAL PERMIT 11-511, SITE PLAN PERMIT 11-512, DE LA ESTRELLA PLAZA (VALERO).*

Fiscal Impact: The City can expect to see increased sales and property tax with the new convenience store, number of gas pumps, automatic carwash, and other site improvements, which will benefit the General Fund.

Summary: The Valero project is before the City Council because the applicant has appealed the Planning Commission decision requiring removal of a pole sign. Planning Commission approved development of a convenience store, car wash, new signage for the facility, and the sale of beer and wine at 504 Avenida De La Estrella for Valero, but, consistent with past City Council policy and action, required a pole sign to be removed as the proposal includes a change of use.

Background: This is a request to construct a convenience store, car wash, new signage, gas pumps, and gas canopy over two lots and demolish the service station and office space. The service station operator will remain Valero. The applicant has been working on re-development of the project site for 10 years, and has developed plans that meet the requirements of the Municipal Code and Design Guidelines. The Planning Commission approved the project unanimously on April 3, 2013, with the requirement that a pole sign be removed consistent with Council policy, as well as recent Council approvals, of removing pole signs with a change of use. The applicant appealed the Commission's denial of the pole sign and asks the City Council to consider allowing the applicant to maintain the pole sign.

Discussion: Detailed analyses of the various components of the project, including the approved Discretionary Sign Permit for the new sign package for the facility, are included in the Planning Commission Staff Report and Minutes included as attachment four. The applicant is pleased that the project was approved, but has appealed the approval to City Council in an attempt to maintain the pole sign.

The applicant has been aware of the City Council policy requiring removal of a pole sign with a change of use throughout the entire process, including the recent decision regarding Chevron on South El Camino Real. The applicant maintains that the pole sign is essential for the success of his facility because his project site is located approximately 30 feet below the freeway. The applicant contends that other

freeway oriented service stations along Interstate Five (I-5) in San Clemente have freeway visibility and do not share the same hardship.

The Planning Commission denied the request to maintain the pole sign. As with other service stations in the community, most recently the Chevron station on South El Camino Real, removal of the automotive repair bays and development of a convenience store, constitutes a change of use. City Council policy and past approvals have required non-conforming pole signs to be removed when a change of use occurs. The applicant is abandoning the automotive repair use to establish a carwash, requests the sale of beer and wine for off-site consumption, and proposes a convenience store. This represents a change of use.

The Planning Commission did approve a Sign Exception Permit for freeway oriented signage for the tower element of the new convenience store. The signage approved on the tower is pin mounted and halo illuminated Valero signage facing towards the freeway and off-ramp. Planning Commission determined that the required findings could be made for the Sign Exception Permit and freeway oriented signage due to: 1) the facilities location compared to the height of the freeway; 2) was consistent with similarly approved wall mounted freeway signs in the area such as the Holiday Inn and McDonald's; and 3) would still provide visibility of the site from the freeway. The applicant has stated that they need both signage types because by the time the tower signs will be visible, people will already be past the off-ramp.

A Discretionary Sign Permit (DSP) was also approved by Planning Commission. The DSP is required for two reasons: 1) the Municipal Code requires new signage for a service station to receive approval of a Master Sign Program, which is approved through a Discretionary Sign Permit; and 2) the amount of signage proposed exceeds 64 square feet. The Master Sign Program ensures consistency of signage onsite and that it is compatible with surrounding uses. The applicant is proposing over 64 square feet of signage, but they are not exceeding the allowed sign square footage for their site. The total square footage of signage permitted on the main service station site is 277 square feet, and 100 square feet on the carwash site. The applicant is proposing 253.92 square feet on the service station site and 17.84 square feet on the carwash site. The approved signage meets applicable design guidelines and development standards.

While the applicant has appealed only the decision on the pole sign, all proposed improvements are subject to City Council review, comment, and approval.

Recommended

Action:

PLANNING COMMISSION RECOMMENDS THAT the City Council approve: 1) a Resolution approving the Conditional Use Permit, Sign Exception Permit (for the freeway oriented signage on the tower, not including the pole sign), Discretionary Sign Permit (for the new signage on-site, but does not include the pole sign), Architectural Permit, and Site Plan Permit for De La Estrella Plaza for the re-development of the Valero service station and the removal of the pole sign; and 2) a Resolution for a Minor Conditional Use Permit for the approval of beer and wine sales for off-site consumption.

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Attachments:

- 1) City Council Resolution approving the CUP, SEP, DSP, AP, and SPP
- 2) City Council Resolution approving the MCUP
- 3) Location Map
- 4) Planning Commission Staff Report and Minutes from April 3, 2013 (*excerpted*)
Plans and Sign Package

Notification: Notification of the public hearing was completed in accordance with both State Law and Municipal Code Requirements.

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 11-507, SIGN EXCEPTION PERMIT (SEP) 11-508, DISCRETIONARY SIGN PERMIT (DSP) 11-509, ARCHITECTURAL PERMIT (AP) 11-511, AND SITE PLAN PERMIT (SPP) 11-512, DE LA ESTRELLA PLAZA (VALERO), A REQUEST TO DEMOLISH A SERVICE STATION AND ALL STRUCTURES ON TWO PARCELS AND DEVELOP A NEW SERVICE STATION, CONVENIENCE STORE, CARWASH, SIX FUEL STATIONS, MASTER SIGN PROGRAM, AND FREEWAY ORIENTED SIGNAGE LOCATED AT 504 AVENIDA DE LA ESTRELLA

WHEREAS, on November 17, 2011, an application was submitted, and deemed complete on March 11, 2013, by Mehdi Ghassemi, 504 Avenida De La Estrella, San Clemente, CA, 92672, to allow the demolition of an existing service station and all buildings on the adjacent parcel, and develop a new service station, convenience store, six fuel stations, carwash, master sign program, and freeway oriented signage for Valero located at 504 Avenida De La Estrella, the legal description being Lots 27, 28, 29, 30, 79, 80, and 91, of Block 1, of Tract 793, and portions of Lot 91 and 7 of Tract 853, Assessor's Parcel Numbers 057-142-44 and 057-142-37; and

WHEREAS, on November 23, 2011, February 9, 2012, March 22, 2012, July 5, 2012, September 20, 2012, January 17, 2013, and March 12, 2013 the City's Development Management Team reviewed the application for compliance with the General Plan, Zoning Ordinance, and other applicable requirements; and

WHEREAS, on November 14, 2012 and February 27, 2013, the proposed project was reviewed by the Design Review Subcommittee and supported the design of the project; and

WHEREAS, the Planning Division has completed an initial environmental assessment of the above matter in accordance with the California Environmental Quality Act (CEQA) and recommends that the Planning Commission determine the project categorically exempt from CEQA as a Class 3 exemption pursuant to Section 15303 because the project is zoned for commercial use and there is sufficient public utilities available to service the project and the total buildings on the site do not equal more than 10,000 square feet; and

WHEREAS, on April 3, 2013, the Planning Commission of the City of San Clemente held a duly noticed public hearing on the subject application, and considered evidence presented by the applicant, City staff, and other interested parties and approved the project with the requirement the pole sign be removed; and

WHEREAS, on April 8, 2013, the applicant appealed the denial of the pole sign to the City Council; and

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WHEREAS, on June 18, 2013, the City Council of the City of San Clemente 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 City Council of the City of San Clemente hereby resolves as follows:

Section 1. The project is categorically exempt from CEQA as a as a Class 3 exemption pursuant to Section 15303 because the project is zoned for commercial use and there is sufficient public utilities available to service the project and the total buildings on the site do not equal more than 10,000 square feet.

Section 2. With regard to Conditional Use Permit (CUP) 11-507, the City Council finds as follows:

- A. The proposed use is permitted within the subject zone pursuant to the approval of a Conditional Use Permit and complies with all the applicable provisions of this title, the San Clemente General Plan and the purpose and intent of the zone in which the use is being proposed in that the service station is an existing use, but the proposed expansion to add a convenience store is a change of use. The carwash facility and off-site parking agreement all serve to enhance the project site, provide a carwash facility which there are very few west of Interstate Five (I-5), and will allow for appropriate circulation and parking for the modified site plan by having the required parking located on the adjacent lot also owned by the applicant. The project includes a deed restriction for a lot-tie which will permanently link the sites together as long as it remains a service station, or for as long as parking and circulation for the use requires the adjacent parcel.
- B. The site is suitable for the type and intensity of use that is proposed in that the project site is already a service station, and the applicant is proposing to demolish all the structures onsite and the office space on the adjacent site to provide the required parking and circulation. Adding the convenience store use is a change of use, but will be an appropriate type and intensity use for the site. The carwash facility has been conditioned to ensure compliance with noise ordinance requirements, as well as for additional landscaping to further buffer the carwash from adjacent residential uses. The carwash facility has provided an extra large car-queuing to avoid back up onto Avenida De La Estrella.
- C. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the

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vicinity in that a number of reviews have been completed to ensure the expanded service station would meet applicable development standards and will not negatively impact surrounding uses, including the adjacent residential medium density properties. While the convenience store use is a change of use on the site, the required development standards for parking have been met.

- D. The proposed use will not negatively impact surrounding land uses in that the site is already a service station and office space, and the remodel will add a change of use in the convenience store, but will substantially improve the aesthetics of the site as well as provide increased landscaping at the street, and improve overall circulation on the site.

Section 3. With regard to Sign Exception Permit (SEP) 11-508, the City Council finds as follows:

- A. There are unique or unusual circumstances relating to the size of the site or business, shape of the site or business, location and orientation of the site or business, visibility of the site or business, proximity to street frontage or length of street frontage that do not allow the site or business to achieve the goals and objectives of this chapter for adequate business identification in that the site is located below the grade of the freeway, and the site utilizes both freeway and local patrons for the success of the business. Utilizing the signage, as proposed, on the tower only towards the freeway off-ramp will provide similar brand identification from the freeway as the existing pole sign, and will allow for the pole sign to be removed, and still provide the high quality design and appearance at the City's General Plan identified major entry to the City.
- B. The granting of the sign exception permit is not contrary to the intent of the General Plan and Design Guidelines in which the sign exception is proposed in that approving the freeway oriented signage on the tower is a higher quality design and will allow for the same brand identification from the freeway as the pole sign, so removing the pole sign and allowing the new tower signage will be consistent architecturally with the City's Design Guidelines and enhances the quality of development and resident/visitor experience as they enter the City at the General Plan identified major entry point. Maintaining the pole sign is not consistent with design guidelines and architecture as pole signs are not representative of Spanish Colonial Revival architecture, and would not contribute to the site aesthetically in anyway.

- C. The granting of a Sign Exception Permit is not considered a grant of special privileges inconsistent with the limitations of other similarly situated properties in that similar freeway oriented signage was approved for another use within close proximity to the site, with similar difficulty in use location and siting. This approval of the high quality signage on the building will be consistent with that approval.
- D. The granting of a Sign Exception Permit does not create a traffic or safety hazard in that the freeway oriented signage will be located on the tower and will not impact sight distance or any other vehicular traffic, nor distract motorists driving on the freeway by removing the approximately 75 foot pole sign.
- E. The granting of a Sign Exception Permit does not adversely impact surrounding properties by increasing light, glare or noise in that the signs have been designed to be individual metal pin mounted signs and halo lit, which overall reduce the amount of light glare and impact from the signage, additionally the signs are located nearly 30 feet in the air which is taller than any residential structure could reach so what minimal glare is produce will not be shinning directly into the adjacent residentially zoned parcels negatively impacting them.
- F. For freeway-oriented signs:
1. The location of the site dictates the need for a freeway-oriented sign to allow adequate business identification as the service station does rely on visibility from the freeway, and utilizing the tower to provide appropriately and high quality designed signage is better architecturally and visually with the removal of the 75 foot non-conforming pole sign.
 2. The design, scale, materials and location of the freeway-oriented sign provides necessary business identification to motorists on the freeway without creating adverse visual impacts in that the applicant has proposed high quality metal individually pin mounted letter signage and halo illumination which reduces glare and architecturally is compatible with the design of the building, while still providing appropriate site identification from the freeway.
 3. The design, scale, and materials of the signs harmonize with the architectural design of the building it serves and are complimentary to the City's image as viewed from the freeway high quality metal

individually pin mounted letter signage and halo illumination which reduces glare and will compliment the architectural design of the building and is consistent with the design, materials, and illumination of other signs recently approved by Planning Commission for similarly designed structures.

4. The design and scale of the signs is appropriate to the distance from which the signs are normally viewed from the freeway in that the signs are placed near the top of a 30 foot tower which has been designed in scale with the building and will provide site identification from the freeway through the off-ramp, providing similar identification as the 75 foot non-conforming pole sign, but consistent with the architecture of the building and consistent with past City Council approvals and policy.

Section 4. With regard to Discretionary Sign Permit (DSP) 11-509, the City Council finds as follows:

- A. The design, including lighting, scale, length and materials, of the sign is consistent with the intent of the design elements of the General Plan and Design Guidelines in which the sign is to be located in that the sign materials, appear handcrafted and have been selected to be complimentary to the architectural style of the building, and will continue to enhance the overall aesthetics of the facility.
- B. The design, scale and materials of the sign harmonize with the architectural design and details of the building or site it serves in that individual pin mounted metal letter signage with halo illumination has been utilized very successfully in enhancing the architecture of other Spanish Colonial Revival structures throughout the community. The choice to utilize hand painted signage with decorative goose neck lighting for the convenience store pedestrian scale signage, as well as on the carwash will also enhance and add to the aesthetics of the project.
- C. The design and scale of the sign is appropriate to the distance from which the sign is normally viewed in that all signage is appropriately scaled and located, including the freeway oriented signage toward the top of the tower.
- D. The design and materials of the sign provide a contrast between the background and letters in that the signs are either pin mounted "Valero Blue" letters against a smooth white stucco finish, hand painted red copy

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against a smooth white stucco finish, or a stand alone monument sign primarily smooth white stucco with "Valero Blue" background and white lettering. All signage provides sufficient differentiation between copy and background.

- E. A freestanding sign is included in the sign application, the design, scale or location of the building dictates the use of freestanding signs, rather than building-mounted signs in that the freestanding sign will replace the illegal second pole sign onsite and provide the necessary, and state mandated, gasoline pricing.
- F. For Master Sign Programs:
 - 1. The provisions of the Master Sign Program ensure consistency in design and style of all new signs in that the wall mounted signs are all pin mounted metal letters in "Valero blue" with Halo Illumination, or hand painted red copy with decorative goose neck lighting, both of which are consistent with the architectural style of the building. The freestanding monument sign is also consistent with the architecture of the building and will be smooth white stucco the bull-nosed edges towards the top of the signage.
 - 2. The provisions of the Master Sign Program address compatibility of the design and style of any existing signs on the building or site in that all previous signage is either proposed to be removed, or is a recommendation by staff that the pole sign be removed.
 - 3. All new signs within the Master Sign Program are in compliance with the design standards of this chapter as the signs appear handcrafted in nature and are compatible with the architecture of the structure in that the signage type has been selected to be complimentary to the architecture and enhance the overall aesthetics of the site.

Section 5. With regard to Architectural Permit (AP) 11-511, the City Council finds as follows:

- A. The architectural treatment of the project complies with the San Clemente General Plan in that the building has been designed to be a Spanish Colonial Revival building and the new convenience store design and structures onsite will enhance a major entry way into the City of San Clemente.

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- B. The architectural treatment of the project complies with the Zoning Ordinance in areas including, but not limited to, height, setback color, etc. in that the project meets all applicable Development standards and is consistent with the City's Design Guidelines.
- C. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines in that the building is Spanish Colonial Revival architecture and is consistent with the City's Design Guidelines.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood in that there are other Spanish Colonial Revival structures adjacent to the project site, and the development will be an enhancement to the area over the existing mix of buildings and architectural styles.
- E. The proposal is not detrimental to the orderly and harmonious development of the City in that the proposed site improvements are an enhancement to a major entry way into the City and will promote future redevelopment in the area to develop consistent with the City's architectural style.

Section 6. With regard to Site Plan Permit (SPP) 11-512, the City Council finds as follows:

- A. The proposed development is permitted within the subject zone pursuant to the approval of a Site Plan Permit and complies with all the applicable provisions of this title, 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 Site Plan provides appropriate circulation and parking to serve all the proposed uses, as well as opportunities for landscaping buffers along the edges.
- B. The site is suitable for the type and intensity of development that is proposed in that the project is below the required Floor Area Ratio and lot coverage maximums as set forth by the Municipal Code and the project site is a service station and this will be an enhancement and a change of use to add a convenience store which is permitted with the approval of a Conditional Use Permit.

- C. The proposed development will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity in that the development meets all applicable development standards including parking on-site. The overall development will be an enhancement to the project site and improve a major entryway into the City from I-5.
- D. The proposed development will not be unsightly or create disharmony with its locale and surroundings in that the project has been designed in a Spanish Colonial Revival architecture consistent with adjacent development and the City's Design Guidelines.
- E. 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 the project has gone through several project iterations and this layout meets all applicable development standards.

Section 7. The City Council of the City of San Clemente hereby approves CUP 11-507/SEP11-508/DSP 11-509/AP 11-511/SPP 11-512, De La Estrella Plaza (Valero), subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit 1.

Section 8. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

APPROVED, ADOPTED and SIGNED this _____ day of _____, 2013.

ATTEST:

 City Clerk of the City of
 San Clemente, California

 Mayor of the City of San
 Clemente, California

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STATE OF CALIFORNIA)
 COUNTY OF ORANGE) §
 CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

 CITY CLERK of the City of
 San Clemente, California

APPROVED AS TO FORM:

 City Attorney

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EXHIBIT 1

CONDITIONS OF APPROVAL*
CUP 11-507/SEP11-508/DSP 11-509/AP 11-511/SPP 11-512
De La Estrella Plaza (Valero)

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. The owner or designee shall develop the approved project in conformance with the site plan, floor plans, elevations, and any other applicable submittals approved by the Planning Commission on April 3, 2013.

Any deviation from the above approved resolution and site plan and 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

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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.

(PIng.) _____

CUP 11-507/SEP11-508/DSP 11-509/AP 11-511/SPP 11-512 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]*
(PIng.)_____

A use shall be deemed to have lapsed, and CUP 11-507/SEP11-508/DSP 11-509/AP 11-511/SPP 11-512 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]*
(PIng.)_____

3. The owner or designee shall have the right to request an extension of CUP 11-507/SEP11-508/DSP 11-509/AP 11-511/SPP 11-512 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]*
(PIng.)_____

4. 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. The applicant shall not use a stucco finish that

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produces a high gloss sheen. [Citation – City of San Clemente Design Guidelines, November 1991]

- C. Prior to issuance of building permits the applicant shall receive approval from the City Planner of the design of both the window corner stucco details as well as the cornice on the parapet of the fuel canopy.
 - D. Prior to issuance of building permit the applicant shall note on the plans that all parapet walls that exceed the height of the roof structures shall have a roof tile parapet cap and any portion of the parapet visible below the parapet cap shall be painted to match the roof tiles to blend into the background.
5. Prior to the issuance of building permits, the owner or designee shall submit written consent to all of these imposed conditions to the Community Development Director or designee. The owner or designee understands that the resolution will be of no force or effect, nor shall permits be issued, unless such written consent is submitted to the City.
(PIng.) _____
 6. The applicant shall provide specifications that state wrought iron is proposed for the balcony in the arch of the tower and the design shall be traditional Spanish to be approved by the City Planner.
■ ■ (PIng.) _____
 7. 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.) (Bldg.) _____
 8. Downspout and gutter materials shall be copper as specified at the Design Review Subcommittee meeting of February 27, 2013 and the downspouts shall be located in the wall and the water quality devices shall also be copper and replace the tile details on the front of the tower façade.
■ ■ (PIng.) _____
 9. Prior to issuance of building permits, the applicant shall submit for approval of the building division and City Planner a lighting plan showing consistency with California Green Code requirements and ensure lighting will not be excessive on-site. Additionally, prior to issuance of building permit, the City Planner, or his designee, shall approve the design and scale of all decorative lighting and goose neck lighting.
■ ■ (PIng.) _____
 10. Prior to issuance of permits, that applicant shall show the DDC device and fire connection as being perpendicular to Avenida De La Estrella, and the device shall

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be painted green to fit in with the surrounding landscaping, other than the required OCFA connection component that must be painted red.

■ ■ (PIng.)_____

- 11. The applicant shall remove the existing 75 foot freeway pole sign within 30 days of the issuance of the first engineering, building, or demolition permit.

■ ■ (PIng.)_____

- 12. All above and belowground utilities shall be shown on the final landscaping plan.

■ ■ (PIng.)_____

- 13. Verify with the final landscape plans that the proposed plant palettes are tailored to the site specific soils reports.

■ ■ (PIng.)_____

- 14. Provide 15-gallon size shrubs around and utility enclosure, trash enclosure, and backflow preventer.

■ ■ (PIng.)_____

- 15. Note minimum field observation visits required by Landscape Architect on final landscape plans.

■ ■ (PIng.)_____

- 16. On file at Community development is the redline set of plans reviewed by Pat Murphy, the City's Contract Landscape Architect. All notes, including increased minimum box sizes of trees, shall be incorporated into the final landscape plan.

■ ■ (PIng.)_____

- 17. The applicant shall work with staff and the City's Contract Landscape Architect to develop additional landscaping in the corner of the project site to better buffer the carwash facility from the adjacent residential uses. The landscape plan shall be approved prior to issuance of permits for the carwash facility.

■ ■ (PIng.)_____

- 18. Prior to issuance of building permits for the carwash, the applicant shall note on their plans that the carwash hours of operation will be limited to 7:00 a.m. to 10:00 p.m. consistent with the acoustical report prepared for the project.

■ ■ (PIng.)_____

- 19. Prior to issuance of building permits on the carwash, the applicant shall show how they have included sound absorption panels on the interior of the carwash tunnel covering fifty percent of the interior surface area with a NRC rating of at least 0.6 pursuant to the acoustical report prepared for the project.

■ ■ (PIng.)_____

20. All landscaping installed along the exterior edge of the project site shall be a minimum size to provide at least 3 feet high screening from the public right-of-way. (Municipal Code Section 17.28.290(C)(5)(a))

(PIng.)_____

21. Prior to issuance of any permits, the applicant shall complete and record both a lot line adjustment for the two project parcels, and a deed restriction tying the two lots together in perpetuity as long as the two sites act as one development. No buildings can cross property lines.

■ ■ (PIng.)_____

22. If the carwash becomes a problem and the noise levels exceed Municipal Code requirements, the carwash facility shall shutdown until the operator can demonstrate the facility meets acoustical and noise ordinance standards.

■ ■ (PIng.)_____

Building

23. A separate Building Permit(s) 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]

24. 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]

25. 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]

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- 26. Existing one-story single family dwelling located on adjacent property at northwest property line of the project site encroaches onto project site. Lot line adjustment required to provide building code required fire separation distance and minimum fire-resistance rating for walls, projections, openings in walls, and penetrations in accordance with California Residential Code Section R302 for the existing single family dwelling located on adjacent property. (Bldg.)_____

[S.C.M.C – Title 15 – Chapter 15.08]

- 27. 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]

- 28. Prior to issuance of building permits, the owner or designee shall submit a copy of the City Engineer approved soils and geologic report, prepared by a registered geologist and/or soil engineer, which conforms to City standards and all other applicable codes, ordinances, statutes and regulations. The soils report shall accompany the building plans, engineering calculations, and reports.(Bldg.)_____

[S.C.M.C – Title 15 – Chapter 15.08 – Appendix Chapter 1 – Section 106.1.4]

- 29. 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.)_____

- 30. 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]

- 31. Fire Sprinkler protection shall be provided throughout all buildings on site.

[S.C.M.C – Title 8 – Chapter 8.16- Fire Code] (Bldg.)_____

JAB

32. Underground utilities required. Overhead wiring shall not be installed outside on private property. All utility services located within the property site to be installed underground.

[S.C.M.C – Title 15 – Chapter 15.12-Electrical Code] (Bldg.)_____

33. 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]

Fees and Plan Check Deposit

34. Prior to the review of plans, soils report and documents for issuance of Grading Permits, the owner or designee shall deposit minimum \$5,000.00 for Engineering Department plan check. [Citation – Fee Resolution No. 08-81] (Eng.)_____

35. Prior to issuance of the building permit, the owner shall pay all applicable development fees, which may include, but are not limited to, City Attorney review, park acquisition and development, water and sewer connection, drainage, grading, RCFPP, transportation corridor etc. [Citation – Fee Resolution No. 08-81& S.C.M.C. Title 15, Building and Construction, Sections 15.52, 15.56, 15.60, 15.64, 15.68, 15.72] (Eng.)_____

Reports –Soils and Geologic, Hydrology

36. Prior to issuance of grading permits, 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.)_____

37. Prior to issuance of grading permits, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for a hydrology and hydraulic study prepared by a registered civil engineer to determine the sizes and locations of all on-site drainage facilities in accordance with all applicable City regulations and standards. [Citation – Section 15.36 of the SCMC] (Eng.)_____

Grading

38. Prior to issuance of any permits, the owner shall submit for review, and obtain the approval of the City Engineer or designee, a precise grading plan as required by the City Grading Manual and Ordinance. As part of the Grading Plan, curb heights shall not exceed 4 inches for parking stalls designed to overhang into adjacent landscaping or sidewalk. [Citation – Section 15.36 of the SCMC] (Eng.)_____

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- 39. Prior to issuance of grading permits, 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.)_____
- 40. Prior to issuance of grading permits, the plans shall indicate that the Pass Through Lane along the western side of the project is to be one-way in the northward direction, unless otherwise modified or approved by the City Engineer. ■■ (Eng.)_____
- 41. In the event that on-site traffic circulation causes a backup of vehicles out onto Avenida De La Estrella or Avenida Palizada and causes repeated unacceptable traffic congestion at the intersection, as determined by the City Engineer, the City and property owner/tenant agree to meet to discuss on-site traffic circulation alternatives to reduce traffic conflicts at the intersection. Potential modifications could include, but are not limited to limiting movements into or out of the Avenida Palizada drive approach. Resulting modifications shall be paid for by the owner and/or their tenant. ■■ (PIng.)_____ (Eng.)_____

Improvements

- 42. Prior to issuance of any grading permits, 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. Since the right-of-way may not be adequate according to the current plans, a sidewalk easement may be required if deemed necessary by the City Engineer.
 - B. An Engineering Department Encroachment Permit will be required for all 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.

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Land Use & Easements

- 43. Prior to the issuance of any permits, the owner shall prepare and obtain the approval, to the satisfaction of the City Engineer and Community Development Director, for a Lot Line Adjustment. The Lot Line Adjustment shall be recorded at the Orange County Recorder's Office. The Lot Line Adjustment is needed in order to ensure property lines meet required zoning setbacks, etc. for the proposed structures and the adjoining residential property to the north which appears to be partially within the site to be developed. *[Citation – Section 15.36, 17.24, 17.32, 17.36 of the SCMC]*
■ (Eng.)_____

- 44. Prior to the issuance of any permits, the owner shall prepare and obtain the approval, to the satisfaction of the City Engineer and Community Development Director, for a Recipical Access Agreement for the two properties being developed. This agreement shall be recorded at the Orange County Recorders Office. *[Citation – Section 15.36, 17.24, 17.32, 17.36 of the SCMC]*
■ (Eng.)_____

- 45. Prior to the issuance of any permits, the owner may be required, if deemed necessary by the City Engineer, to prepare and obtain the approval for plans to construct independent water and sewer services to each property. Alternatively, if approved by the City Engineer, the owner of the properties may be required to enter into an Agreement for shared utility services. *[Citation – Section 15.36, 17.24, 17.32, 17.36 of the SCMC]*
■(Eng.)_____

- 46. Prior to issuance of any grading permits, the owner shall provide documentation confirming that all applicable easements conflicting with the proposed improvements have been quit claimed or relocated to the satisfaction of the easements' owners, or that the easement holder approves of the improvements within their easement(s). All documents shall be approved by City Engineer or designee. *[Citation – Section 15.36 of the SCMC]*
(Eng.) _____

- 47. Prior to final release of any grading permits, the owner shall, if required by the City Engineer, grant necessary sidewalk easements to the City for sidewalk to go up and around the drive approaches. *[Citation – Section 15.36, 12.08.010, and 12.24.050 of the SCMC]*
■ (Eng.)_____

Drainage

- 48. All storm water shall be conveyed directly to an approved storm drain system. No storm water from newly paved parking areas or structures shall sheet flow over the driveways or sidewalks. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____

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NPDES

49. Prior to issuance of any grading permit, 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.)_____

50. Prior to issuance of any grading permit, the owner or designee shall submit for review a project binder containing the following documents:

(Eng.)_____

A. For all projects that are greater than one (1) acre, a Notice of Intent (NOI) for coverage under the General Construction Storm Water Permit must be filed with the State Water Resources Control Board <http://www.waterboards.ca.gov/stormwtr/construction.html> and a copy of the NOI, a WDID number and a copy of the Storm Water Pollution Prevention Plan (SWPPP) must be filed with the City.

B. Since the site is determined to be a "Priority Project" (as defined by the Orange County Municipal Storm Water Permit available at <http://www.waterboards.ca.gov/sandiego/programs/ocstormwater.html> a final Water Quality Management Plan (WQMP) must be recorded with the Orange County Recorder's Office and filed with the City. Design features of the WQMP shall be incorporated into the Grading Plans. Trash enclosures may be required to be covered if required by the City Engineer.

Financial Security

51. Prior to issuance of any grading permits, the owner or designee shall provide separate improvement bonds or irrevocable letters of credit, as determined by the City Engineer, if required by the project, for 100% of each estimated improvement cost, as prepared by a registered civil engineer as required and approved by the City Attorney and the City Engineer or their designees, for each, but not limited to, the following: rough grading; precise grading; frontage improvements; sidewalks; sewer lines; water lines; storm drains; and erosion control. In addition, the owner or designee may be required, if deemed necessary by the City Engineer, to provide separate labor and material bonds or irrevocable letters of credit for 100% of the above estimated improvement costs. *[Citation – Section 15.36 of the SCMC]*

(Eng.)_____

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Noise

- 52. Prior to the issuance of grading permit, the owner or designee shall provide evidence acceptable to the City Engineer that all construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with operating and maintained mufflers. *[Citation – Sections 8.48 & 10.48 of the SCMC]* (Eng.)_____

CONDITIONS TO BE SATISFIED PRIOR TO CERTIFICATES OF OCCUPANCY

- 53. Prior to issuance of certificates of occupancy, the owner shall demonstrate to the satisfaction of the City Engineer and City Maintenance Manager or their designees that all frontage improvements have been completed and accepted and that any damage to new or existing street right-of-way during construction have been repaired/replaced. *[Citation – Title 12 of the SCMC]* (Eng.)_____(Maint.)_____

CONDITIONS TO BE SATISFIED PRIOR TO RELEASE OF FINANCIAL SECURITY

- 54. Prior to release of financial security, the owner or designee shall have completed the stenciling of all catch basins and/or storm drain inlets with labels 3" high in black letters, on either the top of the curb or the curb face adjacent to the inlet "NO DUMPING - DRAINS TO OCEAN". These markers shall be maintained in good condition by the Property Owners Association. Also, the owner or designee shall insure that all catch basins have filter basket inserts. *[Citation – Section 13.40 of the SCMC]* (Eng.)_____

- 55. Landscaping and trees on-site shall be maintained to allow them to reach a full canopy or mature growth, and any dead plant materials shall be replaced within 14 calendar days, as well shall all irrigation failures be repaired within 14 calendar days. Replacement landscaping shall be of matching size to the plant material when they died. ■ ■ (PIng.)_____

- 56. Prior to issuance of the sign permit, the applicant shall submit to the City Planner for his review options for colors, intensity and glare of the monument price sign to improve the sign's compatibility with the architecture and site location as a City entryway. ■ ■ (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

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CONDITIONAL USE PERMIT (MCUP) 11-510, A REQUEST TO ALLOW BEER AND WINE SALES FOR OFF-SITE CONSUMPTION LOCATED AT 504 AVENIDA DE LA ESTRELLA

WHEREAS, on November 17, 2011, an application was submitted, and deemed complete on March 11, 2013, by Mehdi Ghassemi, 504 Avenida De La Estrella, San Clemente, CA, 92672, to allow the sale of beer and wine for off-site consumption at an existing service station for De La Estrella Plaza (Valero) located at 504 Avenida De La Estrella, the legal description being Lots 29 and 30, of Block 1, of Tract 793, and portions of Lot 91, of Tract 853, Assessor's Parcel Number 057-142-37; and

WHEREAS, on November 23, 2011, February 9, 2012, March 22, 2012, July 5, 2012, September 20, 2012, January 17, 2013, and March 12, 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 has completed an initial environmental assessment of the above matter in accordance with the California Environmental Quality Act (CEQA) and recommends that the Planning Commission determine the project categorically exempt from CEQA as a Class 1 exemption pursuant to Section 15301 because the project is zoned for commercial use and this is a negligible expansion of an existing use; and

WHEREAS, on April 3, 2013, the Planning Commission of the City of San Clemente held a duly noticed public hearing on the subject application, and considered evidence presented by the applicant, City staff, and other interested parties and approved the project with the requirement the pole sign be removed; and

WHEREAS, on April 8, 2013, the applicant appealed the denial of the pole sign to the City Council; and

WHEREAS, on June 18, 2013, the City Council of the City of San Clemente 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 City Council of the City of San Clemente hereby resolves as follows:

Section 1. The project is categorically exempt from CEQA as a as a Class 1 exemption pursuant to Section 15301 because the project is zoned for commercial use and this is a negligible expansion of an existing use.

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Section 2. With regard to Minor Conditional Use Permit (MCUP) 11-510, the City Council 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 project meets the additional requirements associated with a service station selling beer and wine for off-site consumption.
- B. The site is suitable for the type and intensity of use that is proposed in that the site is already a service station and expanding the use to allow for beer and wine sales for off-site consumption is a negligible expansion of the existing use as the site meets all applicable requirements to sell beer and wine.
- C. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity in that there are particular requirements for allowing beer and wine sales for off-site consumption concurrently with the sale of gasoline and the project site meets all of those requirements including separation from residentially zoned properties and separation from other sites which also sale beer and wine for off-site consumption.
- D. The proposed use will not negatively impact surrounding land uses in that there are particular requirements associated with the use and the proposed project meets all applicable requirements and findings.

Section 3. The City Council of the City of San Clemente hereby approves MCUP 11-510, De La Estrella Plaza (Valero), subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit 1.

Section 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

APPROVED, ADOPTED and SIGNED this _____ day of _____, 2013.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

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STATE OF CALIFORNIA)
 COUNTY OF ORANGE) §
 CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

 CITY CLERK of the City of
 San Clemente, California

APPROVED AS TO FORM:

 City Attorney

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EXHIBIT 1

CONDITIONS OF APPROVAL*
MCUP 11-510**Sale of Beer and Wine for Off-site Consumption at De La Estrella Plaza (Valero)**

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. The owner or designee shall develop the approved project in conformance with the site plan, floor plans, elevations, and any other applicable submittals approved by the Planning Commission on April 3, 2013.

Any deviation from the above approved resolution and site plan and 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

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required to apply for review and obtain the approval of the Zoning Administrator.

(PIng.) _____

MCUP 11-510 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]

(PIng.)_____

A use shall be deemed to have lapsed, and MCUP 11-510 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]

(PIng.)_____

- 3. The owner or designee shall have the right to request an extension of MCUP 11-510 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]

(PIng.)_____

- 4. Prior to the issuance of building permits, the owner or designee shall submit written consent to all of these imposed conditions to the Community Development Director or designee. The owner or designee understands that the resolution will be of no force or effect, nor shall permits be issued, unless such written consent is submitted to the City.

(PIng.) _____

- 5. Alcohol sales may only occur between 6:00 a.m. and 12:00 a.m. seven days a week

■ ■ (PIng.)_____

- 6. The owner or designee shall obey all rules, regulations and conditions imposed upon the project through, but not limited to, the Alcoholic Beverage Commission (ABC) and relevant State laws. Revocation of, or sale of said ABC license to another person at another location, shall render this Use Permit null and void. Prior to any sale of the ABC license, the owner or designee shall notify the Community Development Department of the sale. [Citation – Division 9 (Alcoholic Beverages), Business and Professions Code, State of California]

(PIng.)_____

- 7. The owner or designee shall obey all rules, regulations and conditions imposed upon the project through, but not limited to, the Alcoholic Beverage Commission

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(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.)_____

8. No beer or wine shall be displayed within five (5) feet of the cash register or the front door, unless such display is a permanently fixed cooler. [Citation – Municipal Code Section 17.28.040(D)] (PIng.)_____

9. No advertisement of alcoholic beverages shall be displayed at motor fuel islands. [Citation – Municipal Code Section 17.28.040(D)] (PIng.)_____

10. No display or sale of beer or wine shall be made from an ice tub. [Citation – Municipal Code Section 17.28.040(D)] (PIng.)_____

11. No beer or wine advertising shall be located on motor vehicle fuel islands and no self-illuminating advertising for beer or wine shall be located on buildings or windows. [Citation – Municipal Code Section 17.28.040(D)] (PIng.)_____

12. Employees on duty between ten (10:00) p.m. and twelve (12:00) a.m. shall be at least twenty-one (21) years of age to sell beer and wine. [Citation – Municipal Code Section 17.28.040(D)] (PIng.)_____

13. 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.)_____

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

- Denotes a modified Standard Condition of Approval
- ■ Denotes a project-specific Condition of Approval

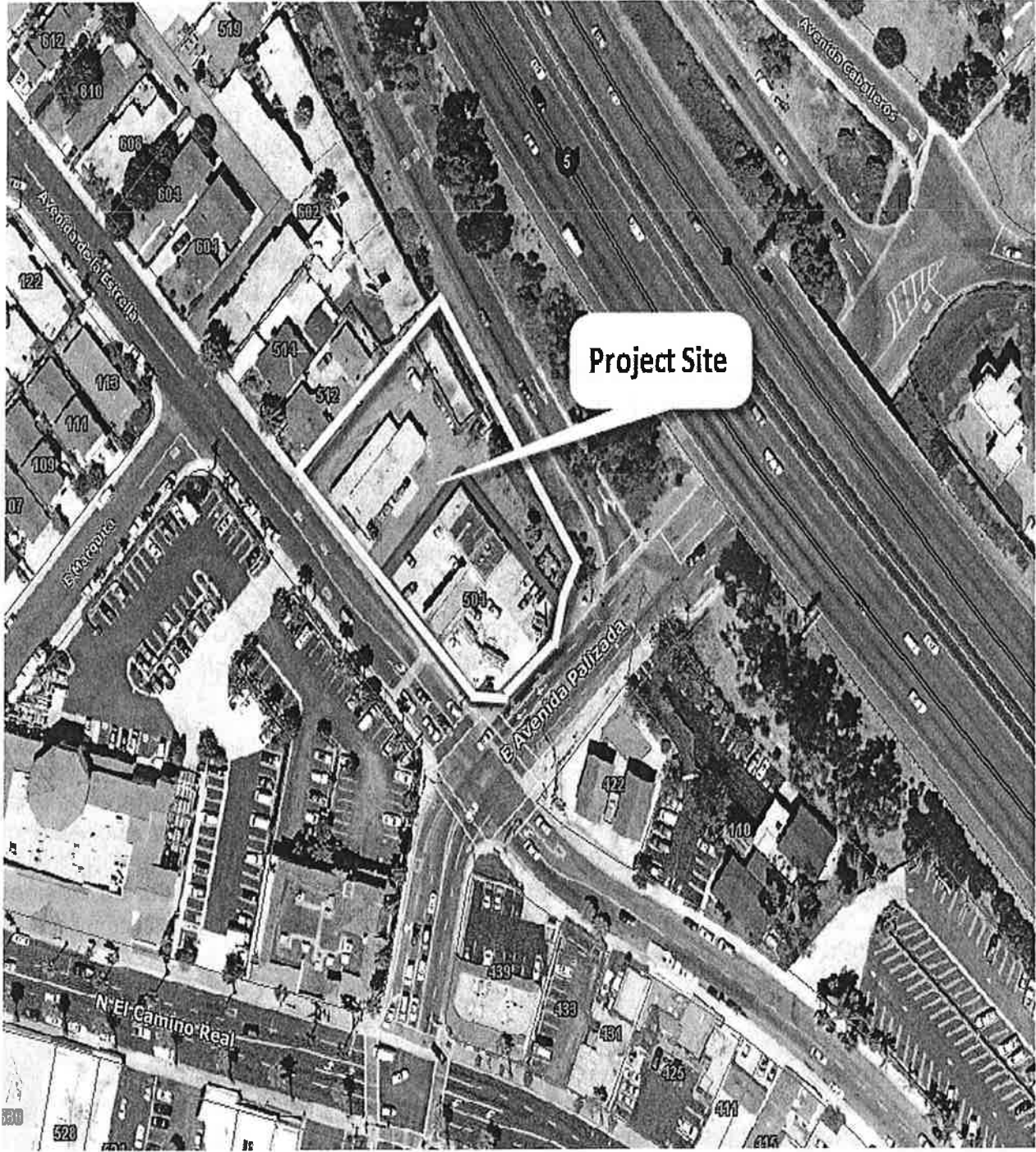
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LOCATION MAP

ATTACHMENT 3

CUP 11-507/SEP 11-508/DSP 11-509/MCUP 11-510/AP 11-511/SPP 11-512, Valero
504 Avenida De La Estrella



Not to scale 

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STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: April 3, 2013

PLANNER: Sean Nicholas, Associate Planner

SUBJECT: Conditional Use Permit 11-507, Sign Exception Permit 11-508, Discretionary Sign Permit 11-509, Minor Conditional Use Permit 11-510, Architectural Permit 11-511, Site Plan Permit 11-512, De La Estrella Plaza (Valero), a request to consider demolition of a service station, gas station pumps, gas pump canopy, and multiple office structures to develop a new gas station with six pumps, pump canopy, car wash, convenience store with sale of beer and wine for off-site consumption, office space, off-site parking agreement, and to approve a master sign program, and freeway-oriented signs at 504 Avenida De La Estrella.

REQUIRED FINDINGS

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

Conditional Use Permit, Section 17.16.060(F): to allow the convenience store, carwash, and off-site parking agreement.

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

Sign Exception Permit, Section 17.16.260(f): to allow freeway oriented signage.

- a. There are unique or unusual circumstances relating to the size of the site or business, shape of the site or business, location and orientation of the site or business, visibility of the site or business, proximity to street frontage or length of street frontage that do not allow the site or business to achieve the goals and objectives of this chapter for adequate business identification;
- b. The granting of the sign exception permit is not contrary to the intent of the General Plan and Design Guidelines in which the sign exception is proposed;

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- c. The granting of a Sign Exception Permit is not considered a grant of special privileges inconsistent with the limitations of other similarly situated properties;
- d. The granting of a Sign Exception Permit does not create a traffic or safety hazard;
- e. The granting of a Sign Exception Permit does not adversely impact surrounding properties by increasing light, glare or noise; and
- f. For freeway-oriented signs:
 - 1. The location of the site dictates the need for a freeway-oriented sign to allow adequate business identification.
 - 2. The design, scale, materials and location of the freeway-oriented sign provides necessary business identification to motorists on the freeway without creating adverse visual impacts.
 - 3. The design, scale and materials of the signs harmonize with the architectural design of the building it serves and are complimentary to the City's image as viewed from the freeway.
 - 4. The design and scale of the signs is appropriate to the distance from which the signs are normally viewed from the freeway.

Discretionary Sign Permit, Section 17.16.250(F): for a Master Sign Program.

- a. The design, including lighting, scale, length and materials, of the sign is consistent with the intent of the design elements of the General Plan and Design Guidelines in which the sign is to be located;
- b. The design, scale and materials of the sign harmonize with the architectural design and details of the building or site it serves;
- c. The design and scale of the sign is appropriate to the distance from which the sign is normally viewed;
- d. The design and materials of the sign provide a contrast between the background and letters;
- e. If a freestanding sign is included in the sign application, the design, scale or location of the building dictates the use of freestanding signs, rather than building-mounted signs; and
- f. For Master Sign Programs:
 - 1. The provisions of the Master Sign Program ensure consistency in design and style of all new signs,
 - 2. The provisions of the Master Sign Program address compatibility of the design and style of any existing signs on the building or site, and
 - 3. All new signs within the Master Sign Program are in compliance with the design standards of this chapter.

Minor Conditional Use Permit, Section 17.16.070(F): for the sale of beer and wine.

- 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

**CUP 11-507/SEP 11-508/DSP 11-509/MCUP 11-510/AP 11-511/SPP 11-512,
De La Estrella Plaza (Valero)**

Clemente General Plan and the purpose and intent of the zone in which the use is being proposed;

- b. The site is suitable for the type and intensity of use that is proposed;
- c. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity; and
- d. The proposed use will not negatively impact surrounding land uses.

Architectural Permit, Section 17.16.100(F)(1): for the non-residential structures.

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

Site Plan Permit, Section 17.16.050(F): for the new non-residential site plan.

- a. The proposed development is permitted within the subject zone pursuant to the approval of a Site Plan Permit and complies with all the applicable provisions of this title, 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;
- b. The site is suitable for the type and intensity of development that is proposed;
- c. The proposed development will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity;
- d. The proposed development will not be unsightly or create disharmony with its locale and surroundings; and
- e. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or location.

BACKGROUND

This is a request to construct a convenience store, car wash, gas pumps, and gas canopy over two lots and demolish the service station and office space. The service station operator will remain Valero. The applicant has been working on re-development of the project site for 10 years, and has developed plans that meet the requirements of the Municipal Code and Design Guidelines. The applicant is proposing to maintain the existing pole sign with some façade improvements; however, staff is recommending the pole sign be removed consistent with Council policy regarding change of uses and pole signs, as well as recent Council approvals. The project site is located

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De La Estrella Plaza (Valero)**

within the Neighborhood Commercial Zoning Designation, just outside of the Architectural Overlay, but at a main entry point to the City from Interstate 5 (I-5). The site is surrounded by commercial uses to the east and south, Residential uses to the west, and I-5 to the north.

Development Management Team

The City's Development Management Team (DMT) reviewed the applicant's request, determined it meets requirements, and recommends Conditions of Approval to ensure code compliance. The recommended conditions are shown on Attachment 1, Exhibit A.

Noticing

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

PROJECT DESCRIPTION

The proposed project will result in all structures being demolished on the two parcel project site and the development of a convenience store, gas pumps, gas canopy, and car wash. The applicant is also proposing an office on the second floor of the convenience store, which will be for the property/business owner and not leasable space. The applicant is proposing to maintain their pole sign, staff is recommending it be removed consistent with City Council policy and past approvals that required removal of a pole sign with a change of use. In this case, the project includes a change of use from automotive repair to convenience store

The applicant is also requesting an off-site parking agreement to provide the parking required for the convenience store between the two lots associated with the project and approval to sell beer and wine for off-site consumption.

Development Standards

Staff has reviewed the project and determined that the development of the two sites meets all applicable development standards. Table 1 is a summary of applicable developable standards and the projects compliance with those standards.

Table 1:
Development Standards

	Allowed/Required	Proposed
Building Height Maximum	30'	26'-6" (Building) 30' (Tower)
Setbacks (Minimum):		
• Setback from Avenida Palizada	0'	4'
• Setback from Ave. De La Estrella	0'	80' (20' to fuel canopy)
• Setback from Freeway off-ramp Property Line	0'	0'
• Setback from Residential (Carwash)	0'	25'
Maximum Floor Area Ratio	.35	.18
Landscaping	10' along street frontage 150 sq. ft. at street corners	10' along street frontage 384 sq. ft. at street corners
Parking	Total Required: 16 spaces 1 space/ 200 sq. ft. Convenience store 1 space/300 sq. ft. Office 1 space/2,000 sq. ft. storage	16 spaces

PROJECT ANALYSIS

Conditional Use Permit

The project requires a Conditional Use Permit (CUP) for the change of use from vehicle repair to convenience store, establishment of a carwash, and an off-site parking agreement. The applicant has gone through several design iterations to ensure the project would meet their operational needs in terms of site and convenience store visibility, viability, and size while meeting the parking requirements. With the demolition of a number of leasable office/retail spaces, the applicant has stated the carwash, potentially one of the few west of I-5, was an essential component to making the project "pencil."

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De La Estrella Plaza (Valero)**

For the Carwash, there is no additional parking required because it is a single-bay self service acting as a "drive-thru." Comparing it to the requirements for drive-thru restaurant stacking, six car stacking is required. The carwash site plan provides space for up to eight vehicles.

Staff requested the applicant complete a sound study regarding potential impacts on adjacent uses from the car wash. The study required additional sound proofing materials be installed within the carwash facility consistent with the findings of the report to reduce the decibels. Hours of operation will be limited to 7:00 a.m.-10:00 p.m. A condition of approval has been added requiring the operator to submit to the City, when requested, sound measurements from adjacent uses to ensure compliance with the noise ordinance. If sound levels exceed City requirements, the carwash will be required to be shutdown until modifications are made to ensure compliance with the noise ordinance. Additional landscaping in the back corner is required by condition of approval to help separate the car wash from adjacent uses, and diminish the sound from the activity.

The project is located on two separate parcels. To allow for the parking and circulation for the project to function the applicant proposes an off-site parking agreement and to record a deed restriction lot-tie to ensure the parcels are not sold separately. The lot-tie binds the parcels together and allows the service station parcel to meet the required 100 foot setback from residential uses. The 100 foot setback is a requirement to sell beer and wine for off-site consumption and the reason a lot merger is not proposed (see Minor Conditional Use Permit section). A condition of approval is included that requires a lot-tie and off-site parking agreement to be recorded on the property prior to issuance of building permits.

Staff has reviewed the required findings for a CUP and determined the project meets those findings because sufficient parking is provided between the two sites to serve the convenience store use, sufficient stacking is provided for the single bay self service car wash, and conditions of approval have been added to ensure compatibility between adjacent uses and the carwash facility.

Sign Exception Permit

The applicant is requesting to maintain the pole sign, and is proposing facade enhancements to it. Consistent with Council policy and City Council actions, staff is recommending the pole sign be removed. Staff has reviewed the findings that would be necessary to approve the Sign Exception Permit for the pole sign, and it is staff's position that the findings could not be met because maintaining the pole sign would not be consistent with the General Plan or Design Guidelines of the City of San Clemente, and would be a detriment to a major entry point to the community.

On the tower element of the convenience store, the applicant is proposing to install freeway oriented signage. This requires the approval of a Sign Exception Permit. Staff is supportive of the signage on the tower and approval for the Sign Exception Permit for the tower signage because:

- The size and location of the signage is in character with the building and site;

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- The tower itself is in scale with the building and meets building heights for the proposed use;
- Only the back (north) and side (west) elevations are considered freeway oriented signage and will still have only limited visibility and not negatively impact the major entry point into the City; and
- The design of the signage is consistent with the City's Design Guidelines and Municipal Code requirements as the signs are individual pin-mounted and halo lit letters and will be compatible and enhance the architecture of the building.

Discretionary Sign Permit

The applicant is proposing a Master Sign Program which includes a modified pole sign. Pursuant to the Municipal Code, the total square footage of signage permitted on the main service station site is 277 square feet, and 100 square feet on the carwash site. The applicant is proposing 253.92 square feet on the service station site and 17.84 square feet on the carwash site.

The design of a majority of the signage is individual, metal, pin mounted signs and halo lit. Rather than the aged copper or black lettering, the applicant is proposing Valero blue for the signage. The proposed monument sign is smooth white stucco and matches the architecture of the primary building. The monument sign is located in over a 300 square foot landscaped corner of the site. The convenience store and car wash signage is hand painted maroon copy and is illuminated with decorative goose neck lighting.

The applicant is proposing to remodel the existing pole sign, but to maintain the approximate 75 foot height. Consistent with City Council policy and past approvals, staff is recommending the pole sign be removed because the applicant is proposing a change of use onsite.

Minor Conditional Use Permit

The applicant is proposing to sell beer and wine at a convenience store, which has more stringent Municipal Code requirements than other uses selling beer and wine for offsite consumption. In particular is the requirement that the site be at least 100 feet from residentially zoned property and 300 feet from any other establishment selling beer and wine for off-site consumption. The site is adjacent to commercial uses, the I-5, and on one side a Residential Medium Density zoned parcel. A proposed Lot Line Adjustment will assure the 100 foot setback is maintained and no buildings cross property lines. The nearest location that serves beer and wine for off-site consumption is the 7-11 at the corner of Avenida Palizada and North El Camino Real. The sites have a separation of 324 feet.

Staff has reviewed the findings for approval of a Minor Conditional Use Permit to sell beer and wine for off-site consumption and determined that the project, as conditioned, can meet the necessary findings. In particular because the site meets the requirements for separation of the project site from residential properties, the sale of beer and wine will not negatively impact

surrounding uses, and the project meets code requirements assuring there is no potential for an over concentration of the sale of beer and wine.

Architectural Permit

The project site is located just outside of the Architectural Overlay (across the street from the boundary) and pursuant to the General Plan located at a major entry point into the City. As a required finding for the Architectural Permit, the architectural design of the project is required to be consistent with the City's Design Guidelines. The applicant has designed a project that is consistent with the City's Design Guidelines. Utilizing Spanish Colonial Revival Architecture, the revised site will be an improvement over the existing structures, and enhance a City entry point from I-5. Utilizing smooth white stucco for the primary building, car wash, and gas canopy the whole site will be tied together architecturally. A rendering of the primary building and car wash has been provided as Attachment 4. The applicant is utilizing red clay single barrel roof tiles on both the primary building and carwash building. The applicant is also proposing to utilize a decorative cornice feature for the top of the gas pump canopy. Condition of approval 4C requires the applicant continue to work with staff on the cornice feature to ensure a design consistent with traditional Spanish Colonial Revival architecture. To help break up the massing of the sides, the applicant is proposing several decorative niches to provide shadow lines and relief to the side of the building. The tower element is 30 feet tall and is consistent with the height allowed for service stations, and has been designed to be in proportion with the rest of the structure. Details have been added to all sides of the tower as it will be visible from adjacent streets and the I-5 freeway off-ramp.

After two reviews by the Design Review Subcommittee, staff is supportive of the architecture proposed for the site and has determined that the required Architectural Permit findings can be made for approval including consistency with the City's Design Guidelines and compatibility with the neighborhood.

Site Plan Permit

The applicant is proposing to demolish all the structures, except the underground tanks, to develop the new site plan. A lot line adjustment will also be completed to create two square lots, and ensure that buildings do not cross property lines. The applicant will also record a deed restriction lot-tie, which legally ties the two lots together, to insure circulation and parking for the project is maintained in perpetuity. As explained earlier, a lot merger will not work for the lots because it would prevent the required parcel separation to allow beer and wine sales.

The applicant is also providing the required landscaping buffer around the service station portion of the project, and as a condition of approval, additional landscaping is required to further buffer the area between the adjacent residences and carwash.

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De La Estrella Plaza (Valero)**

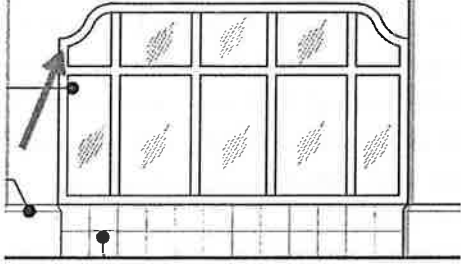

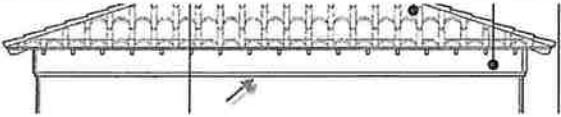
The onsite circulation design was an important consideration in the Development Management Team's (DMT) review of the project. After several site plan iterations, the applicant has proposed a project which substantially meets engineering design specifications. The DMT endorsed several slight deviations in the specifications due to the use and improved safety. One area of modification is reducing the two-way traffic drive aisle between the gas canopy and the convenience store from 24 feet to 23 feet. Due to the speed of traffic, the use of stop signs, and the nature of activities on the site, Executive DMT was supportive of the proposed reduction in favor of a larger sidewalk in front of the convenience store. The second modification is to reduce the required 12 foot passing lane, located between the gas pumps and Avenida De La Estrella, to 10 feet. Executive DMT was accepting of this reduction because the lane is not required for onsite circulation. Engineering has included conditions of approval allowing staff to require modifications to the circulation onsite if problems occur. The number of stop signs proposed by the applicant is based on the architects experience with service stations and developing a safe environment. Engineering has no issue with the stop signs proposed for the project.


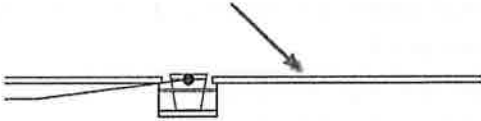

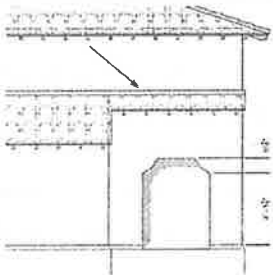
Staff has reviewed and determined the project meets the Site Plan Permit required findings because the use of a lot line adjustment and lot-tie will allow for better building siting and vehicular circulation between the two lots, parking and circulation of the site meets Municipal Code and is consistent with Engineering specifications, and required landscaping is provided to buffer the project site, visually and acoustically, from the public right-of-way and adjacent residential uses.

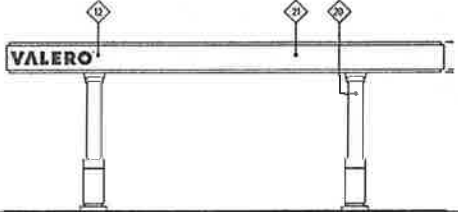
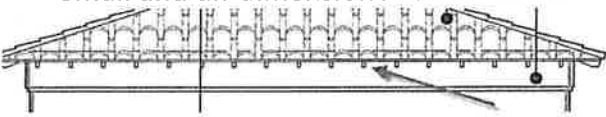
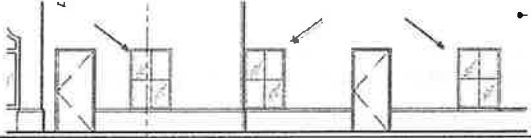
Design Review Subcommittee

The Design Review Subcommittee reviewed the project on November 14, 2012 and February 27, 2013 and supported the design of the project. Table 2 is a list of the discussion points from Design Review Subcommittee:

Table 2:
Design Review Subcommittee Discussion

DRSC DISCUSSION POINT	APPLICANT RESPONSE
<p>Provide sample of the Spanish tile proposed for the bulkheads of the windows.</p> <p>The detail in the corners of the window needs to be a more traditional design. Window Material needs to be clarified.</p> 	<p>The applicant has prepared a sample material board and is attachment 5.</p> <p>Applicant modified the design, but the detail shown on the plans is still more modern. A condition of approval has been added to continue working on this detail with planning staff.</p> 
<p>DRSC had general concerns on the design of the balcony and large arch of the tower and entry point.</p>	<p>The applicant has modified the feature and lowered the overall height of the tower. Additionally they have bolstered the sides of the arch to provide appropriate visual massing.</p>
<p>Unidentified stucco feature below roof line.</p> 	<p>The applicant has removed the feature on the tower simplifying the overall design.</p>

<p>Large inappropriate massing between the top of the second floor and the rafter tails.</p> 	<p>The tower has been redesigned and reduced in height. The massing and scale of the tower is now more consistent with the rest of the structure and consistent with development standards.</p>
<p>Undetailed parapet cap feature.</p> 	<p>The applicant is proposing a tile parapet cap to blend in with the primary structure.</p>
<p>Faux windows on tower element.</p> 	<p>The tower height has been reduced and the faux windows have been removed.</p>
<p>Cutoff roof detail on Carwash.</p> 	<p>The feature has been removed.</p>

<p>The fuel canopy is a metal structure with what appears to be internally illuminated roof.</p> 	<p>The applicant has made design changes so the structure is smooth white stucco to match the primary structure. A condition of approval has been added to work with planning staff to develop an appropriate cornice detail for the top of the canopy.</p>
<p>Small and un-dimensioned rafter tails.</p> 	<p>The applicant is calling out a four x eight rafter tail extending with the roof overhang one foot-six inches (1'-6").</p>
<p>Several faux windows proposed.</p> 	<p>Faux windows have been replaced by niche cutouts.</p>
<p>DRSC requested window color and material samples.</p>	<p>A material board was prepared and included as attachment 5.</p>
<p>DRSC requested that the stucco finish not have a high gloss.</p>	<p>The applicant said they would not, and staff has added a condition of approval.</p>

GENERAL PLAN CONSISTENCY

Table 3 summarizes how the proposed use is consistent with adopted policies outlined in the City of San Clemente General Plan.

Table 3:
General Plan Consistency

Policies and Objectives	Consistency Finding
<p>1.4.3 Permit the continuation of gasoline stations and supporting service facilities in locations along major streets and highways in which they are currently located and require that expansions or modifications of existing facilities be designed to convey a high quality architectural and landscape character, consistent with the overall character and image of the City as specified in the Urban Design Element.</p>	<p>Consistent. The design of the Service Station is Spanish Colonial Revival architecture and is compatible with the surrounding neighborhood. The development of the self service single-bay carwash will be an added community amenity as there currently is not such a facility west of I-5 in San Clemente. The overall design of the project will enhance what is identified as a major entry point into the City from I-5.</p>

2.2 Build on the tradition established by San Clemente's "Spanish Heritage" architecture by emphasizing the careful integration of buildings and landscape.	Consistent. The proposed project is consistent with adjacent properties that have been remodeled and is consistent with the City's Design Guidelines.
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ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA):

The Planning Division completed an initial environmental assessment for this project per the California Environmental Quality Act (CEQA). Staff recommends the Planning Commission determine the project is exempt from CEQA as a Class 3 exemption pursuant to Section 15303 because the project is zoned for commercial use and there is sufficient public utilities available to service the project and the total buildings on the site do not equal more than 10,000 square feet.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff and approve the proposed project.

This would result in the project being approved without the pole sign, but allows for the signage being developed on the top portion of the tower which will be visible from the freeway, which is consistent with previous Council approvals in that a change of use associated with service stations will result in removal of the pole sign. This may result in the applicant appealing the decision regarding the pole sign to the City Council for their review, or City Council calling the item up for review.

2. The Planning Commission can approve the project and at its discretion, add, modify or delete provisions of the proposed project or conditions.

The Planning Commission could decide that maintaining the pole sign as proposed by the applicant with the upgraded façade is allowed due to the location and siting of the project site, despite City Council policy and recent City Council action, and allow the project to move forward as the applicant has proposed. This action would be inconsistent with the General Plan and Design Guidelines Policy and past City Council actions, and may result in City Council calling the item up for review.

3. The Planning Commission can deny the various entitlements.

This would result in the project site not being improved. A denial by Planning Commission may be appealed by the applicant for City Council review, or called up by City Council for their review.

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De La Estrella Plaza (Valero)**

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approve CUP 11-507/SEP 11-508/DSP 11-509/MCUP 11-510/AP 11-511/SPP 11-512, Valero, subject to the attached draft resolution and conditions of approval which would allow for the development of the sites and new master sign program, but would result in the pole sign not being approved.

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
April 3, 2013 @ 7:09 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA 92672**

1. CALL TO ORDER

Chair Avera called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:03 p.m.

2. PLEDGE OF ALLEGIANCE

Vice Chair Darden led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Nesa Anderson, Barton Crandell, Michael Kaupp, and Jim Ruehlin;
Vice Chair Julia Darden, Chairman Lew Avera

Commissioners Absent: Chair pro Tem Donald Brown

Staff Present: Jim Pechous, City Planner
Sean Nicholas, Associate Planner
Christopher Wright, Associate Planner
Adam Atamian, Assistant Planner
Zachary Ponsen, Senior Civil Engineer
Ajit Thind, Assistant City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS - None

5. MINUTES

A. Minutes from the Regular Study Session of March 20, 2013

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER CRANDELL, AND CARRIED 4-0-2, WITH COMMISSIONER KAUPP AND VICE CHAIR DARDEN ABSTAINING, to receive and file the minutes of the Regular Study Session of March 20, 2013, as submitted by staff.

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[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL]

B. 910 South El Camino Real – Discretionary Sign Permit 12-159 – San Clemente Medi Center Signage (Wright)

A request to consider a master sign program for a multi-tenant commercial building. The subject site is located in the Neighborhood Commercial zoning district (NC2) at 910 South El Camino Real. The legal description is Lot 1, of Block 4 of Tract 822, Assessor's Parcel Number 692-151-23.

Christopher Wright, Associate Planner, summarized the staff report and recommended approval of the request as conditioned.

Commissioners said sheet 6 of the sign program should be revised to show the south elevation wall sign is centered over the arch on the first floor.

Neil Kadakia, applicant, was available for questions. He noted the intent of the revised signage is to advertise hours of operation and emergency services, and provide visible signage for secondary tenants. Mr. Kadakia agreed future wall signs on the south elevation should be centered like the existing wall sign in that location.

IT WAS MOVED BY VICE CHAIR DARDEN, SECONDED BY COMMISSIONER ANDERSON, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-013, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING DISCRETIONARY SIGN PERMIT 12-159, SAN CLEMENTE MEDI CENTER SIGNAGE, A REQUEST TO ALLOW A MASTER SIGN PROGRAM ON A COMMERCIAL BUILDING LOCATED AT 910 SOUTH EL CAMINO REAL.

[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL]

C. 504 Avenida De La Estrella – Conditional Use Permit 11-507/Sign Exception Permit 11-508/Discretionary Sign Permit 11-509/Minor Conditional Use Permit 11-510/Architectural Permit 11-511/Site Plan Permit 11-512 – De La Estrella Plaza (Nicholas)

A request to consider demolition of a service station, gas station pumps, gas pump canopy, and multiple office structures to develop a new gas station with six pumps, pump canopy, car wash, convenience store with the sale of beer and wine for off-site consumption, office, and off-site parking agreement, and to approve a master sign program, and freeway-oriented signs at 504 Avenida De La Estrella within the Neighborhood Commercial (NC2) zoning designation. The legal description is Lots 27, 28, 29, 30, 79, 80, and 91, of Block 1, of Tract 793,

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portion of Lot 91 and 7 of Tract 853, Assessor's Parcel Numbers 057-142-44 and 057-142-37.

Sean Nicholas, Associate Planner, narrated a PowerPoint presentation entitled, "Valero, Conditional Use Permit 11-507, Sign Exception Permit 11-508, Discretionary Sign Permit 11-509, Minor Conditional Use Permit 11-510, Architectural Permit 11-511, Site Plan Permit 11-5-12, De La Estrella Plaza, dated April 3, 2013." He noted the applicant has been working on this application for 10 years, and he has been the staff contact for over 6 years. He reviewed the staff report, summarized each application associated with the request, described the proposed project, and provided the project analysis. He distributed a revised copy of the Resolution and detailed the modification. Staff is conditioning the project to require removal of the existing pole sign. Staff recommended approval of the request as conditioned.

Alex Irshaid, architect representing the applicant, commended and thanked Associate Planner Nicholas for his assistance with this application. He drove around the area to photograph other gas stations and found this situation to be unique due to its lower elevation from the freeway, which may qualify it for an exception to allow the pole sign.

Mehdi Ghassemi, business owner, requested to be allowed to keep the pole sign, discussed other stations in town with similar signage. The station needs the tower sign to give it exposure and attract patrons from the freeway. Up to 30 to 40% of his business comes from the freeway, and many of those patrons have indicated they became aware of the station due to the pole sign. His situation is unique because he is located so much lower grade than the freeway. In response to a question from Commissioner Ruehlin, he acknowledged no data to support his declaration of expected loss with the removal of the pole sign.

Chair Avera opened the public hearing, and there being no public testimony, closed the public hearing.

Commissioner Ruehlin expressed concern about the LED-style lighting proposed for the monument sign, tailpipe emissions, and the corporate logos proposed to face the freeway. With regard to the monument sign, he is concerned the signage will be too bright, visible for long distances, and distracting for signage that will be part of the gateway to the City. He suggested the LED lighted numbers be replaced with more traditional signage.

Associate Planner Nicholas advised staff supports the signage as proposed in the Master Sign Program and/or conditioned in the staff report. The applicant is required to remove the pole sign because a change of use is proposed. Findings can be made to support the freeway facing signage, and noted the proposed

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monument sign, with the LED-style lighted numbers to indicate gas prices, complies with the City's codes.

Mr. Irshaid advised the purpose of the LED-style lighting is not to be seen at a distance, but to allow control of gas prices from center stations. The cashier will not have to physically change the numbers, and this is the style of price signage being installed in all the new stations. He listed other stations, both within and outside of the City, that currently feature the new technology. He agreed to work with staff to explore other colors, consider reduced intensities, and shield if necessary to make the monument price signage the most complementary, attractive, and least invasive as possible.

In response to concerns expressed by Vice Chair Darden regarding sound attenuation, Associate Planner Nicholas advised that in accordance with the results of the sound study, the applicant will only operate from 7:00 to 10:00 p.m., and use sound attenuation equipment to trap the sound. Another alternative is to build a wall to separate the facility from the adjacent residential area. He confirmed that there is enough space on site to build a wall if necessary, and noted Condition no. 22 gives staff authority to act if noise issues arise.

During discussion, the Commissioners, either individually or in agreement, provided the following commentary:

- Pointed out a similar situation where covering the pole sign did not result in reduced patronage.
- Noted the City has strictly enforced removal of pole signs with changes in use in the past.
- Commended the applicant for working well with the City and Design Review Subcommittee (DRSC) to resolve issues.
- Commented the project was sufficiently conditioned to allow staff to take action in the event noise issues arise.
- Supported the freeway facing signage to help patrons locate the gas station from the freeway.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER ANDERSON, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-014, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 11-507, SIGN EXCEPTION PERMIT (SEP) 11-508, DISCRETIONARY SIGN PERMIT (DSP) 11-509, ARCHITECTURAL PERMIT (AP) 11-511, AND SITE PLAN PERMIT (SPP) 11-512, DE LA ESTRELLA PLAZA (VALERO) A REQUEST TO DEMOLISH A SERVICE STATION AND ALL STRUCTURES ON TWO PARCELS AND DEVELOP A NEW SERVICE STATION, CONVENIENCE STORE, CARWASH, SIX FUEL STATIONS, MASTER SIGN

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PROGRAM, AND FREEWAY ORIENTED SIGNAGE LOCATED AT 504 AVENIDA DE LA ESTRELLA, with the following revisions:

Page 10, staff shall revise Condition 4.B. to require the applicant use stucco that does not produce a sheen.

Page 11, no. 6 shall read as follows: "The applicant shall provide specifications that state wrought iron is proposed for the balcony in the arch of the tower and the design shall be traditional Spanish to be approved by the City Planner."

Page 19, add new condition no. 56 as follows: "Prior to issuance of the sign permit, the applicant shall submit to the City Planner for his review options for colors, intensity and glare of the monument price sign to improve the sign's compatibility with the architecture and site location as a City entryway."

[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL]

D. 1509 North El Camino Real – Conditional Use Permit 12-362/Cultural Heritage Permit 12-363/Discretionary Sign Permit 13-082/Sign Exception Permit 13-083/Minor Exception Permit 13-084/Outdoor Dining Permit 13-085 – North Beach Rooftop Bar and Grill (Nicholas)

A request to consider a conversion of a one-story commercial building into a restaurant with an open roof top bar and grill with a full range of alcohol, live amplified music, an off-site parking agreement, parking waivers for outdoor seating, and approve a new sign package which exceeds the allowed total sign area for the site. The project is located at 1509 North El Camino Real within the C2/MU-3 zoning designation. The legal description is Lot 9, of Block 2, of Tract 795, Assessor's Parcel Number 057-170-31.

Sean Nicholas, Associate Planner, narrated a PowerPoint Presentation entitled, "CUP 12-362/CHP 12-363/DSP 12-082/MEP 13-084/ODP 13-085, North Beach Rooftop Grill and Bar, dated April 3, 2013," and summarized the staff report. Staff recommended approval of the request as conditioned.

In response to questions from the Commissioners, Associate Planner Nicholas advised that the conditions related to sound attenuation are based on the sound study provided by the sound engineer.

Discussion ensued regarding sound issues, with several Commissioners expressing concern that sound could travel farther than anticipated due to the site's topography and adjacent housing, mixed use structures may be negatively affected by noise generated on the rooftop. Jim Pechous, City Planner, assured the Commissioners that code enforcement will respond to any reports of

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