

08/21/12
CB(1)

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR
ZONING ADMINISTRATOR MEETING
July 18, 2012**

Staff Present: James Holloway, Amber Gregg, Sean Nicholas, John Ciampa, Cameron Eaton, and Kimberly Maune

2. MINUTES

Minutes of the Zoning Administrator meeting of June 20, 2012 received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARINGS

A. 17 Calle Celestial – (Minor Exception Permit 12-157) – Cullen Addition (Gregg)

A request to consider a two foot encroachment into the required front yard setback for an addition to a single family residence located at 17 Calle Celestial within the Talega Specific Plan Low Density Residential zoning district, legal description being Lot 60, of Tract 14224, Assessor's Parcel Number 701-223-27.

Associate Planner Amber Gregg summarized the staff report and presented plans and photographs of the site and proposed changes.

Applicant Henry Garcia was present. Mr. Garcia stated everything is as Ms. Gregg explained it.

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

Mr. Holloway stated this is a straight forward request. He asked about the homeowner's association; Mr. Garcia responded he has a letter of approval from them.

Mr. Holloway stated this request is consistent with the intent of the Minor Exception Permit process, it has been approved by the homeowner's association, and it is consistent with the character of the neighborhood.

Mr. Holloway thanked Mr. Garcia for working with staff and informed him of the ten day appeal period. He also informed Mr. Garcia that Ms. Gregg will continue

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to help him with anything he may need. Mr. Garcia stated Ms. Gregg has been excellent at helping him with this project.

Action: The Zoning Administrator approved Minor Exception Permit 12-157, Cullen Addition, subject to Resolution ZA 12-025 with attached Conditions of Approval.

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

B. 1527 North El Camino Real – (Minor Conditional Use Permit 12-196) – Bull Taco Beer and Wine (Gregg)

A request to consider allowing the sale and onsite consumption of beer and wine associated with a new restaurant located within the Commercial (C-2) zoning district at 1527 North El Camino Real, legal description being Lot 5, of Block 2, of Tract 795, Assessor's Parcel Number 057-170-27.

Associate Planner Amber Gregg summarized the staff report and presented plans and photographs. Ms. Gregg stated she contacted City Code Enforcement, the Sheriff's Department, and Alcohol Beverage Control, and none of these agencies had any concerns with this application. She also stated that in addition to adding the new outdoor patio, the applicant is also adding bike parking to the front area.

Craig Leslie was present and stated he is one of the owners of Bull Taco. Mr. Leslie stated Ms. Gregg did a great job explaining their request.

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

Mr. Holloway asked Ms. Gregg what the surrounding property is zoned; Ms. Gregg responded mixed use. He asked if there is a concentration of residential uses near by; Ms. Gregg responded no.

Mr. Holloway stated the City carefully reviews approvals and consideration of serving alcohol on outdoor patios. These are not without precedent, for example the OC Tavern. Mr. Holloway asked Ms. Gregg for other examples. Ms. Gregg responded Rider's Club, Fisherman's, and Sundried Tomato. Mr. Holloway asked Ms. Gregg if these are all commercial and/or mixed use zoned and none of them are in close proximity to residential zoning and a concentration of actual residential uses; Ms. Gregg responded these statements are correct. Mr. Holloway stated these are important considerations for granting the Minor Conditional Use Permit (MCUP) for outdoor patios with service of alcohol.

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Mr. Holloway asked Ms. Gregg if the standard conditions of approval, which have been applied to other MCUPs regarding alcohol service, have been applied to this request. Ms. Gregg responded yes, including a noise condition. Mr. Holloway asked what the hours of operation will be; Ms. Gregg responded 8:00 a.m. to 10:00 p.m. daily.

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

Action: The Zoning Administrator approved Minor Conditional Use Permit 12-196, Bull Taco Beer and Wine, subject to Resolution ZA 12-024 with attached Conditions of Approval.

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

C. 3 Calle Tortuga – (Minor Exception Permit 12-166) – Martinez Pool (Eaton/Ciampa)

A request to consider a reduction of the rear yard setback to construct a pool within the rear half of a lot within the Low Medium Density Residential zoning district of the Talega Specific Plan located at 3 Calle Tortuga, legal description being Lot 129 of Tract 15798, Assessor's Parcel Number 701-131-35.

Planning Intern Cameron Eaton summarized the staff report.

Applicant Joanne Martinez was present; she stated staff has been very helpful and Mr. Eaton did a good job explaining her request.

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

Mr. Holloway stated the plans and exhibits submitted with the staff report are excellent and Mr. Eaton's presentation was good.

Mr. Holloway, Mr. Eaton, and Ms. Martinez examined the plans. Mr. Holloway stated the plans show precisely where the mechanicals will be located. Sound and mechanical location are important considerations with pools. There's a clear notation on the plans which states the specifications and the decibel level requirements for this pool; this is part of the permanent record.

Mr. Holloway stated the conditions of approval include sound requirements and maintenance of the decibel level which is in conformance with the City's Noise Ordinance. Often times in 10 to 20 years the bearings wear out. Since this home is surrounded by other homes with similar amenities perhaps everyone

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will be facing fixing these bearing problems simultaneously. Ms. Martinez stated they have very good neighbors and they want to keep it that way.

Mr. Holloway informed the applicant of the ten day appeal period and he thanked her for working with staff.

Action: The Zoning Administrator approved Minor Exception Permit 12-166, Martinez Pool, subject to Resolution ZA 12-023 with attached Conditions of Approval.

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

D. 102 Avenida Cabrillo – (Minor Conditional Use Permit 12-170/Special Activities Permit 12-171/Minor Cultural Heritage Permit 12-227) – Nomads Canteen (Nicholas)

A request to consider the sale of beer and wine for onsite sale and consumption, for 14 special events for the 2012 calendar year, and for a new deck associated with a new restaurant within the Mixed Use (MU-3-A) zoning district, located at 102 Avenida Cabrillo and 101 Avenida Serra, legal descriptions being Lots 25 and 6, of Block 4, of Tract 779, Assessor's Parcel Numbers 058-073-25 and 058-073-19.

Associate Planner Sean Nicholas summarized the staff report.

Jeff Gourley was present and stated he is the owner of Nomads Canteen. Mr. Gourley stated staff has been helpful in ironing out the details needed to move this project forward.

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

Mr. Holloway asked if this request is for beer and wine only; Mr. Nicholas responded yes and added that it is for indoor and outdoor consumption. Mr. Holloway asked for clarification regarding the hours of indoor consumption and service of food, beer and wine; Mr. Nicholas responded Monday through Saturday 11:30 a.m. to midnight and Sunday 11:30 a.m. to 10:00 p.m.

Mr. Holloway asked, as the staff report states, usage of the outdoor ceases at 10:00 p.m., if that is every day of the week; Mr. Nicholas responded yes. Mr. Holloway asked if this includes food service also; Mr. Nicholas responded yes. Mr. Holloway stated this is consistent with other outdoor services that are somewhat adjacent to residential areas.

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Mr. Holloway asked if the 14 live entertainment activities will occur entirely indoors; Mr. Nicholas responded yes. Mr. Holloway stated the Orange County Sheriff's Department is supportive of this Special Activities Permit (SAP) request.

Mr. Holloway asked when the live entertainment will cease; Mr. Nicholas responded midnight Monday through Saturday and 10:00 p.m. on Sunday. Mr. Nicholas stated there is no expanded use allowed with this SAP request; it is during regular operating hours only. Mr. Holloway stated he is going to change this because of the proximity to the residential area and to be consistent with other SAPs which include live entertainment.

Mr. Holloway directed staff to modify condition number 11 to state that the live entertainment will have to shut down at 10:00 p.m. All activities at the Casa Romantica, which is surrounded by residential, shut down by 10:00 p.m. The key is the live entertainment because of the decibel levels generated. If Nomads were located in a different area there would be more latitude.

Mr. Holloway stated despite the technical problems that had to be worked out, the addition of the deck is a great idea. It will add a lot to the neighborhood and it will bring some life to the business. Mr. Gourley responded it will change the outlook there.

Mr. Holloway commended staff and the applicant for working through the myriad of regulations and problems; everyone did a great job figuring out how to make this happen. He informed the applicant of the ten day appeal period. He asked Mr. Gourley when he plans to open; Mr. Gourley responded they hope to open sometime in September.

Action: The Zoning Administrator approved Minor Conditional Use Permit 12-170/Special Activities Permit 12-171/Minor Cultural Heritage Permit 12-227, Nomads Canteen, subject to Resolution ZA 12-026 with attached Conditions of Approval with the modification to condition number 11 as stated above.

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

5. NEW BUSINESS

None

6. OLD BUSINESS

None

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ADJOURNMENT

The meeting adjourned at 3:30 p.m. to the regular Zoning Administrator meeting to be held on August 8, 2012 at 3:00 p.m., at the Community Development Department, Conference Room A, located at 910 Calle Negocio, Suite 100, San Clemente, California.

Respectfully submitted,

SAN CLEMENTE ZONING ADMINISTRATOR


James Holloway

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08/21/12
LB(1)

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR
ZONING ADMINISTRATOR MEETING
August 8, 2012**

Staff Present: James Holloway, Sean Nicholas, John Ciampa, Diane Kwon, Edward Peak, and Kimberly Maune

2. MINUTES

Minutes of the Zoning Administrator meeting of July 18, 2012 received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

Agenda items are presented in the originally agendized format for the benefit of the minutes' reader, but were not necessarily heard in that order.

4. PUBLIC HEARINGS

**A. 819 Avenida Salvador – (Minor Exception Permit 12-232) – Ray Residence
(Nicholas)**

A request to consider a continuation of a non-conforming side yard setback for a second floor addition to a home located at 819 Avenida Salvador within the Residential Low Density (RL-1) zoning district. The legal description is Lot 10, of Tract 8617, Assessor's Parcel Number 690-213-19.

Planning Intern Edward Peak summarized the staff report.

Applicant Dan Ray was present; he stated the project was presented well.

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

Mr. Holloway stated this project is typical of homes built in the 1970s. City codes have changed since the home was originally built to code. The Minor Exception Permit process allows homeowners to do this type of continuation along the same plane.

Mr. Nicholas stated the new potential owners of 817 Avenida Salvador contacted him and expressed support of this project stating that this addition will not impact their view.

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Mr. Holloway and Mr. Nicholas examined the site photos. Mr. Holloway stated the photos staff provided are very helpful. This project is consistent with the neighborhood. Staff has not received any negative public comments regarding this project.

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

Action: The Zoning Administrator approved Minor Exception Permit 12-232, Ray Residence, subject to Resolution ZA 12-029 with attached Conditions of Approval.

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

B. 181 West Avenida Cornelio – (Minor Architectural Permit 12-178) – Harvey Addition (Ciampa)

A request to consider an addition and a roof deck above the garage to a non-conforming house located at 181 West Avenida Cornelio within the Residential Low (RL) zoning district. The legal description is Lot 52, Block 8 (and southwesterly ½ of Lot 53) of Tract 852, Assessor's Parcel Number 692-191-06.

Associate Planner John Ciampa summarized the staff report.

Architect Alura Aguilera was present representing the applicant. Ms. Aguilera stated this project is a modest addition, they are adding a bedroom, a bathroom, and a deck.

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

Mr. Holloway stated the homeowner is proposing an expansion to a classic beach cottage. This was not allowed under the previous code. With the recent non-conforming code changes this type of addition is now allowed. The home is currently 995 square feet; the proposed addition is 413 square feet. This modest expansion is practical and it fits the scale of the neighborhood.

Mr. Holloway thanked Ms. Aguilera for working with staff and he informed her of the ten day appeal period.

Action: The Zoning Administrator approved Minor Architectural Permit 12-178, Harvey Addition, subject to Resolution ZA 12-027 with attached Conditions of Approval.

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

C. 1538 Buena Vista – (Minor Exception Permit 12-225) – Bjerken Wall (Ciampa)

A request to consider a retaining wall to exceed 42 inches within the front yard setback for a residential property located at 1538 Buena Vista within the Residential Medium (RM) zoning district. The legal description is Lot 28, Block 4 of Tract 821, Assessor's Parcel Number 692-121-18.

Planning Intern Diane Kwon summarized the staff report.

Applicant Linman Bjerken was present. Mr. Linman stated he wants to get together with staff to match the earth tone color. He also stated there is one pepper tree; the other two are really bushes.

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

Mr. Holloway and Mr. Bjerken examined the plans. Mr. Bjerken pointed out where the pepper tree and what he considers pepper bushes are all located. Mr. Holloway stated it is City policy to not remove trees from City property. Mr. Ciampa stated there is likely one tree in the public right-of-way; the Development Management Team discussed the sidewalk but not the tree removal requirements and procedures.

Mr. Holloway directed staff to add a condition of approval stating that the City Manager will be made aware of the sidewalk design and the current proposal; the City Manager will make any decisions regarding any amendments to the sidewalk with regards to saving the tree. Mr. Holloway stated City policy is the City Manager signs off on removal of trees in the public right-of-way.

Mr. Holloway thanked the applicant for working with staff and informed him of the ten day appeal period. He also directed staff to resolve the tree/sidewalk problem before the end of the ten day appeal period.

Action: The Zoning Administrator approved Minor Exception Permit 12-225, Bjerken Wall, subject to Resolution ZA 12-028 with attached Conditions of Approval with the additional condition as stated above.

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

5. NEW BUSINESS

None

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6. OLD BUSINESS

None

ADJOURNMENT

The meeting adjourned at 3:30 p.m. to the regular Zoning Administrator meeting to be held on August 22, 2012 at 3:00 p.m., at the Community Development Department, Conference Room A, located at 910 Calle Negocio, Suite 100, San Clemente, California.

Respectfully submitted,

SAN CLEMENTE ZONING ADMINISTRATOR


James Holloway

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