



## STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: December 3, 2014

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**PLANNER:** Sean Nicholas, Associate Planner *SN*  
Katherine Moran, Planning Intern *KM*

**SUBJECT:** Minor Architectural Permit (MAP) 13-280, Del Taco Façade Improvements, a request to re-paint the exterior of an existing Del Taco.

**LOCATION:** 109 Via Pico Plaza

**ZONING/GP:** Community Commercial (CC2) in the West Pico Corridor Specific Plan

### **BACKGROUND:**

- Del Taco painted the exterior of their building and added signage without the necessary City approvals. The exterior façade is not consistent with the Pico Plaza's aesthetic character, and the unpermitted signs around the façade exceed the permitted square footage.
- The applicant is proposing to paint the building white, Vista Paint "flat white" with a Sherwin Williams "Java" for the trim of the roof. The applicant is proposing an accent color of Sherwin Williams "Pennywise" in two corners of the building. The applicant is also proposing to remove all of the unpermitted signage.
- The franchise owners of the Del Taco have struggled for some time, and recently gave the franchise back to corporate Del Taco.
- Del Taco is located in Pico Plaza and has limited visibility from the freeway because it is tucked away off of Avenida Pico. The project changes are cosmetic with no square footage added.
- Pico Plaza is approved to be white with additional accent colors for individual buildings. The property owners of the center have reviewed the applicant's submittal and have indicated support for the proposed color scheme.
- The project was reviewed by the Design Review Subcommittee (DRSC) on November 12, 2014 (staff report and minutes provided under Attachment 5), and the DRSC was supportive of staff's recommendations, which included a more toned down red accent color (the new Pennywise color) and to be only used for the front and drive thru elevations. Staff was not supportive of the accent color facing the freeway, based on previous City Council and Planning Commission direction, the painting of those areas may be considered additional signage, thus not permitted.

- In response, Del Taco has submitted the Sherwin-Williams "Pennywise" color for the accent, which staff supports. Staff still recommends only the front and drive thru elevations should have the accent color, not facing the freeway.
- There are two legal non-conforming Del Taco wall signs. These wall signs were not modified with the unpermitted work, staff is supportive of these two wall signs remaining. The existing legal non-conforming signs were approved in 1979 and have been maintained since that time. They are legal non-conforming due to reduced building signage approved for the site through a Master Sign Program adopted in 1990.

**STAFF RECOMMENDS THAT the Zoning Administrator approve MAP 13-280, Del Taco Façade Improvements, subject to the attached Resolution and Conditions of Approval.**

**Attachments:**

1. Resolution No. ZA 14-051  
Exhibit 1 Conditions of Approval
2. Location Map
3. Previous Façade Photos
4. Existing Façade Photos
5. November 12, 2014 DRSC Staff Report and Minutes (excerpted)  
Plans

RESOLUTION NO. ZA 14-051

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY  
OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR  
ARCHITECTURAL PERMIT 13-280, DEL TACO FAÇADE  
IMPROVEMENTS, A REQUEST TO REMODEL THE EXTERIOR OF AN  
EXISTING FAST FOOD RESTAURANT LOCATED AT  
109 VIA PICO PLAZA

**WHEREAS**, on July 17, 2013, an application was submitted, and on November 12, 2014, completed by Mark Raber, 25521 Commercenter Dr. #200, Lake Forest, CA 92630, for a Minor Architectural Permit to remodel the exterior of an existing Del Taco, with no square footage being added. The project is located at 109 Via Pico Plaza, Assessor's Parcel Number is 692-351-09; and

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

**WHEREAS**, on December 3, 2014, the Zoning Administrator held a duly noticed public hearing on the subject application and considered evidence presented by the City staff, the applicant, and other interested parties.

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

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

**Section 2:** The architectural treatment of the project complies with the San Clemente's General Plan in that development will be consistent with the Pico Plaza Shopping Center and West Pico Corridor Specific Plan.

**Section 3:** The architectural treatment of the project complies with the West Pico Corridor specific plan and this title in areas including, but not limited to, height, setback color, etc. in that the building is existing and no square footage is being added. The improvements are painting and removing un-permitted signage. The color palette is consistent with the shopping center and specific plan requirements.

**Section 4:** The architectural treatment of the proposed project complies with the architectural guidelines in the City's Design Guidelines in that the design will bring the building into conformance with the rest of the center as well as the requirements of the specific plan.

**Section 5:** The general appearance of the proposal is in keeping with the character of the neighborhood in that the shopping center is primarily white with red tile roofs and utilizes accent tones as proposed for Del Taco.

**Section 6:** The proposed remodel will not be detrimental to the orderly and harmonious development of the City in that the project meets all applicable requirements and no additional square footage is proposed.

**Section 7:** The Zoning Administrator of the City of San Clemente hereby approves MAP 13-280, Del Taco Façade Improvements, a request to remodel the exterior of an existing fast food restaurant, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit 1.

**PASSED AND ADOPTED** at a regular meeting of the Zoning Administrator of the City of San Clemente on December 3, 2014.

SAN CLEMENTE ZONING ADMINISTRATOR

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Jim Holloway, Community Development Director

## EXHIBIT 1

**CONDITIONS OF APPROVAL\***  
**MINOR ARCHITECTURAL PERMIT NO. 13-280**  
**DEL TACO FAÇADE IMPROVEMENTS**

1. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City of San Clemente and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the "Indemnitees") from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either (i) the City's approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act ("CEQA"), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an "Action") within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City's full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)\_\_\_\_\_
2. Thirty (30) days after project approval, the owner or designee shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)\_\_\_\_\_
3. MAP 13-280 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]*

The use shall be deemed to have lapsed, and Map 13-280 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.)\_\_\_\_\_

4. The owner or designee shall have the right to request an extension of Map 13-280 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 in accordance with Zoning Ordinance Section 17.12.160. *[Citation - Section 17.12.160 of the SCMC]* (PIng.)\_\_\_\_\_

5. Prior to issuance of certificate of occupancy, the project shall be develop in conformance with the site plan, floor plans, elevations, details, and any other applicable submittals approved by the Zoning Administrator on December 3, 2014, subject to the Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, details, or other approved submittal shall require that the owner or designee submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Zoning Administrator. *[Citation - Section 17.12.180 of the SCMC]* (PIng.)\_\_\_\_\_

6. 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. The primary building shall be Vista Paint "flat white" with a Sherwin Williams "Java" for the trim of the roof. The applicant is proposing an accent color of Sherwin Williams "Pennywise."
- B. Only the front elevation and drive thru elevation corners shall have the accent "Pennywise" color.

**Building**

7. A separate Building Permit is required. Plans to construct new building, add or alter the existing building configuration, change in use, add or alter structural, mechanical, electrical or plumbing features of the project must be reviewed and approved through a separate building plan check / permit process. (Bldg.)\_\_\_\_\_

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

8. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to, the Zoning Ordinance, Grading Code, Security Ordinance, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 of the California Code of Regulations as adopted by the City including, but not limited to the California Administrative, Building, Electrical, Plumbing, Mechanical, Energy, Green, and Fire Codes. (Bldg.)\_\_\_\_\_ *[S.C.M.C – Title 8 – Chapter 8.16 – Fire Code, Title 15 Building and Construction Chapters 15.08, 15.12, 15.16, 15.20, 15.21, Title 16 Subdivisions, Title 17 Zoning]*
9. Prior to the issuance of building permits, the owner or designee shall 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]*

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

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



# LOCATION MAP

# ATTACHMENT 2

MAP 13-280, Del Taco Façade Improvements  
109 Via Pico Plaza



No scale 



PREVIOUS FAÇADE

Proposed A.S.U. - Store #1144 - San Clemente, California - Exterior View #1

**PROJECT INFO** Supplement sheet 10" (06)

STORE #1144	REVISION: 05/07/2014
205 BA PICO PLAZA	AREA COVERED: 1704 SQ.FT.
544 CLOVERDALE, CA 92673	STORE NUMBER: 1144
	PROJECT NUMBER: 130402-0311
	DATE: 05/07/14

**KEYNOTES**

- 1) NEW EXTERIOR NETWORK PANELS
- 2) EXISTING NEON LIGHTING ABOVE SIGN TO BE REMOVED
- 3) EXISTING EXTERIOR SIGN TO BE REMOVED
- 4) NEW SIGNAGE LIGHTING - PER SPEC
- 5) PAINT SIGNAGE TO BE REPAIRED
- 6) REMOVE EXISTING AWNING FABRIC AND FRAME, PATCH & REPAIR
- 7) NEON LIGHTING TO REMAIN
- 8) PAINT EXISTING ACCENT TILES TO MATCH ADJACENT SURFACE
- 9) 3" MANGOST BEAD UNLESS SPECIFIED BY EXIST. CONDITIONS
- 10) ADDRESS NUMBERS ARE TO BE PAINTED
- 11) POLY. SIGNS, MANGOST SIGNS, DECORATIVE SIGNS, EXT. MESH SIGNS, SPEAKER POLES, MESH POLES, TRUSS CANS, AND LIGHTS ARE TO BE PAINTED
- 12) SIGNAGE NEEDS TO REMAIN AS-IS, UNLESS ALREADY PAINTED
- 13) REFER TO SIGNAGE/DETAILS PAGE
- 14) EXTERIOR BUILDING LEAD FLASHING LAMPS ARE TO BE REPLACED WITH NEW LAMPS, REPLACE BROKEN LAMP COVERS
- 15) RE-PAINT EXISTING SOLARIUS
- 16) EXISTING MANGOST SIGNAGE TO BE REMOVED - COORDINATE WITH OPERATOR REVEAL TO REMAIN
- 17) RE-PAINT EXISTING SIGNAGE

**EXT. MATERIAL/FINISH SCHEDULE**

ITEM	DESCRIPTION
17-1	PAINT
17-2	MANUFACTURER: SHERWIN WILLIAMS PRODUCT/FINISH: SW 6112 - SBR COLOR: LIGHT GREY
17-3	MANUFACTURER: SHERWIN WILLIAMS PRODUCT/FINISH: SW 6020 - SBR COLOR: TAN
17-4	MANUFACTURER: SHERWIN WILLIAMS PRODUCT/FINISH: SW 6020 - SBR COLOR: TAN
17-5	MANUFACTURER: SHERWIN WILLIAMS PRODUCT/FINISH: SW 6027 - SBR COLOR: GARNET RD
17-6	MANUFACTURER: SHERWIN WILLIAMS PRODUCT/FINISH: SW 6116 - SBR COLOR: FINE TAN
17-7	MANUFACTURER: SHERWIN WILLIAMS PRODUCT/FINISH: SW 6081 - SBR COLOR: BLACK BOLT
17-8	WALL FINISHES
17-9	MANUFACTURER: DA. ILL. PRODUCT/FINISH: SHERWIN-WILLIAMS CONCRETE (17-1) COLOR: FORD FLUOR POLYURETHANE LARGE: UNIFORM AND COORDINATE TRUSS, MANGOST SIGN

dt design studio  
 DEL TACO CORPORATE DEPARTMENT OF DESIGN AND CONSTRUCTION  
 3000 COMMERCIAL DRIVE, SUITE 100, SAN CLEMENTE, CA 92683

EXISTING FAÇADES





## Design Review Subcommittee (DRSC)

Meeting Date: November 12, 2014

**PLANNER:** Sean Nicholas, Associate Planner  
Katherine Moran, Planning Intern

**SUBJECT:** **Minor Architectural Permit 13-280, Del Taco Façade Improvements,**  
a request to re-paint the exterior of an existing Del Taco within the Community Commercial (CC2) Zoning District within the West Pico Corridor Specific Plan located at 109 Via Pico Plaza.

### **BACKGROUND:**

#### ***Project Description***

Del Taco painted the exterior of their building and added a number of signs around the façade without the necessary permits. The applicant is proposing to re-paint the building white, paint two accent corners of the building red, and the roof trim brown. The applicant is also proposing to remove all of the unpermitted signage and retain the approved "Del Taco" signs.

#### ***Why is DRSC Review Required?***

Zoning Ordinance Table 17.16.100B requires Zoning Administrator approval of a Minor Architectural Permit (MAP). Based on the scope and scale of MAPs, the City Planner can determine that a project requires Design Review Subcommittee (DRSC) review. The City Planner determined that the changes to the building's color warrant DRSC review to ensure compliance with the Design Guidelines and compatibility with the Via Pico Plaza Shopping Center

#### ***Site Data***

Pico Plaza is tucked away off of Pico and has limited visibility from the freeway. The franchise owners of the Del Taco have been struggling for some time, and recently gave the franchise back to corporate Del Taco. In an attempt to increase visibility, corporate Del Taco modified the buildings colors and design without permits. The project changes are cosmetic with no square footage added. Pico Plaza as a whole is approved to be white with accent colors for individual buildings throughout, including the Vietnamese restaurant next door. The property owners of the center have indicated support of the proposed color scheme.

## MAP 13-280, Del Taco Façade Improvements

### ANALYSIS:

#### *Development Standards*

The project does not include any building additions or modifications. The project will also not result in the expansion of the existing approved signage. The signage permitted for the development is limited to 25 square feet per sign pursuant to the Master Sign program for the development. Each of the existing approved signs exceed that size. The existing legal non-conforming signs were approved in 1979, and the requirement for 25 square feet was not approved until 1990. Del Taco has maintained the existing signs since initial installation. Because the legal non-conforming wall signs were not modified with the unpermitted work, staff is supportive of these two wall signs remaining. The applicant will be removing all of the unpermitted wall signs around the building, so the only signage remaining will be the two approved wall signs.

#### *Design Guidelines*

The applicant is proposing to paint the building white, Vista Paint "flat white" with a Sherwin Williams "Java" for the trim of the roof. The applicant is proposing an accent color of Sherwin Williams "Chinese Red" in two corners of the building. The property management company for the center has also approved the building colors because they feel the proposed colors are in character with the rest of the center.

The Design Guidelines for the Community Commercial area of the West Pico Corridor Specific Plan states the color palette should be primarily white or light earth tone colors. The project site development is primarily white but does have buildings of other colors. The proposed base color of white is consistent with the Design Guidelines. The accent walls are consistent with the direction staff as received to support the Specific Plan's eclectic nature as there are many examples of these highlight features in the area.

The direction from City Council, as well as General Plan Urban Design Element Policy UD-5.08 state improvements to buildings, including the color palette, should embrace the unique and eclectic character. Additionally, the project must be compatible with the approved design of Pico Plaza. Overall, painting the building primarily white with the wood trim and one accent color is consistent with the shopping center and the characteristic and requirements proposed for the West Pico Corridor Specific Plan.

### RECOMMENDATIONS:

Staff has reviewed the proposed project and has two recommendation:

**Accent Color:** As stated above, staff is supportive of utilizing an accent color, but recommends utilizing a more toned down color. A red such as a terra cotta red or brownish red that is not so bright and distinct from the rest of the building, would be appropriate. Reducing the brightness of the accent color will be more in keeping with the shopping center and previous approvals associated with similar accent features.

## **MAP 13-280, Del Taco Façade Improvements**

**Rear and Side Entry Elevations:** Staff recommends utilizing white only for the rear and side building elevations, and the Java color for the roof pop up to blend in with the roof. There are many recent applications where paint colors and accents oriented towards the public right-of-way or freeway are actually considered signage by the code. For that reason, and to be consistent with past direction from both Planning Commission and City Council, staff recommends only using the toned down accent color on the corner of the drive-thru and front entry elevations only.

Staff seeks DRSC's concurrence and welcomes any additional comments or recommendations.

**CITY OF SAN CLEMENTE  
MINUTES OF THE REGULAR MEETING OF THE  
DESIGN REVIEW SUBCOMMITTEE  
NOVEMBER 12, 2014**

Subcommittee Members Present: Bart Crandell, Julia Darden and Jim Ruehlin

Staff Present: Cliff Jones

**1. MINUTES**

Minutes of the October 29, 2014 meeting.

**2. ARCHITECTURAL REVIEW OF THE FOLLOWING ITEM**

**A. Minor Architectural Permit 13-280, Del Taco Façade Improvements  
(Nicholas)**

A request to re-paint the exterior of an existing Del Taco within the Community Commercial (CC2) Zoning District within the West Pico Corridor Specific Plan located at 109 Via Pico Plaza.

Associate Planner Sean Nicholas summarized the staff report.

The applicant, Mark Raber representing Del Taco, indicated that they were supportive of staff's comments but would like to have the accent on the back corner as well.

Design Review Subcommittee, understood the applicant's concern, but all of the Subcommittee members indicated support of staff's recommendation moving forward to Zoning Administrator and had no other comments on the project.

**B. Minor Architectural Permit 14-386, Pico Welcome Mural (Atamian)**

A request to consider a mural on the wall of a commercial center located at 415 West Avenida Pico within the Community Commercial portion of the West Pico Corridor Specific Plan.

Associate Planner Adam Atamian summarized the staff report.

**C. Conditional Use Permit 14-228/Minor Cultural Heritage Permit 14-229, Fig at 313 (Jones)**

A request for 1) the sale of alcohol for on-site consumption, and 2) a shared off-site parking agreement associated with the new restaurant use at 313