



## STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: December 3, 2014

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**PLANNER:** Sean Nicholas, Associate Planner SN  
Mina Yoo, Planning Intern

**SUBJECT:** **Minor Architectural Permit 14-052/Minor Site Plan Permit 14-053, RePlanet Recycling Facility,** a request for an accessory structure associated with state required recycling located behind and adjacent to the Plaza Pacifica Albertsons.

**LOCATION:** 979 Avenida Pico

**ZONING/GP:** Mixed-Use Zoning District within the Rancho San Clemente Specific Plan

**BACKGROUND:**

- The project includes the placement of a 144 square foot recycling facility behind the Baja Fresh within Plaza Pacifica Shopping Center.
- The small structure, which is white and has a small faux red roof, and has a similar operation system to the other recycling facilities throughout the community.
- The applicant had originally wanted to locate the facility next to Office Depot within Plaza Pacifica, but was not able to get Property Owner authorization. This alternative location was selected by the applicant because it provides some visibility, does not impede any truck circulation, and does not impact any City related infrastructure.
- Being sensitive to the adjacent residents, this site was also selected because it is located 285 feet from the nearest home and has a wall and mature landscaping to help buffer the use from the homes. Operation of the facility will occur between 10:00 am and 4:00 pm, seven days a week.
- The placement of the structure in this location will also impact four parking spaces; however, this area is primarily used by employees and is underutilized. It will not negatively impact parking in the shopping center.
- A Minor Architectural Permit and Minor Site Plan Permit is required per Section 17.16.100C and 17.16.050C because the project is adding a new non-residential structure less than 2,000 square feet to an existing commercial site.
- State requirements mandate that a recycling facility be approved adjacent to the grocery store. The applicant and staff have worked together to identify a location on site that is least impactful to residents, as well as to not impact circulation or parking within the center. Approval of the facility will bring the center into compliance with State requirements.

- The public was noticed of this hearing item per requirements. Staff has not received public comments on the project to-date.

### **RECOMMENDATION**

STAFF RECOMMENDS THAT the Zoning Administrator approve Minor Architectural Permit 14-052/ Minor Site Plan Permit 14-053, RePlanet Recycling facility, subject to the attached Resolution and Conditions of Approval.

#### Attachments:

- Attachment 1 Resolution  
Exhibit A Conditions of Approval
- Attachment 2 Location Map
- Attachment 3 Photos  
Plans

RESOLUTION NO. ZA 14-053

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY  
OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR  
ARCHITECTURAL PERMIT 14-052/MINOR SITE PLAN PERMIT 14-053,  
REPLANET RECYCLING FACILITY, A REQUEST TO LOCATE A NEW  
RECYCLING FACILITY LOCATED AT  
979 AVENIDA PICO

**WHEREAS**, on February 18, 2014, an application was submitted, and on November 12, 2014, completed by Brian Jackson, 491 Kettering Drive, Ontario, CA, 91761, for a Minor Architectural Permit and Minor Site Plan Permit to locate a new RePlanet Recycling Facility within Plaza Pacifica. The project is located at 979 Avenida Pico, the legal description is Lot 2, of Tract 15883, Assessor's Parcel Number 688-131-22; 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 addition to an existing shopping center that will not result in an expanded use and comply with State requirements; 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:** With regard to Minor Architectural Permit (MAP) 14-052, the Zoning Administrator finds as follows:

- A. The architectural treatment of the project complies with the San Clemente's General Plan in that the project will add a RePlanet recycle facility to the shopping center in compliance with State requirements, and the look of the small facility is consistent with the shopping center and has limited visibility.
- B. The architectural treatment of the project complies with the Rancho San Clemente specific plan and this title in areas including, but not limited to, height, setback color, etc. in that the facility is a small pre-manufactured facility and has limited visibility. What architecture it does has is consistent with the center because it is white and has a red roof.

- C. The architectural treatment of the proposed project complies with the architectural guidelines in the City's Design Guidelines in that the facility is a small pre-manufactured facility and has limited visibility. What architecture it does has is consistent with the center because it is white and has a red roof.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood in that the facility is a small pre-manufactured facility and has limited visibility. What architecture it does has is consistent with the center because it is white and has a red roof.
- E. The proposed remodel will not be detrimental to the orderly and harmonious development of the City in that the facility is a small pre-manufactured facility and has limited visibility. What architecture it does has is consistent with the center because it is white and has a red roof. Also the hours of operation are limited and it is screened and setback from the nearest residence.

**Section 3:** With regard to Minor Site Plan Permit (MSPP) 14-053, the Zoning Administrator finds as follows:

- A. The proposed development is permitted within the Mixed Use zoning district of the Rancho San Clemente specific plan and complies with all the applicable development standards of the specific plan, in that the project will add a RePlanet recycle facility to the shopping center in compliance with State requirements, and the look of the small facility is consistent with the shopping center and has limited visibility
- B. The site is suitable for the type and intensity of development that is proposed in that the project will add a RePlanet recycle facility to the shopping center in compliance with State requirements, and the look of the small facility is consistent with the shopping center and has limited visibility.
- 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 facility is a small pre-manufactured facility and has limited visibility. What architecture it does has is consistent with the center because it is white and has a red roof. Also the hours of operation are limited and it is screened and setback from the nearest residence.
- D. The proposed development will not be unsightly or create disharmony with its locale and surroundings as the project consists of a high quality architectural design that conforms to the City's Design Guidelines and the requirements of the General Plan at gateways, in that the facility is a small pre-manufactured facility and has limited visibility. What architecture it does has is consistent with the center because it is white and has a red roof. Also the hours of operation are limited and it is screened and setback from the

nearest residence.

- 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 facility is a small pre-manufactured facility and has limited visibility. What architecture it does has is consistent with the center because it is white and has a red roof. Also the hours of operation are limited and it is screened and setback from the nearest residence.

**Section 4:** The Zoning Administrator of the City of San Clemente hereby approves MAP 14-052/MSP 14-053, RePlanet Recycling Facility, a request to locate a new recycling facility in accordance with State law, 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 14-052/MINOR SITE PLAN PERMIT 14-053**  
**REPLANET RECYCLING FACILITY**

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 14-052/MSPP 14-053 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 14-052/MSPP 14-053 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 14-052/MSPP 14-053 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.)\_\_\_\_\_

### **Building**

6. 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]*
7. Project has not been reviewed for Building Code compliance. Prior to issuance of building permits, code compliance will be reviewed during building plan check. (Bldg.)\_\_\_\_\_
 

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

9. 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]*

10. Restrooms serving customers and employees shall be located within 500 feet of the recycling center. (CPC 422.4)

(Bldg.)\_\_\_\_\_

*[S.C.M.C – Title 15 Building Construction]*

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

■ Denotes a modified standard Condition of Approval.

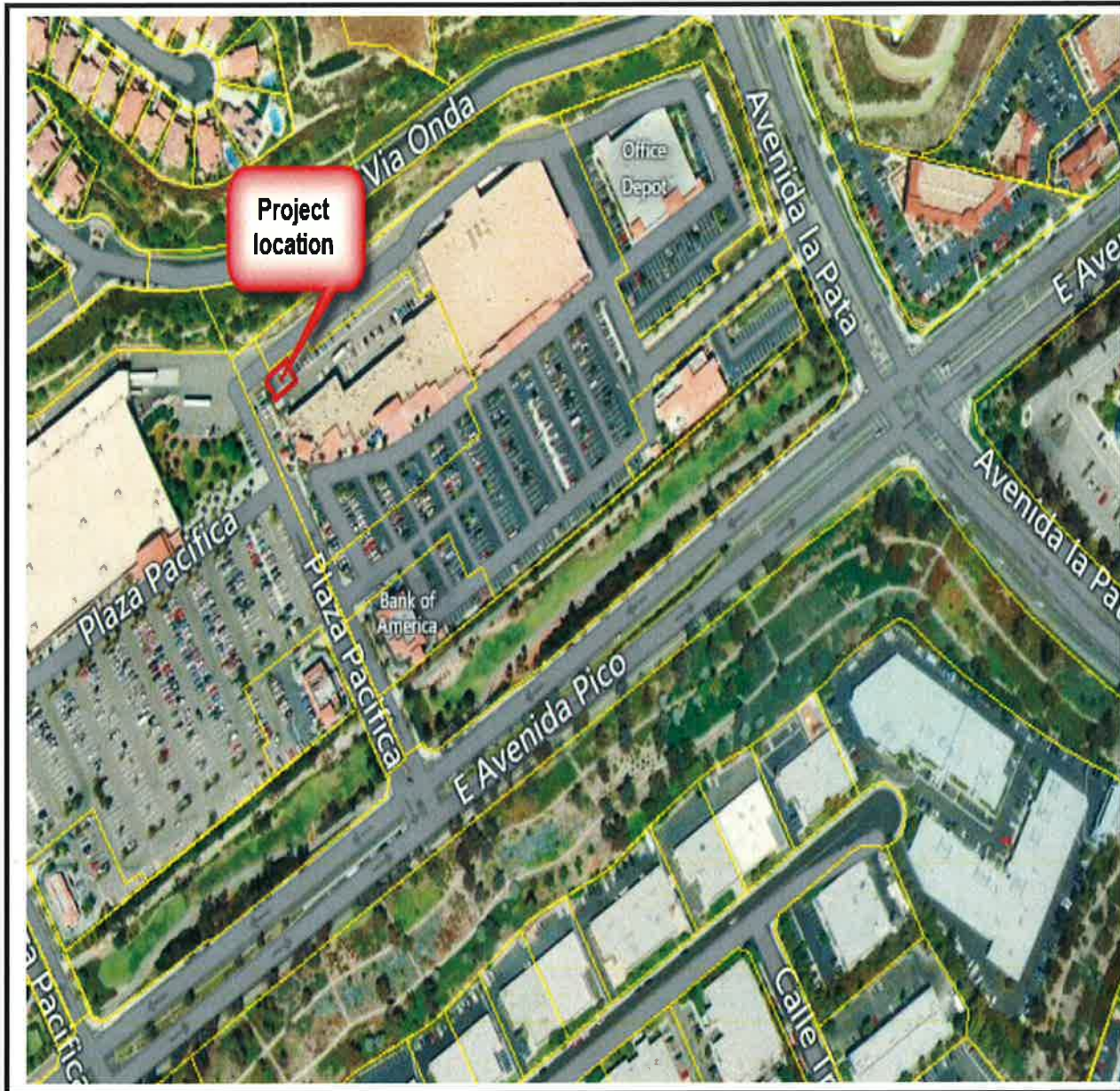
■ ■ Denotes a project specific Condition of Approval





## LOCATION MAP

Minor Architectural Permit 14-052/ Minor Site Plan Permit 14-053  
RePlanet Recycling Facility  
979 Avenida Pico





(Proposed Location)