



STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: March 18, 2015

PLANNER:

Amber Gregg, Associate Planner *AS*

SUBJECT:

Minor Architectural Permit 14-508, San O-Tires Fence, a request to consider a fence six-feet in height enclosing the back lot of San-O Tires.

LOCATION:

2310 South El Camino Real

ZONING/GP:

Neighborhood Commercial Zone (NC2)

BACKGROUND:

- The San-O Tires property comprises of two parcels that are separated by a City Alley. The front parcel has a 2,921 square foot building that houses light automotive repair and parking. The back parcel is a parking lot, and the subject property of this application.
- The applicant is requesting to enclose the back parking lot with a cedar wood-fence, six-feet in height, to stop trespassing and vandalism issues on the property.
- Surrounding uses include a mix of commercial to the north, east, and south, with residential to the west.
- The proposed project complies with all development standards including landscaping, street trees, and wall height.
- The fence will be made of cedar and located behind the newly planted landscaping along Avenida San Gabriel. New fencing will be installed along all property lines, except the rear property line as there is an existing wood fence, with gates at the entrance from the alley and the entrance off Avenida San Gabriel.
- There is a sewer pump station located in the alley and is partially on the subject property. The City has a recorded easement on the subject property. The applicant has discussed the access requirements to the pump station with the City, and final agreement concerning access is required to be approved by the City Engineer or designee per the conditions of approval (Condition 4).
- The project has been reviewed by the Development Management Team (DMT) and they support the request subject to the conditions of approval.
- There is a private parking and access easement (approximately 24 feet wide) that crosses the subject property from Avenida San Gabriel to the adjacent vacant property. However, this is a private easement that the City does not enforce. The City Attorney has reviewed the easement and has stated that any dispute pertaining to the proposed fence would be a civil matter as the project complies with the City's code requirements.

- The subject site has been the subject of numerous Code Enforcement and Sheriff Department calls due to trespassing, vandalism, and maintenance concerns.
- The project complies with required findings in that the architectural treatment complies with General Plan and Design Guidelines, meets required development standards of the Zoning Ordinance, is in keeping with the character of the neighborhood, and will not be detrimental to the orderly and harmonious development of the City.
- Based on the above analysis, staff supports the proposed project as it complies with City code requirements and will help with on-site trespassing and vandalism.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve MAP 14-508, San-O Tires Fence, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution No. ZA 15-014
Exhibit A Conditions of Approval
2. Location Map
3. Photos of Area
4. Photographs submitted by applicant showing vandalism to property
5. Example of proposed fence
Plans

ATTACHMENT 1

RESOLUTION NO. ZA 15-014

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR ARCHITECTURAL PERMIT 14-508, SAN-O TIRES FENCE, A REQUEST TO CONSIDER A FENCE SIX FEET IN HEIGHT, ENCLOSING A PARKING AREA LOCATED AT 2310 S. EL CAMINO REAL

WHEREAS, on December 22, 2014, an application was submitted and on January 29, 2015 completed by, Harry Mitch Touart, 2310 S. El Camino Real, San Clemente, CA 92672, for Minor Architectural Permit (MAP) 14-508, a request to consider a six foot tall wood fence and gate enclosing the back portion of the site located at 2310 South El Camino Real. The legal description is Lots 1, 2, 3, and 5 of Block 10, of Tract 852, and Assessor's Parcel Number 690-446-20; and

WHEREAS, the Planning Division completed an initial environmental assessment of the above matter in accordance with California Environmental Quality Act (CEQA) and recommends that the Zoning Administrator determine this project categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303(e) because the project involves an accessory structure, fence, for an existing development; and

WHEREAS, on January 29, 2015, the City's Development Management Team reviewed the proposed project for compliance with the General Plan, Zoning Ordinance, and other applicable requirements; and

WHEREAS, on March 18, 2015, 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: The project is categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303(e) because the project involves the construction of an accessory structure, fence, for an existing development.

Section 2: With regard to MAP 14-508, the Zoning Administrator finds as follows:

- A. The architectural treatment of the fence complies with the San Clemente General Plan, in that the project is consistent with policies related to maintaining the character of neighborhoods and ensuring projects are compatible with surrounding development.
- B. The architectural treatment of the project complies with this title in areas including, but not limited to, fence height, setback, and materials, in that the project complies with development standards pertaining to fences as well as landscaping and street tree requirements.

- C. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines in that the scale, mass, form, setbacks, and materials match the existing neighboring fence, and are compatible with the adjacent neighborhood.
- D. The general appearance of the fence is in keeping with the character of the neighborhood in that adjacent fences are also cedar fences in the same style and treatment.
- E. The proposal is not detrimental to the orderly and harmonious development of the City in that the proposed fence is a permitted accessory structure to an existing development, light automotive repair facility, in the Neighborhood Commercial zoning district.

Section 4: The Zoning Administrator of the City of San Clemente hereby approves MAP 14-508, San-O Tires Fence, subject to the above Findings and the Conditions of Approval attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Zoning Administrator of the City of San Clemente on March 18, 2015.

SAN CLEMENTE ZONING ADMINISTRATOR

James Pechous, Zoning Administrator

**CONDITIONS OF APPROVAL
MAP 14-508, San-O Tires Fence**

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. The applicant shall obtain approval from the City Engineer detailing access to the City's sewer pump station and provide such documentation to the Planning Department prior to commencement of fence construction. ■■(ENG) _____
4. The applicant shall obtain an Encroachment Permit from the City for any work in the public right-of-way. (ENG) _____

5. The wood fence shall be located behind the existing landscape area along Avenida San Gabriel. ■■(PIng.) _____
6. The application shall expire three years from the date of approval in compliance with Section 17.12. 150 of the Zoning Ordinance. *[Citation - Section 17.12.150 of the SCMC]* (PIng.) _____
7. The owner or designee shall have the right to request an extension of the subject application (MAP 14-508) 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 compliance with section 17.12.160 of the Zoning Ordinance. *[Citation - Section 17.12.160 of the SCMC]* (PIng.) _____

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

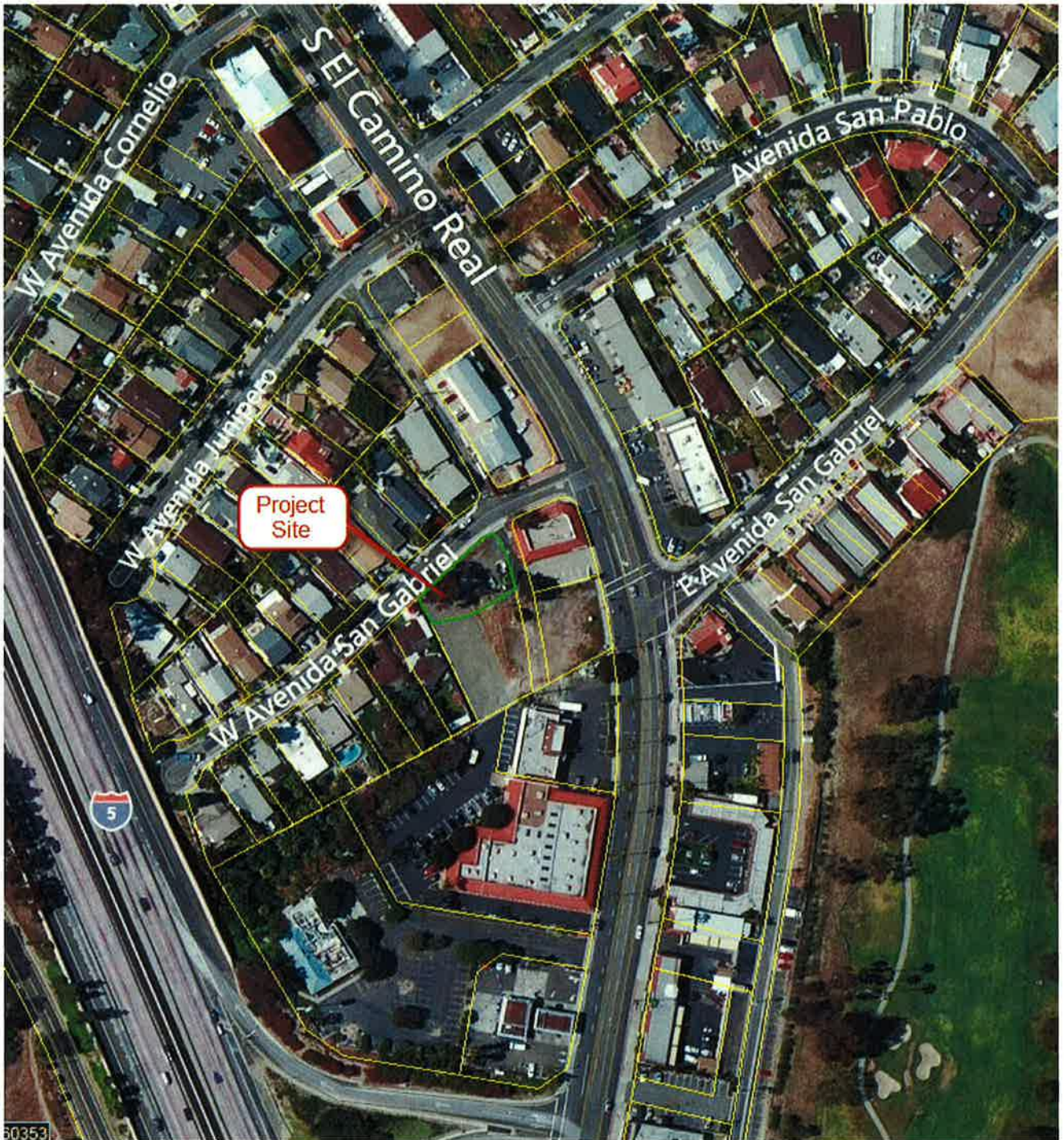
- Denotes modified standard Condition of Approval
- Denotes a project specific Condition of Approval



LOCATION MAP

ATTACHMENT 2

MAP14-508, San-O Tires Fence
2310 S. El Camino Real



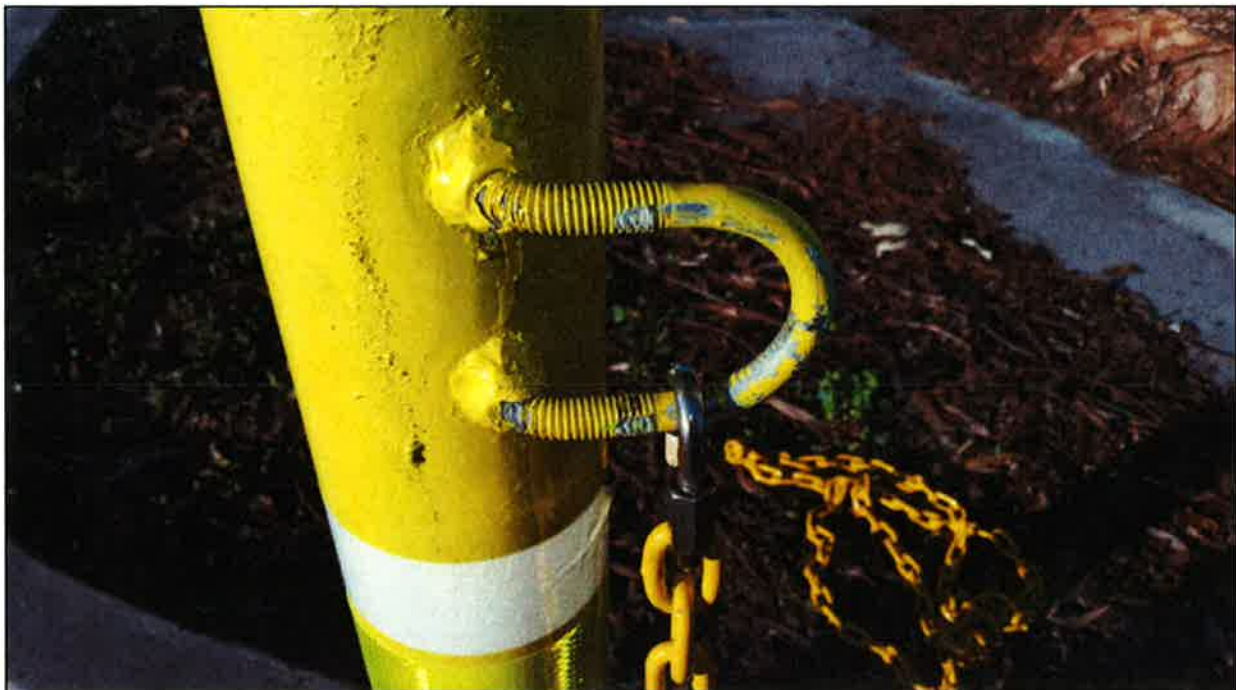
No scale 

Photographs of Area





Photos Submitted by Applicant



ATTACHMENT 5

