



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: March 18, 2015

PLANNER: Cliff Jones, Associate Planner 

SUBJECT: Conditional Use Permit 14-228 / Minor Cultural Heritage Permit 14-229, Fig at 313, a request to consider allowing minor exterior changes to a historic building to accommodate a restaurant use, a full range of alcohol for on-site consumption, and a shared off-site parking agreement. The historic building is located at 313 North El Camino Real within the Mixed-Use zoning district, and within the Architectural and Central Business Overlays (MU3-CB-A).

REQUIRED FINDINGS

Prior to approval of the proposed project, the following findings shall be made. The draft Resolution (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 to allow a full range of alcohol for on-site consumption and to allow shared off-site parking within 500 feet of the property (Section 17.64.120).

- 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 the Zoning Ordinance, 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.
- d. The proposed use will not negatively impact surrounding land uses.
- e. Given the specific conditions of the site and the adjacent area, the shared parking arrangement will not result in inadequate parking.
- f. The number of parking spaces required for the site, in accordance with Section 17.64.050(B), Number of Parking Spaces Required, is provided through the shared parking arrangement, based on varied hours of operation and/or combinations of peak and off-peak uses.

Minor Cultural Heritage Permit (CHP), Section 17.16.100, to allow exterior changes to the historic building within the City's Architectural Overlay District and to legalize the single-car garage conversion to habitable space.

- 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 including, but not limited to, height, setback, and color.
- c. The project's architectural treatment complies with the architectural guidelines in the City's Design Guidelines.
- d. The project's general appearance is in keeping with the character of the neighborhood.
- e. The project's is not detrimental to the orderly and harmonious development of the City.
- f. The proposed project/use preserves and strengthens San Clemente's historic identity as a Spanish village.
- g. The City finds that the proposed modifications, alterations, or additions are sufficiently in conformance with the Secretary of the Interior Standards for the Treatment of Historic Properties and the San Clemente Design Guidelines to substantially further the City's goals of historic preservation.
- h. The project complies with the purpose and intent of the Architectural Overlay District, Section 17.56.020 of Title 17 of the San Clemente Municipal Code.

BACKGROUND

The three level, 2,164 square foot structure, is a historic structure that was built in 1927. The property has a Historic Property Preservation Agreement (HPPA), or "Mills Act." The required improvements identified within the HPPA contract, identified in Attachment 3, will be completed as a condition of approval with this project. The property is a mixed use site containing one 634 square foot residential unit on the third level and a 1,530 square foot commercial space on the first and second level that was previously occupied by an office use; Peligroso Tequila. Prior to the owner purchasing the property in 2012, the 200 square foot garage was illegally converted to habitable space. The owner is requesting to legalize the single-car garage conversion to habitable space, which results in a 634 square foot residential unit. The owner is also requesting to establish a 42 seat restaurant with the full service of alcohol and off-site parking. The attached plans provide additional detail.

Site Data

The subject site is a 4,000 square foot through lot located in the Mixed-Use zoning district, and the Architectural and Central Business Overlays (MU3-CB-A). Restaurant uses are permitted in this zone. The lot fronts North El Camino Real with access to the rear from Avenida De La Estrella. Surrounding land uses include retail, office, restaurant, and a church use at 119 Avenida De La Estrella.

Historic Structure

The historic structure is a split level with one- and two-story components designed in the Spanish Colonial Revival style. The building has shed roofs at the portions flanking the entryways as well as in the front and rear of the main portion of the building. Two four-sided cupolas - with hipped and front-gable tile roofs - emerge from the two-story rear wing. An open central courtyard separates the front and rear portions of the building. The fenestration consists of original wood fixed windows throughout the building that are symmetrically arranged. The building retains its original door frames and storefronts. Refer to Attachment 4 for additional information on the historic resource and Attachment 5 for photographs of the property.

Development Management Team Meeting

The City's Development Management Team (DMT) reviewed the project and supports the request, subject to the proposed conditions of approval.

Noticing

Public notification was completed in accordance with State Law and Municipal Code regulations. In addition, the City notified the San Clemente Historical Society.

PROJECT DESCRIPTION

The applicant requests to operate a 42 seat restaurant with a full range of alcohol from 4:00 p.m. to Midnight, Monday through Sunday. Live entertainment and amplified music is not requested. The applicant proposes to provide the required parking for the restaurant use off-site at the San Clemente Presbyterian Church. The applicant also requests to legalize the single-car garage conversion to habitable space. These requests are discussed in detail within the Development Standards section and Minor Cultural Heritage Permit sections of this report.

Development Standards

No expansion of the building footprint or height is proposed. The structure has legal and illegal nonconforming parking attributes. The structure is legal nonconforming because the commercial use has only two parking spaces and current code requires seven, as detailed in Table 1 below. The single-car garage space is illegal nonconforming because it was converted to habitable space at an unknown time, prior to the owner purchasing the property. Three off-street parking spaces are approved for the use; one single-car garage for the residence and two spaces for the commercial use. The parking spaces are accessed from Avenida de la Estrella. To meet parking requirements the owner proposes to provide all required commercial parking off-site within 100 feet at the San Clemente Presbyterian Church, and convert one commercial space to a residential space to legalize the conversion of the garage to habitable space. The other commercial space is being eliminated to provide a trash enclosure on-site. The pedestrian path of travel

from the Church parking, crossing the intersection of Avenida Palizada and Avenida de la Estrella, to the restaurant entry is 1, 250 feet and is a 4.6 minute walk based upon the average walking speed.

Table 1 – Parking Compliance with MU3 Zone

Use	Parking Standard	Hours of Operation	Parking Required	Parking Provided
Restaurant Indoor Seats (34) Outdoor Seats (8)	1 space per 5 seats	4:00 p.m. to Midnight	7 spaces 0 spaces*	12 spaces (7 off-site spaces & 5 spaces grandfathered**)
Residential Unit	2 spaces per unit	N/A	1 space***	1 space

* According to Table 17.28.205B Parking Requirements for Outdoor Dining, restaurants with 32 seats or more are granted 16 outdoor seats with no additional parking required.

**According to 17.72.060 Nonconforming Use Restrictions(C)(2) "A permitted use may be changed to another permitted use. If the required number of parking spaces is not provided, the proposed use shall have the same number or greater parking spaces than the existing use, or sufficient parking spaces shall be added for the new use to meet Zoning Ordinance requirements." The 1,530 square foot tenant space was historically an office use. The parking requirement for office is 1 per 350. Rounded up the tenant space is granted 5 spaces (1,530/350 = 4.37).

*** The Nonconforming Ordinance allows for nonconforming structures to expand up to 50% and not make-up for deficiencies in parking.

It is important to note that the number of grandfathered parking spaces entitled to the building would allow a restaurant use with 25 indoor seats and eight outdoor seats by right, without the need for discretionary approval or the provision of additional parking beyond the two existing commercial parking spaces. With the proposed 34 indoor seat and eight outdoor seat restaurant, seven off-site parking spaces are provided for the restaurant use. The project improves the parking situation for the mixed use function of the site by increasing the supply of parking from 3 spaces (two on-site commercial and 1 residential garage space) to 8 spaces (1 on-site residential space and 7 off-site commercial spaces).

As shown in Table 2 below, the Church has a minimum parking surplus of 64 spaces and with the requested seven off-site parking spaces that surplus would be reduced to 57 spaces.

Table 2 – San Clemente Presbyterian Church Parking Lot Users

Parking Lot Users	# of Spaces Utilized Monday - Friday	# of Spaces Utilized Saturday	# of Spaces Utilized Sunday
Church Preschool & Office (Mon – Fri : 845am to 4pm)	33	0	
Church Off-Site Parking Agreements: Hambro Building – 10 spaces Sonny's – 7spaces Takao – 9 spaces Pregnancy Resource Center – 2 spaces	28	28	28 (after 2pm)
Sunday Sanctuary Services	0	0	125
Total Spaces Utilized	61	28	125 (before 2pm) 28 (after 2pm)
Total Surplus Spaces	64	97	0 (before 2pm) 97 (after 2pm)
Proposed Fig Restaurant	7 (after 4pm)	7 (after 4pm)	7 (after 4pm)
Proposed Surplus Spaces	57	90	0 (before 2pm) 90 (after 2pm)

Based upon the parking analysis outlined above, the project meets the parking requirements of the Zoning Ordinance. The most recent parking survey of the area, conducted in 2013 during summer peak demand, confirms that the San Clemente Presbyterian Church lot, located across Avenida de la Estrella, has excess parking capacity. The parking lot had a peak occupancy of 30% on Saturday evening at 7:00 p.m. and 9:00 p.m. All other surveyed dates and times had a peak occupancy below 30%. On the contrary, on-street parking is at or near capacity on both Avenida de la Estrella and North El Camino Real during the summer peak evening hours. Table 3 provides the parking occupancy for both Avenida de la Estrella as well as North El Camino Real during peak restaurant demand on Saturdays at 7:00 p.m. and 9:00 p.m. Attachment 10 provides a visual depiction of the Downtown occupancy during peak restaurant demand at 7:00 p.m. on a Saturday.

Table 3 – Parking Occupancy - Avenida de la Estrella and North El Camino Real on Summer Saturday at 7pm and 9pm

Parking Block	Saturday 7:00 p.m. Occupancy	Saturday 9:00 p.m. Occupancy
South side of Avenida de la Estrella	100%	100%
South side of Avenida de la Estrella	96%	88%
North side of North El Camino Real	75%	46%
South side of North El Camino Real	92%	56%

Table 3 demonstrates that finding on-street parking is difficult during summer Saturday peak restaurant demand. To ensure restaurant customers utilize the off-site parking lot, instead of trying to find on-street parking, condition of approval number nine requires on site signage showing the location of the seven off-site parking spaces at the Church. The condition also requires signage to be installed on the Church parking lot that indicates the parking is available for restaurant patrons. Lastly, the condition requires the applicant to provide the off-site parking location on their website and other electronic media forms (e.g. email, Facebook, etc.).

Condition of approval number seven ensures that the restaurant has use of seven parking spaces during their proposed hours of operation and requires that the parking agreement be recorded with the County of Orange on both the off-site lot and subject property and will reflect the approved hours of operation and seating capacity.

Architecture

The applicant proposes to incorporate traditional materials in keeping with the Spanish Colonial Revival style of the historic building and the requirements of the Architectural Overlay. The exterior changes include: 1) Repair plaster and paint white as needed; 2) Paint wood elements dark brown as needed; 3) Install new hardware to doors and windows as required per Building Code; 4) Replace existing black fabric on awnings; 5) Install wrought-iron railing around waiting area and at front of the building; 6) Install new exterior light fixtures on building façade fronting El Camino Real and facing interior courtyard; 7) Replace brick on low lying plaster walls as needed; 8) Install wood doors in courtyard with single glass inset to match existing wood doors at the front of the building; 9) Construct a raised planter with low lying plaster walls and brick cap that houses fig specimen tree; 10) Construct a free standing metal screen with gas light fixtures abutting adjacent northern building wall; 11) Construct a free standing wood screen with arch opening within courtyard; 12) Construct low plaster planter walls painted white with brick cap at the entry fronting Avenida De La Estrella; and 13) replace a non-historic spiral staircase with a wood staircase to match a historic wood balcony. Refer to plans and project rendering below for additional detail.

Exhibit 1 – Colored Rendering**PROJECT ANALYSIS*****Conditional Use Permit***

The primary issue in considering the approval of the Amendment to the CUP relates to compatibility with surrounding land uses. As discussed above, the project meets parking requirements with the approval of the shared off-site parking agreement. To identify the location of the off-site parking to restaurant patrons, condition of approval number nine requires that the restaurant post a map in a visible location showing the location of the seven off-site parking spaces at the San Clemente Presbyterian Church, provide signage on the Church parking lot that indicates the parking is available for restaurant patrons, and provide the off-site parking location on their website and other electronic media forms (e.g. email, Facebook, etc.).

The applicant is requesting to serve a full range of alcohol during their proposed business operating hours of 4:00 p.m. until Midnight, Monday through Sunday. There are many restaurants/bars in the Downtown area and throughout the City that allow alcohol sales until Midnight. Staff contacted the Orange County Sheriff Department and the City's Code Compliance Division; neither had concern about the proposal. Since there are other facilities with similar alcohol hours of operation within close proximity, staff is supportive of the full sale of alcohol during the proposed hours of operation.

Minor Cultural Heritage Permit

A Minor Cultural Heritage Permit (MCHP) is required to allow exterior changes to the historic building and to legalize the single-car garage conversion to habitable space.

Exterior Changes to Historic Building

The primary purpose of the MCHP is to ensure the project does not negatively visually or physically impact the historic building and is a high quality Spanish Colonial Revival (SCR) Design that is consistent with the Design Guidelines and the Secretary of the Interior Standards.

The significant change to the historic property is the elimination of the spiral staircase, which is not an original historic feature or in character with SCR architecture, and the installation of a wood staircase finished in a dark brown color to match the appearance of the wood balcony of the building. The addition of the stairway compliments the historic balcony and eliminates the spiral stair case, which detracts from the SCR architecture of the building. Exhibit 2 shows the existing spiral staircase versus the proposed wood staircase. The staircase provides improved access from Avenida de la Estrella to the restaurant use that fronts North El Camino Real.

Exhibit 2 – Spiral Staircase vs. Wood Staircase



The conversion of the garage to habitable space does not alter the appearance of the historic structure from the rear. The garage doors and surrounding façade remain unaltered, therefore, the conversion of the garage to habitable space will not negatively impact the historic resource.

The majority of exterior changes to the building are primarily repair and maintenance or the replacement of non SCR details with those that are consistent with SCR architecture. All exterior modifications and rehabilitation work complies with the Secretary of the Interior's Standards. In particular, the project complies with Standard nine that states:

“New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic

materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.”

The exterior alterations are quite minor and mostly cosmetic and will not destroy any historic materials, features, or spatial relationships that characterize the property. The new improvements, excepting stucco repair and new paint, will not match the aged materials, textures and colors of the historic building exactly.

Garage Conversion to Habitable Space

Per the Nonconforming Ordinance, a MCHP is required to allow additions to a nonconforming structure provided the cumulative expansion is less than 50%. The 200 square foot garage conversion results in a 634 square foot residential unit, which is a 32% expansion. As discussed in the Development Standards section above, the conversion of the garage to residential space satisfies parking requirements. One parking space is maintained on-site for the residential use within the elimination of the single-car garage. The garage conversion will not have a negative visual or physical impact to the historic house because the conversion is within existing building area and does not necessitate any exterior changes. The garage conversion is not anticipated to have negative impacts to the neighborhood because one parking space remains for the residential unit. The project will improve the parking situation for the mixed use function of the site by increasing the supply of parking from 3 spaces (two on-site commercial and 1 residential garage space) to 8 spaces (1 on-site residential space and 7 off-site commercial spaces).

Design Review Subcommittee (DRSC)

DRSC review of the project was required to ensure development in the Architectural Overlay is compatible and harmonious with the surrounding neighborhood, and uphold the Design Guidelines. Table 4 summarizes DRSC concerns and how they were addressed. The Staff Report and Minutes from the Design Review Subcommittee review of the project on November 12, 2014 and December 10, 2014 are Attachment 6 through 9.

Table 4 - DRSC concerns and project modifications

<i>DRSC Concerns</i>	<i>Project modifications</i>
A planter wall should be maintained along the front of the patio because the plant material softens the look of the building.	Modification not made. Applicant indicates that they prefer to eliminate landscape along the front to increase pedestrian interaction between the waiting area and sidewalk.
The wrought-iron railing along the front of the property should be more traditional in appearance and the proposed glass should be eliminated behind the railing.	Modified as requested. Traditional wrought-iron railing is proposed and the glass has been eliminated.
An access should be provided from the rear of the property off Avenida de la	Modified as requested. Applicant proposes a wood staircase to provide access from

<p>Estrella to the entrance of the restaurant near El Camino Real. This would eliminate the circuitous route that customers would have to walk from the proposed off-site parking at San Clemente Presbyterian Church to the entrance of the restaurant.</p>	<p>Avenida de la Estrella down to the front of the restaurant. The DRSC expressed support of the staircase design at their December 10, 2014 meeting.</p>
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GENERAL PLAN CONSISTENCY

Table 5 summarizes how the proposed use is consistent with adopted policies outlined in the City of San Clemente General Plan.

Table 5 - General Plan Consistency

<p>Policies and Objectives</p>	<p>Consistency Finding</p>
<p><i>LU-11.08. Parking. We provide adequate and accessible parking for visitors, employees and residents through a comprehensive program of: 1) paseos and signage that provide better linkage between parking lots, structures and the core commercial area; 2) more efficient use of the public and private parking facilities around the district that improve circulation and district patronage; 3) provision of adequate off-street parking for employees; 4) the identification of shared use opportunities; and 5) enforcement of parking standards.</i></p>	<p>Consistent. The proposed shared off-site parking is consistent with the General Plan policy of utilizing shared parking opportunities. To identify to the public the location of the off-site parking, condition of approval number nine requires that the restaurant post the location of the off-site parking at San Clemente Presbyterian Church.</p>
<p><i>LU-11.10. Unique Commercial Character. We encourage unique, locally-based businesses and services that help maintain and enhance Downtown's unique village character.</i></p>	<p>Consistent. The proposed restaurant will preserve a unique, locally based business that maintains and enhances the unique Downtown Village Character.</p>
<p><i>Historic Preservation, Standards & Regulations Goal.</i> Ensure the preservation, rehabilitation, restoration and adaptive reuse of buildings, sites, places, and districts with archaeological, historical, architectural, or cultural significance to San Clemente.</p>	<p>Consistent. The project preserves the historic resource and allows for the adaptive reuse of the building for a restaurant use. The restaurant use will attract a variety of customers who will see the historic resource.</p>

ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA):

The Planning Division processed and completed an initial environmental assessment for this project in accordance with the California Environmental Quality Act (CEQA). The Planning Division has determined the project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301 because the project consists of negligible expansion and alterations to an existing facility.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

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

This action would result in the applicant opening the restaurant use and applying for a full range of alcohol with the California Department of Alcoholic Beverage & Control. This action would also legalize the garage conversion to habitable space.

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

The Planning Commission can add or delete conditions addressing the size of the restaurant, the hours of operation, or the parking provided. This action would result in any modifications being incorporated accordingly.

3. The Planning Commission can recommend denial of the proposed project.

This action would not allow the applicant to open a restaurant use that provides a full range of alcohol and could result in the applicant filing an appeal with the City Council.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approve Conditional Use Permit 14-228 / Minor Cultural Heritage Permit 14-229, Fig at 313, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution No. PC 15-009
Exhibit A - Conditions of Approval
2. Location Map
3. HPPA Contract Improvements
4. Historic Survey of 313 North El Camino Real
5. Photos
6. November 12, 2014 DRSC Staff Report (excerpted)

7. November 12, 2014 DRSC Minutes (excerpted)
8. December 10, 2014 DRSC Staff Report (excerpted)
9. December 10, 2014 DRSC Minutes (excerpted)
10. Peak Hour Occupancy, Saturday 7 p.m.
Plans

RESOLUTION NO. PC 15-009

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, APPROVING CONDITIONAL USE PERMIT (CUP) 14-228 / MINOR CULTURAL HERITAGE PERMIT 14-229, FIG AT 313, A REQUEST TO CONSIDER ALLOWING MINOR EXTERIOR CHANGES TO A HISTORIC BUILDING TO ACCOMMODATE A RESTAURANT USE, A FULL RANGE OF ALCOHOL FOR ON-SITE CONSUMPTION, AND A SHARED OFF-SITE PARKING AGREEMENT. THE HISTORIC BUILDING IS LOCATED AT 313 NORTH EL CAMINO REAL.

WHEREAS, on June 2, 2014, an application was submitted, and deemed complete on February 12, 2015, by Ghassan Dahabreh, 205 18th Street, Huntington Beach, CA, 92648, to allow minor exterior changes to a historic building to accommodate a restaurant use, a full range of alcohol for on-site consumption, and a shared off-site parking agreement. The historic building is located at 313 North El Camino Real within the Mixed-Use zoning district, and within the Architectural and Central Business Overlays (MU3-CB-A). The legal description of the property being Lot 79 of Tract 789, Assessor's Parcel Number 057-133-13. The legal description for the off-site parking at 119 Avenida de la Estrella is Lot 19 of Tract 898, Assessor's Parcel Number 057-132-17; and

WHEREAS, on June 12, 2014, July 31, 2014, August 21, 2014, October 16, 2014, and January 15, 2015, 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 pursuant to Guidelines Section 15301, as a Class 1 exemption because the project consists of minor expansion and alterations to an existing facility, involving negligible or no expansion of use beyond that existing at the time of the determination; and

WHEREAS, on March 18, 2015, 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.

NOW THEREFORE, the Planning Commission of the City of San Clemente hereby resolves as follows:

Section 1: The project is categorically exempt from CEQA Pursuant to Section 15301, as a Class 1 exemption because the project consists of minor expansion and alterations to an existing facility, involving negligible or no expansion of use beyond that existing at the time of the determination.

Section 2: With regard to Conditional Use Permit 14-228 ("CUP 14-228"), the Planning Commission finds as follows:

- A. The proposed sale of on-site alcohol at a restaurant and off-site shared parking is permitted within the subject zone (Mixed-Use zoning district) and within the Architectural and Central Business Overlays (MU3-CB-A) pursuant to the approval of a Conditional Use Permit. The proposed use complies with all the applicable provisions of the Zoning Ordinance, the San Clemente General Plan and the purpose and intent of the zone in which the use is being proposed in that the off-site parking agreement will still provide sufficient parking for both the Church and the proposed restaurant use. The service of alcohol will allow the restaurant use to provide an additional amenity to the Mixed-Use district.
- B. The site is suitable for the type and intensity of use that is proposed in that the Zoning Ordinance allows for restaurants in the Mixed-Use district and the service of a full range of alcohol is considered an ancillary use. The site is suitable for the type and intensity of the use that is proposed in that the restaurant will utilize the Church parking when the Church uses are not after 4:00p.m. Monday through Sunday. To identify to the public the location of the off-site parking, condition of approval number nine requires that the restaurant post the location of the off-site parking at 119 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 vicinity in that between the two uses, sufficient parking is provided during applicable hours of operation. In addition, the applicant shall be in compliance with the conditions of approval addressing the safety and responsibilities of alcohol beverage service and all applicable codes including the regulations established by the Alcoholic Control Board.
- D. The proposed use will not negatively impact surrounding land uses in that it is a conforming use in the Mixed-Use zone district and within the Architectural and Central Business Overlays (MU3-CB-A), which permits restaurants by right. The project will not result in a shortage of parking and sufficient parking will exist for both uses during hours of operation and use.
- E. The shared parking arrangement for the site will not result in inadequate parking in that the operating hours of the restaurant use during the evening 4:00 p.m. to Midnight will primarily occur when the Church uses are closed and the Church has an excess supply of parking.
- F. The number of parking spaces required, in accordance with Section 17.64.050(B), Number of Parking Spaces Required, for the evening (4:00 p.m. - Midnight) restaurant use will be provided through a shared off-site

parking agreement based on varied hours of operation and/or combinations of peak and off-peak uses as conditioned.

Section 3: With respect to Minor Cultural Heritage Permit 14-229 ("MCHP 14-229"), the Planning Commission finds as follows:

A. The project complies with the San Clemente General Plan in that the project is maintained as a mixed use function site, the addition is located within an existing structure and the minor exterior changes comply with the Spanish Colonial Revival architecture as prescribed within the Architectural Overlay and required for historic properties.

B. The architectural treatment of the project complies with the Zoning Ordinance including, but not limited to, height, setback, color; in that the addition and exterior improvements will be in character with the design of the historic structures and conform to all of the development standards for the MU3-CB-A zone.

C. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines in that the addition and exterior modifications are compatible with the historic buildings and meet the requirements for Spanish Colonial Revival architecture as prescribed for the neighborhood.

D. The general appearance of the proposal is in keeping with the character of the neighborhood in that the improvements are Spanish Colonial Revival architectural style, which is the prescribed style for the neighboring properties of the Downtown area.

E. The proposed use will not be detrimental to the harmonious development of the City in that the project will remain a mixed use function site and the addition and exterior improvements will conform to the development standards for the MU3-CB-A zoning district.

G. The proposed project/use preserves and strengthens San Clemente's historic identify as a Spanish village in that the historic buildings are being preserved and the exterior changes are consistent with Spanish Colonial Revival architectural style.

H. The City finds that the proposed modifications, alterations, or additions are sufficiently in conformance with the Secretary of the Interior Standards for the Treatment of Historic Properties and the San Clemente Design Guidelines to substantially further the City's goal of historic preservation in that the exterior alternations are quite minor, are Spanish Colonial Revival in architectural style, mostly cosmetic, and will not destroy any historic materials, features, or spatial relationships that characterize the property.

I. The project complies with the purpose and intent of the Architectural Overlay District, Section 17.56.020 of Title 17 of the San Clemente Municipal Code, in that the exterior modifications are consistent with Spanish Colonial Revival architectural

style.

Section 4: The Planning Commission of the City of San Clemente hereby approves CUP 14-228 and MCHP 14-229, Fig at 313, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit 1 and incorporated herein in full by reference.

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

Chair

TO WIT:

I **HEREBY CERTIFY** that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of San Clemente on March 18, 2015, and carried by the following roll call vote:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

Secretary of the Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL*
CONDITIONAL USE PERMIT 14-228 /
MINOR CULTURAL HERITAGE PERMIT 14-229, FIG at 313

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. 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.)_____

4. The project shall be develop in conformance with the site plan, floor plans, elevations, details, and any other applicable submittals approved by the Planning Commission on March 18, 2015, 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.)_____

5. CUP 14-228 / MCHP 14-229 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 14-228 / MCHP 14-229 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.)_____

6. The owner or designee shall have the right to request an extension of CUP 14-228 / MCHP 14-229 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.)_____

7. Prior to the issuance of building permits, the owner or designee shall submit for review, and shall obtain the approval of the City Attorney or designee for, a shared parking agreement between the subject property owner and the owner of an adjacent property within 500 feet of the subject property, for the exclusive use of seven off-site parking spaces during the following hours: 4:00 p.m. to Midnight Monday through Sunday, or as otherwise determined by the City Planner or designee. The shared parking agreement shall restrict the use of the land on which the off-site parking is located for the duration of the use for which that parking is provided. Following approval of the agreement by the City Attorney or designee, the owner or designee shall have the parking agreement recorded with the County of Orange; prior to the issuance of the first permit, the owner or designee shall furnish a copy of the recorded agreement to the Community

Development Department. *[Citation - Section 17.24.050.C.2 of the S.C.M.C.]*
(PIng.)_____

8. The operating hours of the restaurant use shall be during the evening hours of 4:00 p.m. to Midnight Monday through Sunday when the off-site parking lots' user is closed. Alcohol service shall be permitted only during the hours of operation of the restaurant, as noted. *[Citation – Division 9 (Alcoholic Beverages), Section 25631 to 25633of Business & Professions Code, State of California]*
■■ (PIng.)_____

9. Prior to Building Permit Final, the restaurant operator shall work with staff to develop and locate on site signage with a map showing the location of the seven off-site parking spaces at 119 Avenida de la Estrella. Signage shall also be installed on the San Clemente Presbyterian Church parking lot indicating that parking is available for restaurant patrons. The applicant shall provide the off-site parking location on their website and other electronic media forms (e.g. email, Facebook, etc.).
■■ (PIng.)_____

10. 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.)_____

11. 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 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.)_____

12. 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.)_____

13. The on-site sale and indoor consumption of alcohol use shall be deemed to have lapsed, and CUP 14-228 shall be deemed to have expired, ninety (90) days after the date the on-site sale and indoor and outdoor consumption of alcohol ceases

operation and/or the business closes at such location. *[Citation - Section 17.12.150(C) of the SCMC]* (PIng.)_____

- 14. All exterior details shall be approved by the Planning Department prior to issuance of Building Permit. ■ ■ (PIng.)_____

Building

- 15. 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]

- 16. 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]

- 17. 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]

- 18. 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]

- 19. 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]

- 20. Sprinkler protection shall be provided throughout the entire building when the floor area of an alteration within any two-year period exceeds 75% of area of the existing structure and the alteration includes structural modifications other than seismic upgrade. (Bldg.)_____

[S.C.M.C – Title 8 – Chapter 8.16- Fire Code]

Engineering

- 21. Prior to issuance of any permits, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for frontage improvement plans, prepared by a registered civil engineer. The owner or his designee shall be responsible for the construction of all required frontage and onsite improvements as approved by the City Engineer including but not limited to the following: *[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. Although sidewalk does currently exist, this includes construction of compliant sidewalk up and around drive approach or other obstructions to meet current City standards (2% cross fall) when adequate right-of-way exists. When adequate right of way does not exist, the City may require a Condition of Approval requiring a sidewalk easement in order to install compliant sidewalk. Sidewalk improvements are not anticipated along the North El Camino Real frontage since compliant sidewalk exist. Sidewalk improvements will be necessary along the Avenida de la Estrella frontage. Since the Estrella right-of-way is approximately 10 feet behind the curbface a sidewalk easement is not anticipated to be required to be granted to the City for the sidewalk to go up and around the drive approach.
- B. In the event that areas of sidewalk or other street improvements are disturbed or damaged during the construction project, the applicants shall be responsible for replacing said sidewalk or other street improvements prior to the finalization of any Engineering or Building Permits.
- C. An Engineering Department Encroachment Permit shall in place prior to the commencement of any work in the public right-of-way.

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

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

Resolution No.

EXHIBIT 3

HISTORIC PROPERTY IMPROVEMENTS TO BE COMPLETED

Completion Date	Historic Property Improvements
December 31, 2013	1. The exterior walls to the property have cracked and are in need of repair.
December 31, 2014	2. Relocate or paint the ducting on the roof of the commercial building the same color as the roof. 3. Replace the metal tubed railing near the residential unit with a wrought iron railing or remove completely.
December 31, 2015	4. Repair stucco where needed and paint the eaves windows and doors a consistent color 5. Replace the awnings that are not a traditional design to Spanish style awnings. All of the awnings should be a traditional design and compatible with the building.
December 31, 2016	6. Remove the non-traditional skylights and replace with a traditional designed skylight or remove the skylights and tile over the area. 7. Replace broken roof tile.
December 31, 2017	8. Replace the non-traditional gutters with copper or metal half round gutters.
December 31, 2018	9. Repair or rebuild the courtyard walls that were damaged by the landscaping.
December 31, 2019	10. Replace the deteriorated hardscape with Ole Hanson paver or other traditional material that is compatible with the historic structure.
December 31, 2020	11. Replace non-traditional doors and windows with traditionally designed wood windows and doors.
December 31, 2022	12. Replace the non-traditional light fixtures with Spanish style light fixtures that are in scale with the building.

PRIMARY RECORD

Other Listings

Review Code _____ Reviewer _____ Date _____

Page 1 of 3

Resource Name or #: 313 N EL CAMINO REAL

P1. Other Identifier: Riley's Waffle & Coffee Shop

P2. Location: Not for Publication Unrestricted a. County Orange
and (P2b and P2C or P2d. Attach a Location Map as necessary.)

b. USGS 7.5' Quad Date T; R; 1/4 of 1/4 of Sec; B.M.

c. Address 313 N El Camino Real City San Clemente Zip 92672

d. UTM: Zone; mE/ mN

e. Other Locational Data: Assessor Parcel Number: 057-133-13

P3a. Description:

The property contains a one- and two-story commercial building with a rectangular plan and wood-frame construction. Designed in the Spanish Colonial Revival style, it has shed roofs at the portions flanking the entryways as well as in the front and rear of the main portion of the building. Two four-sided cupolas - with hipped and front-gable tile roof - emerge from the two-story rear wing. An open central courtyard separates the front and rear portions of the building. The fenestration consists of original wood fixed windows throughout the building and are symmetrically arranged. The building retains its original door frames and storefronts. Alterations include non-original doors. The building is in good condition. Its integrity is fair.

P3b. Resources Attributes: 06 Commercial Building, 1-3 stories

P4. Resources Present: Building Structure Object Site District Element of District Other



P5b. Description of Photo:

West elevation, east view. May 2006.

P6. Date Constructed/Sources:

Historic Both
 Prehistoric

1927 (E) Tax Assessor

P7. Owner and Address:

Colby, Mary E. 1710 Calle De Los Alamos

P8. Recorded by:

Historic Resources Group, 1728 Whitley Avenue, Hollywood, CA 90028

P9. Date Recorded: 9/18/2006

P10. Survey Type:

City of San Clemente Historic Resources Survey Update

P11. Report Citation: None.

Attachments: NONE Location Map Sketch Map Continuation Sheet Building, Structure, and Object Record
 Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record
 Artifact Record Photograph Record Other:

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 3

NRHP Status Code 3D

Resource Name or #: 313 N EL CAMINO REAL

B1. Historic Name: Riley's Waffle & Coffee Shop

B2. Common Name: (Unknown)

B3. Original Use: Commercial

B4. Present Use: Commercial

B5. Architectural Style: Spanish Colonial Revival

B6. Construction History:

B7. Moved? No Yes Unknown

Date: Original Location:

B8. Related Features:

B9a. Architect: (Unknown)

b. Builder: (Unknown)

B10. Significance: Theme Ole Hanson/Spanish Village by the Sea Area City of San Clemente

Period of Significance 1925-1936 **Property Type** Commercial **Applicable Criteria** A

This one- and two-story commercial building was built in 1927. This property is a unique example of the Spanish Colonial Revival style as represented in San Clemente. This property appears eligible as a contributor to a potential National Register district under Criterion A for its association with the Ole Hanson/Spanish Village by the Sea period of development. It also appears eligible at the local level as a contributor to a potential historic district. It is recommended for retention on the Historic Structures List.

B11. Additional Resource Attributes: 06 Commercial Building, 1-3 stories

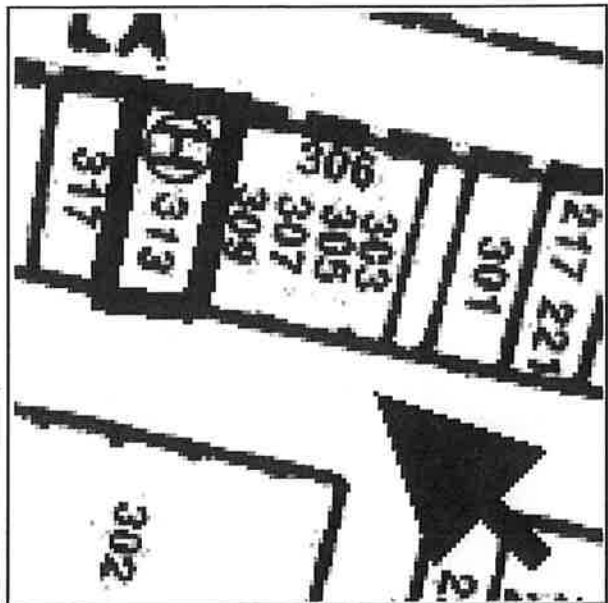
B12. References: Orange County Tax Assessor Records; Historic Resources Survey, Leslie Heumann and Associates, 1995.

B13. Remarks: (none)

B14. Evaluator: Historic Resources Group, Hollywood, CA

Date of Evaluation: 9/18/2006

(This space reserved for official comments.)



CONTINUATION SHEET

Page 3 of 3

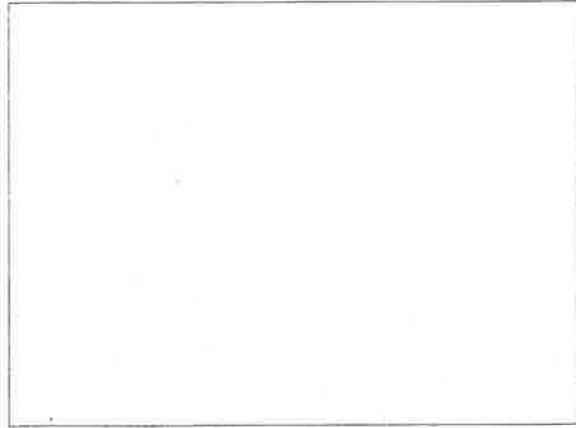
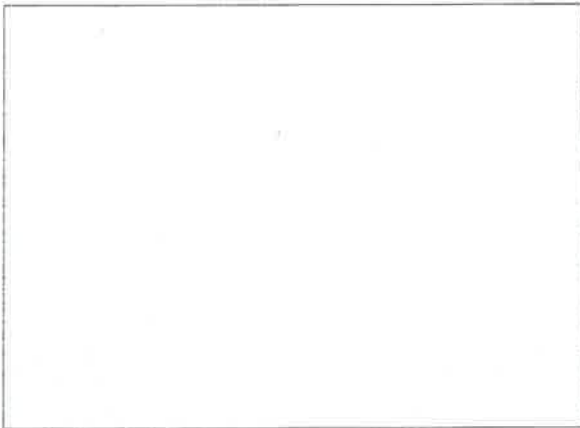
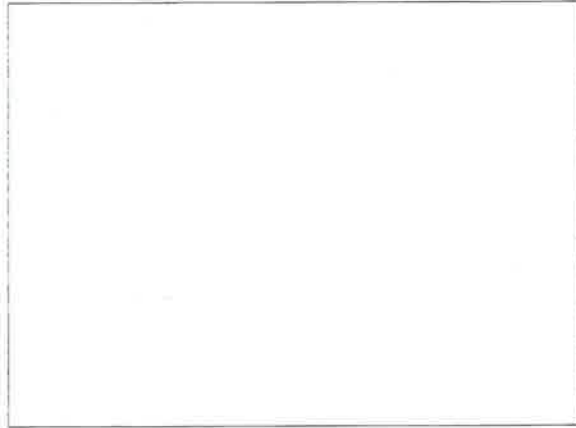
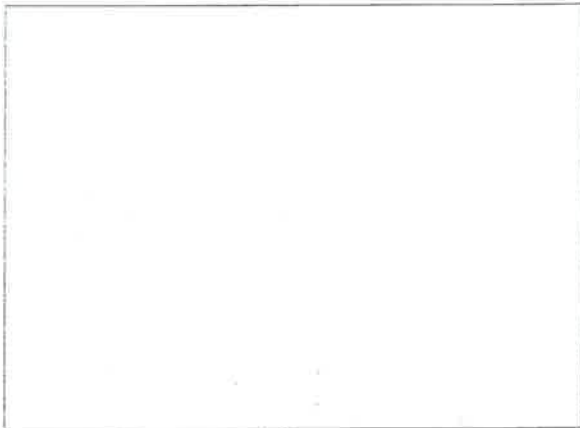
Resource Name or #: 313 N EL CAMINO REAL

Recorded by: Historic Resources Group

Date: 9/18/2006

Continuation Update

Photographs of the Subject Property, Continued:





THAI MASSAGE

OPEN

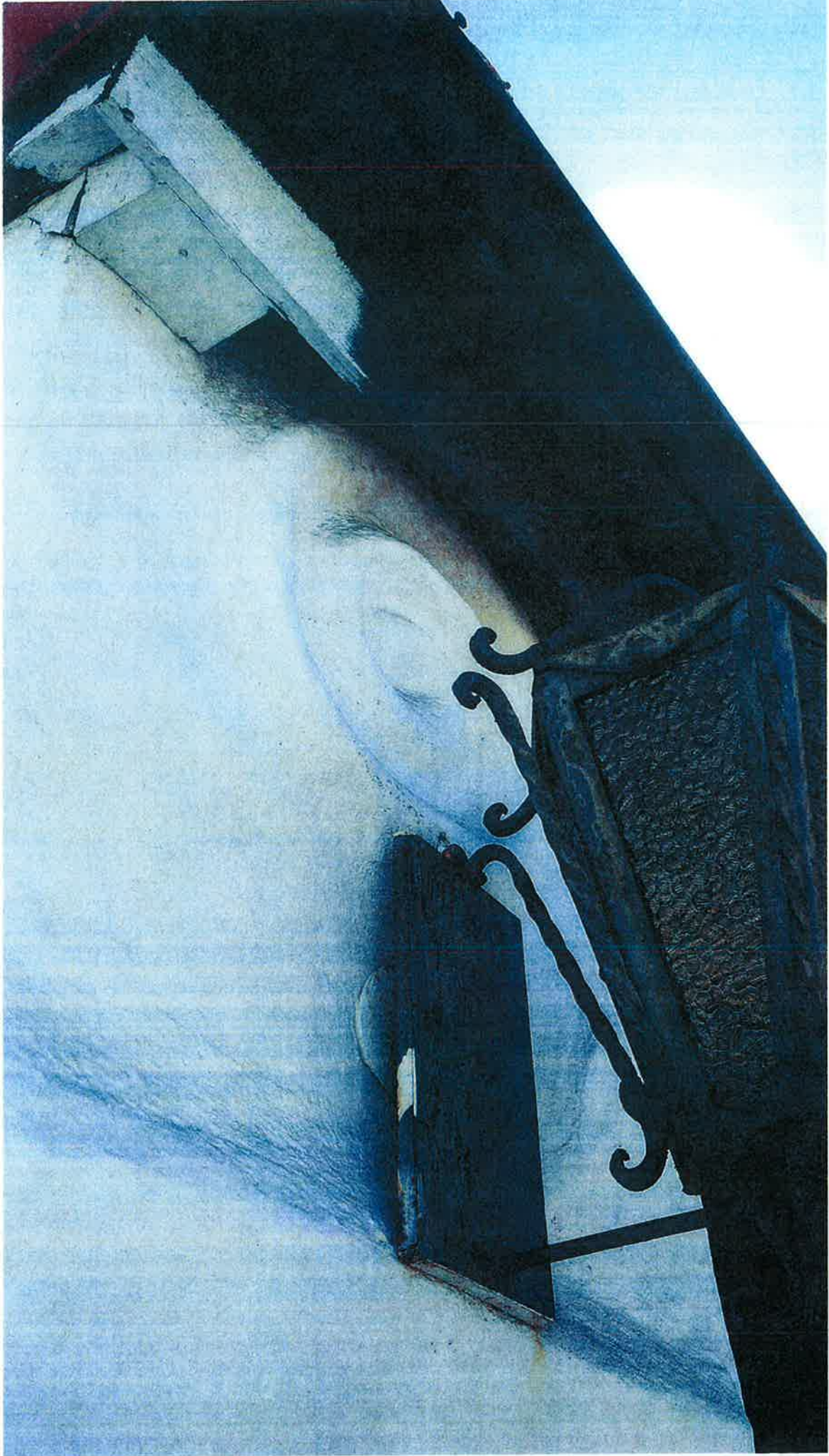
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PARKING ON ROOF







313



























Design Review Subcommittee (DRSC)

Meeting Date: November 12, 2014

PLANNER: Cliff Jones, Associate Planner

SUBJECT: **Conditional Use Permit 14-228 / Minor Cultural Heritage Permit 14-229, Fig at 313,** a request to consider allowing minor exterior changes to a historic building to accommodate a restaurant use, a full range of alcohol for on-site consumption, and a shared off-site parking agreement. The historic building is located at 313 North El Camino Real.

BACKGROUND:

Background / Project Description

The three level 2,164 square foot structure was built in 1927. The property has a Historic Property Preservation Agreement (HPPA), or "Mills Act." The required improvements identified within the HPPA contract, identified in Attachment 2, will be completed as a condition of approval with this project. The property is a mixed use site containing one 634 square foot residential unit on the third level and a 1,530 square foot commercial space on the first and second level that was previously occupied by an office use; Peligroso Tequilla. Prior to the owner purchasing the property in 2012, the 200 square foot garage was illegally converted to habitable space. The owner is requesting to legalize the single-car garage conversion to habitable space with the proposed project. The owner is also requesting to establish a 47 seat restaurant with the full service of alcohol and off-site parking. The attached plans provide additional detail.

Why is DRSC Review Required?

Zoning Ordinance Table 17.16.100B requires a Minor Cultural Heritage Permit (MCHP) because the project involves minor exterior changes to the historic property and conversion of the garage to habitable space, which constitutes a 200 square foot expansion to a non-conforming historic structure. Per the Nonconforming Ordinance, a MCHP is required to allow additions to a nonconforming structure provided the cumulative expansion is less than 50 percent. The request to legalize the 200 square foot garage to habitable space is a 32 percent expansion. MCHPs are reviewed by the DRSC to ensure the project is consistent with City Design Guidelines and the Secretary of the Interior Standards. The applicant is also requesting a Conditional Use Permit (CUP) to allow a full range of alcohol for on-site consumption and to allow shared off-site parking within 500 feet of the proposed restaurant. The CUP aspect of this application will be considered by the Planning Commission at a future public hearing.

Site Data / Historic Structure

The subject site is a 4,000 square foot through lot located in the Mixed-Use zoning district, and within the Architectural and Central Business Overlays (MU3-CB-A). The lots fronts North El Camino Real with access to the rear from Avenida De La Estrella. The property contains a one- and two-story building designed in the Spanish Colonial Revival style. The building has shed roofs at the portions flanking the entryways as well as in the front and rear of the main portion of the building. Two four-sided cupolas - with hipped and front-gable tile roofs - emerge from the two-story rear wing. An open central courtyard separates the front and rear portions of the building. The fenestration consists of original wood fixed windows throughout the building that are symmetrically arranged. The building retains its original door frames and storefronts. Refer to Attachment 3 for additional information on the historic resource.

ANALYSIS:

The applicant proposes to incorporate traditional materials in keeping with the Spanish Colonial Revival style of the historic building and the requirements of the Architectural Overlay. The exterior changes include: 1) Repair plaster and paint white as needed; 2) Paint wood elements dark brown as needed; 3) Install new hardware to doors and windows as required per Building Code; 4) Replace existing black fabric on awnings; 5) Install wrought-iron railing with glass windscreen around waiting area and around small outdoor dining area in front of the building; 6) Install new exterior light fixtures on building façade fronting El Camino Real and facing interior courtyard; 7) Replace brick on low lying plaster walls as needed; 8) Install wood doors in courtyard with single glass inset to match existing wood doors at the front of the building; 9) Construct a raised planter with low lying plaster walls and brick atop that houses fig specimen tree; 10) Construct a free standing metal screen with gas light fixtures abutting adjacent northern building wall; 11) Construct a free standing wood screen with arch opening within courtyard; 12) Install internally illuminated individual letter sign at front of building; and 13) Construct low plaster planter walls painted white with brick cap at the entry fronting Avenida De La Estrella.

Development Standards

No expansion of the building footprint or height is proposed. The structure has legal and illegal nonconforming parking attributes. The structure is legal nonconforming because the commercial use has only two parking spaces and current code requires seven, as detailed in Table 1 below. The single-car garage space is illegal nonconforming because it was converted to habitable space at an unknown time, prior to the owner purchasing the property. Three off-street parking spaces are approved for the use; one single-car garage for the residence and two spaces for the commercial use. To meet parking requirements the owner proposes to provide all required commercial parking off-site within 100 feet at the San Clemente Presbyterian Church and convert one commercial space to a residential space to legalize the conversion of the garage to habitable space. The other commercial space is being eliminated to provide a trash enclosure on-site.

Table 1 – Parking Compliance with MU3 Zone

Use	Parking Standard	Hours of Operation	Parking Required	Parking Provided
Restaurant Indoor Seats (34) Outdoor Seats (13)	1 space per 5 seats	5:30pm to 11pm	7 spaces 0 spaces*	12 spaces (7 off-site spaces & 5 spaces granted**)
Residential Unit	2 spaces per unit	N/A	1 space***	1 space

* According to Table 17.28.205B Parking Requirements for Outdoor Dining, restaurants with 32 seats or more are granted 16 outdoor seats with no additional parking required.

**According to 17.72.060 Nonconforming Use Restrictions(C)(2) "A permitted use may be changed to another permitted use. If the required number of parking spaces is not provided, the proposed use shall have the same number or greater parking spaces than the existing use, or sufficient parking spaces shall be added for the new use to meet Zoning Ordinance requirements." The 1,530 square foot tenant space was historically an office use. The parking requirement for office is 1 per 350. Rounded up the tenant space is granted 5 spaces (1,530/350 = 4.37).

*** The Nonconforming Ordinance allows for nonconforming structures to expand up to 50% and not make-up for deficiencies in parking.

Design Guidelines

The proposed project meets the Design Guidelines which require Spanish Colonial Revival (SCR) architectural elements within the Architectural Overlay by incorporating SCR details. Table 2 summarizes the project’s consistency with the Design Guidelines.

Table 2 – Project Evaluation

Design Guideline or Policy	Project Consistency	Comments
Building and site design should follow basic principles of Spanish Colonial Revival (SCR) architecture (Design Guidelines II.C.2)	Consistent. Proposed architectural details (materials and colors) generally follow SCR style.	Specific architectural recommendations to improve project’s consistency with Spanish Colonial Revival architecture and Design Guidelines are recommended in table 3.

Design Guideline or Policy	Project Consistency	Comments
Incorporate defined outdoor spaces, including courtyards, patios, plazas and courtyards (Design Guidelines II.C.3)	Consistent. The project utilizes the existing courtyard area facing El Camino Real creating an outdoor dining area and an outdoor waiting area for the restaurant.	Specific architectural recommendations to improve project's consistency with Spanish Colonial Revival architecture and Design Guidelines are recommended in Table 3.

Secretary of the Interior's Standards

The Zoning Ordinance Section 17.16.100 and the Design Guidelines require the project to comply with the Secretary of the Interior's Standards. Standard 9 is the most important for the project because it is related to additions. Standard 9 states:

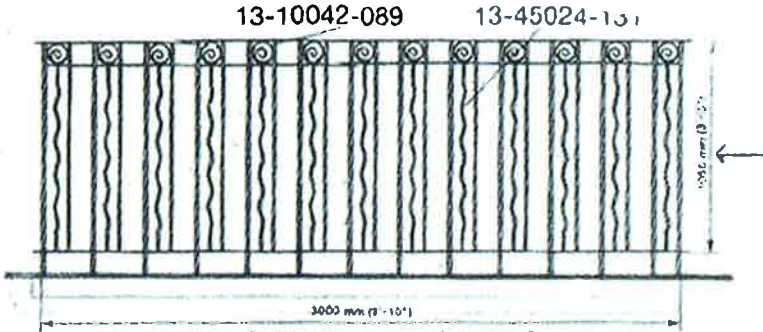



“New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.”


The project is designed to minimize impacts to the historic structure and to comply with the Secretary of the Interior's Standards. The exterior changes, excepting the signage and glass windscreen, are compatible with the historic portion of the building for the reasons stated earlier in the report. The new improvements, excepting stucco repair and new paint, will not match the aged materials, textures and colors of the historic building exactly.

RECOMMENDATIONS:

Staff supports the overall design of the project but does have some minor suggestions to improve the architecture of the building and enhance the project's consistency with the Design Guidelines as outlined in Table 3 below. Images provided are for reference only, providing examples of successful SCR design elements.

Table 3 – Architectural Recommendations

Recommendation	Sample Image
<p>1. Staff is supportive of the solid wrought-iron railing design. The circular design at the top of the rail matches the circular plaster detail at the front of the building as seen in the image to the right. However, staff is concerned with the glass windscreen installed on the interior face as it is not a traditional element. Staff recommends this feature be removed.</p>	 <p>13-10042-089 13-45024-131</p> <p>3000 mm (9' - 10")</p> <p>Inspirational Concept #A-13604 © King Architural Metals</p> 
<p>2. New signage should be traditional in appearance consisting of sand blasted wood, painted signage with goose neck lighting, or pinned metal letters. Interior illuminated signage is not allowed within the Architectural Overlay.</p>	 

Recommendation	Sample Image
<p>3. To assure that exterior details are traditional in appearance and compatible with the historic resource, staff recommends a conditions of approval requiring Planning approval of all exterior details prior to purchase and installation.</p>	

CONCLUSION:

The comments provided are intended to bring the project more into conformance with Design Guidelines. Staff seeks the DRSC’s comments and welcomes any additional recommendations.

Attachments:

1. Location Map
2. HPPA Contract Improvements
3. Historic survey of 313 North El Camino Real
4. Photos

Plans

- Looking at the murals at the Casa Romantica and the Farmers and Merchants Bank as examples of art pieces that blend the local culture and artistic style with their building's architecture well.

Mr. Atamian stated that he would find some examples of old photographs, postcards, and other murals in the City to send to the applicants. He stated that this project would be brought back to the DRSC to review any modifications made by the applicant. The DRSC thanked the applicant for proposing this type of project and for working with staff through this process.

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 North El Camino Real. A Minor Cultural Heritage Permit is requested to allow minor exterior changes to the historic property.

Associate Planner Cliff Jones summarized the staff report and went over the details of the plans.

Subcommittee Chair Crandell suggested that a planter wall be maintained along the front of the patio because the plant material softens the look of the building.

Subcommittee Member Darden suggested that the wrought-iron railing along the front of the property be more traditional in appearance and the proposed glass be eliminated behind the railing. Member Darden also suggested that the internally illuminated signage be eliminated as suggested by staff and more traditional signage be utilized.

The Subcommittee suggested an access should be provided from the rear of the property off Avenida de la Estrella to the entrance of the restaurant near El Camino Real. This would eliminate the circuitous route that customers would have to walk from the proposed off-site parking at San Clemente Presbyterian Church to the entrance of the restaurant.

The architect, Charles Ramm, indicated that they would explore the idea of adding access to the restaurant from Avenida de la Estrella.

Mr. Jones indicated that if the applicant pursues exterior changes to the property to add access to the restaurant from Avenida de la Estrella then that element of the project should be brought back to the Subcommittee for review.



Memorandum Planning

Wednesday, December 10, 2014

To: Design Review Subcommittee (DRSC)
From: Cliff Jones, Associate Planner
Subject: Old Business: CUP 14-228/MCHP 14-229, Fig at 313

Background:

On November 12, 2014, the DRSC reviewed the project and suggested the applicant consider providing access to the restaurant from the rear of the site off Avenida de la Estrella. Staff indicated that if exterior changes are proposed to add rear access to the restaurant then that design element would require DRSC review. The draft DRSC minutes and DRSC report of the November 12, 2014 meeting are provided as Attachment 1 and 2 respectively. The applicant proposes to demolish the spiral staircase and construct a wood staircase to provide restaurant patron access from the rear of the property as shown in the attached plans.

Analysis:

The applicant proposes to eliminate the spiral staircase which is not an original historic feature and install a wood staircase finished in a dark brown color to match the appearance of the wood balcony of the building which is an original character defining feature. Image 1 below is a historic photo of the building depicting the wood balcony. Image 2 demonstrates the existing spiral staircase as seen from North El Camino Real alongside the proposed elevation depicting the wood staircase.

Image 1: Historic photo of building

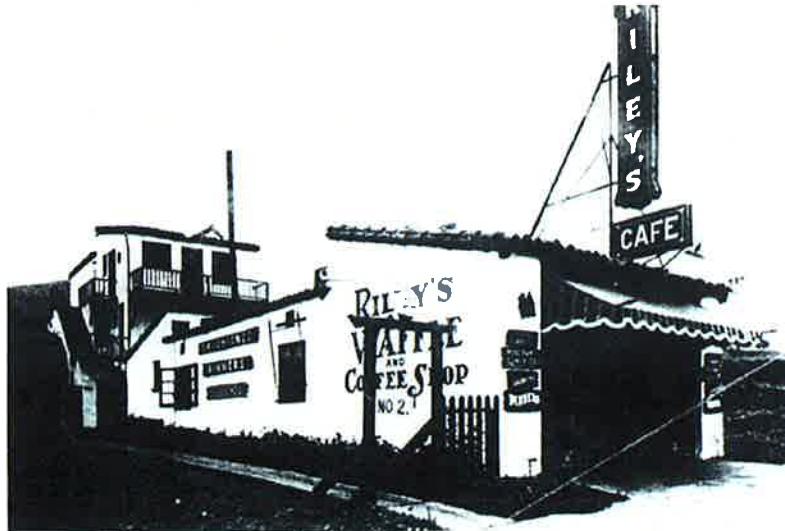
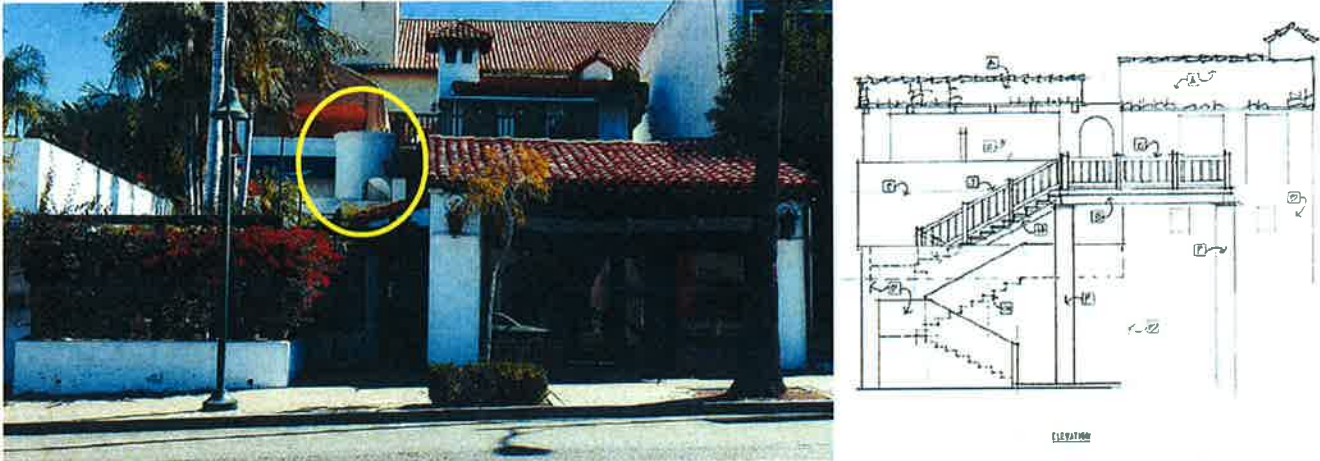


Image 2: Existing spiral staircase alongside elevation of proposed wood staircase



Staff is supportive of the wood staircase because the railing design resembles the appearance of the wood balcony railing and is more compatible with the historic resource. Staff seeks DRSC comments and welcomes any additional recommendations.

Attachments:

1. November 12, 2014 Draft DRSC minutes (excerpted)
2. November 12, 2014 DRSC Report (excerpted)
3. Photos
Plans

Mr. Wills noted that they appreciated the Subcommittee's comments but they were planning on moving forward as is to the Planning Commission.

D. Minor Cultural Heritage Permit 14-480, Selma's Patio Doors (Jones)

A request to install patio doors within the commercial building at 218 Avenida Del Mar. The project is located within the Mixed Use Zoning District and within the Architectural and Central Business Overlays (MU3-CB-A).

Associate Planner Cliff Jones summarized the staff report and presented the proposed wood clad aluminum sliding glass door system.

The Subcommittee agreed that the wood clad aluminum sliding glass door system meets the requirements of the Architectural Overlay and expressed support for the door system. The Subcommittee noted that the expense to add mullions to the door system, to provide a more traditional look, was not necessary because most of the time the doors would be slid to one side and the public would not be able to see that feature. The Subcommittee felt that the sliding door system would add to the pedestrian experience along Avenida Del Mar.

The Subcommittee recommended that the project move forward to the Zoning Administrator for consideration.

3. NEW BUSINESS

None

4. OLD BUSINESS

A. Conditional Use Permit 14-228/Minor Cultural Heritage Permit 14-229, Fig @ 313 (Jones)

A request to consider allowing minor exterior changes to a historic building to accommodate a restaurant use, a full range of alcohol for on-site consumption, and a shared off-site parking agreement. The historic building is located at 313 North El Camino Real within the Mixed Use Zoning District and within the Architectural and Central Business Overlays (MU3-CB-A).

Associate Planner Cliff Jones summarized the staff report. Mr. Jones indicated that since the previous DRSC review, the applicant now proposes to demolish the spiral staircase and construct a wood staircase to provide restaurant patron access from the rear of the property.

Subcommittee Member Darden clarified that the spiral stair case to be demolished was not an original historic feature. Mr. Jones indicated that was correct.

The Subcommittee agreed that the proposed wood stair case would compliment the historic buildings architecture and expressed support for the design of the project.

The Subcommittee recommended that the project move forward to the Planning Commission for consideration.

5. ADJOURNMENT

Adjourn to the Regular Meeting of the Design Review Subcommittee to be held January 14, 2015 at 3:00 p.m. in Conference Room A, Community Development Department, 910 Calle Negocio, Suite 100, San Clemente, CA 92673.

Respectfully submitted,

Julia Darden, Vice Chair

Attest:

Cliff Jones, Associate Planner

CITY OF SAN CLEMENTE
T-ZONE OCCUPANCY COUNT UPDATE
AUGUST 2013

Figure 7: Peak Hour Occupancy, Saturday, July 27, 2013 7 p.m.

