



## STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: July 22, 2015

---

**PLANNER:** Adam Atamian, Associate Planner   
Katherine Moran, Planning Intern

**SUBJECT:** Minor Conditional Use Permit 14-399/ Minor Architectural Permit 14-401, Ocean View Plaza eVgo Charging Station, a request to consider an electric vehicle charging station located in the parking lot of the Ocean View Plaza shopping center.

**LOCATION:** 638 Camino De Los Mares

**ZONING/GP:** Community Commercial (CC2)

**BACKGROUND:**

- The applicant is proposing a new electric vehicle charging station to provide electric vehicle recharging services to eVgo customers.
- The project site is located within the Ocean View Plaza parking lot between the main entrance intersection and the Wells Fargo suite. The charging station will require four of the existing parking spaces. One of these spaces will include charging structures, rendering it unavailable for parking. The other three spaces will provide two types of electric charging available to eVgo customers.
- A Minor Conditional Use Permit (MCUP) subject to Zoning Administrator approval is required to allow parking lot modifications per Section 17.16.070. A Minor Architectural Permit (MAP) subject to Zoning Administrator approval is required to allow the installation of new charging structures per Section 17.16.100.
- The project site is buffered by landscaping as it is in the corner of the parking lot and is adjacent to a main drive aisle. Adequate landscaping around the charging station will ensure that the electrical pedestal equipment will be hidden and lessen the visual impacts to the surrounding area.
- No additional signage is associated with the project, other than the painted signs stenciled on each of the three parking spaces.
- This proposed location is appropriate within the center as it provides users access to the shopping center and adequate visibility on site. The location is not along one of the center's major thoroughfares, rather, it is near the end of a dead end parking aisle.
- The charging station will be run by a subscription-based payment system, with station availability information updated through an on-line application or "app". The user must reserve a charging station by appointment which will prevent the "stacking" of vehicles waiting for available charging spaces and reduce impacts to parking circulation.

- The Ocean View Plaza commercial center provides 739 on-site parking spaces. All other on-site uses, including anticipated uses for the vacant suites, currently have a combined parking requirement of 725 spaces. This leaves a surplus of 14 parking spaces in the center.
- The charging station would take away 4 of the 14 surplus parking spaces, leaving the commercial center with 10 surplus parking spaces. Though three of the spaces will provide parking, staff does not consider these spaces to be parking for the general users of the site. Instead, the subscription-based service limits these parking spaces for their customers only, even if those customers also visit stores in the center.
- To ensure that the use maintains compliance with the parking requirements, condition of approval number seven requires that the service be provided by appointment only, and that if parking becomes an issue, the City Planner shall have the authority to require minimum separation times between appointments.
- The plans for the charging station also require a new metering pedestal to be located in the adjacent landscaping area. The pedestal is similar to other electric facilities in the center. Due to its location near the main entrance intersection of the site, staff has conditioned the project to require the addition of tall landscaping materials to sufficiently screen the pedestal. The Engineering division has reviewed this aspect of the project, and has no concerns regarding vehicular visibility impacts of the new pedestal.

## **FINDINGS**

- The proposed use is permitted within the CC2 zone with the approval of a MCUP and meets all applicable requirements of the Zoning Ordinance, such as parking. Additionally, the project is consistent with the General Plan, which aims to “encourage the private sector to provide vehicle fueling stations that cater to electric and other alternative fueled vehicles....”
- The site is suitable for the type and intensity of use, and will not be detrimental to the public health, safety or welfare, because the proposed use is compatible with the typical level of commercial activity associated with the center. The proposed use of the parking area will be utilized similarly to conventional parking spaces, with the additional benefit of allowing the center’s patrons to recharge their electric vehicles while they visit nearby businesses. Additionally, the commercial center provides the required amount of parking for all uses on-site, and all structures will be reviewed through the building permit process.
- The proposed use will not negatively impact surrounding land uses as the charging service is negligibly more intense of a use than normal parking, and the eVgo customers are likely to frequent the center’s businesses while their vehicles charge.
- The architectural treatment of the charging structures complies with the General Plan, Zoning Ordinance, and Design Guidelines, because the structures are minor and generally screened from public view, and meet all applicable development standards.
- The general appearance of the charging station is in keeping with the character of the neighborhood because the structures are minor in scale compared to the vehicles that typically park nearby. Additionally, the charging station is not directly adjacent to any buildings, and will not detract from the any building’s architecture.

- Staff supports the applicant's request because it meets the findings for approval as described above.
- Staff has not received any public comment on this project by the date this report was prepared.

**RECOMMENDATION**

STAFF RECOMMENDS THAT the Zoning Administrator approve Minor Conditional Use Permit 14-399/ Minor Architectural Permit 14-401, Ocean View Plaza eVgo Charging Station, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution # ZA 15-032  
Exhibit 1 Conditions of Approval
2. Location Map  
Plans

# ATTACHMENT 1

## RESOLUTION NO. ZA 15-032

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CONDITIONAL USE PERMIT 14-399 AND MINOR ARCHITECTURAL PERMIT 14-401, OCEAN VIEW PLAZA EVGO CHARGING STATION, A REQUEST TO ALLOW AN ELECTRIC VEHICLE CHARGING STATION LOCATED AT 638 CAMINO DE LOS MARES**

**WHEREAS**, on October 9, 2014 an application was submitted, and deemed complete on July 8, 2015, by Kelly Fishback of Solarrus Corp., 5406 Bolsa Avenue, Huntington Beach, CA 92649, for a Minor Conditional Use Permit and a Minor Architectural Permit to allow an electric vehicle charging station in the parking lot of an existing commercial center located at 638 Camino De Los Mares, San Clemente, CA 92672, the legal description being Lot 5, of Tract 5951, Assessor's Parcel Number 675-072-16; 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 1 exemption pursuant to CEQA Guidelines Section 15301 because the project consists of the construction of minor accessory structures to an existing commercial center parking lot; and

**WHEREAS**, on November 6, 2014, and July 2, 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 July 22, 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 1 exemption pursuant to CEQA Guidelines Section 15301 because it consists of the construction of minor accessory structures to an existing commercial center parking lot.

**Section 2:** With regard to Minor Conditional Use Permit (MCUP) 14-399, the Zoning Administrator finds as follows:

- 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, in that the use maintains the area primarily as a parking lot. Additionally, this

project fulfills the General Plan's Natural Resources Element policy NR-6.10, which states that, "We encourage the private sector to provide vehicle fueling stations that cater to electric and other alternative fueled vehicles...."

- B. The site is suitable for the type and intensity of use, and will not be detrimental to the public health, safety or welfare, because the commercial center provides the required amount of parking for all uses on-site, and all structures will be reviewed through the building permit process.
- C. The proposed use will not negatively impact surrounding land uses as the charging service is a negligibly expansion the use of the site as a normal parking lot, and the eVgo customers are anticipated to use the site as the center's other business patrons do, while their vehicles charge.

**Section 3:** With regard to Minor Architectural Permit (MAP) 14-401, the Zoning Administrator finds as follows:

- A. The architectural treatment of the charging structures complies with the General Plan, Zoning Ordinance, and Design Guidelines, in that the structures are minor and generally screened from public view, and meet all applicable development standards.
- B. The general appearance of the charging station is in keeping with the character of the neighborhood, and will not be detrimental to the orderly and harmonious development of the City, in that the structures are minor in scale and compatible with the typical aesthetics of the parking lot. Additionally, the charging station is not directly adjacent to any buildings, and will not detract from the any building's architecture.

**Section 4:** The Zoning Administrator of the City of San Clemente hereby approves MCUP 14-399 and MAP 14-401, Ocean View Plaza eVgo Charging Station, 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 July 22, 2015.

SAN CLEMENTE ZONING ADMINISTRATOR

---

James Pechous, Zoning Administrator

**CONDITIONS OF APPROVAL**  
**Minor Conditional Use Permit 14-399/ Minor Architectural Permit 14-401,**  
**eVgo Charging Station**

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. Minor Conditional Use Permit (MCUP) 14-399 and Minor Architectural Permit (MAP) 14-401 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 MCUP 14-399 and MAP 14-401 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 MCUP 14-399 and MAP 14-401 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.) \_\_\_\_\_

5. 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.) \_\_\_\_\_

6. The applicant shall install new landscaping materials and plants to adequately screen the proposed metering pedestal in the existing landscaped area to the satisfaction of the City Planner, or designee. Landscape materials shall be approved by the property owner, or designee, and the City Planner, or designee, and shall be consistent with the site's existing plant palette and landscape design aesthetic. This new landscaping shall be demonstrated on the plans submitted for the Building Permit. ■■(PIng.)\_\_\_\_\_

7. The property owner or designee shall maintain all landscaped area modifications as approved on the final Building Permit plans in an orderly, attractive and healthy condition. This shall include proper pruning, mowing of turf areas, weeding, removal of litter, fertilization, replacement of plants when necessary, and the regular application of appropriate quantities of water to all landscaped areas. The property owner or designee shall maintain all irrigation systems necessary to maintain the landscaping approved on the final Building Permit plans in proper operating condition. Waterline breaks, head/emitter ruptures, overspray or runoff conditions and other irrigation system failures shall be repaired immediately. *[Citation - Section 17.68.060.A&B of the of the SCMC]* ■ (PIng.)\_\_\_\_\_

8. 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 July 22, 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.) \_\_\_\_\_

- 9. 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. *[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]* (Bldg.) \_\_\_\_\_
- 10. Project has not been reviewed for Building Code compliance. Prior to issuance of building permits, code compliance will be reviewed during building plan check. *[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]* (Bldg.) \_\_\_\_\_
- 11. Prior to issuance of building permits, applicant shall secure all utility agencies approvals for the proposed project. *[S.C.M.C – Title 15 Building Construction]* (Bldg.) \_\_\_\_\_
- 12. 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, and Fire Codes. *[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, Title 16 Subdivisions, Title 17 Zoning]* (Bldg.) \_\_\_\_\_

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

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

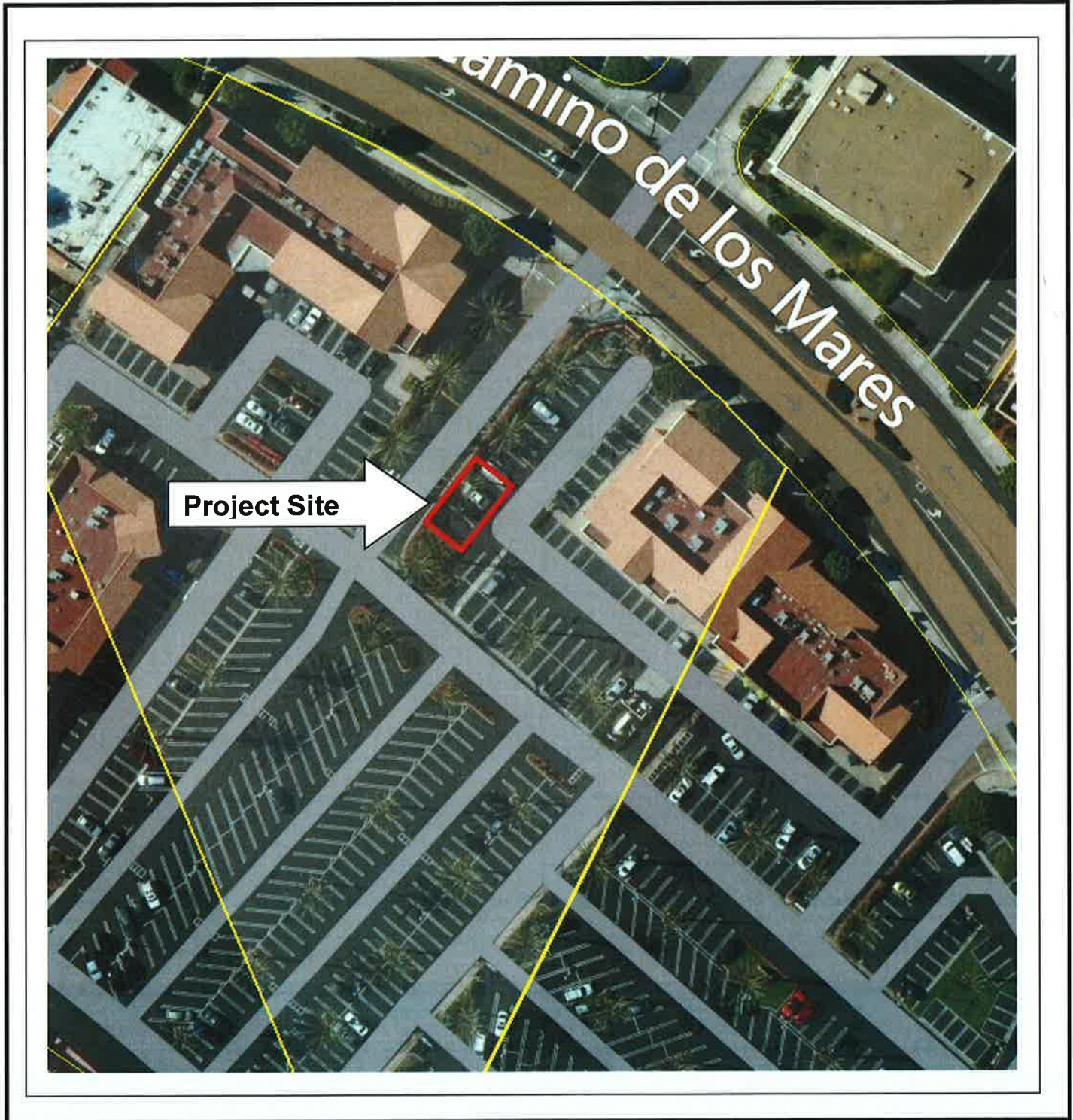




# LOCATION MAP

# ATTACHMENT 2

Minor Conditional Use Permit 14-399/ Minor Architectural Permit 14-401  
Ocean View Plaza eVgo Charging Station  
638 Camino De Los Mares



No scale 