

These minutes were approved by the Zoning Administrator on 09-22-14.

LOB1

**CITY OF SAN CLEMENTE
MINUTES OF THE ADJOURNED REGULAR
ZONING ADMINISTRATOR MEETING
September 18, 2014**

Staff Present: James Holloway, Sean Nicholas, Adam Atamian, John Ciampa, and Denise Gee

2. MINUTES

Minutes of the Zoning Administrator meeting of September 3, 2014 received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARINGS

A. 143 West Avenida De Los Lobos Marinos – Minor Architectural Permit 14-304 – Reiss Residence Modification (Moran/Nicholas)

A request to consider a modification to the roofline of an existing nonconforming single family residence. No additional square footage is proposed. The project site is 143 West Avenida De Los Lobos Marinos within the Residential Low Density zoning designation (RL-CZ), legal description being Lot 56, of Block 3, of Tract 852, Assessor's Parcel Number 692-212-14.

Planning Intern Katherine Moran summarized the staff report.

Donna Carter, daughter of applicants Jeanne and Jim Reiss was present and had no comments. There were no members of the public present to address this item.

Mr. Holloway advised this is a straight forward application as he understands it. It does not increase or decrease any non-conformity. The non-conformity that exists isn't even a part of the actual improvement being proposed. The allowed height in this zone is 25'. The proposed new ridgeline is 22.75'. The actual improvement proposes roof changes and modernizes the architectural quality of the building.

Action: The Zoning Administrator approved Minor Architectural Permit 14-304, Reiss Residence Modification, subject to Resolution ZA 14-040 with attached Conditions of Approval. There is a 10-day appeal period.

ACTION SUBJECT TO APPEAL TO OR CALL-UP BY CITY COUNCIL**B. 1251 Puerta Del Sol – Amendment to Minor Conditional Use Permit 12-148 – Left Coast Brewery Tasting Room (Atamian)**

A request to consider an amendment to a Minor Conditional Use Permit to expand the hours of operation of a brewery tasting room from Monday to Thursday 12:00 p.m. to 11:00 p.m., Friday 11:00 a.m. to 11:00 p.m., and Saturday and Sunday 10:00 a.m. to 11:00 p.m. within the Business Park (BP) zoning district of the Talega Specific Plan. The project site is located at 1251 Puerta Del Sol, legal description being Lot 7, of Tract 16124, Assessor's Parcel Number 688-311-05.

Associate Planner Adam Atamian summarized the staff report. Mr. Atamian received input from a neighboring property owner, who stated that they are a member of the Talega Business Park Association, concerned about the expansion of the hours, potential parking impacts, noise and litter. Mr. Atamian's attempts to contact the concerned businesses were not acknowledged.

Mr. Atamian received an email from Lynn Wood of the San Clemente Chamber of Commerce advising support of the expansion of hours, stating that the brewery is a successfully run family-owned business that has demonstrated their commitment to operate responsibly. The Hadjis family are and will continue to be good neighbors and respect the guidelines of the Amendment to the Minor Conditional Use Permit.

Mr. Atamian also contacted the Talega Master Association. The Association supplied a survey of similar uses in both the City and the Southern Orange County region. Most of these types of establishments are open at least as long as the Left Coast Brewery Tasting Room. Additionally, the Artifex Brewing Company, which was approved and opened in August of 2014, were allowed similar hours, opening at 11:00 a.m. and extending to 11 p.m. with additional hours until 1:00 a.m. on weekend nights.

Mr. Holloway advised that even though the Talega Business Association expressed concerned, they did provide information that seems to support the application. Mr. Holloway asked for clarification. Mr. Atamian advised that the Talega Business Park is made up of five sub-associations. The negative comment was received by a board member speaking on behalf of the one of the sub-association boards. After clarification, it was noted that the comment came from one member of a sub-association and the survey was provided by the Talega Master Association. Mr. Atamian attempted to contact the association; no phone number was left on the

voice mail Mr. Atamian received about concerns. Mr. Atamian obtained the phone number and left a message, but no return call was received.

Applicant Tommy Hadjis was present. Mr. Hadjis had no comments.

Kathy Zechmeister, Property Manager for the Talega Master Association, was present. She provided the survey to Mr. Atamian as an overview of the local area. In speaking with Mr. Atamian, Ms. Zechmeister advised that there was a negative response by the Master Board that this location would become a bar.

Mr. Holloway asked for clarification inasmuch as the survey seems to support the application even though there are objections. Mr. Holloway asked what the position is of the Talega Master Association. Ms. Zechmeister clarified that the Board had objections with the extension of the hours and is concerned that change would turn the tasting room into a bar. Ms. Zechmeister advised that she went onto Yelp for the purpose of checking hours of operation for similar establishments in the area. Relative to Artifex Brewing, the Board was not happy with the hours.

Mr. Holloway asked Mr. Hadjis whether he had taken steps to correct any of the issues related to litter, etc. Mr. Hadjis advised that he has not seen litter. However, he will do walk-throughs during the evening and after closure to make sure the location is clean. There is a process in place that takes care of tossed cigarette butts. Mr. Hadjis does not want litter outside their establishment. There are also car services to make sure people do not drive home after drinking. He also advised that since it is a tasting room, people do not stay very long. There have been no issues regarding intoxication.

Mr. Holloway was confused about the sub- and Master Association. He stated that the main concern is the impact on the City. He advised that there are no problems identified by Code Enforcement or Police Services. The proposal also has the support of the Chamber of Commerce which operates in the area. Mr. Holloway stated that though there is conflicting information from the sub- and Master Associations, it is proper to let the private sector work out any issues. It is their community and their neighborhood rather than the City becoming involved unless it is necessary. With the recommendation of Planning staff, Code Enforcement and Police Services, the application was approved.

Action: The Zoning Administrator approved Amendment to Minor Conditional Use Permit 12-148, Left Coast Brewery Tasting Room, subject to Resolution ZA 14-037 with attached Conditions of Approval. There is a 10-day appeal period.

ACTION SUBJECT TO APPEAL TO OR CALL-UP BY CITY COUNCIL

C. 930 Avenida Salvador – Minor Exception Permit 14-318 – Araujo Retaining Walls (Ciampa)

A request to consider a reduction in the rear yard setback to allow for eight feet six inch retaining walls to be exposed to the adjacent property that are located in the back yard of a single family residence located at 930 Avenida Salvador within the Residential Low (RL-1) zoning district, legal description being Lot 16, of Tract 3981, Assessor's Parcel Number 690-172-16.

Associate Planner John Ciampa summarized the staff report. Inasmuch as there is a very steep slope, Mr. Holloway asked for clarification as to the exact location of the site. Mr. Ciampa pointed out the location on the map and advised that the home faces the ocean and not the canyon.

Applicant Jess J. Araujo was present and commented that he is working on the process for a gazebo.

There were no members of the public present to address this item.

Mr. Holloway advised that this is a tricky slope and street configuration. The codes work well if the property is on a flat piece of ground. This is the reason for exceptions to deal with tricky situations.

Action: The Zoning Administrator approved Minor Exception Permit 14-318, Araujo Retaining Walls, subject to Resolution ZA 14-039 with attached Conditions of Approval. There is a 10-day appeal period.

ACTION SUBJECT TO APPEAL TO OR CALL-UP BY CITY COUNCIL

D. 529-533 Avenida Victoria – Minor Cultural Heritage Permit 14-328 – Beachcomber Window Replacement (Ciampa)

A request to consider allowing the installation of vinyl windows on a historic motel located at 529-533 Avenida Victoria within the Tourist Serving Commercial zoning district and Architectural Overlay (CRC1-P-A) of the Pier Bowl Specific Plan. The legal description of the property is Lots 64 and 65, Block 1, of Tract 785, Assessor's Parcel Numbers 692-031-02 and 692-031-03.

Associate Planner John Ciampa summarized the staff report. In May 2014, some of the original wood windows facing Avenida Victoria were replaced with vinyl windows on a property which is on the Historic

Structures List. The property owner was cited. The applicant has submitted a request to address the violation. A MCHP is required to request any modifications to a historic structure.

Mr. Ciampa stated that in 2011 and 2013, the Design Review Subcommittee offered additional direction that would allow some structures to deviate. However, historic structures were identified to continue to require wood windows. In staff's opinion, the vinyl windows along Victoria are not in character with the historic building and the modifications result in an incompatible change to the historic structure. One of the character-defining features of the building are wood windows. Vinyl windows are not consistent with the architectural overlay and the Secretary of Interior Standards. Mr. Ciampa provided several of the standards required for historic structures regarding material and quality of work.

There were no members of the public present to address this item.

Applicant/owner Walter Robert Laidlaw was present. Mr. Laidlaw advised that after he had a meeting with Jim Holloway, he and his grandson were under the impression he would have a meeting with the City Council, one level above Mr. Holloway because of Mr. Holloway's dislike of the vinyl windows, and make his plea.

Mr. Laidlaw advised that one of the problems with wood windows is that they stick. He noted that window washer in a previous home pushed so hard to open, he broke the glass and required stitches. As a motel owner, who can get sued for anything, Mr. Laidlaw noted that wood windows are not safe and will expand/contract with moisture. Mr. Laidlaw noted that wood windows can be maintained if there is enough money. They are also difficult to keep painted.

Mr. Laidlaw presented a document entitled the Official San Clemente Landmarks List which shows Item 2, 529-533 Avenida Victoria, Beachcomber Motel, as an unapproved landmark at of October 2, 2007. Mr. Laidlaw stated he told his grandson the property was on the historical list and his grandson and wife, who live on site, thought after reading this list that the property was not approved. Mr. Laidlaw said he did not ignore or hide anything and should not be held accountable for not providing wood windows.

Mr. Laidlaw stated there are exceptions to wood windows; perhaps a fiberglass window. When Mr. Laidlaw looked into that option, he found that the windows would have to be special ordered due to the size. He would either have to make a larger hole for a custom window or make the

opening smaller. He stated this would be an extremely expensive project, terribly out of control and not justified.

Mr. Laidlaw took several pictures and stated that anyone who viewed the vinyl windows while walking up the hill could not tell the difference. He said the windows are not highly visible and do not justify the terrible expense to tear out the existing windows. He considered putting in louvered windows for the rooms and screens which would be on the inside and offered privacy. Mr. Laidlaw understands the position regarding the historical requirements. However if he can put in fiberglass, he still feels the vinyl windows work very well. They're double-paned, do not require painting and provide even temperature.

Mr. Laidlaw asked if anyone wrote or called regarding the proposal. Mr. Ciampa advised that he received a call right before the meeting from the President of the Historical Society voicing his concerns regarding the proposal for vinyl windows. There was an objection, but nothing formal was provided.

Mr. Holloway stated that there are several concerns about the application. He advised that what concerns him the most is that he is pretty sure that the applicant was well aware that a Minor Cultural Heritage Permit was required in order to change out these wood windows. The applicant made a comment about confusion regarding the landmarks list vs. the historic survey list. The applicant commented that he was aware that he is on the historic properties list and it is easy to discern that the landmarks list is a subset of historic properties list and that there is absolutely no question that the historic property is on the historic property list.

What concerns Mr. Holloway is the applicant was aware that a MCHP is required for modifications to structures on the historic properties list and went ahead and did the vinyl window change out anyway. That, to Mr. Holloway, is a big red flag regarding the integrity of the process. San Clemente has achieved a very high quality of life and hopes to further improve our quality of life. That is largely dependent upon the consistent and long-term application of codes and policies. In this case, the codes and policies concerning historic properties and the public process required by the Municipal Code were ignored. Staff has made a recommendation for denial of the MCHP for reasons stated by staff, which speak to the Secretary of Interior Standards and other historic structure policies and codes that the City lives by.

The applicant has expressed a desire to appeal this to a higher authority which is the City Council. Mr. Holloway advised Mr. Laidlaw how to proceed with the appeal process. There is a 10-day appeal.

Action: The Zoning Administrator agreed with the staff recommendation and denied Minor Cultural Heritage Permit 14-328, Beachcomber Window Replacement, subject to Resolution ZA 14-038.

ACTION SUBJECT TO APPEAL TO OR CALL-UP BY CITY COUNCIL

5. NEW BUSINESS

None

6. OLD BUSINESS

None

ADJOURNMENT

The meeting adjourned at 12:15 p.m. to the regular Zoning Administrator meeting to be held on October 8, 2014 at 3:00 p.m., at the Community Development Department, Conference Room A, located at 910 Calle Negocio, Suite 100, San Clemente, California.

Respectfully submitted,

SAN CLEMENTE ZONING ADMINISTRATOR


James Holloway