

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR
ZONING ADMINISTRATOR MEETING
December 21, 2016**

1. CALL TO ORDER

A Regular Meeting of the City of San Clemente Zoning Administrator was called to order on December 21, 2016 at 3:00 p.m. in Conference Room A of the Community Development Department, located at 910 Calle Negocio, San Clemente, California, by Zoning Administrator Cecilia Gallardo-Daly.

Staff Present: Cecilia Gallardo-Daly, Zoning Administrator; Christopher Wright, Associate Planner; Cliff Jones, Associate Planner; Arlen Beck, Planning Intern; Meredith Scott, Administrative Assistant.

2. MINUTES

The minutes of the Zoning Administrator meeting of December 7, 2016 were approved.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARINGS

A. 3817 S. El Camino Real – Minor Conditional Use Permit 16-380 – Café Del Sol (Beck)

Public Hearing to consider a request to consider indoor and outdoor beer and wine consumption for an existing restaurant located at 3817 S. El Camino Real in the Mixed Use 5 (MU 5) Zoning District. The site's legal description is Lot 4, of Tract 900, Assessor's Parcel Number 060-113-06

Planning Intern, Arlen Beck summarized the Staff Report.

ZA Gallardo-Daly opened the public hearing.

Applicant, Robert Ramos, Owner/Manager of Café Del Sol, stated he tried to follow the example of Wahoo's or Rubio's. Café Del Sol is not trying to be a bar, just adding the consumption of beer and wine for customers to enjoy.

ZA Gallardo-Daly asked Ramos if the truck parked on the street near the Café was associated with his business.

Ramos said that he owned the truck and it is parked on the south east corner of the block. Ramos stated that he possessed a parking permit from the City and did not park the truck on site because it impeded traffic in and out of the parking lot. Ramos said there were many work trucks parked along the street and he dealt with this issue before but was given a permit from City to park there.

ZA Gallardo-Daly asked Staff if they had information on the street parking permit that Ramos was issued from the City.

Associate Planner Cliff Jones, said Staff discussed the issue of Mr. Ramos' truck with Adam Atamian, Interim Code Compliance Supervisor, and was informed it is legal for the truck to be parked on the street. Staff did have a discussion with Mr. Ramos about adding a condition of approval to the project in regards to parking the truck on site. However, Mr. Ramos did not feel comfortable with that condition. Planner Jones stated that the truck being parked on the street complies with the law.

ZA Gallardo-Daly asked if the truck were parked on site, would it take up required parking.

Ramos stated that the truck would take up required parking and impedes traffic coming in and out of the site.

ZA Gallardo-Daly asked Staff if they had information regarding Ramos' permit to park on the street.

Planner Cliff Jones stated that Staff did not have more information about the permit.

ZA Gallardo-Daly said she would like staff to clearly show on the approved plans the areas of indoor and outdoor consumption.

ZA Gallardo-Daly closed the public hearing.

ZA Gallardo-Daly approved the Minor Conditional Use Permit for consumption of beer and wine. ZA said the outdoor consumption of beer and wine at a fast food restaurant is permitted within the mixed-use MU 5 zoning district. The request complies with the applicable provisions of the municipal code, San Clemente general plan and purpose and intent of the zone. The site is suitable for the type and intensity of the proposed sales and consumption of beer and wine is proposed in the building and the outdoor dining area as delineated on the approved site-plan for the project so that it can be controlled and monitored. The proposed use will not be detrimental to the public health, safety or welfare and will not negatively impact surrounding land uses in that the sale and consumption of beer and wine has been conditioned to restrict the hours of operation of the

service of beer and wine to maintain compatibility with the surrounding properties and comply with the city's noise ordinance. The project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to the CEQA guidelines section 15301. ZA added a condition of approval that staff clearly show on the approved plans the areas of indoor and outdoor consumption.

Action: The Zoning Administrator approved Minor Conditional Use Permit 16-380, Café Del Sol, subject to Resolution ZA 16-042 with attached Conditions of Approval.

B. 416 North Ola Vista – Minor Exception Permit 16-373 – Henning's Fence
(Beck)

Public Hearing to consider a request to consider a fence over forty-two (42") in the front yard setback area located at 416 North Ola Vista in the Residential Medium (RM) Zoning District. The site's legal description is Lot 1, of Tract 779, Assessor's Parcel Number 058-121-14.

Planning Intern, Arlen Beck summarized the Staff Report.

ZA Gallardo-Daly asked Staff why a Minor Cultural Heritage Permit was not submitted with the application.

Associate Planner, Christopher Wright responded that during the process of analyzing the project it came to Staff's attention that a MCHP should have been included in the public notice. Since Staff was recommending denial of the permit, and considering that the ZA would want to table the item to work on alternative options, Staff would include the MCHP when the project is noticed again.

ZA Gallardo-Daly asked Staff why the project did not go to the Design Review Subcommittee.

Associate Planner Wright said the project did not go to the Design Review Subcommittee for the same reasons and it did not come about until after the public notices went out.

ZA Gallardo-Daly opened the public hearing.

Jessie Hennings, Applicant, said she purchased the home because she loved the City and neighborhood feel of downtown San Clemente. Hennings stated that their intentions were to create an aesthetically pleasing wall while creating a safe, enclosed area for her children.

Steve Hennings, Applicant, stated that they have owned the house for about 1.5 years and have been trying to make improvements a little at a time. Hennings said that he has lived in San Clemente all of his life and loves his neighborhood. Hennings said he walked his neighborhood to gather examples of other fences in the area. Hennings presented pictures of nearby fences and landscaping. Hennings referenced a near by hedge and fence on Ola Vista that is similar to their proposed fence.

Associate Planner Wright said that the Staff did consider the property Mr. Hennings referenced in his examples when Staff made their decision. The determination was based on the property being located on a the corner or a prominent intersection of the city and there being no nearby homes with solid fences or walls. Looking west on Avenida Palizada a solid fence would not keep with the character of the street scene. The referenced home and fence on Ola Vista is in character with that street. However, the proposed fence is not on the Ola Vista side of the property, it is on the Palizada side which has more traffic. Wright continued that Staff proposed Applicant build a lower solid wall with an open railing on top which would merit a Staff Waiver and not be required to go to a public hearing for approval.

Christine Lampert, the project architect, said that every property in downtown San Clemente is unique and the proposed project is within characteristic of the neighborhood. Also, the improvements created privacy and safety for the homeowners' family.

ZA Gallardo-Daly asked the Applicants why they chose the proposed design.

Architect, Lampert answered that the design of the fence was to keep with the Spanish Colonial Revival style of the nearby properties. The Applicants originally wanted a horizontal, redwood fence but decided to change the design to something more in character with the neighborhood. Lampert said the Applicants would be happy to change the design back to the horizontal, redwood fence as it is more in character with the house.

ZA Gallardo-Daly asked Staff for clarification about the wall height.

Associate Planner Wright said Staff did not have an issue with the height of the fence, rather the fence being a solid wall.

ZA Gallardo-Daly explained to the Applicants that the wall need to be open street-scene, the primary structures needed to be visible from the street and the height of the fence should not be unsightly or obstruct views. The ZA stated that the proposed wall is very prominent on the street and provided no visual interest. ZA urged the Applicants to consider the benefit from landscape design and to go back and work with Staff on alternative options.

Associate Planner Wright asked the Zoning Administrator for clarification on height requirements for the fence.

The ZA did not reference a specific height for the proposed fence but stated that the 6 foot high wall, just 3 feet from the sidewalk would not work for this property.

Jessie Hennings asked the ZA if a 5.5 foot wall would be approved.

Associate Planner Wright said Staff would not be in support of a 5.5 foot, solid wall. It would have to be set back further to be that tall and that solid. Also, the grade of the street would need to be considered for this property.

ZA Gallardo-Daly said a solid wall, so close to the sidewalk would not be approved and there would need to be a combination of a lower solid wall with a more open fencing on top of it.

Planning Intern Beck, added the property is very prominent and Staff was careful in reviewing the design of the wall because many residents and visitors would see this fence because of the heavy traffic of the intersection.

ZA Gallardo-Daly closed the public hearing.

ZA Gallardo-Daly found that the proposed 6 foot fence, 3 feet from the sidewalk would not be approved and encouraged the Applicants to go back and work with Staff to find a different solution.

Action: The Zoning Administrator tabled Minor Exception Permit 16-373, Hennings' Wall.

5. NEW BUSINESS

None

6. OLD BUSINESS

None

ADJOURNMENT

The meeting adjourned at 4:10 p.m. to the next Regular Zoning Administrator meeting of January 4, 2017 at 3:00p.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

Cecilia Gallardo-Daly