

**CITY OF SAN CLEMENTE  
MINUTES OF THE REGULAR  
ZONING ADMINISTRATOR MEETING  
JANUARY 18, 2017**

**1. CALL TO ORDER**

A Regular Meeting of the City of San Clemente Zoning Administrator was called to order on January 18, 2017 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; Kirt Coury, Contract Planner; Roxanne Atencio, Office Specialist I.

**2. MINUTES**

A. The minutes of the Zoning Administrator meeting of December 21, 2016 were approved.

B. The minutes of the Zoning Administrator meeting of January 4, 2017 were approved.

**3. ORAL AND WRITTEN COMMUNICATION**

None

**4. PUBLIC HEARINGS**

**A. 207 South El Camino Real – Minor Conditional Use Permit 16-413 – HM Foods Restaurant Beer and Wine (Coury)**

Public Hearing to consider a request to sell beer and wine for on-site consumption indoors and outdoors for a restaurant at 207 South El Camino Real, within the MU 3.0 Architectural and Central Business Overlay (MU 3.0-A-CB) zoning district. The legal description being a portion of lots 54, 55, and 56, of Tract 789, and Assessor's Parcel Number 692-402-08.

Contract Planner Kirt Coury summarized the Staff Report.

ZA Gallardo-Daly confirmed with Staff there was previously a restaurant operating at this location and had a license to serve alcohol. Hours for beer and wine services were similar to hours that nearby businesses operated. Outdoor patio has an exterior wall that separates the outdoor patio dining from the public right-of-way. Combination of a solid wall with a wrought iron fence on top of it.

ZA Gallardo-Daly opened the public hearing.

The Applicant's mother attended ZA Meeting on behalf of her son Hooman Mofidi. She said they appreciate support from the City for opening their restaurant. Also, their plan to open was delayed until mid-February due to a roof leak that was being repaired.

ZA Gallardo-Daly closed the public hearing.

ZA Gallardo-Daly approved the project based on the following:

The project was categorically exempt from the requirements of the California Environment Act pursuant to CEQA Guidelines Section 15301, Class 1 existing facilities. ZA Gallardo-Daly directed Staff to file a Notice of Exemption. The proposed use is permitted within the subject zone pursuant to the approval of a Conditional Use Permit and it complies with all of the applicable provisions of the Zoning Ordinance, The City of San Clemente General Plan and purpose and intent of the zone in which the use is proposed. The project site is located within the Mixed-Use architectural cultural business overlay MU 3.0 Zoning District. The outdoor consumption of beer and wine at a restaurant is permitted use within the zone. The proposed use complies with the Municipal Code. The site, in addition to being Mixed-Use, is within the pedestrian overlay and the use will be a positive addition to the area as it will promote outdoor eating and a better pedestrian dining experience. Previously, a restaurant operated at this location. Furthermore, the outdoor patio is defined by a solid wall that will supply a sufficient buffer between the outdoor dining and the public right-of-way. The site is suitable for on-site sale of beer and wine. The alcoholic beverages will be purchased and consumed on-site in conjunction with the restaurant use indoors and within the enclosed outdoor patio that fronts South El Camino Real. The patio is well buffered from the public right-of-way and is far enough away from residential. There is no live or amplified sound proposed. The patio where the beer and wine will be consumed fronts El Camino Real where there is more traffic and business activity and higher ambient noise levels so there is less potential for the outdoor dining to impact adjacent properties. The beer and wine sales will be accessory to the restaurant use. The Orange County Sheriff's Department, City's Code Compliance Division and the California Department of Alcohol Beverage Control do not have outstanding issues with the restaurant or with this request. The proposed use will not be detrimental to the public health, safety or welfare. The proposed project is required to comply with California Fire Code, Alcoholic Beverage Control and the San Clemente Municipal Code. The proposed use is ancillary to the primary restaurant establishment and has been conditioned to ensure the use complies all applicable codes and incorporates best management practices. The proposed use will not negatively impact the surrounding land uses and the consumption of beer and wine has been conditioned to restrict the hours of operation of the service to maintain compatibility with the surrounding properties and complies with the City's Noise Ordinance.

Action: The Zoning Administrator approved Minor Conditional Use Permit 16-413, HM Foods Restaurant Beer and Wine, subject to Resolution ZA 17-003 with attached Conditions of Approval.

**B. 2611 Via Cascadita – Minor Conditional Use Permit 16-391 – Malone Large Family Day Care** (Coury)

Public Hearing to consider a request to allow a large family daycare facility where a small family daycare currently operates. The applicant is proposing to expand day care services from a limit of 8 children up to a maximum of 14 children according to State Law. The project is located in the Residential Low Density zoning district, Special Residential Overlay No. 12 and Coastal Overlay (RL-SR12-CZ) at 2611 Via Cascadita. The legal description is Lots 6 of Tract 4940, Assessor's Parcel Number 691-054-11

Contract Planner Kirt Coury summarized the Staff Report.

ZA Gallardo-Daly asked Applicant for clarification on the location of the 5 parking spots available for drop-off and pick-up.

The Applicant, Lisa Malone, stated the 5 parking spots include two spots in the driveway and 3 parking spots on the street directly in front of her home.

ZA Gallardo-Daly stated the requirement in the code for a large family day care is there is no other large family day care within 300 feet. ZA asked Staff if this was true in regards to the Applicant's day care.

Contract Planner Coury replied there are no other large family day care homes within 300 feet of the Applicant's property.

ZA Gallardo-Day asked Staff to describe the perimeter fence around the property.

Contract Planner Coury stated there was a 6 foot tall, wood fence around the property.

ZA Gallardo-Daly asked the Applicant if she had a passenger loading plan.

The Applicant said she did not have a passenger loading plan, however, the parents walk the children into the house when dropping off. Similarly, parents will come to the door to pick-up their children. Malone added pick-up and drop-off usually takes a minute or two. The pick-up/drop-off of children is when the parking spots would be utilized.

ZA Gallardo-Daly opened the public hearing.

Applicant Lisa Malone, stated she tried to be courteous to her neighbors in regards to noise and pick-up/drop-off is usually staggered throughout the day. Malone also said she was required to apply for the large family day care permit if she wants to increase the number of children at her facility to 8 or 9. She added, with the large family day care permit, she does not intend to increase the number of children to the allotted 14.

ZA Gallardo-Daly asked the Applicant if she had an opportunity to read the public comment letter sent to the Planning Division regarding excessive noise from her day care.

Applicant Malone stated that she had not read the letter.

Staff provided a copy of letter to Applicant for her records and also to review.

Malone said that she was unaware of excessive noise issue/complaint coming from neighbors in adjacent Colony Cove Senior Community located directly behind her property.

ZA Gallardo-Daly encouraged the Applicant to reach out to the Colony Cove Senior Community homeowner association to address any noise complaints or concerns.

ZA Gallardo-Daly closed the public hearing.

ZA Gallardo-Daly approved the project based on the following:

The project is statutorily exempt from the California Environmental Quality Act pursuant to the state CEQA guidelines section 15274 (Family Day Care Homes). The proposed project is permitted within the Residential Low zoning district, complies with the applicable provisions of the Municipal Code and the City of San Clemente General Plan. The site is suitable for the large family day care as the building can accommodate the proposed increase in operations and expansion of the current day care. In accordance with the operations, as well as staggered drop-off and pick-up times, the site does not require additional parking. The Applicant has identified 5 parking spots available for drop-off and pick-up. There have been no problems identified with the existing day care use according the City's Code Compliance division. The proposed use will not be detrimental to public health, safety or welfare or materially injurious to properties. Also, the day care will comply with the Fire Code, Building Code and the California Health and Safety Code. The proposed use will not negatively impact the surrounding uses as conditioned. It will not generate significant noise, will not generate a higher parking demand than the existing day care facility and will comply with all City requirements.

Action: The Zoning Administrator approved Minor Conditional Use Permit 16-391, Malone Large Family Day Care, subject to Resolution ZA 17-002 with attached Conditions of Approval.

5. **NEW BUSINESS**

None

6. **OLD BUSINESS**

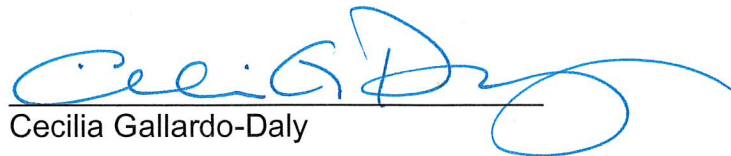
None

**ADJOURNMENT**

The meeting adjourned at 3:32 p.m. to the next Regular Zoning Administrator meeting of February 8, 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