



STAFF REPORT

SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: December 20, 2017

PLANNER: Christopher Wright, Associate Planner *CW*

SUBJECT: **Minor Architectural Permit 17-329, SDG&E Security Gate and Fencing**, a request to consider the construction of a security gate and fencing on a commercial site.

LOCATION: 662 Camino De Los Mares

ZONING/GENERAL PLAN: Public (P) Zoning District and General Plan Designation

PROJECT SUMMARY:

- The site is 5.8 acres in the Camino De Los Mares Focus Area of the Centennial General Plan. The site is developed with a two-story office building and storage yard for San Diego Gas and Electric's (SDG&E) operations. The site is adjacent to a fire station. The site's main vehicle entrance from Camino De Los Mares is a drive aisle located between the SDG&E facility and the fire station.
- The storage yard has restricted access. The area is enclosed by a security gate, fencing, and walls approximately nine feet high. The vehicle security gate spans across the drive aisle approximately 146 feet from the front property line. Figure 1 below is an image of the site from the Camino De Los Mares street scene.

Figure 1 – Existing Site Conditions



- The applicant proposes to: 1) construct a wrought-iron fence within the SDG&E property behind the fire station lot, 2) remove and replace the security entry gate with new wrought-iron gate, 3) replace chain-link fencing with wrought-iron fencing behind

the parking lot, and 4) install two feet, two inches of wrought-iron fencing on a six-foot, six-inch high masonry wall, and replace wrought-iron fencing on the western side yard. Similar to existing fencing and walls, the proposed gate and fencing would be approximately nine feet high.

- Zoning Ordinance Table 17.16.100A requires Zoning Administrator approval of a Minor Architectural Permit (MAP) to construct a fence or wall over six feet high on a nonresidential site.
- The Design Review Subcommittee (DRSC) did not review the proposed project. The Zoning Code requires DRSC review of MAPs at the discretion of the City Planner or decision authority. For this project, the City Planner did not refer the project to the DRSC based on the project's minor nature, location, design quality, and consistency with Design Guidelines and policies.
- The project meets required findings for approval because:
 - The exterior changes improve the site's appearance by installing a gate and fencing with a design and materials that are consistent with recommended materials and design in the City Design Guidelines (Section II.C.2) for Spanish architecture, which implements General Plan Land Use Element Policy LU-7.06, "*Within the Camino de los Mares Focus Area, development projects, including major remodels, shall have a Spanish architectural design, consistent with the Design Guidelines.*"
 - The proposed project's height is in character with existing fencing and a gate being replaced on the site and is comparable with an adjacent wall and fencing in the area.
 - The proposed gate is set back significantly (over 140 feet) from the street. The security fencing is set back behind a parking lot, or located between other commercial buildings where the structures are less visible from Camino De Los Mares.
 - The proposed structures have wrought-iron pickets that are open, so there are no adverse massing impacts.
 - The proposed structures have a design and materials that are consistent with Spanish architecture, which is required by Camino De Los Mares Focus Area policies in the Centennial General Plan.
 - The development must comply with all code requirements including but not limited to Fire Code, California Building Code, and the San Clemente Municipal Code, including the City's Noise Ordinance. A building permit and inspections will be required to ensure building safety requirements are met.
- The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303 (Class 3: New Construction of Small Structures) because the project involves the construction of accessory structures on a developed site that is not environmentally sensitive.
- Public comments have not been received on this item.

RECOMMENDATION

Based on the information in the staff report and subject to the required findings and conditions of approval, staff recommends that the Zoning Administrator:

1. Determine the project is Categorically Exempt from the requirements of the CEQA pursuant to CEQA Guidelines 15303 (Class 3: New Construction of Small Structures); and

2. Adopt Resolution ZA 17-045, approving Minor Architectural Permit 17-329, SDG&E Security Gate and Fencing, subject to the attached Resolution and conditions of approval.

Attachments:

1. Resolution ZA 17-045
Exhibit A - Conditions of Approval
2. Location Map
Plans (includes site photographs on Sheet AS3-2)

ATTACHMENT 1

RESOLUTION NO. ZA 17-045

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MAP 17-329, SDG&E SECURITY GATE AND FENCING ON A COMMERCIAL SITE LOCATED AT 662 CAMINO DE LOS MARES

WHEREAS, on October 11, 2017, an application was submitted, and completed on November 10, 2017, by the Paul Kruest on behalf of SDG&E at 662 Camino De Los Mares, San Clemente, CA 92672, for Minor Architectural Permit (MAP) 17-329, SDG&E Security Gate and Fencing; a request to consider the construction of a security gate and fencing on a commercial site. The applicant proposes to remove and replace an existing chain-link security fence and security gate with new wrought-iron security fencing and gate at their main storage yard. The existing height of the fence will be raised to approximately 9'-0" high to match adjacent security wall and fencing conditions. The site is located in the Public Zoning District (P). The site's legal description is Book 204, Page 13 of Parcel 3, and Assessor's Parcel Number is 675-072-13; 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 the Zoning Administrator determine the project is Categorically Exempt from CEQA pursuant to State CEQA Guidelines Section 15303 (Class 3: New Construction of Small Structures) because the project involves the construction of accessory structures on a developed site that is not environmentally sensitive; and

WHEREAS, on October 19, and November 2, 2017, the City's Development Management Team (DMT) reviewed the project for compliance with the General Plan, Zoning Ordinance, and other applicable City ordinances and codes. The DMT supported the project with recommended conditions of approval attached hereto as Exhibit A; and

WHEREAS, on December 20, 2017, the Zoning Administrator of the City of San Clemente held a duly noticed public hearing on the subject application, considered written and oral comments, and facts and evidence presented by the applicant, City staff, and other interested parties.

NOW, THEREFORE, The Zoning Administrator of the City of San Clemente does hereby resolve as follows:

Section 1. Incorporation of Recitals.

The Zoning Administrator hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the Zoning Administrator as fully set forth in this resolution.

Section 2. CEQA Findings.

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented, and the facts outlined below, the Zoning Administrator hereby finds and determines that the proposed project is categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303 (Class 3: New Construction of Small Structures) because the project involves the construction of accessory structures on a developed site that is not environmentally sensitive.

The Class 3 exemption specifically exempts from further CEQA review the construction and location of limited numbers of new, small facilities or structures that includes accessory structures. Here, the project includes the construction of a fence and gate, in which this exemption applies.

Furthermore, none of the exceptions to the use of the Class 3 categorical exemption identified in State CEQA Guidelines section 15300.2 apply. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time. The project is limited to minor exterior building and site modifications, including the construction of accessory structures. If other exterior changes or accessory structures were proposed in the future, a review process is required and environmental impacts are considered. Therefore, the project does not result in a cumulative impact as it is limited to the scope of improvements on the plans. There are no unusual circumstances surrounding the project that result in a reasonable possibility of a significant effect on the environment. The project does not increase use of the site or development beyond the construction of minor accessory structures and site improvements. There are no especially sensitive resources on the project site or in the vicinity that will be affected. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings, or similar resources. There are no scenic corridors, trees, or vistas, other similar resources that will be impacted. The project is compatible with historic resources and does not cause a substantial adverse change in the significance of a historical resource. Lastly, the project does not include any hazardous waste sites. Thus, the Class 3 exemption applies, and no further environmental review is required.

Section 3. Minor Architectural Permit Findings

With regard to Minor Architectural Permit (MAP) 17-329, the Zoning Administrator finds as follows:

- A. The architectural treatment of the project complies with the San Clemente General Plan, in that:
 1. The design, materials, and color of the proposed project are consistent with recommended materials and design in the City Design Guidelines (Section II.C.2) for Spanish architecture, which implements General Plan Land Use Element Policy LU-7.06, "*Within the Camino de los Mares Focus Area, development projects, including major remodels, shall have a Spanish architectural design, consistent with the Design Guidelines*"; and

2. The proposed project's scale and design are consistent with design guidelines for compatibility with adjacent properties, per Urban Design Element Policy UD-3.01: "*We use urban design standards and tools to minimize adverse impacts on adjacent properties when considering land use and zoning requests*", and per Urban Design Policy UD-5.10, Scale and Massing: "*We require that the scale and massing of a development be compatible with its surroundings...*", given the proposed project's height is in character with existing fencing and a gate being replaced on the site and with structures on adjacent property, the proposed gate is set back significantly (over 140 feet) from the street. The security fencing is set back behind a parking lot, or located between other commercial buildings where the structures are less visible from Camino De Los Mares; and the proposed structures have wrought-iron pickets that are open, so there are no adverse massing impacts.
- B. The architectural treatment of the project complies with the Zoning Code and all applicable development standards, including but not limited to, height, setback, color, etc., in that Zoning Code Section 17.24.090.D specifies that the height of nonresidential walls and other design characteristics are reviewed and approved through the discretionary process, and the proposed height, design, and materials of the project are in character with adjacent improvements and consistent with design guidelines.
- C. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines, in that:
1. The design, materials, and color of the proposed project are consistent with recommended materials and design in the City Design Guidelines (Section II.C.2) for Spanish architecture, which implements General Plan Land Use Element Policy LU-7.06, "*Within the Camino de los Mares Focus Area, development projects, including major remodels, shall have a Spanish architectural design, consistent with the Design Guidelines*"; and
 2. The project demonstrates "*sensitivity to the contextual influences of adjacent properties and the neighborhood*" per General Design Guidelines II.B and II.B.3, given the proposed project's height is in character with existing fencing and a gate being replaced on the site and with structures on adjacent property, the proposed gate is set back significantly (over 140 feet) from the street and the security fencing is set back behind a parking lot or located between other commercial buildings where the structures are less visible from Camino De Los Mares; and the proposed structures have wrought-iron pickets that are open, so there are no adverse massing impacts.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood, in that
1. The proposed project's height is in character with existing fencing and a gate being replaced on the site and is comparable with an adjacent wall and fencing in the area,

2. The proposed gate is set back significantly (over 140 feet) from the street and the security fencing is set back behind a parking lot or located between other commercial buildings where the structures are less visible from Camino De Los Mares,
 3. The proposed structures have wrought-iron pickets that are open, so there are no adverse massing impacts; and
 4. The proposed structures have a design and materials that are consistent with Spanish architecture, which is required by Camino De Los Mares Focus Area policies in the Centennial General Plan.
- E. The proposal is not detrimental to the orderly and harmonious development of the City, in that:
1. The exterior changes improve the site's appearance by installing a gate and fencing with a design and materials that are consistent with recommended materials and design in the City Design Guidelines (Section II.C.2) for Spanish architecture, which implements General Plan Land Use Element Policy LU-7.06, *"Within the Camino de los Mares Focus Area, development projects, including major remodels, shall have a Spanish architectural design, consistent with the Design Guidelines"*;
 2. The proposed project's height is in character with existing fencing and a gate being replaced on the site and is comparable with an adjacent wall and fencing in the area,
 3. The proposed gate is set back significantly (over 140 feet) from the street and the security fencing is set back behind a parking lot or located between other commercial buildings, where the structures are less visible from Camino De Los Mares,
 4. The proposed structures have wrought-iron pickets that are open, so there are no adverse massing impacts,
 5. The proposed structures have a design and materials that are consistent with Spanish architecture, which is required by Camino De Los Mares Focus Area policies in the Centennial General Plan; and
 6. The development must comply with all code requirements including but not limited to Fire Code, California Building Code, and the San Clemente Municipal Code, including the City's Noise Ordinance. A building permit and inspections will be required to ensure building safety requirements are met,

Section 4. Zoning Administrator Approval.

Based on the foregoing recitals and findings above, and the written and oral comments, facts, and evidence presented, the City of San Clemente Zoning Administrator approves MAP 17-329, SDG&E Security Gate and Fencing, subject to the above Findings, and the Conditions of Approval set forth in Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City of San Clemente Zoning Administrator on December 20, 2017.

Cecilia Gallardo-Daly, Zoning Administrator

CONDITIONS OF APPROVAL
MAP 17-329, SDG&E SECURITY GATE AND FENCING

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]* (PInG.)_____

2. Thirty days after project approval, the owner or designee shall submit written consent to all of these imposed conditions to the Community Development Director or designee. The owner or designee understands that the resolution will be of no force or effect unless such written consent is submitted to the City. *[Citation – City Attorney Legal Directive]* (PInG.)_____

3. Minor Architectural Permit 17-329 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.)_____

4. A use shall be deemed to have lapsed, and MAP 17-329 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.) _____
5. 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.)_____
6. 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.)_____
7. 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.)_____
8. 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. *[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]* (Bldg.)_____
9. Prior to the issuance of building permits, the owner or designee shall submit plans that identify the intended use of each building or portion of building and obtain approval of the Building Official. *[S.C.M.C – Title 15 – Chapter 15.08]* (Bldg.)_____
10. 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. *[S.C.M.C. – Title 15 Building and Construction, Chapters 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]* (Bldg.)_____

11. Barbed wire is prohibited by the Municipal Code. Prior to final sign-off and closure of permits, any barbed wire on site shall be removed as needed so the site is in compliance with fencing regulations in the Municipal Code, to the satisfaction of the City Planner or designee. ■■ (PIng.) _____

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

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



City of San Clemente

Project: MAP 17-329 SDG&E Gate and Fencing
 Address: 662 Camino De Los Mares

