

These minutes were approved by the Zoning Administrator 5-24-2018

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING
OF THE ZONING ADMINISTRATOR
MAY 16, 2018**

1. CALL TO ORDER

A Regular Meeting of the City of San Clemente Zoning Administrator was called to order on May 16, 2018 at 3:01 p.m. in Conference Room A of the Community Development Department, located at 910 Calle Negocio, San Clemente, California, by Zoning Administrator (ZA) Cecilia Gallardo-Daly.

Staff Present: Cecilia Gallardo-Daly, Zoning Administrator; Veronica Morones, Assistant Planner; Jonathan Lightfoot, Community Development Technician; Amy Vazquez, Contract Planner; Lisa Acosta, Office Specialist I.

2. MINUTES

- A. The minutes of the Zoning Administrator meeting of April 18, 2018 were received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARINGS

- A. **109 Avenida Granada – Minor Cultural Heritage Permit 17-180 – Granada Wall** (Lightfoot)

A request to allow the construction of a stucco wall along the northeast side property line of 109 Avenida Granada in the Mixed Use 3.1 Zone and Architectural Overlay. The wall is proposed to be 8' tall with a smooth white stucco finish. The wall would replace an existing wood fence that separates the property from the adjacent public parking lot at 107 Avenida Granada.

Community Development Technician, Jonathan Lightfoot, summarized the staff report.

Applicant, Mike Kriskey, was present and available for questions.

ZA Gallardo-Daly opened the public hearing.

Hector Birman, property owner at 109 Avenida Granada, stated he has been continually repairing the existing fence for many years. He stated that he has had issues from cars bumping the fence and from patrons of the nearby bars vandalizing the fence. He is not opposed to this project, but is concerned what will be done to protect the new wall from damage by people using the parking lot.

ZA Gallardo-Daly closed the public hearing.

ZA Gallardo-Daly approved the project based on the following findings: The design and architectural treatment of the project complies with the San Clemente General Plan. The architectural treatment of the project, including height, setback, and color, complies with the City's Design Guidelines and the project incorporates colors and materials consistent of Spanish Colonial Revival architecture with the smooth stucco finish on the wall and the commercial building. The proposed project complies with the purpose and intent of the Architecture Overlay District. The general appearance of the proposal is in keeping with the character of the neighborhood. The proposed stucco wall is consistent with neighboring development, such as the historic building located at 204 S. El Camino Real. The proposed use will not be detrimental to the public health, safety or welfare. The proposed project is a minor replacement of an existing fence that does improve the Spanish Colonial Revival style of the property. The proposed project will not have a negative visual or physical impacts on the historic structure at 204 S. El Camino Real.

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15302 (Class 2: Replacement or Reconstruction).

Action: The Zoning Administrator approved and adopted Resolution ZA 18-022 and Minor Cultural Heritage Permit 17-180, Granada Wall, subject to the above findings and the attached Resolution and Conditions of Approval.

B. 227 Avenida De La Grulla, Unit A – Short Term Apartment Rental 18-132 – Stever STAR (Carrillo)

A request to allow a Short-Term Apartment Rental in a dwelling unit within a duplex located at 227 Avenida De La Grulla in the Residential Medium Zoning District and Coastal Zone Overlay District. The applicant will live on-site in Unit B and proposes a maximum of four (4) renters/guests at any time in Unit A.

ZA Gallardo-Daly tabled this item to a date uncertain at staff recommendation.

Action: The Zoning Administrator tabled Short Term Apartment Rental 18-132, Stever STAR, to a date uncertain.

C. 1209 and 1211 Via Catalina – Minor Exception Permit 17-145 – Kumar Residence (Morones)

A request to consider allowing accessory structures in the required front yard setback of adjacent residential lots, including a 6-foot high wall, two 5-foot high fences, and swimming pool. The site is located at 1209 and 1211 Via Catalina, in the Residential-Low Density Zone and Special Residential 1 Overlay (RL-SR1).

ZA Gallardo-Daly tabled this item to a date uncertain due to additional review required by staff.

Action: The Zoning Administrator tabled Minor Exception Permit 17-145, Kumar Residence, to a date uncertain.

D. 156 and 158 Avenida Del Mar – Minor Cultural Heritage Permit 17-426/Minor Conditional Use Permit 17-427 – Clementine’s Del Mar (Morones)

A request to consider a new restaurant in an existing commercial tenant space with beer and wine service, an outdoor dining area, and minor exterior modifications. The site is located at 156 and 158 Avenida Del Mar, in the Mixed Use 3.0 Zone and Architectural, Central Business, and Coastal Zone Overlays (MU3.0-A-CB-CZ).

Assistant Planner, Veronica Morones, summarized the staff report.

Applicant, Sherrie Jordan, architect, Steve Teeter, and property owner, Michael Kaupp were present and available for questions.

ZA Gallardo-Daly asked for clarification on rear exterior improvements and added a condition of approval to paint the rear exterior of the building, in addition to the trash enclosures.

Property Owner, Michael Kaupp, agreed to the added condition as it will be a dramatic improvement and he expects to match the front to the rear of the building.

ZA Gallardo-Daly opened the public hearing, and there being no one desiring to speak to this issue, closed the public hearing.

ZA Gallardo-Daly approved the Minor Cultural Heritage Permit based on the following findings: The architectural treatment of the project complies with the San Clemente General Plan. The proposed exterior changes improve the architectural quality of the building. The project includes an outdoor patio for restaurant dining and patio dining is consistent with the Design Guidelines to

emphasize pedestrian-oriented uses along Avenida Del Mar. The project includes exterior improvements to the alley façade consistent with the Downtown Paseo Plan. The architectural treatment of the project complies with the Architectural Guidelines in that the proposed exterior changes are consistent with Spanish Colonial Revival Architectural elements. The general appearance of the project is in keeping with the character of the neighborhood. The proposal is not detrimental to the orderly and harmonious development of the City. The proposed project preserves and strengthens the pedestrian-orientation of the district. The proposed project complies with the purpose and intent of the Architectural Overlay District.

The Minor Conditional Use Permit was approved based on the following findings: The proposed use is permitted within the subject zone. The proposed alcohol service is ancillary to a permitted restaurant use. The restaurant proposed is pedestrian-oriented. The site is suitable for the type and intensity of the use that is proposed. The alcoholic beverages will be purchased and consumed on-site, in conjunction with the restaurant use indoors and within an enclosed outdoor patio area. The proposed use will not increase the required amount of on-site parking. The proposed use will not be detrimental to the public health, safety or welfare. The applicant is required to obtain the appropriate permits and inspections to ensure the business operates in compliance with the Fire Code, California Building Code, food safety and health requirements, and the Municipal Code. The hours during which beer and wine may be sold have been restricted. The proposed use will not negatively impact surrounding land uses. The outdoor dining area contributes to the village/pedestrian ambiance of the City. The outdoor dining area is consistent with the requirements of the Mixed Use Zone. Beer and wine will be sold in the outdoor area as conditioned. Any negative visual, noise, traffic, accessibility, and parking impacts associated with the outdoor dining area have been reduced to an acceptable level as determined by the City.

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities) and Section 15303 (Class 3: Conversion of Small Structures).

Action: The Zoning Administrator approved and adopted Resolution ZA 18-021, Minor Cultural Heritage Permit 17-426, and Minor Conditional Use Permit 17-427, Clementine's Del Mar, subject to the above findings and the attached Resolution and Conditions of Approval with the following added condition of approval:

- Added Condition of Approval to read: Prior to issuance of the Certificate of Occupancy, the exterior alley façade shall be painted to match the existing building color, or a color deemed appropriate by the City Planner or designee.

E. 101 West Avenida Vista Hermosa – Amendment to Site Plan Permit No. 99-16 – Theater at the Outlets at San Clemente (Vazquez)

A request to consider a minor amendment to plans for the previously-approved theater building within the Regional Commercial Zoning District of the Marblehead Coastal Specific Plan located at 101 West Avenida Vista Hermosa.

Contract Planner, Amy Vazquez, summarized the staff report, and added she had three phone calls in support of the project.

Applicant, Nancy May, was present and available for questions.

ZA Gallardo-Daly opened the public hearing, and there being no one desiring to speak to this issue, closed the public hearing.

ZA Gallardo-Daly approved the project based on the following findings: The proposed modifications to the development are consistent with the approved site plan. The modifications will not alter the height of the buildings. The modification will incorporate similar aesthetics and are consistent with the originally approved project and will not negatively impact the existing buildings. The revised project is consistent with the Spanish Colonial Revival Architecture and furthers the goal of characterizing the theme of a Spanish Village-by-the-Sea. The site is suitable for the type and intensity of development that is proposed. The overall square footage is consistent with the project. The scale and mass of the theater are comparable with the other outlet buildings. The project meets all zoning requirements. The proposed materials and architecture are consistent with the design and features of the original theater approval. The proposed project provides high quality design and materials are consistent with the overall outlet mall project. The proposed development, as conditioned, will not be detrimental to the public health, safety or welfare. The proposed project will not be unsightly or create disharmony with its locale and surroundings in that these modifications are minor in nature and will be in keeping with the size and architectural style of the Outlets at San Clemente.

The project is determined to be covered by the previously certified Final Supplemental Environmental Impact Report with any addendums.

ZA Gallardo-Daly made one clarification in the staff report that refers to CEQA Guidelines Section 15168. This should be CEQA Guidelines Section 15162, the review and consideration of a project for consistency with a previously approved environmental document.

Action: The Zoning Administrator approved and adopted Resolution ZA 18-024 and Amendment to Site Plan Permit 99-16, Theater at the Outlets at San

Clemente, subject to the above findings and the attached Resolution and Conditions of Approval with the following modification:

- Amend "per Section 15168 of the CEQA Guidelines" to read "per Section 15162 of the CEQA Guidelines".

5. **NEW BUSINESS**

None

6. **OLD BUSINESS**


None

7. **ADJOURNMENT**

The meeting adjourned at 3:40 p.m. to the Adjourned Regular Meeting of the Zoning Administrator which will be held Friday, June 8, 2018 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


Cecilia Gallardo-Daly