



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: July 17, 2019

PLANNER: Stephanie Roxas, Senior Planner

SUBJECT: Discussion on Zoning Ordinance Section 17.04.040 - Interpretations

BACKGROUND:

At the July 10, 2019, regular meeting of the Design Review Subcommittee (DRSC), Vice Chair Ruehlin requested staff schedule a new business item at the next available Planning Commission meeting to discuss Zoning Ordinance Section 17.04.040 pertaining to Code interpretations (Attachment 1).

DISCUSSION:

The purpose and intent of the interpretations process is to provide for review and official interpretation of ambiguities in the Zoning Ordinance. Ambiguities may pertain to the appropriate classification of a particular land use, or appropriate application of development standards to a project.

The Zoning Ordinance authorizes the City Planner to determine whether an ambiguity exists in the Zoning Ordinance, and whether the interpretation is considered “major” or “minor.” The distinction is based on whether the interpretation has the potential for public impact or concern. If the City Planner determines that the interpretation will not have public impacts or cause public concern, the interpretation is considered “minor” and may be approved administratively by the City Planner. “Major” interpretations are subject to Planning Commission review. The Zoning Ordinance also establishes review procedures, timelines, and required findings for interpretations. Examples of an approved “major” and “minor” interpretation are provided as Attachments 2 and 3, respectively.

Discussion on this topic initiated, in part, from a pending project, West of Artifex. For reference, a copy of the DRSC meeting minutes is provided as Attachment 4.

RECOMMENDATION:

Staff recommends the Planning Commission discuss the Zoning Ordinance provisions related to Code interpretations.

Attachments:

1. Zoning Ordinance Section 17.04.040 - Interpretations
2. Example of Approved “Major” Interpretation
3. Example of Approved “Minor” Interpretation
4. June 12, 2019, DRSC Meeting Minutes



**SAN CLEMENTE MUNICIPAL CODE
TITLE 17 - ZONING**

17.04.040 - Interpretations.

If ambiguity arises concerning the appropriate classification of a particular use or with respect to any standards and/or requirements set forth within this title, the ambiguity shall be resolved as follows. For ambiguities regarding zone boundaries, please refer to Section 17.08.030, Determination of Zone Boundaries, of this title.

- A. **Purpose and Intent.** The purpose and intent of the interpretations process is to provide for review and official interpretation of ambiguities in the Zoning Ordinance.
- B. **Authority.** The City Planner shall make the determination as to whether an ambiguity exists with regard to the Zoning Ordinance and whether an interpretation is minor or major.

The City Planner issues minor interpretations of the Zoning Ordinance, subject to the concurrent review and appeal provisions of Section 17.12.090, Consideration of Concurrent Applications, and Section 17.12.140, Appeals of an Action, of this title.

The Planning Commission issues major interpretations of the Zoning Ordinance, subject to the concurrent review and appeal provisions of Section 17.12.090, Consideration of Concurrent Applications, and Section 17.12.140, Appeals of an Action, of this title.

- C. **Applicability.** This section shall apply to ambiguities in the Zoning Ordinance. Please refer to Section 17.08.030, Determination of Zone Boundaries, for ambiguities related to the Zoning Map.
- D. **Submittal Requirements.** Please refer to the submittal requirements in Section 17.12.040, Filing an Application, and Section 17.12.060, Applications Requiring Additional Information, of this title.
- E. **Determination of Major/Minor Interpretation.**
 - 1. Minor Interpretations. If the City Planner determines that the interpretation will not have public impacts or cause public concern, then the interpretation shall be considered minor and shall be reviewed and processed in accordance with procedures for minor interpretations, included within this section.
 - 2. Major Interpretations. If the City Planner determines that the interpretation has the potential for public impact or concern, then the interpretation shall be considered major and shall be reviewed and processed in accordance with procedures for major interpretations, included within this section.
- F. **Review Procedures.**
 - 1. Minor Interpretations. The City Planner shall approve, approve with modifications and/or conditions, or deny the request for a minor interpretation within 15 days

following receipt of a completed application. Should the City Planner fail to render a decision within 15 days of receiving a completed application, the applicant may request that the minor interpretation application be forwarded to the Planning Commission for review in the same manner as requests for major interpretations, as described in this section.

2. Major Interpretations. Following receipt of a completed major interpretation application, the City Planner shall place the application on the next regularly scheduled meeting of the Planning Commission for which the item can be agendaized, as a New Business item. At the meeting, the Planning Commission shall approve, approve with modifications and/or conditions, or deny the major interpretation request.
3. Recordation. All minor and major interpretations shall be recorded in writing. The record of interpretations shall be kept on file in the Planning Division and shall be available to the public upon request. Interpretations will be forwarded in accordance with the procedures for zoning amendments included in Section 17.16.040, Zoning Amendments, of this title, for consideration of incorporation into the Zoning Ordinance, at such time as is deemed appropriate by the City Planner.

G. **Required Findings.** Prior to determining that a proposed use is similar to a permitted or conditionally permitted use, the decision-making authority shall make the following findings:

1. The proposed use is similar in nature to the listed use in terms of its function; and
2. The proposed use is as restrictive as the use to which it is being compared in terms of impacts to traffic, parking, dust, noise, or other negative impacts.

H. **Appeals.** An appeal of the decision on a minor or major interpretation shall be reviewed in accordance with Section 17.12.140, Appeals of an Action, of this title.

(Ord. 1172 § 3 (part), 1996)



STAFF REPORT
SAN CLEMENTE PLANNING COMMISSION

Date: January 9, 2013

PLANNER: Amber Gregg, Associate Planner 

SUBJECT: Interpretation 12-434, Microbrewery Interpretation, a request for an interpretation from the Planning Commission regarding small microbreweries with limited production, with a tasting room and retail sales, as being considered the same as a "Bar" use in the Municipal Code and requires a Conditional Use Permit to establish such a facility.

REQUIRED FINDINGS

Prior to approval of the proposed project, the following findings shall be made. The draft Resolutions, provided as Attachment 1, and analysis section of this request provide an assessment of the project's compliance with these findings.

Interpretation, to interpret microbreweries being the same as a bar use (Section 17.04.040G)

- a. The proposed use is similar in nature to the listed use in terms of its function; and
- b. The proposed use is as restrictive as the use to which it is being compared in terms of impacts to traffic, parking, dust, noise, or other negative impacts.

BACKGROUND

The applicant has proposed a new business in North Beach at 1640 North El Camino Real where they would like to establish a microbrewery whose main purpose is to serve as a tasting room. Microbrewery is not an identified use within the Municipal Code. In order to establish what the proposed use is most similar to, the applicant has requested an interpretation by the Planning Commission.

At the time this staff report was completed, staff did not receive any public comments regarding the project.

PROJECT DESCRIPTION

The applicant, Tom Cordato, is proposing to establish a microbrewery in North Beach at 1640 North El Camino Real. The applicant feels that their proposed use is similar in nature to a "Bar", which is permitted in the Mixed Use zoning district with a Conditional Use Permit, and is asking the Planning Commission to make this interpretation as well. There are other micro-brewing companies in San Clemente, most are located in the business parks and have larger production operations than what is proposed here. There is one microbrewery located in the Downtown, Pizza Port, which included food service in addition to the microbrews. The applicant is putting more focus on the tasting room, and related tasting room retail sales, rather than being primarily a production facility. The applicant is also not proposing to have any type of bottling facility onsite. The applicant proposes the beer will go directly into kegs, and will be stored onsite.

PROJECT ANALYSIS

The proposed request is unique as there are a few microbreweries that exist in the City. The ones that are here are mainly located in the industrial areas and are more focused on production rather than the tasting room experience. The applicant has stated that they do not intend to sell food, and that their primary focus is the sale and promotion of their beer in the tasting room. In the tasting room the applicant is proposing to serve, for on-site consumption, only their beer and have it available for purchase for off-site consumption as well. Additional manufactured beers will be available for purchase in bottles. To try to classify this use staff utilized Municipal Code definitions, Alcoholic Beverage Control definitions, reviewed state definitions of microbreweries, and reviewed the operation of existing facilities in San Clemente.

The definition of a restaurant pursuant to the Municipal Code Section 17.88.030 is:

"Restaurants" means an establishment which prepares and sells foods and/or beverages for immediate consumption, including but not limited to, dining rooms, cafes, cafeterias, coffee shops, and pizza parlors.

Under the Mixed Use and Commercial zoning designations of the Municipal Code a "Bar" is a type of restaurant and requires a Conditional Use Permit to be established.

According to the Department of Alcoholic Beverage Control (ABC) a Microbrewery is "a small scale brewery operation that typically is dedicated solely to the production of specialty beers; may have a restaurant or pub on their manufacturing plant." A type 23 license (Small Beer Manufacturer, Beer Pub or Micro-Brew) must be obtained from ABC prior to operation.

Staff also found that microbreweries are typically limited to 5,000 to 15,000 production barrels a year.

Based on the above definitions, and the requirement of ABC, staff believes that a Microbrew would fall under the "Bar" use as it prepares and sells beverages and is a small scale brewery operation that will produce less than 5,000 barrels a year.

ANALYSIS

Because the applicant does not propose to have food, but does propose to prepare and serve beer on-site, staff supports the proposed microbrewery use as being consistent with a "Bar" type use, and recommends that a Conditional Use Permit be required for this type of application to review each proposal individually. This will allow staff to review projects individually and craft specific conditions to ensure there are no adverse negative impacts to the surrounding area. This reasoning supports the required findings that the proposed use is similar in nature to the listed use in terms of its function and that the proposed use is as restrictive as the use to which it is being compared in terms of impacts.

Staff's position is that the 15,000 barrels is too large of a scale production for what would be appropriate for the Mixed Use and Commercial zones, especially adjacent to residential uses. Based on discussions with the applicant and researching the production of other microbreweries, staff recommends the Planning Commission also find that microbreweries which propose to establish small productions and tasting rooms under the "Bar" category use in the Mixed Use and Commercial zones be limited to 5,000 barrels a year. This restriction should also include not allowing any type of bottling devices to be used within the Mixed Use and Commercial zones other than what is needed to transfer the beer into individual kegs. This will ensure that the production stays small, will reduce potential noise conflicts with adjacent uses, and ensure emphasis on the tasting room and retail sales.

GENERAL PLAN CONSISTENCY

Staff reviewed the goals of the existing, and Draft Centennial General Plan, to determine if the proposed interpretation is consistent with the goals of the North Beach area. The existing General Plan states the following:

"The revitalization of the North Beach area to a community and visitor serving mixed-use, high activity center of the City. This is intended to capitalize on the area's adjacency to the beachfront and emphasize the significant historic structures. It is further intended that the provisions of the coastal-related uses offer an opportunity to lessen the demands to intensify development at the Pier Bowl. Retail shops, gift stores, restaurants, hotels/motels, entertainment, and residential units above lower commercial would be accommodated to establish a pedestrian-oriented "Village" environment."

The Draft Centennial General Plan states:

“The North Beach/North El Camino Real Focus Area is a unique, community- and visitor-oriented entertainment hub and recreation area that serves as a gateway along the historic El Camino Real/Pacific Coast Highway from beach cities to the north. The area’s ongoing revitalization is based on the community’s desire to preserve and enhance its key assets: views of the ocean, access to the beach, a rich inventory of historic assets, access to passive and active recreation and numerous commercial retail and service opportunities for locals and visitors alike.”

Based on the above, a micro-brewery would seem to promote the North Beach’s “visitor-oriented entertainment” role.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff recommendation and approve the Interpretation.

Would result in the Planning Commission making an interpretation that allows small scale microbreweries with tasting rooms to be established in the Mixed Use and Commercial zoning designation to be classified the same as a “Bar” use under “Restaurants” requiring a Conditional Use Permit. Additionally, identifying the limits in production, as specified above, within these zones will ensure compatibility with surrounding uses, and make the emphasis on the tasting room and retail sales.

2. The Planning Commission can at its discretion make other interpretations of the microbrewery use within the Mixed Use and Commercial zoning districts.

Another interpretation could be made that microbrewing facilities are not consistent with a “Bar” use, and thus not appropriate for the Mixed Use or Commercial zoning districts. The applicants could choose a facility within the various Industrial areas of the community, where the other larger microbreweries are located, and apply for the necessary discretionary approvals for the sale of beer for both onsite and offsite consumption.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approve Interpretation 12-434, that a microbrewery with limited production and tasting room is consistent with a “Bar” use and shall be permitted within the Mixed Use and Commercial zoning designations with the approval of a CUP.



CITY PLANNER INTERPRETATION SAN CLEMENTE PLANNING DIVISION

Date: July 2, 2019

SUBJECT: **Interpretation 19-149, Taproom Interpretation,** a request for an interpretation from the City Planner by Artifex Brewing Company regarding a stand alone tasting room for the sale of beer, as being considered the similar to a “Restaurant” use in the Municipal Code and requiring a Minor Conditional Use Permit (MCUP) or Conditional Use Permit (CUP) to establish such a facility.

BACKGROUND

The applicant, Artifex Brewing Company, proposes a new business in Downtown at 98 Avenida Del Mar where they would like to establish a stand alone tasting room. Artifex operates a microbrewery with a tasting room in the Rancho San Clemente Business Park at 919 Calle Amanecer, approved as MCUP 13-434. A stand alone tasting room for the sale of beer is not an identified use within the Municipal Code. In order to establish what the proposed use is most similar to, the applicant has requested an interpretation by the City Planner.

PROJECT DESCRIPTION

The applicant, Artifex Brewing Company, is proposing to establish a stand alone tasting room in Downtown/T-Zone at 98 Avenida Del Mar. The applicant believes their proposed use is similar in nature to a “Restaurant”, which is permitted in Mixed Use and Commercial zoning districts with a Minor Conditional Use Permit (MCUP) for on-site sale of beer and wine indoors or outdoors with up to 16 outdoor seats, and is asking the City Planner to make this interpretation as well. There are other micro-brewing companies with tasting rooms in San Clemente, most are located in the business parks and the tasting rooms are ancillary to large production operations. There is one microbrewery located in the Downtown, Pizza Port, which included food service in addition to the microbrews. The applicant is proposing a stand alone tasting room, and related tasting room retail sales, and proposes no on-site production or bottling facility.

PROJECT ANALYSIS

The proposed request is unique as there are a no stand alone beer tasting rooms that exist in the City. The beer tasting rooms that exist are mainly located in the industrial areas and associated with an on-site microbrewery where the tasting room experience is secondary to beer production. The applicant has stated that they do not intend to sell food, and that their primary focus is the sale and promotion of their beer in the tasting room. The Artifex microbrewery and tasting room location in the Rancho San Clemente Business Park is located away from visitor serving areas located West of the I-5 Freeway such as North Beach and the Downtown/T-Zone and the applicant

is seeking to expand their business in an area where they can provide greater exposure of their products. In the tasting room, the applicant is proposing to serve, for on-site consumption, only their beer and have it available for purchase for off-site consumption as well. Additional Artifex beers will be available for purchase in bottles and the sale and filling of growlers. To try to classify this use, staff utilized Municipal Code definitions, Alcoholic Beverage Control definitions, reviewed past interpretations, reviewed state definitions of tasting room, and reviewed the operation of existing facilities in San Clemente.

The definition of a restaurant pursuant to the Municipal Code Section 17.88.030 is:

"Restaurants" means an establishment which prepares and sells foods and/or beverages for immediate consumption, including but not limited to, dining rooms, cafes, cafeterias, coffee shops, and pizza parlors.

Under Interpretation 12-434, approved January 9, 2013, the Planning Commission interpreted that small microbreweries with limited production (less than 5,000 barrels produced a year), with a tasting room and retail sales, to be considered a "Bar." In Interpretation 12-434, a bar was determined to be a type of restaurant, though "Bars and Cocktail lounges" are not defined in the San Clemente Municipal Code (SCMC). Interpretation 12-434 did not provide guidance on the definition for "Bars and Cocktail lounges". The interpretation considered the microbrewery a bar, thereby requiring a Conditional Use Permit (CUP) in the Mixed Use and Commercial zoning designations of the Municipal Code.

West of Artifex does not propose a microbrewery on-site, but rather a stand alone tasting room and outdoor seating with up to 16 outdoor seats and 44 indoor seats. Based on the above restaurant definition staff believes a tasting room would fall under the "Restaurant" use as it prepares and sells beverages. The stand alone tasting room is different than operations of other approved bar and cocktail lounges as the applicant proposes the sale of beer products and growlers for off-site consumption, in addition to on-site tastings, which is similar to other food service establishments where sit-down and carry-out options are available.

Businesses such as Starbucks or Coffee Bean and Tea Leaf, where sales is primarily focused on the sale of coffee and espresso beverages, is considered a restaurant and includes sit-down and carry-out options. Pre-packaged food is offered as ancillary products for sale at these businesses secondary to coffee and espresso beverage sales. Starbucks and Coffee Bean and Tea Leaf are permitted by right, including outdoor seating areas, under the restaurant classification since these establishments offer no sale of beer or wine. Sales for a stand alone beer tasting room would be generated primarily from the sale of beer, but secondary source of sales would be from packaged foods. West of Artifex is proposing to sell chips, salsa and other packaged items similar to their existing tasting room in the Rancho San Clemente Business Park.

Under the restaurant classification, a MCUP would be required for a stand alone tasting room for on-site sale of beer indoors or outdoors with up to 16 outdoor seats. A CUP would be required for

a stand alone tasting room for on-site sale of beer outdoors with more than 16 outdoor seats and/or four tables.

ANALYSIS

Because the applicant does not propose to have food, but does propose to prepare and serve beer on-site, the City Planner supports the proposed tasting room use as being consistent with a “Restaurant” type use, and recommends that a MCUP be required for this type of application to review each proposal individually. This will allow staff to review projects individually and craft specific conditions to ensure there are no adverse negative impacts to the surrounding area. This reasoning supports the required findings that the proposed use is similar in nature to the listed use in terms of its function and that the proposed use is as restrictive as the use to which it is being compared in terms of impacts.

The City Planner determines that stand alone beer tasting rooms be limited to a maximum of one stand alone tasting room associated with an existing Type 23 ABC license (Small Beer Manufacturer, Beer Pub or Micro-Brew) held by a microbrewery located within the City of San Clemente as defined by Alcoholic Beverage Control as a “small scale brewery operation that typically is dedicated solely to the production of specialty beers; may have a restaurant or pub on their manufacturing plant.” Zoning Ordinance amendments to the San Clemente Municipal Code (SCMC) that expressly define stand alone beer tasting rooms and microbreweries will be prepared Planning Commission and City Council consideration, including applicable development and operational standards and permitting process. Furthermore, staff will recommend to the City Council establishment of definitions for a “Bar” and “Cocktail lounge” in the SCMC to limit the need of additional interpretations related to microbrewery related establishments.

GENERAL PLAN CONSISTENCY

The proposed interpretation is consistent with the Centennial General Plan goals of the Del Mar/T-Zone and North Beach area. The Centennial General Plan states:

“The Del Mar/T-Zone is the City’s historic core and the heart of the Downtown area. It is the City’s most diverse, pedestrian-oriented commercial district, offering retail shops, commercial services, eating and drinking places, offices and dwellings – a true mixed-use district. It is, as stated in the General Plan Guiding Principles, “the heart of the Spanish Village by the Sea—it is everybody’s neighborhood.” As a successful retail, restaurant and entertainment center, it attracts locals and visitors with activities throughout the day and evening and with festive street fairs and festivals throughout the year. The Area exhibits a balance between economic and cultural vitality and village character through its Spanish Colonial Revival architecture, pedestrian-orientation and ocean views that provide a unique sense of place. The retail core is well connected to residential neighborhoods within and adjacent to the area, and it serves as one of the primary community gathering places.”

“The North Beach/North El Camino Real Focus Area is a unique, community- and visitor-oriented entertainment hub and recreation area that serves as a gateway along the historic El Camino Real/Pacific Coast Highway from beach cities to the north. The area’s ongoing revitalization is based on the community’s desire to preserve and enhance its key assets: views of the ocean, access to the beach, a rich inventory of historic assets, access to passive and active recreation amenities and numerous visitor-serving shops and services.”

Based on the above, a stand alone beer tasting room would seem to promote the North Beach and Del Mar/T-Zone “visitor-oriented” role in the MU 3.0 and MU 1 zoning districts. A limitation of stand alone beer tasting rooms in the MU3.0 and MU 1 ensures the uses would be located in an area that is visitor-serving in nature and located further from existing single-family residences in nearby residential neighborhoods.

Furthermore, the City Planner determined that proposed limitations of stand alone tasting rooms to existing microbreweries operating in the City is supported by Economic Development Policy ED-2.03 Existing Businesses: “We give high priority to initiatives, investments and allocation of municipal resources that help businesses remain and prosper in San Clemente.”

INTERPRETATION

The City Planner **approves** Interpretation 19-149, that stand alone tasting rooms for beer with retail sales and no food service to be classified to same as a “Restaurant” use and shall be permitted within the MU 3.0 and MU 1 zoning designations with the approval of an:

- MCUP for on-site sale of beer indoors
- MCUP for on-site sale of beer outdoors with up to 16 outdoor seats or four tables
- CUP for on-site sale of beer outdoors with more than 16 outdoor seats and/or four tables

A stand alone beer tasting room under this interpretation must satisfy these criteria:

- Beer is the only alcohol served and there is no offering of full alcohol sales
- Indoor seating is provided
- Be located in the MU 3.0 or MU 1 Zone
- Be under the ownership of an approved off-site microbrewery operating in the City of San Clemente
- A limit of one stand alone beer tasting room is permitted with an off-site operating microbrewery operating in the City of San Clemente.
- Allow customers to carry-in food for on-site consumption
- Provide copies of food menus from nearby food establishments
- Include no on-site production of beer

REQUIRED FINDINGS

The following findings can be made for an Interpretation, to interpret craft beer tasting room (taproom) as a restaurant use (Section 17.04.040G)

- a. The proposed use is similar in nature to the listed use in terms of its function; and

Based on the restaurant definition staff believes a stand alone tasting room for beer sales would fall under the "Restaurant" use as it prepares and sells beverages. The stand alone tasting room is different than operations of other approved bar and cocktail lounges as the applicant for the stand alone tasting room proposes the sale of beer products and growlers for off-site consumption, in addition to on-site tastings, which is similar to other food service establishments where both sit-down and carry-out options are available. Additionally, establishments such as Starbuck's or Coffee Bean and Tea Leaf where the business is primarily focused on the sale of coffee and espresso beverages is considered a restaurant and includes sit-down and carry-out options. Pre-packaged food is offered as ancillary products at these businesses to that of the sales of coffee and espresso beverages. Starbuck's and Coffee Bean and Tea Leaf are permitted by right under the restaurant classification since these establishments offer no sale of beer or wine. The majority of sales for a stand alone beer tasting room would derive from the sale of beer, but offer packaged foods. West of Artifex is proposing to sell chips, salsa and other packaged items similar to their existing tasting room in the Rancho San Clemente Business Park. Due to the sale of beer, a Minor Conditional Use Permit (MCUP) is required for this type of application under the restaurant classification to review each proposal for a stand alone beer tasting room individually. A Conditional Use Permit (CUP) is required for a stand alone beer tasting room with more than 16 outdoor seats. This will allow staff to review projects individually and craft specific conditions to ensure there are no adverse negative impacts to the surrounding area. This reasoning supports the required findings that the proposed use is similar in nature to the listed use in terms of its function and that the proposed use is as restrictive as the use to which it is being compared in terms of impacts.

- b. The proposed use is as restrictive as the use to which it is being compared in terms of impacts to traffic, parking, dust, noise, or other negative impacts.

A microbrewery with tasting room in the mixed use and commercial zones was determined to be consistent within the restaurant use classification under Interpretation 12-434 and more specifically a bar use. The microbrewery with tasting room would include industrial related production activities that may generate noise including truck deliveries and shipments. A stand alone beer tasting room would not generate truck deliveries and shipments that would have noise or traffic impacts since no production activities are occurring on-site. Further, tasting rooms are not permitted to include a drive-through use that would increase traffic beyond what is anticipated of a sit-down restaurant establishment.

Stand alone beer tasting room locations under this interpretation would be limited to the MU 3.0 and the MU 1 zoning districts which are visitor-serving in nature and located further from existing single-family residences in nearby residential neighborhoods.

Therefore, the permitted location of beer tasting rooms would be more restrictive than restaurants in general, which are permitted in all mixed use and commercial zoning districts. Furthermore, stand alone beer tasting room locations would be required to be under the ownership by a microbrewery operating in the City of San Clemente and manufacturing off-site from the tasting room location.

This interpretation does not approve the request by Artifex Brewing Company for the West of Artifex tasting room location at 98 Avenida Del Mar and separate MCUP approval for the tasting room is required by the Zoning Administrator.

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING OF THE
DESIGN REVIEW SUBCOMMITTEE
JUNE 12, 2019**

Subcommittee Members Present: Jim Ruehlin, Bart Crandell, Chris Kuczynski

Staff Present: Senior Planner Stephanie Roxas, Associate Planner Katie Crockett

1. MINUTES

The Subcommittee approved the minutes from the May 29, 2019 meeting with revisions.

2. ARCHITECTURAL REVIEW OF THE FOLLOWING ITEMS:

A. Minor Cultural Use Permit 19-097 / Minor Cultural Heritage Permit 19-098 / INT 19-149, West of Artifex, 98 Avenida Del Mar (Crockett)

A request to consider 1) beer and wine sales and service indoors and outdoors, 2) exterior building modifications including an outdoor patio, and 3) a determination that the use is substantially similar to a restaurant for purposes of zoning permits.

Associate Planner Katie Crockett summarized the staff report. The applicants, Tom Cordato and Nicholas Cordato of Artifex Brewing Company, were also present and available for questions.

The Design Review Subcommittee (DRSC) discussed the project, and made the following comments either individually or as a group:

- Discussed the zoning definitions and regulations related to restaurant uses and bar uses. Expressed concern over classifying the proposed use as a restaurant given the lack of food service.
- Discussed the intent of the Zoning Ordinance related to outdoor dining areas. Recommended the Zoning Administrator refer this project to the Planning Commission, and recommended the City Planner consider this a "major interpretation" subject to Planning Commission review.
- Suggested incorporating decorative elements into the safety bollard at the corner of the patio adjacent to the alley.
- Suggested exploring the feasibility of recessing the windows.
- Suggested the railing should incorporate a traditional Spanish wrought iron design, and commented the proposed railing is more modern in appearance.
- Noted that the current railing design could be considered signage.

- Noted that the up-lighting for the sign may not be consistent with Code requirements. Recommended use of backlit halo-illuminated signage, or exterior gooseneck lighting.
- Noted that the railing detail should be clarified to ensure it could not be used as a ledge on which glasses could be set.
- Noted that staff should verify with the Building Division and Fire Authority that the windows proposed at the side of the building can be operable (fire rating requirements).

The Subcommittee provided additional comments and recommendations to staff and the applicant. DRSC supported the project’s design, with additional recommended design changes. However, the Subcommittee recommended the applications be elevated to the Planning Commission for review and approval.

3. NEW BUSINESS

Subcommittee Member Crandell recommended staff bring the definitions for “bars” and “restaurants” to the Planning Commission for future discussion.

4. OLD BUSINESS

None

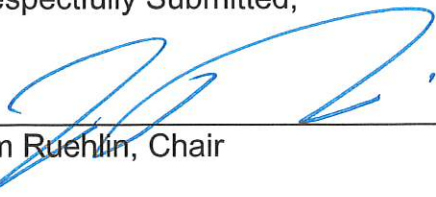
5. ORAL AND WRITTEN COMMUNICATION

None

ADJOURNMENT

Adjourn to the Regular Meeting of the Design Review Subcommittee to be held Wednesday, June 26, 2019 at 3:00 p.m., at the Community Development Department, Conference Room A, located at 910 Calle Negocio, San Clemente, California.

Respectfully Submitted,



Jim Ruelin, Chair

Attest:



Stephanie Roxas, Senior Planner