



STAFF REPORT
SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: February 18, 2021

PLANNER: Katie Crockett, Associate Planner

SUBJECT: Minor Architectural Permit (MAP) 20-307, La Ventura Fences and Gates, a request to consider the addition of fences, walls, and gates to enclose the La Ventura Event Center site for security purposes

LOCATION: 2316 S El Camino Real

ZONING/GENERAL PLAN: Neighborhood Commercial Zone and Affordable Housing Overlay (NC1.3-AH)

BACKGROUND:

- On May 15, 2015, the City Council approved the development and operation of the La Ventura Event Center (CUP 13-249, Architectural Permit (AP) 13-251, Site Plan Permit (SPP) 13-525). The Event Center has been in operation for over three years. La Ventura is a 5,505 square foot, one-story event facility. The building has Spanish Colonial Revival (SCR) architecture and includes a grand parlor, kitchen, restrooms, lounge, and enclosed courtyard. Existing conditions are depicted in figures 2a and 2b, on the following page. The property provides 29 on-site parking spaces and 22 off-site parking spaces.
- The property is located on South El Camino Real, east of the I-5 freeway. It abuts a liquor store to the south, an auto repair shop and single-family residences to the north, and single-family residences to the west, as shown in Figure 1, below.

Figure 1: Location Map

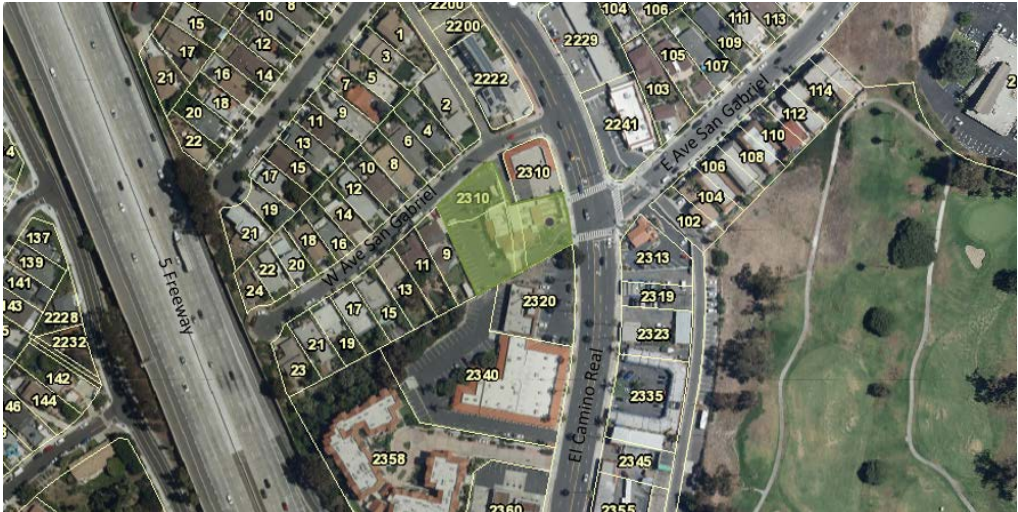
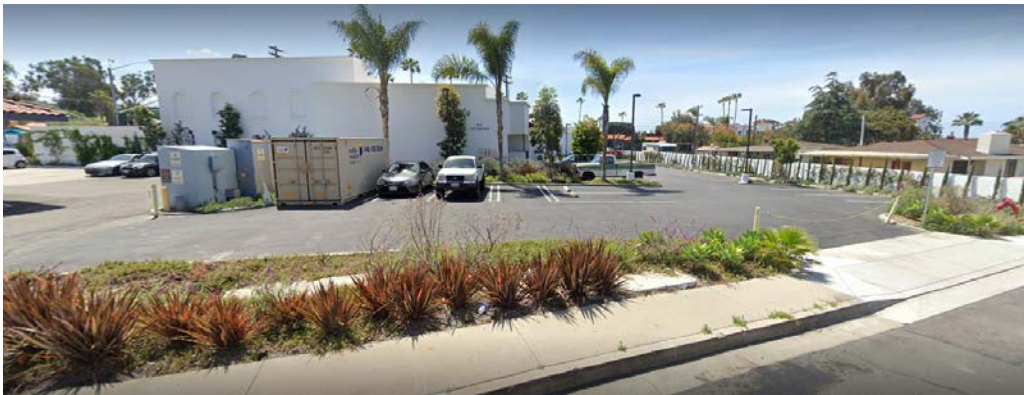


Figure 2a: Existing Conditions – Front (El Camino Real)



Figure 2b: Existing Conditions – Side (W Avenida San Gabriel)



PROJECT SUMMARY:

- The applicant proposes to fence in the rear parking lot of the property for security reasons. The property has white stucco walls at the south and west sides. The applicant proposes to add additional walls, fences, and gates to completely enclose the rear of the property.
- All proposed fences, gates, and walls are 6 feet tall. Zoning Ordinance Section 17.24.090 D states that height and materials of walls and fences in non-residential zones are determined through the Minor Architectural Permit process. Six feet is a typical maximum wall or fence height in residential zones for walls not within a front setback. Therefore, staff believes the height to be appropriate to secure the site, without affecting the openness of the street scene or blocking views to the primary structure.
- The proposed portion of walls will match the existing with smooth white stucco. The vehicle fence between the subject property and the property to the south is an iron and wood finished to match the wood trim of the building. Other fences and gates are

black wrought iron. The main vehicular entry gate off of El Camino Real includes a wrought iron design detail and decorative knuckles.

- Portions of the perimeter landscape will be affected by the gate installation. Prior to issuance of permits, the applicant is required to submit an updated landscaping plan showing how landscape will be modified to accommodate the fences, while maintaining a substantially similar landscape design (Condition 4.21).
- In the initial approval and subsequent amendments for the event center, parking was an important focus to ensure that event parking would not negatively affect the residences on W. Avenida San Gabriel. A condition of approval (COA 7.20) has been added which requires the vehicular gates to remain open during events to ensure the proposed gates do not act as a deterrent to parking in the business parking lot when events are held.
- The Project is consistent with applicable Design Guidelines because the proposed walls are consistent with the existing walls at the property, finished with smooth white stucco, and the fences and gates are wrought iron. The main vehicular gate off of El Camino Real also has a wrought iron design and knuckle details.
- The project meets required findings because:
 - The project is consistent with General Plan Goals and Policies because the proposed fences and gates serve to increase security at the business by deterring trespassing and loitering during times events are not being held. This is consistent with LU-2.03 and 2.04, which require maintenance of commercial areas to ensure they reflect community expectations for a quality environment and which require that commercial projects abutting residential neighborhoods be designed and operated to protect residents from any potential negative effects of the commercial property.
 - The project meets the purpose and intent of Zoning Ordinance Section 17.24.090 (Fences, Walls, and Hedges), which states that walls and fences are to be designed to help provide an open street scene to allow primary structures on the street to be visible and to contribute to the visual character of the neighborhood.
 - The project is consistent with Design Guidelines in that the proposed fences, walls, and gates utilize materials such as stucco, wood, and wrought iron, which are traditional materials in the SCR vernacular, which is required in Gateway areas. Additionally, by setting the fences behind the front of the building, and utilizing a decorative vehicular gate for the main driveway entry off of El Camino Real, the fences complement the architecture of the building rather than obscuring or detracting from it, consistent with Design Guidelines.
 - The general appearance of the project is in keeping with the character of the neighborhood in that the surrounding area on El Camino Real consists of mostly single-story commercial buildings with surface parking lots. The proposed fences and gates do not significantly impact the street scene of El Camino Real given their setback from the street. The fences on the W. Avenida Valencia frontage, though closer to the street, are open black wrought iron, keeping the street scene open.

- The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303 (Class 3: New Construction or Conversion of Small Structures). The Class 3 exemption applies to the construction of limited numbers of new, small facilities or structures including accessory structures such as garages, patios, and fences. The proposed project involves the addition of fences and gates at an existing developed commercial property.
- Staff has received one public comment in support of this application (Attachment 2).

RECOMMENDATION

Staff recommends that the Zoning Administrator:

1. Determine the project is Categorically Exempt from the requirements of the CEQA pursuant to CEQA Guidelines Section 15303 (Class 3: New Construction or Conversion of Small Structures); and
2. Adopt Resolution ZA 21-003, approving Minor Architectural Permit 20-307, La Ventura Fences and Gates, subject to conditions of approval.

Attachments:

1. Resolution ZA 21-003
Exhibit A – Conditions of Approval
2. Public Comment
3. Plans

RESOLUTION NO. ZA 21-003

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR ARCHITECTURAL PERMIT 20-307, LA VENTURA FENCES AND GATES, A REQUEST TO CONSIDER THE ADDITION OF FENCES, WALLS, AND GATES TO ENCLOSE THE LA VENTURA EVENT CENTER SITE FOR SECURITY PURPOSES AT 2316 S EL CAMINO REAL IN THE NC1.3 ZONING DISTRICT AND AFFORDABLE HOUSING OVERLAY

WHEREAS, on SEPTEMBER 9, 2020, an application was submitted by Don Kappauf for Minor Architectural Permit (MAP) 20-307, and deemed complete on January 12, 2021; a request to consider the addition of fences, walls, and gates to enclose the La Ventura Event Center site for security purposes at 2316 S El Camino Real in the NC1.3 zoning district and the Affordable Housing Overlay. The site's legal description is Tract 852, Block 10, Lot 4 and portions of Lots 3, 5, and 6, and the Assessor's Parcel Numbers 690-446-22 and 690-466-19; 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 Categorical Exempt from CEQA pursuant to State CEQA Guidelines Section 15303 (Class 3: New Construction and Conversion of Small Structures) because the project involves the addition of fences and gates at an existing developed commercial property; and

WHEREAS, the proposed project was reviewed by the Development Management Team (DMT) which supports the project with incorporated conditions of approval; and

WHEREAS, the City Planner advertised and noticed the Zoning Administrator public hearing for this item at least ten days in advance of the hearing by both publication in a newspaper of general circulation in the City of San Clemente and by mailing a notice of the time, place and purpose of such hearing to required recipients, including property owners within 300 feet of the subject parcel; and

WHEREAS, on February 18, 2021, 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 to the Zoning Administrator, and the facts outlined below, the Zoning Administrator hereby finds and determines that the proposed project is Categorically Exempt from CEQA pursuant to State CEQA Guidelines Section 15303 (Class 3: New Construction or Conversion of Small Structures). The Class 3 exemption applies to the construction of limited numbers of new, small facilities or structures including accessory structures such as garages, patios, and fences. The proposed project involves the addition of fences and gates at an existing developed commercial property.

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, given the proposed use is consistent with General Plan policies and Zoning regulations, which were studied and addressed in the General Plan Environmental Impact Report (EIR). There are no unusual circumstances surrounding the project that result in a reasonably possibility of a significant effect on the environment. The site is developed. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings, or similar resources. Thus, the Class 3 exemption applies, and no further environmental review is required.

Section 3. Minor Architectural Permit Findings

With respect to Minor Architectural Permit (MAP) 20-307, for the addition of fences, walls, and gates to an existing developed commercial property, the Zoning Administrator finds as follows:

- A. The architectural treatment of the project complies with the San Clemente General Plan in that:
 1. The proposed fences and gates are for the purpose of securing the site to avoid loitering and property destruction. This benefits not only the property owner but also the owners and residents of neighboring properties and business, by making it difficult for unauthorized use of the parking lot and landscape areas surrounding the event center. This is consistent with General Plan Policy LU-2.03 and 2.04, which require maintenance of commercial areas to ensure they reflect community expectations for a quality environment and which require that commercial projects abutting residential neighborhoods be designed and operated to protect residents from effects of the commercial use.
 2. The project is located in the South El Camino Real Gateway area where Spanish Colonial Revival (SCR) Architecture is required (General Plan Policy LU-14.01 and UD-2.01). The proposed walls and fences are smooth white stucco, and wrought iron, which complement the architectural design of the building design and site and are traditional materials for walls and

fences in the SCR vernacular.

3. The ability to secure the property when evens are not occurring, is also consistent with the safety element of the General Plan (Policy S-7.07), which encourages development to incorporate Crime Prevention Through Environmental Design (CPTED) features in the design of sites and buildings. The addition of the fencing acts as a deterrent to trespassing and loitering.
- B. The architectural treatment of the project complies with the Zoning Ordinance in areas including, but not limited to, height, setback, color, etc. in that:
1. The Zoning Ordinance does not set forth specific standards for fences and walls in non-residential zones and instead states that the height and materials of fences be determined through the discretionary process. The six-foot height is a typical maximum wall or fence height for walls or fences not within a front setback.
 2. The location of the fences away from the El Camino Real street complies with the purpose and intent of Section 17.24.090 (Fences, Walls, and Hedges), which is to help provide for an open street scene to allow the primary structures on a street to be visible and to contribute to the visual character of the neighborhood. The fence location also allows for unobstructed views of traffic to and from driveways.
- C. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines in that:
1. Because the project is in a Gateway Area, SCR architecture is required. The proposed fences, walls, and gates comply with City Design Guidelines by utilizing materials such as stucco, wood, and wrought iron, which are traditional materials in the SCR vernacular.
 2. By setting the fences behind the front of the building, and utilizing a decorative vehicular gate for the main driveway entry off of El Camino Real, the fences complement the architecture of the building rather than obscuring or detracting from it, consistent with design guidelines.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood in that:
1. The surrounding area on El Camino Real consists of mostly single-story commercial buildings with surface parking lots. The proposed fences and gates do not significantly impact the street scene of El Camino Real, given their setback from the street. The fences and gates on the W. Avenida Valencia frontage, though closer to the street, consist of open black wrought iron, keeping the street scene open in appearance.
 2. Securing of the site will additionally enable the property owner to maintain the property and protect the property from trespassing and loitering.

- E. The proposal is not detrimental to the orderly and harmonious development of the City in that:
1. The project has been reviewed by the Engineering Department and Utilities to ensure the placement of gates and fences do not impact circulation into or out of the site or affect site distance requirements at driveways.
 2. A condition of approval is included, which requires the vehicle gates to remain open during events to ensure the gates proposed do not act as a deterrent to parking in the business parking lot when events are held.
 3. The proposed vehicular gate at the main entry from El Camino Real is equipped with sensors, which automatically open the gate to allow vehicles to pass through to ensure vehicles do not need to back out into the intersection on El Camino Real if they mistakenly pull into the driveway while the gate is closed.

Section 4. Zoning Administrator Approval.

Based on the foregoing recitals and findings, and the written and oral comments, facts, and evidence presented, the City of San Clemente Zoning Administrator approves Minor Architectural Permit (MAP) 20-307, La Ventura Fences and Gates, subject to 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 February 18, 2021.

Cecilia Gallardo-Daly, Zoning Administrator

CONDITIONS OF APPROVAL
MINOR ARCHITECTURAL PERMIT 20-307

1.0 GENERAL CONDITIONS OF APPROVAL

- 1.1 Within 30 days of receipt of the signed conditions of approval, the applicant shall submit to the City Planner a signed acknowledgement concurring with all conditions of approval on a form to be provided by the City, unless an extension is granted by the City Planner. Planning

- 1.2 The applicant shall defend, indemnify, and hold harmless the City of San Clemente and its officers, employees, and agents from and against any claim, action, proceeding, fines, damages, expenses, and attorneys' fees, against the City, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City concerning this project, including but not limited to any approval or condition of approval of the City Council, Planning Commission, or City Planner. Applicant shall pay all costs, The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter. If the applicant fails to so defend the matter, the City shall have the right, at its own option, to do so and, if it does, the applicant shall promptly pay the City's full cost of the defense. Planning

- 1.3 Use and development of this property shall be in substantial conformance with the approved plans, material boards and other applicable information submitted with this application, and with these conditions of approval. Planning

- 1.4 The applicant shall comply with all applicable current and future provisions of the San Clemente Municipal Code, adopted ordinances, and state laws. All

- 1.5 Use of the subject property shall conform to all occupancy requirements, including posting of signs related to the maximum occupancy limitations. Code
Comp

4.0 PRIOR TO ISSUANCE OF BUILDING PERMITS

- 4.1 The working drawings shall include within the first four pages a list of all conditions of approval included in this resolution. Planning

- 4.20 In the event the project valuation is \$50,000 or more per Municipal Code 12.08, the applicant shall be responsible for the construction of all required frontage improvements as approved by the City Engineer including but not limited to the following: Eng**
 - A. Sidewalk, including construction of compliant sidewalk along the property frontage and around obstructions such as the drive approach to meet current City standards (2% cross fall) when adequate right-of-way exists, unless a waiver is applied for and approved by the City Manager. Since the street right-of-way is approximately 7.5 feet behind the curb face, a sidewalk easement is anticipated to be required to be granted to the City unless the drive approach is compliant or can be reconstructed to be ADA compliant within the right-of-way.
 - B. Contractor shall replace any damaged street improvements resulting from construction activities to the satisfaction of the City Inspector. (SCMC Chapter 15.36 and Sections 12.08.010, and 12.24.050)

- 4.21 The applicant shall submit to the Planning Division a landscape plan depicting both existing landscape and proposed landscape in the areas affected by the installation of new walls, gates, and fences. The plans shall consist of a planting plan, irrigation plan, and water use calculations, if required by the Water Efficient Landscape Ordinance. Proposed or modified landscape shall be substantially similar to the previously approved landscape plans for the site and consistent with the landscape requirements in the San Clemente Municipal Code. Planning**

7.0 OPERATIONAL CONDITIONS OF APPROVAL

- 7.17 The applicant (including any property owners and managers, and their designees) shall use her/his best judgment and best management practices to ensure commercial activities on the premises will be conducted in a manner that will not be disruptive to neighbors. The business owner shall be responsible for ensuring compliance with the San Clemente Municipal Code (SCMC), and all conditions of approval contained herein. The Applicant (including any property owners and managers, and their designees) hereby understands that noncompliance with regulations and conditions of approval, shall be immediate grounds for citation pursuant to SCMC Section 8.52.030(Y), which states, *“It is declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this City to maintain such premises in such manner that ... A structure, improvement, property, and/or land use is not in compliance with terms and/or conditions of any City of San Clemente issued permit* Code Comp**

or approval,” and any subsequent revision of this section of the code.

- 7.18 The gate system adjacent to the alley shall be built and maintained so that an 18-inch minimum clearance from the foundation pad of the SDG&E transformer is achieved at all times. Eng**
- 7.19 Gates to enter the site from South El Camino Real shall be unlocked at all times and be maintained so that they open and close automatically upon entrance of a vehicle into the drive aisle. This is required due to the lack of a turnaround area outside the gate. Eng/
Utilities**
- 7.20 During events at the subject business, vehicular gates shall remain open to encourage parking within the parking lot and not on surrounding residential streets. Planning/
Eng**

* Denotes a modified Standard Condition of Approval

** Denotes a project-specific Condition of Approval

From: zapubliccomment@san-clemente.org <zapubliccomment@san-clemente.org>

Sent: Thursday, February 04, 2021 2:22 PM

To: [REDACTED]

Subject: City of San Clemente, CA: ZA Meeting Public Comment

A new entry to a form/survey has been submitted.

Form Name: Zoning Administrator - Public Comment Submittal
Date & Time: 02/04/2021 2:22 PM
Response #: 3
Submitter ID: 17574
IP address: 70.187.156.50
Time to complete: 29 min. , 45 sec.

Survey Details: Answers Only

Page 1

1. Pablo Marquez
2. San Clemente
3. Not answered
4. 02/18/2021
5. 20-307
6. (o) I request that my below comments be read at the meeting.
7. Regarding the proposed Minor Architectural permit 20-307 for the project located at 2316 South El Camino Real

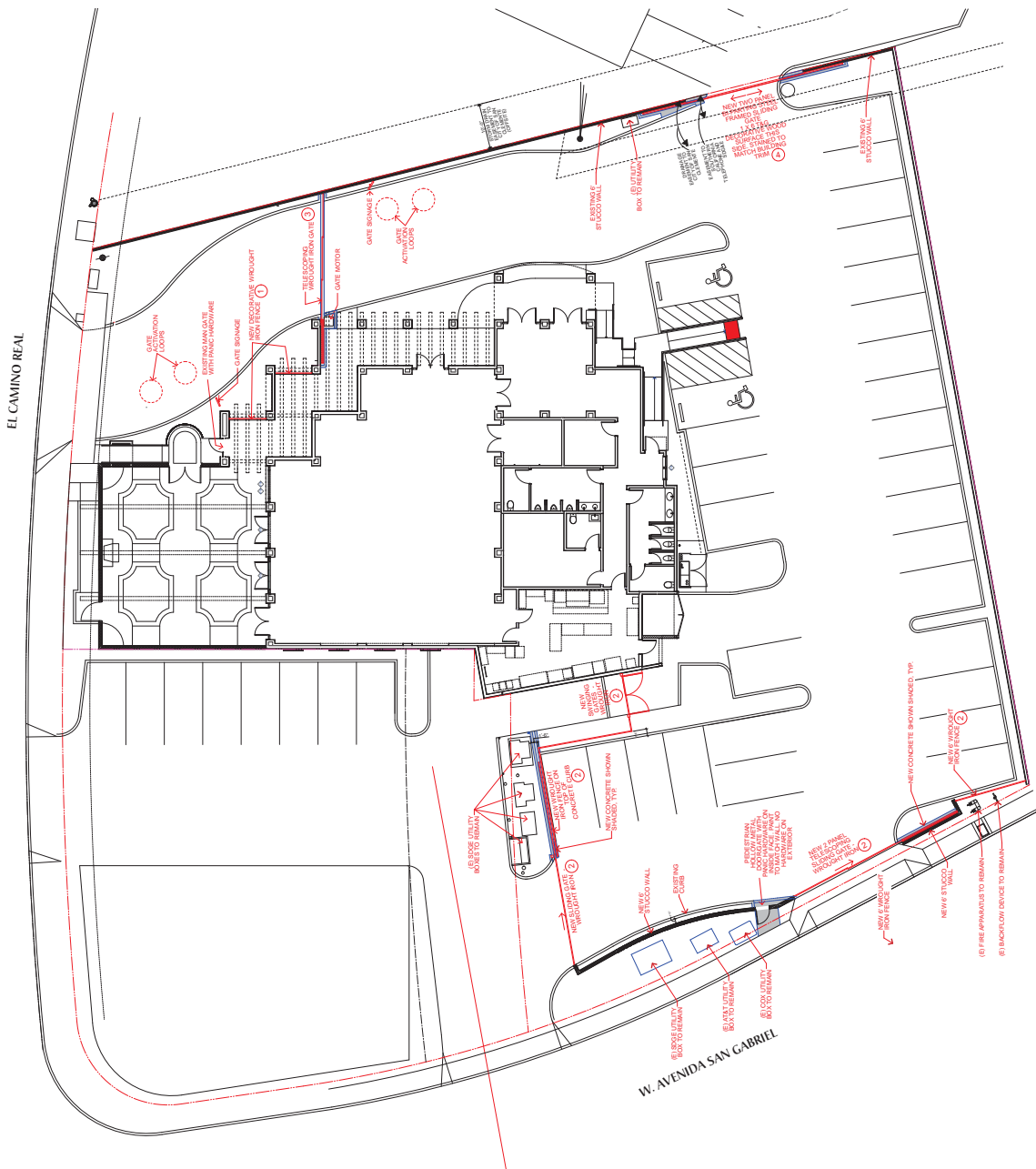
I am in favor of the proposed fences, walls and gates as requested by the owner of the aforementioned property. These additions to this property are more than likely necessitated by the need for heightened security due to transients, vagrants, drug addicts, homeless etc that are allowed to flourish in the south end of this town.

This property is a nice addition to our City and the owner should be able to preserve and protect his investment.

SCHS Class of '77 RULES!

Cheers
Pablo

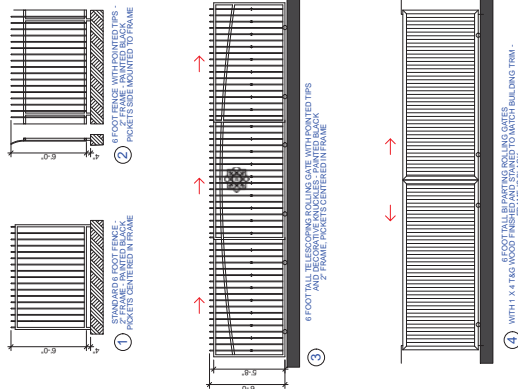
ATTACHMENT 3



SCALE: 1/8" = 1'-0"

FENCE AND WALL PLAN

SCOPE OF WORK
 INSTALL NEW CONCRETE BLOCK WITH STUCCO SITE WALLS AND WROUGHT IRON FENCES AND GATES AS SHOWN ON THE PLAN AND ELEVATIONS. WILL INCLUDE REQUIRED NEW AND MODIFIED CONCRETE CURBS AS SHOWN.



1/8" = 1'-0"

FENCE AND GATE DETAILS



SUBJECT PROPERTY

Vicinity Map

La Ventura 2316 S. El Camino Real, San Clemente, CA The Kapraut Family 198 S. El Camino Real San Clemente, CA 92672		PRINTED SEPTEMBER 2, 2020 DATE DECEMBER 23, 2020 DATE
Kester & Wiggle Architects 20801 Calle Arroyo Capistrano Beach, CA 92608 P: 949-288-7200 F: 949-288-7200 E: info@kesterwiggle.com		SHEET FW1
KESTER & WIGGLE ARCHITECTS, INC. A LICENSED ARCHITECTURE FIRM 16000 JENSEN DRIVE, SUITE 100, SAN DIEGO, CA 92128 TEL: 619-592-4400 FAX: 619-592-4401 WWW.KESTERWIGGLE.COM		
FENCES, WALLS AND GATES		