

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING
OF THE ZONING ADMINISTRATOR
JULY 20, 2023**

**San Clemente City Hall
First Floor Community Room
910 Calle Negocio
San Clemente, California 92673**

1. CALL TO ORDER

Zoning Administrator Gallardo-Daly called the Regular Meeting of the City of San Clemente Zoning Administrator to order on July 20, 2023 at 3:00 p.m. The meeting was held in the First Floor Community Room of City Hall, 910 Calle Negocio, and San Clemente, California.

Staff Present: Cecilia Gallardo-Daly, Zoning Administrator
Christopher Wright, Associate Planner II
Karla Morales, Community Development Technician
Tamara Tatich, Office Specialist

2. MINUTES

A. Receive and file Minutes from the Zoning Administrator Regular Meeting of June 22, 2023.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARING

A. Minor Conditional Use Permit 23-154, Zebra House Coffee, Beer & Wine, 1001 S. El Camino Real

A request to allow the sale of beer and wine for consumption on or off the premises at an existing café.

Staff recommends that the project be found Categorical Exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (14 CCR § 15301, Class 1e: Existing Facilities).

Community Development Technician Kalra Morales summarized her staff report and cited an additional Condition of Approval that was not included in the original Staff Report:

7.25 - The Applicant (including any property owners and managers, and their designees) shall be responsible for ensuring that no sale of beer and wine is to be conducted via the restaurant's existing drive thru window at any point during or outside of the business's operating hours. This use permit prohibits the sale of beer and wine via the restaurant's existing drive thru window, unless specifically identified and approved by subsequent permits approved by the City. The Applicant (including any property owners and managers, and their designees) hereby understands that noncompliance with this condition will be deemed a violation of this use permit and may result in City Code Enforcement action or revocation of this use permit.

Having no further questions of staff, ZA Gallardo-Daly opened the public hearing.

Sara Allen Peterson, applicant and Managing Member complimented staff on their report and stated that she consented to the added Condition 7.25.

Christine Lampert, resident spoke of her support.

There being no further public comments, ZA Gallardo-Daly closed the public hearing.

ZA Gallardo-Daly stated that she is familiar with the establishment and that findings for the proposed Minor Conditional Use Permit with the added Condition can be made in that the indoor and outdoor beer and wine service is a conditionally permitted use in the Neighborhood Commercial 2 Zone; and the beer and wine sales for off-site consumption is also a conditionally permitted use in the zone. The proposed beer and wine service and sales are ancillary to the existing restaurant. The site is suitable for the type and intensity of use. The sale of beer and wine is contained within the business, the proposed business operating hours are until 8:00 p.m., the request does not intensify parking, and no additional indoor or outdoor seating is proposed.

Zebra House Coffee has been operating their establishment for many years in this location. There haven't been any calls for service. The proposed use will not be detrimental to the public health, safety or welfare. The proposed use must comply with the Conditions of Approval, code requirements: Fire Code, California Building Code, and

Alcohol Beverage Control licensing requirements, as well as the Municipal Code.

Code Compliance staff and the Orange County Sheriff's Department have reviewed the proposed request for beer and wine sales and service, and have concluded that there will not be any incompatibility issues, provided that the operations comply with the licensing requirement, City regulations, and Conditions of Approval. In addition, staff has included a Condition that expressly prohibits alcohol sales at the drive-thru window. The proposed use will not negatively impact surrounding land uses. The proposed business is in a commercial location with a mixture of restaurants, retail, grocery stores and nearby residences. The main use of the site will still be coffee and food service with beer and wine service as ancillary.

If any incompatibility issues arise, there is a Condition that allows staff to review the permit to ensure compliance with requirements such as noise and public health, safety and welfare.

Based on the information in the staff report and subject to the required Findings and Conditions of Approval, ZA Gallardo-Daly determined the project Categorically Exempt from the California Environmental Quality Act (CEQA) Under Section 15301 of the CEQA Guidelines (14 CCR § 15301, Class 1e: Existing Facilities).

Action: The Zoning Administrator adopted Resolution ZA23-013, Minor Conditional Use Permit (MCUP) 23-154, Zebra House Coffee, Beer and Wine – subject to the Conditions of Approval.

B. Minor Cultural Heritage Permit 22-239, Goldschmidt Residence Addition/Remodel, 243 Avenida La Cuesta

A request to allow exterior alterations and a minor 158 square foot addition to a historic landmark residence located at 243 Avenida La Cuesta.

Staff recommends that the project be found Categorically Exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (14 CCR § 15301, Class 1e: Existing Facilities).

Associate Planner II Christopher Wright summarized his staff report.

Having no further questions of staff, ZA Gallardo-Daly opened the public hearing.

ZA Gallardo-Daly asked Christine Lampert, applicant and architect if she had anything to add to staff's presentation, and Ms. Lampert discussed her concerns with installing a sidewalk. Catherine Hall and Don Wentzel, owners of the residence, introduced themselves, and Ms. Hall shared some of their experiences working on a historical landmark property. Mr. Wentzel supported Ms. Hall's comments and stated that they have invested substantially in the home's restoration and their desire to preserve the residence's frontage as it was originally, which would require a sidewalk waiver. Ms. Lampert acknowledged that the discussion was outside the scope of the hearing, and that they would like to obtain approvals for the requested permit.

ZA Gallardo-Daly informed that the sidewalk is not on the agenda and that the hearing was publicized only for the minor exterior alterations and addition. ZA Gallardo-Daly asked staff for a status on the sidewalk, and staff explained that sidewalk waiver reviews are managed by the Engineering Division. Engineering has indicated that the property may not meet the objective standards to qualify for a waiver; however, they will work with the applicant and owners to explain the process and documents needed to initiate a sidewalk waiver request through Public Works. Staff also stated that neighboring residences have not been successful in appealing to City Council for sidewalk waivers. Staff has been working with the applicant on a grading option that can accommodate the sidewalk and not take away any of the historical qualities of the landscape.

There being no further public comments, ZA Gallardo-Daly closed the public hearing.

ZA Gallardo-Daly expressed to the applicants that the issue of the sidewalk is not before her in this hearing, and that the sidewalk request is in the purview of the City Engineer. Therefore, the only item before the Zoning Administrator is for a Minor Cultural Heritage Permit for an addition.

ZA Gallardo-Daly pointed to an areas on the roofline plans while asking what the area in question represented, and the applicant stated the area was an awning above French doors which lead to an exterior paved landing.

ZA Gallardo-Daly stated that she read the report and is familiar with the site, the history of the property, what makes it historic and the Findings and Conditions of Approval; and that she is able to make the Findings for the Minor Cultural Heritage Permit. The architectural treatment of the project complies with the San Clemente General Plan in that the project maintains the architectural and historical integrity of

the residence. The proposed addition is one-story screened from the street. The project complies with the development standards, and the architectural alterations are consistent with the City's Design Guidelines for Spanish Colonial Revival architecture and historic structures.

The proposed addition and elevator tower are screened from the street. The alterations are reversible. The proposed addition is spatially distinguished from the original form and scale. The architectural treatment of the project complies with the Zoning Ordinance.

The architectural treatment of the project complies with the City's Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation projects. The proposed architectural alterations have traditional high-quality Spanish Colonial Revival materials and details that are compatible but differentiated from the original features, and compatible with the period of significance.

The general appearance of the proposed addition is in keeping with the character of the neighborhood. The project's scale, mass, form, setbacks, and materials are compatible with adjacent existing structures. The proposed addition is one-story screened from the street in a neighborhood with one-and-two story structures. The proposed use will not be detrimental to the harmonious development of the City.

The City finds that the proposed rehabilitation including modifications, alterations, and additions, are sufficiently in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and preserve to the extent feasible the character defining features. The project preserves the property's historical use as a residence. The design and materials maintain the integrity of a historic structure. The alterations will be undertaken in a manner that do not create a false sense of historical development and the alterations can be removed in the future to restore the form and integrity of the historic property and environment.

Based on the information in the staff report and subject to the required Findings and Conditions of Approval, ZA Gallardo-Daly determined the project Categorically Exempt from the California Environmental Quality Act (CEQA) Under Section 15301 of the CEQA Guidelines (14 CCR § 15301, Class 1e: Existing Facilities).

Action: The Zoning Administrator adopted Resolution ZA23-012, Minor Cultural Heritage Permit 22-239, Goldschmidt Residence – subject to the Conditions of Approval.

5. **NEW BUSINESS**

None

6. **OLD BUSINESS**

None

7. **ADJOURNMENT**

The meeting adjourned at 3:28 p.m. to the Regular Meeting of the Zoning Administrator, which will be held Thursday, August 17, 2023 at 3:00 p.m. at Community Development Department, City Hall, First Floor Community Room, located at 910 Calle Negocio, San Clemente, California.

Respectfully submitted,

SAN CLEMENTE ZONING ADMINISTRATOR



Cecilia Gallardo-Daly, Zoning Administrator