

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING
OF THE ZONING ADMINISTRATOR
SEPTEMBER 19, 2024
San Clemente City Hall
First Floor Community Room
910 Calle Negocio
San Clemente, California 92673**

1. CALL TO ORDER

Zoning Administrator (ZA) Adam Atamian called the Regular Meeting of the City of San Clemente Zoning Administrator to order on September 19, 2024 at 3:03 p.m. The meeting was held in the First Floor Community Room of City Hall, 910 Calle Negocio, San Clemente, California.

Staff Present: Adam Atamian, Zoning Administrator
Andy Hall, City Manager
Jonathan Lightfoot, City Planner
Zachary Ponsen, Assistant City Engineer
David Carrillo, Associate Planner
Brendan Hanley, Contract Planner
Jessica Gatny, Assistant Planner
Tamara Tatich, Office Specialist

2. MINUTES

A. Minutes from the Zoning Administrator Regular Meeting of September 5, 2024.

ZA Atamian received and filed the minutes for the regular meeting of September 5, 2024.

3. ORAL AND WRITTEN COMMUNICATION

None.

4. PUBLIC HEARING

A. Continued Public Hearing Project (PHP) 24-234, Caterina's Outdoor Dining with Beer and Wine Service and Exterior Modifications

A continued public hearing item for the Zoning Administrator to consider approval of a Minor Conditional Use Permit (MCUP) 23-180 and Administrative Development Permit (ADP) 24-375 to allow outdoor dining with beer and wine service in the public right-of-way and exterior modifications within a covered courtyard at an existing food service café located at 614 Avenida Victoria C.

The Zoning Administrator will also consider whether the project is categorically exempt from CEQA pursuant to State CEQA Guidelines §15301.e (Class 1.e: Existing Facilities).

ZA Atamian recused himself as the Zoning Administrator on this public hearing items, due to his involvement with the applicants and their requests over several months. City Manager Andy Hall was introduced as the Zoning Administrator for this public hearing item.

Associate Planner David Carrillo summarized the staff report and Mr. Carrillo introduced Josie Rietkerk, the applicant and owner of Caterina's.

ZA Hall asked if there were any outstanding violations to ordinances other than those in the staff report, of which staff stated that no others were brought to staff's attention. ZA Hall asked if there are any other items to be considered that need to be commented on, such as umbrellas. Staff responded that there are Conditions included regarding umbrellas. ZA Hall asked Assistant City Engineer Zachary Ponsen to clarify how the six-foot measurement for the sidewalk path is determined. Mr. Ponsen stated that typically the clear path does not include the curb face, however the Condition of Approval states the measurement is from the curb face. Engineering would prefer that it be six feet clear from the back of the curb.

ZA Hall called upon the applicant to respond to the staff report. Applicant Rietkerk stated that ADA requires only five feet, however, there is no problem with a six-foot clearance. Ms. Rietkerk stated that she would have to measure so she's in compliance to avoid future problems. Ms. Rietkerk stated that they currently have round tables, but has no problem with square. Ms. Rietkerk asked questions regarding the issues with the umbrellas. Ms. Rietkerk did not want a Condition that mandated their hours of operation being the same as the Trolley schedule, as they are not open every night of the week until 10:00 p.m. Ms. Rietkerk stated issues and liability with having the patio gate unlocked after the close of business.

Mr. Carrillo requested that ZA Hall consider a change to Condition of Approval 7.24 that the "Property Owner" be responsible for building signage rather than the "business." First line of the revised Condition to read:

"The Property Owner shall maintain existing signage on the front building façade, and add a sign within the courtyard be permanently affixed on a highly visible wall that states, 'Seating within the Outdoor Covered Courtyard is Open to the Public.'"

Also recommended are two additional Conditions:

Condition of Approval 7.26 shall read:

"The business owner shall add and maintain the following signs: 1) two signs, one for each table on the sidewalk, indicating 'No alcohol at this

table;' and 2) napkin holder signs within the courtyard designating seats/tables for public use that state, 'This seat/table is for public use and is not limited to customers. Purchase of any Caterina's product is not required.'"

Condition of Approval 7.27 shall read:

Within 30 days from approval of Minor Conditional Use Permit 23-180 and Administrative Development Permit 24-375, the property owner shall submit, and obtain approval from the Code Enforcement Manager, a sign plan for signs required to be installed on the building.

Mr. Carrillo clarified the intent of the new Conditions.

Mr. Ponsen clarified the ADA reference stated earlier during the applicant's responses to the staff report in that ADA guidelines is a four-foot minimum; however, the City's Master Plan adopted the Bicycle-Pedestrian Plan to include different types of sidewalks that were explained in detail. The sidewalk specifications in the Downtown Area, which is the area of this property, specifically state this area needs the widest sidewalks possible that is now considered a six-foot clearance.

ZA Hall opened the Public Hearing:

Wayne Eggleston, former Mayor and neighboring resident, expressed support in locking the gate to the public courtyard at night.

Brian Pitt (online), son of the property owner at 614 Avenida Victoria and San Clemente resident, expressed opposition of the gate, referred to the original intentions of the building and his interactions with the applicant.

ZA Hall asked staff if there were any other clarifications before he closed the public hearing, at which Mr. Ponsen stated that the Condition did not state six feet from the curb face or back of curb, but only "street curb." The preference of staff is that is state "back of curb" in the Condition.

ZA Hall stated that there were references made to previous approvals and the documentation is not available in the meeting. Therefore, he will not be able to make a determination, but will do so in writing within 24 hours.

ZA Hall confirmed with staff that the objective to stay within the six-foot clearance was not determined by the shape of the table.

ZA Hall confirmed the number of chairs around a table was for compliance of the six-foot clearance, and staff confirmed that two chairs would work within the desired clearance.

ZA Hall asked staff to provide the previous approvals that determined the closing times with the Trolley, and also the previous approval of the umbrella size.

ZA Hall asked City Planner Jonathan Lightfoot to confirm the hours of operations of the Trolley, which Mr. Lightfoot indicated that the Trolley operates all days except Sunday until 10:00 p.m., and Sunday until 8:00 p.m.

ZA Hall asked anyone interested in a copy of the written determination other than the Applicant and those that made Public Comments to advise staff.

Having no further questions, ZA Hall closed the public hearing.

Action: The Zoning Administrator will provide a written determination of ZA 24-017 for Minor Conditional Use Permit 23-180 and Administrative Development Permit 24-375, Caterina's Outdoor Dining and Exterior Modifications within 24 hours of the public hearing.

At 3:37 p.m., ZA Hall excused himself and ZA Atamian resumed the public hearings.

(Andy Hall, the City Manager acting as the Interim Zoning Administrator on item 4-A ("Caterina' Outdoor Dining") of the September 19, 2024 agenda, issued a written determination on the item. Please find the determination attached, approving the Caterina's Outdoor Dining and Exterior Modifications, with certain modifications to be incorporated into the final Resolution. You can also find the document online at: <https://www.san-clemente.org/home/showpublisheddocument/86732>)

B. Continued Public Hearing Project (PHP) 23-467, Steblay Residence Addition and Remodel, 407 Cazador Lane

A continued public hearing item for the Zoning Administrator to consider a request for the Zoning Administrator to approve a Development Permit (DP) 23-468 to allow an addition of 160 square feet at the rear of the residence and landscaping for a property located across the street from a historic residence and on a property adjacent to a designated Coastal Canyon.

The Zoning Administrator will also consider whether the project is categorically exempt from CEQA pursuant to State CEQA Guidelines §15301.e (Class 1.e: Existing Facilities) and §15303 (Class 3: New Construction or Conversion of Small Structures).

Contract Planner Brendan Hanley summarized the staff report and advised that the applicant and architect were available for questions.

ZA Atamian opened the public hearing.

ZA Atamian asked staff to explain how the street scene would be improved, whereas Mr. Hanley explained that the proposed landscaping would remove high hedge to open the space and allow better visibility of the property and allow a proposed sidewalk.

ZA Atamian stated one of the Conditions declares the submission of a Landscape Plan and asked the applicants if they reviewed and agree with the Conditions of Approval. Staff stated that only Condition non-standard Condition for consideration is that the trees in the side yard that encroach into the drain be low-line shrubs, of which the applicant agreed. Staff confirmed that the project is subject to California Coastal Commission approval, and therefore no permits will be issued until those approvals have been obtained.

Having no further questions, ZA Atamian closed the public hearing. ZA Atamian stated that he visited the site and stated that the project will not have a significant impact on the historical structure across the street, and that the street scene will be improved and bring the front landscape into compliance with the Zoning Code.

ZA Atamian determined the project Categorically Exempt from CEQA pursuant to State CEQA Guidelines §15301.e (Class 1.e: Existing Facilities).

Action: The Zoning Administrator adopted Resolution ZA24-015 approving Minor Exception Permit 23-467, Steblay Addition and Remodel, 407 Cazador Lane, subject to the Conditions of Approval.

C. Continued Public Hearing Project (PHP) 24-363, Veta Salon Amendment to Minor Conditional Use Permit 19-097, 104 North El Camino Real, #B

A continued public hearing item for the Zoning Administrator to consider a request for the Zoning Administrator to modify Minor Conditional Use Permit (MCUP) 19-097 for (1) additional parking waiver at 104 North El Camino Real, a registered historical property that was once the Ole Hanson Sales Office.

The Zoning Administrator will also consider whether the project is categorically exempt from CEQA pursuant to State CEQA Guidelines §15301.e (Class 1.e: Existing Facilities).

Assistant Planner Jessica Gatny summarized the staff report and introduced Jacqui Veta, applicant and owner.

ZA Atamian opened the public hearing.

ZA Atamian stated that he was very familiar with the site and that it was founding father Ole Hanson sales office. ZA Atamian stated that the basis of the parking waiver was understandable for a services use.

Having no further questions, ZA Atamian closed the public hearing.

ZA Atamian determined the project Categorical Exempt from CEQA pursuant to State CEQA Guidelines §15301.e (Class 1.e: Existing Facilities).

Action: The Zoning Administrator adopted Resolution ZA24-016 approving Minor Conditional Use Permit 19-097, Jacqui Veta Salon, 104 N. El Camino Real, Suite B, subject to the Conditions of Approval.

5. **NEW BUSINESS**

None

6. **OLD BUSINESS**

None

7. **ADJOURNMENT**

The meeting adjourned at 3:56 p.m. to the Regular Meeting of the Zoning Administrator, which will be held Thursday, October 3, 2024 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

Adam Atamian, Zoning Administrator