

**CITY OF SAN CLEMENTE  
MINUTES OF THE REGULAR  
ZONING ADMINISTRATOR MEETING  
October 21, 2015**

**1. CALL TO ORDER**

A Regular Meeting of the City of San Clemente Zoning Administrator was called to order on October 21, 2015 at 3:00 p.m. in Conference Room A of the Community Development Department, located at 910 Calle Negocio, San Clemente, California, by Zoning Administrator Jim Pechous

Staff Present: Jim Pechous, Zoning Administrator (ZA); Christopher Wright, Associate Planner; Cliff Jones, Associate Planner; and Kimberly Maune, Office Specialist II

**2. MINUTES**

The minutes of the Zoning Administrator meeting of October 7, 2015 were approved.

**3. ORAL AND WRITTEN COMMUNICATION**

None

**4. PUBLIC HEARINGS**

**A. 515 Elena Lane – Minor Cultural Heritage Permit 15-228 – Pine Tree Removal (Wright)**

Public Hearing to consider a request for the removal of a Norfolk Pine tree on a vacant lot across the street from and abutting a historic structure at 516 Elena Lane. The subject property is located in the Residential Medium Density zoning district and Coastal Overlay (RM-CZ) at 515 Elena Lane. The site's legal description is Tract 785, Block 2, Lots 16, 17, and Portion of Lot 15, and Assessor's Parcel Number 692-044-13.

Associate Planner Christopher Wright summarized the staff report. He is recommending changes to the conditions of approval based on a discussion with the arborist:

- There shall be a minimum of four and maximum of seven replacement trees planted.
- The cumulative canopy width of the replacement trees shall be equal to the Norfolk Island Pine tree.

- The replacement trees shall be a California Native species and/or other drought tolerant species that is well suited to San Clemente's climate and soil conditions.
- The replacement trees may be planted on parcels addressed as 513 Elena Lane and 515 Elena Lane.
- The replacement trees shall be planted within six months of the Community Development Director's approval of plans.

Owner Dana Haynes stated this tree is at the wrong location being directly at the curb and gutter. The tree is a hazard and it is unsafe; it was in this condition when he purchased the property. If he is allowed to remove this tree he will plant trees more conducive to the neighborhood.

ZA Pechous opened the public hearing.

Larry Culbertson stated he is against removal of this tree. He believes the project should not be permitted until after the tree has been nursed back to health.

Patricia Holloway stated her interpretation from the Design Review Subcommittee (DRSC) meeting was that the tree would be preserved. In the future she would like to see steps taken to protect trees.

ZA Pechous stated to improve the situation in the future, the City recently went out for a contract for an inventory of all City street trees with an arborist who will GPS locate each tree and the health of the trees will be assessed. This will also determine which trees are City trees. Maintenance Supervisor Randy Little prepared Tree Protection Guidelines which are being handed out to staff and members of the public.

Wayne Eggleston stated he is against removal of this landmark tree in this historic area. He respects and understands property owners' rights; however, he believes this tree could have been saved with more diligence.

There being no other members of the public wishing to speak, ZA Pechous closed the public hearing.

Applicant Rick Del Carlo stated in the DRSC meeting he did not guarantee anything, he said he would be sensitive to the tree.

ZA Pechous asked Mr. Wright for clarification regarding timing and mitigation. Mr. Wright responded before the tree can be removed, plans must be submitted to the City and approved by the Community Development Director that outline what trees will be planted, their size, their locations; a planting plan. An irrigation plan will also be required.

The trees have to be planted within six months of the approval of the plans.

ZA Pechous stated both vacant lots are adjacent to historic resources. Prior to development of these lots the applicant must obtain Cultural Heritage Permits. There will be two separate applications.

ZA Pechous stated this is an iconic tree for the neighborhood. This request is being reviewed because it is across the street from a historic resource. He looked at the site in the context of how this tree creates character for the historic resource. There are other iconic trees on this property, including a Monterey Cypress and a Canary Palm. There is value added to the historic context of the neighborhood by this tree.

ZA Pechous stated he agrees with the arborist that restoring this tree would take away development rights from the upper lot on this property. Sometimes trees are put in the wrong location; this tree is not in the right location. Even though there has not been a verified example of the large cones falling down, he has personal experience of a large cone coming down onto his hiking path, missing him by about two feet. These large cones can kill people. This tree is a public safety problem due to its location.

ZA Pechous stated the integrity and the location of the tree warrants the removal of the tree. It is imperative that the replacement trees are able to build back the character of the neighborhood; he would like at least one Monterey Cypress to be planted on each lot. There are Monterey Cypress trees on the adjacent historic property and in the neighborhood.

ZA Pechous stated given the value of this tree, which is approximately \$28,000, when the two lots are reviewed for Cultural Heritage Permits, he expects to see very nice landscaping that is commensurate with the historic property across the street which will rebuild the neighborhood character that is being lost.

ZA Pechous directed there be further input from the arborist on the decision of the replacement trees. He directed that soils testing be added to the conditions of approval so the replacement trees have the best chance of success.

ZA Pechous directed staff to change the required number of replacement trees to seven trees and there should be a variety of trees both vertical and canopy type which will add to the character of the neighborhood.

Action: The Zoning Administrator approved Minor Cultural Heritage Permit 15-228, Pine Tree Removal, subject to Resolution ZA 15-042 with

attached Conditions of Approval including the changes recommended above by staff with the number of replacement trees to be seven and an additional condition requiring soils testing to help select the best trees for the site.

**ACTION SUBJECT TO APPEAL OR CALL-UP BY CITY COUNCIL**

**B. 110 South El Camino Real – Minor Cultural Heritage Permit 15-111/Minor Conditional Use Permit 15-112 – Tamarindo Restaurant (Jones)**

Public Hearing to consider a request for a remodel of a one-story commercial building at 108-110 South El Camino Real and a request for beer and wine for a future restaurant at 110 South El Camino Real. The property is located in the Mixed-Use zoning district, and within the Architectural and Central Business Overlays (MU3-CB-A). The site's legal description is Tract 779, Block 6, Lot 2, and Assessor's Parcel Number 058-082-20.

Associate Planner Cliff Jones summarized the staff report. Staff received 139 postcards of support for this project.

Owner Sarah Resendiz stated she and her husband have run a gourmet food truck for four years; they've always wanted to open a restaurant here. They source from local farmers; they are community oriented.

ZA Pechous opened the public hearing.

Larry Culbertson stated the Historical Society has been following this project through the DRSC and they believe this will be a great addition to the downtown.

Fabrice Spies stated he is very happy to see these young people opening a business in town. This will be a great addition to the town.

There being no others wishing to speak, ZA Pechous closed the public hearing.

Owner Sarah Resendiz asked questions about condition of approval number:

- 7a: their preference for the aluminum door color is berry, which is consistent with the area; ZA Pechous stated a red or orange tone can be appropriate with Spanish Colonial Revival architecture and directed staff to condition the color to be a red tone subject to the approval of the City Planner.

- 7b: finding lighting for the rear that is Spanish Colonial Revival and provides enough light for safety and security has been challenging; ZA Pechous stated it can either be a security light that blends with the building (e.g. white to match the stucco) or traditional style Spanish Colonial Revival solid wrought iron finished in black, he directed staff to condition the rear lighting subject to the approval of the City Planner.
- 7c: finding an all black hanging lantern has been a challenge; ZA Pechous stated the light can either be dark brown or black.
- 7d: they would prefer no shrouds on the recessed lighting; ZA Pechous directed staff to omit this condition.
- 7e: they would prefer no mullions on the entry door of the tenant retail space; ZA Pechous stated this condition will remain as written by staff.

Architect Christian Stayner asked if they could add mullions to all of the windows and doors; ZA Pechous responded yes, if they think that would be better.

ZA Pechous directed staff to modify the conditions of approval stating there will be a six month review after the opening of the restaurant of the outdoor service being allowed until midnight, with a report to the Zoning Administrator; at that time, if there are any problems the time will be modified.

Action: The Zoning Administrator approved Minor Cultural Heritage Permit 15-111/Minor Conditional Use Permit 15-112, Tamarindo Restaurant, subject to Resolution ZA 15-041 with attached Conditions of Approval including the modifications as stated above.

#### **ACTION SUBJECT TO APPEAL OR CALL-UP BY CITY COUNCIL**

**C. 201 Avenida Del Mar – Amendment to Minor Cultural Heritage Permit 15-025 – Hamilton’s Restaurant (Jones)**

Public Hearing to consider a request for an amendment to the approved architectural design for the building located at 201 Avenida Del Mar in the Mixed-Use zoning district, and in the Architectural and Central Business Overlays (MU3-CB-A). The legal description of the property is Lots 1, 2, 3, 33, and 34, of Block 17 of Tract 779, Assessor’s Parcel Number 058-112-64.

Associate Planner Cliff Jones summarized the staff report.

Applicant Jason Klingsberg stated they know how important this corner is to the City. The requested amendments are due to a financial decision; however, they feel the design changes make a lot more sense for them.

Applicant Bill Hales stated they feel the amendments will not negatively affect the aesthetics of the building, they will not take away from representing the Spanish Colonial Revival look; they will allow some costs to be eliminated and the restaurant to open sooner.

ZA Pechous opened the public hearing.

Larry Culbertson stated this change seems like a major change from what DRSC approved. ZA Pechous responded this project is still in substantial conformance with the original approval. Mr. Culbertson stated the project looks good.

There being no others wishing to speak, ZA Pechous closed the public hearing.

ZA Pechous stated with the amendments the project is in the spirit of the original approval. The original design of the patio didn't add to the functionality. He asked if the parapet wall will screen the mechanical equipment; Mr. Jones responded that it will.

ZA Pechous inquired about the side ATM access door, stating he would prefer a wood door there. Mr. Hales responded it is not their door and they do not have access to it; however, they agreed to paint it, they will talk to the landlord about changing the door to wood, and they will tile all around the ATM so everything fits in with the overall look of the building.

ZA Pechous stated he likes the tile. The project looks good and will be a great improvement to the corner.

Action: The Zoning Administrator approved Amendment to Minor Cultural Heritage Permit 15-025, Hamilton's Restaurant, subject to Resolution ZA 15-043 with attached Conditions of Approval.

**ACTION SUBJECT TO APPEAL OR CALL-UP BY CITY COUNCIL**

**5. NEW BUSINESS**

None

**6. OLD BUSINESS**

None

**ADJOURNMENT**

The meeting adjourned at 4:20 p.m. The next Regular Zoning Administrator meeting will be held on November 4, 2015 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**

A handwritten signature in blue ink, appearing to read "Jim Pechous", is written over a horizontal line. The signature is stylized and includes a large loop at the beginning.

Jim Pechous