



Memorandum Planning Division

October 9, 2013

To: Planning Commission, City of San Clemente
From: Jim Pechous, City Planner
Subject: Staff Waivers September 24, 2013 through October 7, 2013

This memorandum provides details regarding Staff Waivers recently approved by the Planning Division.

Analysis

Pursuant to San Clemente Municipal Code (Section 17.16.110), staff waivers may be requested for any exterior modifications, alterations, or additions requiring an Architectural/Cultural Heritage Permit or Minor Architectural/Cultural Heritage Permit. The purpose of the staff waiver is to streamline the permitting process for projects so minor in scope they do not substantially alter the visual appearance or architectural integrity of the subject property or structure.

Conclusion

Following my review in light of the Municipal Code and the interests of the community, I have approved the requests listed on the following page. These waivers shall remain in effect unless appealed to the Planning Commission pursuant to Section 17.12.140 of the Zoning Ordinance.

Attachments

City of San Clemente
Projects by Type and Date
For the Period 9/24/2013 thru 10/7/2013

Project Number Project Name Planner	Date Applied Date Approved Status of Project	Date Closed Date Expired	Project Type Comments
PLN13-391 Corner Landscaping Improvements AMBER GREGG	9/25/2013 9/25/2013 APPROVED		SW (9/25/2013 3:26 PM AG) Request to plant new landscaping at the corner of Pico and ECR in front of teh 7-11. (9/25/2013 3:26 PM AG) North Beach Grant Facade Improvement Program
PLN13-395 Zulfacar Residence Improvements SEAN NICHOLAS	9/30/2013 9/30/2013 APPROVED		SW (9/30/2013 9:18 AM SN) For exterior improvements to the front, side, and courtyard of the existng structure. The plans highlight the area where improvements are allowed. Also for 42 inch high walls to be re-stuccoed adn painted white. For a new 42 inch high gate. Terra Cotta tiles for courtyard. No other walls are approved at this time. Again, See plans for notes. (9/30/2013 9:55 AM SN) 4 foot high fountain and electircal in courtyard.
PLN13-401 Decking replacement JOHN CIAMPA	10/1/2013 10/1/2013 APPROVED		SW (10/1/2013 10:28 AM JC) replace the wood decking of the second floor deck with composit wood.
PLN13-402 Dursa windows CHRIS WRIGHT	10/1/2013 10/1/2013 APPROVED	10/1/2014	SW (10/1/2013 10:59 AM CW) A request to replace aluminum windows with fiberglass on a triplex located within the Architectural Overlay district.
PLN13-405 A/C Unit and Screening JOHN CIAMPA	10/1/2013 10/1/2013 APPROVED		SW (10/1/2013 3:14 PM JC) A/C unit on the roof of a commerical building and screening.
PLN13-408 Jones Addition JOHN CIAMPA	10/3/2013 10/3/2013 APPROVED		SW (10/3/2013 2:11 PM JC) Addition of 120 sq ft to a house on a coastal Canyon. House is behind the stringline of the adjacent houses.
PLN13-409 Dendulk Residence Patio Cover ADAM ATAMIAN	10/4/2013 10/4/2013 APPROVED		SW (10/4/2013 7:54 AM AMA) 55 square foot patio cover on side of condominium building. Not visible from public areas. To match architecture of rest of building.

7 Project(s) Found

Project: 7-11 Landscaping Enhancements SW 13-391
Location: 1802 S. El Camino Real

Conditions of Approval for the North Beach District Façade and Site Enhancement Program

1. A final inspection of the project shall be required by the planning division upon notification by the applicant of the completion of all work.
2. The applicant shall provide to city staff all invoices, receipts, and applicable proofs of payment at the time of final inspection.
3. The applicant shall develop all improvements in conformance with the approved colors, landscaping, and other improvement plans as approved on .
4. Applicant understands that no grant funds shall be provided until all work is completed in conformance with the approved plans, applicable conditions of approval, approved final inspection, and all invoices, receipts, and proof of payments are received by the planning division.
5. Applicant understands that the City shall not be responsible for reimbursements for site improvements in excess of \$999. The applicant agrees to pay the additional fees above the allotted grant funds to complete approved improvements as specified in the approved plans and these conditions of approval as agreed to by the applicant as part of this approval.
6. The applicant shall complete all work as approved within 12 weeks. Should issues occur that prevent this from occurring, the applicant shall contact staff and formally request a time extension in writing. Staff shall review all time extension requests and provide the applicant a decision within 5 business days. If a time extension is denied, the City shall not be responsible for providing funding for unfinished work.
7. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City of San Clemente and its elected City Council, its appointed boards, commissions, and committees, and its officials, employees, and agents

(herein, collectively, the “Indemnitees”) from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney’s fees, arising out of either (i) the City’s approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act (“CEQA”), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an “Action”) within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not obligated to do so and, if it does, the Indemnitor shall promptly pay the City’s full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City.

8. At project approval, the owner or designee shall submit written consent to all of these imposed conditions to the Community Development Director or designee. The owner or designee understands that the resolution will be of no force or effect unless such written consent is submitted to the City.

Conditions of Approval

Reviewed by



JH

	<p>Staff Waiver #: PLN13-395 Address: 234 W Avenida Palizada</p>
	<p>Zulfacar Residence Improvements Staff: SEAN NICHOLAS</p>
<p><input checked="" type="checkbox"/></p>	<p>The above-referenced Staff Waiver shall become null and void if the use is not commenced within one (1) year from the date of the approval thereof. Pursuant to Section 7.7.1 of the Zoning Ordinance of the City of San Clemente, since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development.</p> <p>Pursuant to Section 7.7.2 of the Zoning Ordinance, a use shall be deemed to have lapsed, and the above-referenced Staff Waiver shall be deemed to have expired, when a building permit has been issued, construction has not been completed and the building permit has expired in accordance with applicable sections of the Uniform Building Code, as amended.</p>
<p><input type="checkbox"/></p>	<p>The above-referenced Staff Waiver shall become null and void if the use is not commenced within one (1) year from the date of the approval thereof. Since the use does not require the issuance of a building permit, the use shall not be deemed to have commenced until all improvements submitted herein are completed to the satisfaction of the City Planner.</p>
<p><input checked="" type="checkbox"/></p>	<p>The owner or applicant shall develop the approved project in conformance with the plans and any other applicable submittals for the above-referenced Staff Waiver approved by the City Planner and amended by any conditions.</p>
<p><input type="checkbox"/></p>	<p>Prior to issuance of certificates of occupancy, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that the project has been constructed in conformance with the approved sets of plans and all applicable, codes, ordinances, and standards.</p>
<p><input checked="" type="checkbox"/></p>	<p>Prior to the issuance of any permits, the owner or designee shall submit written consent to all of these imposed conditions to the Community Development Director or designee. The owner or designee understands that the resolution will be of no force or effect, nor shall permits be issued, unless such written consent is submitted to the City.</p>
<p><input checked="" type="checkbox"/></p>	<p>Improvements for re-stucco, repainting, walls, terracotta floor tiles, 4 foot high fountain in courtyard, and new gate are only approved in clouded area on approved plans.</p>
<p><input checked="" type="checkbox"/></p>	<p>All walls on the front of the building and small walls and the sides visible from the right of way shall be painted white.</p>
<p><input type="checkbox"/></p>	<p></p>

Conditions of Approval

Reviewed by



JH

	<p>Staff Waiver #: PLN13-401 Address: 223 Trafalgar Ln</p>
	<p>Decking replacement Staff: JOHN CIAMPA</p>
<p><input checked="" type="checkbox"/></p>	<p>The above-referenced Staff Waiver shall become null and void if the use is not commenced within one (1) year from the date of the approval thereof. Pursuant to Section 7.7.1 of the Zoning Ordinance of the City of San Clemente, since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development.</p> <p>Pursuant to Section 7.7.2 of the Zoning Ordinance, a use shall be deemed to have lapsed, and the above-referenced Staff Waiver shall be deemed to have expired, when a building permit has been issued, construction has not been completed and the building permit has expired in accordance with applicable sections of the Uniform Building Code, as amended.</p>
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<p><input checked="" type="checkbox"/></p>	<p>The owner or applicant shall develop the approved project in conformance with the plans and any other applicable submittals for the above-referenced Staff Waiver approved by the City Planner and amended by any conditions.</p>
<p><input type="checkbox"/></p>	<p>Prior to issuance of certificates of occupancy, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that the project has been constructed in conformance with the approved sets of plans and all applicable, codes, ordinances, and standards.</p>
<p><input checked="" type="checkbox"/></p>	<p>Prior to the issuance of any permits, the owner or designee shall submit written consent to all of these imposed conditions to the Community Development Director or designee. The owner or designee understands that the resolution will be of no force or effect, nor shall permits be issued, unless such written consent is submitted to the City.</p>
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Conditions of Approval

Reviewed by JP

	<p>Staff Waiver #: PLN13-402 Address: 315 Avenida Del Mar</p>
	<p>Dursa windows Staff: CHRIS WRIGHT</p>
<input checked="" type="checkbox"/>	<p>The above-referenced Staff Waiver shall become null and void if the use is not commenced within one (1) year from the date of the approval thereof. Pursuant to Section 7.7.1 of the Zoning Ordinance of the City of San Clemente, since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development.</p> <p>Pursuant to Section 7.7.2 of the Zoning Ordinance, a use shall be deemed to have lapsed, and the above-referenced Staff Waiver shall be deemed to have expired, when a building permit has been issued, construction has not been completed and the building permit has expired in accordance with applicable sections of the Uniform Building Code, as amended.</p>
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<input type="checkbox"/>	<p>Prior to issuance of certificates of occupancy, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that the project has been constructed in conformance with the approved sets of plans and all applicable, codes, ordinances, and standards.</p>
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<input type="checkbox"/>	
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Conditions of Approval

Reviewed by

JP

JH

	<p>Staff Waiver #: PLN13-405 Address: 174 Avenida Del Mar</p>
	<p>A/C Unit and Screening Staff: JOHN CIAMPA</p>
<input checked="" type="checkbox"/>	<p>The above-referenced Staff Waiver shall become null and void if the use is not commenced within one (1) year from the date of the approval thereof. Pursuant to Section 7.7.1 of the Zoning Ordinance of the City of San Clemente, since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development.</p> <p>Pursuant to Section 7.7.2 of the Zoning Ordinance, a use shall be deemed to have lapsed, and the above-referenced Staff Waiver shall be deemed to have expired, when a building permit has been issued, construction has not been completed and the building permit has expired in accordance with applicable sections of the Uniform Building Code, as amended.</p>
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Conditions of Approval

Reviewed by

JP

JH

	<p>Staff Waiver #: PLN13-408 Address: 318 Encino Ln</p>
	<p>Jones Addition Staff: JOHN CIAMPA</p>
<p><input checked="" type="checkbox"/></p>	<p>The above-referenced Staff Waiver shall become null and void if the use is not commenced within one (1) year from the date of the approval thereof. Pursuant to Section 7.7.1 of the Zoning Ordinance of the City of San Clemente, since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development.</p> <p>Pursuant to Section 7.7.2 of the Zoning Ordinance, a use shall be deemed to have lapsed, and the above-referenced Staff Waiver shall be deemed to have expired, when a building permit has been issued, construction has not been completed and the building permit has expired in accordance with applicable sections of the Uniform Building Code, as amended.</p>
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<p><input type="checkbox"/></p>	
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<p><input type="checkbox"/></p>	

Conditions of Approval

Reviewed by

JP

JH

	<p>Staff Waiver #: PLN13-409 Address: 503 Monterey Ln</p>
	<p>Dendulk Residence Patio Cover Staff: ADAM ATAMIAN</p>
<p><input checked="" type="checkbox"/></p>	<p>The above-referenced Staff Waiver shall become null and void if the use is not commenced within one (1) year from the date of the approval thereof. Pursuant to Section 7.7.1 of the Zoning Ordinance of the City of San Clemente, since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development.</p> <p>Pursuant to Section 7.7.2 of the Zoning Ordinance, a use shall be deemed to have lapsed, and the above-referenced Staff Waiver shall be deemed to have expired, when a building permit has been issued, construction has not been completed and the building permit has expired in accordance with applicable sections of the Uniform Building Code, as amended.</p>
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<p><input checked="" type="checkbox"/></p>	<p>Prior to the issuance of any permits, the owner or designee shall submit written consent to all of these imposed conditions to the Community Development Director or designee. The owner or designee understands that the resolution will be of no force or effect, nor shall permits be issued, unless such written consent is submitted to the City.</p>
<p><input checked="" type="checkbox"/></p>	<p>No posts for patio cover shall be installed within 5' of any property line.</p>
	<p><i>NO EAVES SHALL BE WITHIN 30" OF PROPERTY LINE.</i></p>
<p><input checked="" type="checkbox"/></p>	<p>The materials, finishes, and colors of patio cover shall match the rest of the building, and be maintained to match the rest of the building.</p>
<p><input checked="" type="checkbox"/></p>	<p>The roof of the patio cover shall be constructed to match the roof of the building, and shall have an eave detail (exposed rafter tails, drip edge, and asphalt shingles) to match the rest of the roof. The roof of the patio cover shall be maintained to match the rest of the roof of the building.</p>