



## STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Meeting Date: May 22, 2013

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**PLANNER:** John Ciampa, Associate Planner 

**SUBJECT:** **Cultural Heritage Permit 12-359, Cazador Four-Plex**, a request to consider the demolition of a residence and the construction a four unit apartment building located within 300 feet of a historic structure. The project is located within the Residential Medium zoning district and within the Coastal Zone (RM-CZ).

### **REQUIRED FINDINGS**

Prior to approval of the proposed project, the following findings shall be made. The draft Resolution (Attachment 1) and analysis section of this report provide an assessment of the project's compliance with these findings.

#### ***Cultural Heritage Permit (CHP), Section 17.16.100***

- a. The architectural treatment of the project complies with the San Clemente General Plan.
- b. The architectural treatment of the project complies with the Zoning Ordinance including, but not limited to, height, setback, and color.
- c. The project's architectural treatment complies with the architectural guidelines in the City's Design Guidelines.
- d. The project's general appearance is in keeping with the character of the neighborhood.
- e. The project's is not detrimental to the orderly and harmonious development of the City
- f. The proposed project will not have negative visual or physical impacts upon the historic structure.

### **BACKGROUND**

On December 19, 2007, the Planning Commission approved the demolition of the house and the construction of a four unit apartment building for the subject property. In 2008, the Coastal Commission approved the project. The entitlements expired on December 19, 2009 and the property was sold. The new property owner is proposing the same project and requests approval from the City.

The 9,768 square-foot project site is improved with a single-story, residence, built in 1950. The project site is approximately 100 feet from a historic residence which is located at 307 Avenida Madrid. The historic structure was constructed in 1926. The

historic house is separated from the subject property by a street and a single-family house (See Attachment 2).

The City’s Development Management Team (DMT) reviewed the project and supports the request, subject to the proposed conditions of approval. The project was also reviewed by the Design Review Subcommittee (DRSC) on December 12, 2012. A summary of the DRSC meeting is discussed later in this report.

Public noticing has been completed for the project, and to date, no public comments have been received.

**PROJECT DESCRIPTION**

The applicant is proposing to demolish a single family house and construct a four-unit multi-family development. The subject property is a corner lot with frontage along Cazador Lane and South Ola Vista. Three units would take vehicular access off of South Ola Vista and one unit will take access from Cazador Lane. Each unit is two stories and has an attached two-car garage. The proposed project complies with development standards for the RM zone, as described in Table 1 below:

**Table 1- Development Standards**

	<b><i>Zoning Ordinance</i></b>	<b><i>Proposed</i></b>
<u>Density</u> (Maximum)	5 dwellings	4 dwellings
<u>Setbacks</u> (Minimum)		
Front to Primary Structure	10' (median setback)	11'
Front to Street-facing Garage	18'	18'
Street Side	10'	10'
Interior Side	5'	5'
Rear	5'	15'
<u>Lot Coverage</u> (Maximum)	55%	43%
<u>Building Height</u> (Maximum)	25'	24.92'
<u>Parking</u> (Minimum)	10 spaces	10 spaces

***Architecture***

The proposed four-plex is a Spanish/Mediterranean design which is consistent with the mix of architectural styles in the neighborhood. Architectural details include large wood corbels, wood rafter tails, thick support beams, arched doorways, single barrel terra cotta tile with mortar packing and a distinct tower element along Cazador Lane. The

tower would provide articulation and balance to the west elevation. Each unit has very distinct entrances and accent details. The units facing South Ola Vista have individual front patios that provide architectural interest and private open space for the residents.

**PROJECT ANALYSIS**

***Cultural Heritage Permit (CHP)***

The subject site is located approximately one hundred feet from a historic resource. Per Zoning Ordinance Section 17.16.100, a Cultural Heritage Permit (CHP) is required to construct three or more units within three hundred feet of a historic resource. The purpose and intent of the CHP is to ensure projects are compatible with the City’s historic resources and complies with the Design Guidelines.

Staff’s position is that the project complies with the required CHP findings for the following reasons: 1) there will be no visual or physical impacts to the historic structure because the project is located one block east from the historic house and it is separated by a one story single family residence; 2) the Spanish/Mediterranean design is consistent with the requirements of the Design Guidelines; and 3) the two-story development is consistent with the surrounding structures and is in keeping with the character of the neighborhood.

***Design Review Sub-Committee***

The Design Review Subcommittee (DRSC) reviewed the project on December 12, 2012 and supported the design of the project with the recommendations identified in Table 2.

**Table 2- DRSC Concerns & Modifications**

<b>DRSC Comments</b>	<b>Applicants Response</b>
Modify the window material from vinyl to fiberglass.	Modified as recommended.
Remove the wrought iron railing on top of the entry gated and the garage door windows.	Modified as recommended.
Shorten the corbels so that they do not project beyond the building.	Modified as recommended.
Make the narrow walls of the elevations thicker so they are not out of proportion with the building.	Modified as recommended.

**GENERAL PLAN CONSISTENCY**

Table 3 summarizes how the proposed use is consistent with adopted policies outlined in the City of San Clemente General Plan.

**Table 3 - General Plan Consistency**

Policy	Consistency Finding
<p><i>2.IV.B Preserve and strengthen San Clemente's unique atmosphere and historic identity as "The Spanish Village by the Sea."</i></p>	<p>Consistent. The project will not have an impact to the historic house because of the separation between the two structures. The structure's design will contribute to the City's identity as "The Spanish Village by the Sea."</p>
<p><i>1.2.9 Require that new residential development in existing residential neighborhoods be compatible with existing structures.</i></p>	<p>Consistent. The multi-family development is consistent with the surrounding neighborhood. The Spanish/Mediterranean architecture of the structure will be a positive addition to the street scene.</p>

**ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA):**

The Planning Division completed an initial environmental assessment for the above matter in accordance with the California Environmental Quality Act (CEQA). It was determined that the project is categorically exempt per CEQA Guidelines Section 15303, as a Class 3. Staff position is the project is exempt because it consists of the new construction of a multi-family development of less than six units in an urbanized residential zone.

**COASTAL COMMISSION REVIEW**

The subject property is located within the Coastal Zone. On July 18, 2008 the Coastal Commission approved the project. No additional Coastal Commission review of the application is required because the scope of the project has not changed.

**ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES**

1. The Planning Commission can concur with staff and approve CHP 12-359.

*This action would result in the owner being able to construct the multi-family development subject to the Conditions of Approval.*

2. The Planning Commission can, at its discretion, add, modify or delete provisions of the proposed project or conditions.

*This action would result in any modifications being incorporated into the project, such as architectural modifications to reduce the massing of the project or improve the design.*

3. The Planning Commission can deny CHP 12-359.

*This action would result in the denial of the project.*

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission approve CHP 12-359, Cazador Four-Plex, subject to the attached Resolution and Conditions of Approval.

*Attachments:*

1. Resolution
2. Vicinity Map
3. DRSC December 12, 2012 Minutes
4. Photos  
Plans

**RESOLUTION NO. PC 13-021**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 12-359 CAZADOR FOUR-PLEX, A REQUEST TO DEMOLISH AN EXISTING RESIDENCE AND CONSTRUCT A FOUR UNIT RESIDENTIAL DEVELOPMENT THAT IS WITHIN 300 FEET OF AN HISTORIC STRUCTURE AT 301 CAZADOR LANE**

**WHEREAS**, on October 17, 2012, an application was submitted, and completed on April 18, 2013, by Rick Moser, 21296 Monterra, Lake Forest, CA 92630, for a request to demolish an existing residence and construct a multi-family development consisting of four dwelling units. The project is located within 300 feet of an historical structure and is within the Residential Medium zoning district and Coastal Zone (RM-CZ) at 301 Cazador Lane, the legal description being Lot 1, of Block 10, of Tract 822; and

**WHEREAS**, the Planning Division has determined that the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303, as a Class 3 exemption as it consists of the new construction of a multi-family development less than six units in an urbanized residential zone; and

**WHEREAS**, on October 18, 2012, February 14, and April 4, 2013, the City's Development Management Team reviewed the proposed project for compliance with the General Plan, Zoning Ordinance, and other applicable City ordinances and codes; and

**WHEREAS**, on December 12, 2012, the City's Design Review Subcommittee considered the proposed project and provided comments to the applicant; and

**WHEREAS**, on May 22, 2013, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by the applicant, City staff, and other interested parties.

**NOW, THEREFORE**, the Planning Commission of the City of San Clemente hereby resolves as follows:

**Section 1:** The project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303, as a Class 3 exemption as it consists of the new construction of a multi-family development less than six units in an urbanized residential zone; and

**Section 2:** With respect to CHP 12-359, the Planning Commission finds as follows:

- A. The proposed architectural treatment of the project complies with the San Clemente General Plan in that the project adheres to the policies and objectives of the City's Design Guidelines, and Zoning Ordinance. The project has been reviewed and accepted by the City's Historic Preservation Officer to ensure impacts to the historic

resource will be minimal because of the separation between the project site and the historic house.

- B. The architectural treatment of the project complies with the Zoning Ordinance and the development standards outlined in the San Clemente Municipal Code, including but not limited to height, lot coverage, setbacks, and parking requirements.
- C. The architectural treatment of the proposed project complies with the architectural guidelines in the City's Design Guidelines. The massing and architectural style of the project has been reviewed and has been determined to be in accordance with the goals and policies of the City's Design Guidelines because of the Spanish/Mediterranean design of the building.
- D. The general appearance of the proposed project is in keeping with the character of the neighborhood. The residences in the surrounding neighborhood are one and two stories with various architectural styles. The proposed four-plex will be two stories and will have Spanish/Mediterranean architecture that will be compatible with the mix of architectural styles in the neighborhood.
- E. The proposed project will not be detrimental to the orderly and harmonious development to the City as it is a multi-family residence located within the Residential Medium (RM) zoning district. A multi-family residence is consistent with the purpose and intent of the zoning district and the project complies with all applicable development standards for the RM zone.
- F. The proposed project will not have negative visual or physical impacts upon the historic structure. The distance and existing developments between the proposed development and the historic residence minimizes any massing impacts. The residence will be located approximately 120 feet from the closest point to the historic structure and is separate by a street and an existing residence. Therefore, the proposed project is not anticipated to have negative visual or physical impacts to the historic structure.

**Section 3:** The Planning Commission of the City of San Clemente hereby approves CHP 12-359, Cazador Four-Plex, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit A.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of San Clemente on May 22, 2013.

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Chair

**TO WIT:**

I **HEREBY CERTIFY** that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of San Clemente on May 22, 2013, and carried by the following roll call vote:

**AYES:**           COMMISSIONERS:  
**NOES:**           COMMISSIONERS:  
**ABSTAIN:**       COMMISSIONERS:  
**ABSENT:**        COMMISSIONERS:

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Secretary of the Planning Commission



EXHIBIT A

**CONDITIONS OF APPROVAL  
CHP No. 12-359  
Cazador Four-Plex**

1. 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 the obligation 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. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)\_\_\_\_\_
  
2. Thirty (30) days after project approval, the owner or designee shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)\_\_\_\_\_
  
3. Prior to receiving a building permit, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that approval by the California Coastal Commission has been obtained for the development. (PIng.)\_\_\_\_\_
  
4. Prior to issuance of grading and/or building permits, the owner or designee shall submit for review and approval by the Community Development Director and Director, Beaches, Parks and Recreation or designees, a detailed landscape and

irrigation plan incorporating drought tolerant plants, for medians, parkways, public trails, fuel modification areas, common areas, and slopes, and other landscaped areas, prepared by a registered landscape architect, and in compliance with all pertinent requirements including, but not limited to guidelines contained in the City's Master Landscape Plan of Scenic Corridors. [Citation – Section 17.68.020.B.2 of the SCMC] (PIng.)\_\_\_\_\_ (B,P&R) \_\_\_\_\_

- 5. Thirty (30) days after project approval, the owner or designee shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. [Citation – City Attorney Legal Directive/City Council Approval June 1, 2010] (PIng.)\_\_\_\_\_

A use shall be deemed to have lapsed, and CHP 12-359 shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the California Building Code, as amended. [Citation - Section 17.12.150.C.1 of the SCMC] (PIng.)\_\_\_\_\_

- 6. The owner or designee shall have the right to request an extension of CHP 12-359 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall be subject to review and approval in accordance with Section 17.16.160 of the Zoning Ordinance. [Citation - Section 17.12.160 of the SCMC] (PIng.)\_\_\_\_\_

- 7. CHP 12-359 shall become null and void if the use is not commenced within three (3) year from the date of the approval thereof. 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. [Citation - Section 17.12.150.A.1 of the SCMC] (PIng.)\_\_\_\_\_

A use shall be deemed to have lapsed, and CHP 12-359 shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the California Building Code, as amended. [Citation - Section 17.12.150.C.1 of the SCMC] (PIng.)\_\_\_\_\_

- 8. The owner or designee shall have the right to request an extension of CHP 12-359 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall be subject to review and approval by the final decision making authority that ultimately approved or conditionally approved the original application. [Citation - Section 17.12.160 of the SCMC] (PIng.)\_\_\_\_\_

- 9. Prior to issuance of certificate of occupancy, the project shall be develop in conformance with the site plan, floor plans, elevations, details, and any other applicable submittals approved by the Planning Commission on May 22, 2013, subject to the Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, details, or other approved submittal shall require that the owner or designee submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Zoning Administrator. *[Citation - Section 17.12.180 of the SCMC]* (PIng.)\_\_\_\_\_

10. Prior to the issuance of the Certificate of Occupancy, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that all exterior lighting is designed, arranged, directed or shielded per the approved plans, and in such a manner as to contain direct illumination on site, thereby preventing excess illumination onto adjoining site(s) and/or street(s). *[Citation – Section 17.24.130 of the SCMC]* (PIng.)\_\_\_\_\_

11. Prior to issuance of certificates of occupancy, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that the stucco on the entire structure is a smooth finish with slight undulations, painted the approved color. *[Citation – City of San Clemente Design Guidelines, November 1991]* (PIng.)\_\_\_\_\_

12. Prior to issuance of certificates of occupancy, the owner or designee shall demonstrate to the satisfaction of the City Building Official or designee that the project has been constructed in conformance with the approved sets of plans and all applicable, codes, ordinances, and standards. *[Citation – Appendix 1, Section 110 of the California Building Code]* (Bldg.)\_\_\_\_\_

13. Prior to issuance of building permits, the owner or designee shall submit for review and obtain approval of the City Planner or designee for plans indicating the following: (PIng.)\_\_\_\_\_

A. Two-piece clay tile roofing shall be used with booster tiles on the edges and ridges and random mortar packing. The mortar shall be packed on 100 percent of the tiles in the first two rows of tiles and along any rake and ridgeline, and shall be packed on 25 percent of the tiles on the remaining field. Mortar packing shall serve as bird stops at the roof edges. The volume of mortar pack to achieve the appropriate thickness shall be equivalent to a 6 inch diameter sphere of mortar applied to each tile. *[Citation – City of San Clemente Design Guidelines, November 1991]*

B. Stucco walls with a ‘steel, hand trowel’ (no machine application), smooth Mission finish and slight undulations (applied during brown coat) and bull-nosed corners and edges, including archways (applied during lathe), with no control/expansion joints. *[Citation – City of San Clemente Design Guidelines, November 1991]*

14. A separate Building Permit is required. Plans to construct new building, add or alter the existing building configuration, change in use, add or alter structural,

mechanical, electrical or plumbing features of the project must be reviewed and approved through a separate building plan check / permit process. [S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20] (Bldg.)\_\_\_\_\_

15. Prior to issuance of building permits, applicant shall secure all utility agencies approvals for the proposed project. (Bldg.)\_\_\_\_\_ [S.C.M.C – Title 15 Building Construction]

16. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to, the Zoning Ordinance, Grading Code, Security Ordinance, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 of the California Code of Regulations as adopted by the City including, but not limited to the California Administrative, Building, Electrical, Plumbing, Mechanical, Energy, Green, and Fire Codes. (Bldg.)\_\_\_\_\_ [S.C.M.C – Title 8 – Chapter 8.16 – Fire Code, Title 15 Building and Construction Chapters 15.08, 15.12, 15.16, 15.20, 15.21, Title 16 Subdivisions, Title 17 Zoning]

17. Prior to the issuance of building permits, the owner or designee shall submit plans that identify the intended use of each building or portion of building and obtain approval of the Building Official. (Bldg.)\_\_\_\_\_ [S.C.M.C – Title 15 – Chapter 15.08]

18. Prior to the issuance of building permits, the owner or designee shall pay all applicable development fees in effect at the time, which may include, but are not limited to, Regional Circulation Financing and Phasing Program (RCFPP), park acquisition and development, water and sewer connection, drainage, Public Facility Construction, transportation corridor, Avenida La Pata Supplemental Road Fee and school fees, etc. (Bldg.)\_\_\_\_\_ [S.C.M.C. – Title 15 Building and Construction, Chapters 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]

19. Prior to issuance of building permits, the owner or designee shall submit a copy of the City Engineer approved soils and geologic report, prepared by a registered geologist and/or soil engineer, which conforms to City standards and all other applicable codes, ordinances, statutes and regulations. The soils report shall accompany the building plans, engineering calculations, and reports. (Bldg.)\_\_\_\_\_ [S.C.M.C – Title 15 – Chapter 15.08 – Appendix Chapter 1 – Section 106.1.4]

20. Prior to the Building Division's approval to pour foundations, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer that is licensed to do surveying or land surveyor has certified that the forms for the building foundations conform to the front, side and rear setbacks are in conformance to the approved plans. [S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24] (Bldg.)\_\_\_\_\_

- 21. Prior to the Building Division's approval of the framing inspection, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer that is licensed to do surveying or land surveyor has certified that the height of all structures are in conformance to the approved plans. (Bldg.)\_\_\_\_\_   
 [S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24]
  
- 22. Fire sprinkler system required throughout the building, including the attached garages. (Bldg.)\_\_\_\_\_   
 [S.C.M.C – Title 15 – Chapter 15.08]
  
- 23. Underground utilities required. Overhead wiring shall not be installed outside on private property. All utility services located within the site to be installed underground. (Bldg.)\_\_\_\_\_   
 [S.C.M.C – Title 15 – Chapter 15.12-Electrical Code]

**Fees and Plan Check Deposit**

- 24. Prior to the review of plans, soils report and documents for issuance of Grading Permits, the owner or designee shall deposit minimum \$5,000.00 for Engineering Department plan check. [Citation – Fee Resolution No. 08-81] (Eng.)\_\_\_\_\_
  
- 25. Prior to issuance of the building permit, the owner shall pay all applicable development fees, which may include, but are not limited to, City Attorney review, park acquisition and development, water and sewer connection, drainage, grading, RCFPP, transportation corridor etc. [Citation – Fee Resolution No. 08-81& S.C.M.C. Title 15, Building and Construction, Sections 15.52, 15.56, 15.60, 15.64, 15.68, 15.72] (Eng.)\_\_\_\_\_

**Reports –Soils and Geologic, Hydrology**

- 26. Prior to issuance of grading permits, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for, a soils and geologic report prepared by a registered geologist and/or geotechnical engineer which conforms to City standards and all other applicable codes, ordinances and regulations. [Citation – Section 15.36 of the SCMC] (Eng.)\_\_\_\_\_
  
- 27. Prior to issuance of grading permits, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for a hydrology and hydraulic study prepared by a registered civil engineer to determine the sizes and locations of all on-site drainage facilities in accordance with all applicable City regulations and standards. [Citation – Section 15.36 of the SCMC] (Eng.)\_\_\_\_\_

**Grading**

- 28. Prior to issuance of any permits, the owner shall submit for review, and obtain the approval of the City Engineer or designee, a precise grading plan as required

by the City Grading Manual and Ordinance. As part of the Grading Plan, parking stalls adjacent to walls or structures shall be 11.5 feet wide unless approved by the city Engineer. *[Citation – Section 15.36 of the SCMC]* (Eng.)\_\_\_\_\_

- 29. Prior to issuance of grading permits, the City Engineer shall determine that development of the site shall conform to general recommendations presented in the geotechnical studies, including specifications for site preparation, treatment of cut and fill, soils engineering, and surface and subsurface drainage. *[Citation – Section 15.36 of the SCMC]* (Eng.)\_\_\_\_\_

**Improvements**

- 30. Prior to issuance of any grading permits, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for frontage improvement plans, including but not limited to the following provisions: *[Citation – Section 15.36, 12.08.010, and 12.24.050 of the SCMC]* ■ (Eng.)\_\_\_\_\_

- A. Per City Municipal Code Section 12.08.010 (A), when building permit valuations exceed \$50,000, the owner or designee shall construct sidewalk along the property frontage. This includes construction of compliant sidewalk up and around drive approaches to meet current City standards when adequate right-of-way exists. Since the right-of-way may not be adequate according to the current plans, a sidewalk easement may be required if deemed necessary by the City Engineer.

- B. An Engineering Department Encroachment Permit will be required for all work in the public right-of-way. The frontage improvement plan shall include detailed topographic construction detail to show that current city standards are to be met including but not limited to, the construction of sidewalk up and around drive approaches, where applicable, with a minimum width of 4 feet at no more than 2% cross fall.

- C. Replace the damaged existing retaining wall along the property line between the two properties on the Cazador Lane side. No walls shall encroach into the right of way.

- D. Improvement Plans shall include the upgrade of the adjacent median island for installation of pedestrian access ramps and realignment of the Stop Bar striping, if deemed necessary by the City Engineer.

**Land Use & Easements**

- 31. The owner or designee shall provide access gate through the parking area at the south east end of the property within the City’s drainage easement to allow the City access to the drainage easement east of the property. *[Citation – Section 15.36 of the SCMC]* ■■ (Eng.)\_\_\_\_\_

32. Prior to issuance of any grading permits, the owner shall provide documentation confirming that all applicable easements conflicting with the proposed improvements have been quit claimed or relocated to the satisfaction of the easements' owners, or that the easement holder approves of the improvements within their easement(s). All documents shall be approved by City Engineer or designee. *[Citation – Section 15.36 of the SCMC]* (Eng.) \_\_\_\_\_
33. Prior to final release of any grading permits, the owner shall, if required by the City Engineer, grant necessary sidewalk easements to the City for sidewalk to go up and around the drive approaches. *[Citation – Section 15.36, 12.08.010, and 12.24.050 of the SCMC]* ■ (Eng.) \_\_\_\_\_

### **Drainage**

34. All storm water shall be conveyed directly to an approved storm drain system. No storm water from newly paved parking areas or structures shall sheet flow over the driveways or sidewalks. *[Citation – Section 15.36 of the SCMC]*(Eng.) \_\_\_\_\_

### **NPDES**

35. Prior to issuance of any grading permit, the owner shall demonstrate to the satisfaction of the City Engineer that the project meets all requirements of the Orange County National Pollutant Discharge Elimination System (NPDES) Storm Drain Program, and Federal, State, County and City guidelines and regulations, in order to control pollutant run-off. The owner shall submit for review, and shall obtain approval of the City Engineer for, plans for regulation and control of pollutant run-off by using Best Management Practices (BMP's). *[Citation – Section 13.40 of the SCMC]* (Eng.) \_\_\_\_\_
36. Prior to issuance of any grading permit, the owner or designee shall submit for review a project binder containing the following documents: *[Citation – Section 13.40 of the SCMC]* (Eng.) \_\_\_\_\_
- A. For all projects that are greater than one (1) acre, a Notice of Intent (NOI) for coverage under the General Construction Storm Water Permit must be filed with the State Water Resources Control Board <http://www.waterboards.ca.gov/stormwtr/construction.html> and a copy of the NOI, a WDID number and a copy of the Storm Water Pollution Prevention Plan (SWPPP) must be filed with the City.
- B. If the project is determined to be a "Priority Project" at the time of permit issuance (as defined by the Orange County Municipal Storm Water Permit available at <http://www.waterboards.ca.gov/sandiego/programs/ocstormwater.html>) a final Water Quality Management Plan (WQMP) must be recorded with the Orange County Recorder's Office and filed with the City. Design features of the WQMP shall be incorporated into the Grading Plans. Trash enclosures may be required to be covered if required by the City Engineer.

**Financial Security**

- 37. Prior to issuance of any grading permits, the owner or designee shall provide separate improvement bonds or irrevocable letters of credit, as determined by the City Engineer, if required by the project, for 100% of each estimated improvement cost, as prepared by a registered civil engineer as required and approved by the City Attorney and the City Engineer or their designees, for each, but not limited to, the following: rough grading; precise grading; frontage improvements; sidewalks; sewer lines; water lines; storm drains; and erosion control. In addition, the owner or designee may be required, if deemed necessary by the City Engineer, to provide separate labor and material bonds or irrevocable letters of credit for 100% of the above estimated improvement costs. *[Citation – Section 15.36 of the SCMC]* (Eng.)\_\_\_\_\_

**Noise**

- 38. Prior to the issuance of grading permit, the owner or designee shall provide evidence acceptable to the City Engineer that all construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with operating and maintained mufflers. *[Citation – Sections 8.48 & 10.48 of the SCMC]* (Eng.)\_\_\_\_\_

**CONDITIONS TO BE SATISFIED PRIOR TO CERTIFICATES OF OCCUPANCY**

- 39. Prior to issuance of certificates of occupancy, the owner shall demonstrate to the satisfaction of the City Engineer and City Maintenance Manager or their designees that all frontage improvements have been completed and accepted and that any damage to new or existing street right-of-way during construction have been repaired/replaced. *[Citation – Title 12 of the SCMC]*(Eng.)\_\_\_\_\_(Maint.)\_\_\_\_\_

**CONDITIONS TO BE SATISFIED PRIOR TO RELEASE OF FINANCIAL SECURITY**

- 40. Prior to release of financial security, the owner or designee shall have completed the stenciling of all catch basins and/or storm drain inlets with labels 3" high in black letters, on either the top of the curb or the curb face adjacent to the inlet "NO DUMPING - DRAINS TO OCEAN". These markers shall be maintained in good condition by the Property Owners Association. Also, the owner or designee shall insure that all catch basins have filter basket inserts. *[Citation – Section 13.40 of the SCMC]* (Eng.)\_\_\_\_\_

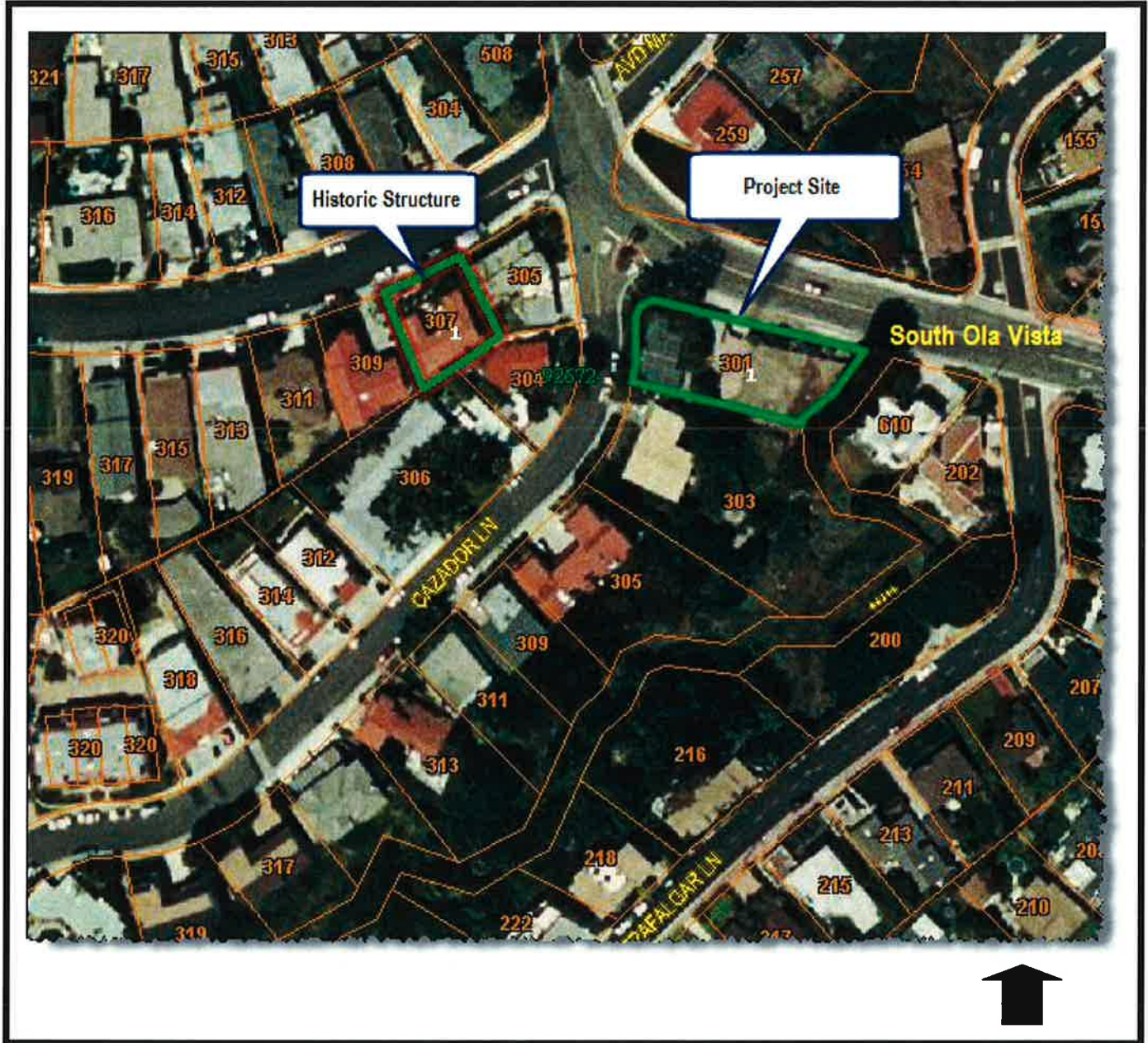
\* All Conditions of Approval are standard, unless indicated as follows:  
 ■ Denotes a modified standard Condition of Approval  
 ■■ Denotes a project specific Condition of Approval





# LOCATION MAP

CHP 12-359, Cazador Four-Plex  
301 Cazador Lane



**B. Cultural Heritage Permit 12-311, 119 Boca (Ciampa)**

A request to construct a 5,380 square foot, duplex on a vacant lot within the Residential Medium zoning district Architectural Overlay (RM-A) and adjacent to the historic Ole Hanson Beach Club. The project is located at 119 Boca De La Playa, Legal Description being Lot 45, Block 4, of Track 821.

Planner Ciampa presented the proposed project.

The applicant's architect, Tim Wilkes, reviewed the modifications made based on the comments provided by the DRSC at the October 24, 2012 meeting.

The DRSC was in favor of the changes made to the tower, second floor deck, garage doors and segmented arched window on the front elevation. The DRSC did feel that the third level deck and guardrail should be one uniform material so that the elevation is simplified.

The DRSC was in favor of the design of the project and recommended the third level deck be modified prior to the Planning Commission Public Hearing.

**C. Cultural Heritage Permit 12-359, Cazador 4-Plex (Ciampa)**

A request to demolish a house and construct a 4-plex within 300 feet of a historic house. The property in the Residential Medium Zoning (RM) District located at 301 Cazador Lane, Legal Description being Lot 1, Block 10 of Tract 822.

Planner Ciampa presented the proposed project.

Subcommittee Member Kaupp recommended that the corbels not extend beyond the stucco walls. It was also recommended for the removal of the outlookers, wrought iron railing on top of the entry gate and the windows on the garage doors.

Subcommittee Member Darden asked the applicant if the windows and window frames were proposed to be vinyl. The applicant, Rick Moser, stated that the windows were proposed to be vinyl to reduce maintenance costs but they would be willing to change the material if it was a low maintenance product. The DRSC recommended the applicant change the windows to fiberglass and the window frames to stucco. The applicant agreed to the recommended modifications.

Subcommittee Member Crandell recommended thickening the narrow walls that are out of proportion with the building and thickening the wall on the north elevation to remove the unnecessary pop out around the second story window.

The applicant agreed to all of the DRSC recommendations.

The DRSC expressed support of the project design and felt that it could move forward to the Planning Commission with the recommended modifications.

**D. Cultural Heritage Permit 11-318/Variance 12-358/Minor Exception Permit 12-410, Markuson Residence (Wright)**

A request to construct a 2,312 square foot, two-story residence with zoning exceptions, including a Variance for a reduction of the required front yard setback and garage setback, and a Minor Exception Permit for a reduction of the required side yard setbacks. The site is located at 168 W. Avenida San Antonio across the street from a historic structure and is within the Residential-Low Density, Coastal Overlay zoning district (RL-CZ). The legal description is Block 3, Lot 38 of Tract 852 and Assessor's Parcel Number 692-212-35.

Planner Wright presented the proposed project.

Subcommittee member Darden recused herself from acting on this item because she owns property in proximity to the project site.

Subcommittee member Crandell said staff should present solid reasons for the requested variance when it is presented to the Planning Commission. In his opinion, variances should only be given when there is a hardship, that is proven; not based on what other properties have been able to do in a neighborhood. Planner Wright explained such evidence will be presented to the Planning Commission.

The subcommittee expressed support of the project as proposed and forwarded the item to the Planning Commission.

**E. Minor Cultural Heritage Permit 12-356, Day Apartment Complex (Atamian)**

Assistant Planner Adam Atamian summarized the staff report.

Subcommittee member Darden stated that she understands the aesthetic choice for the railings in the context of the building, but that the project does not meet the requirements of the Design Guidelines and she could not see how the Design Review Subcommittee could support it. Subcommittee member Crandell stated that the design is not in keeping with the style of the building. He understands that the new railing would improve safety, but that the railing should be more consistent with the architectural style of the building, noting that the mounting of the railing on the fascia is not an issue.



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