




STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: January 23, 2013

PLANNER: John Ciampa, Associate Planner 

SUBJECT: Cultural Heritage Permit (CHP) 12-027, Minor Exception Permit 12-086, Skillman Residence, a request to consider the construction of a house that is adjacent to two historic houses. The project also proposes walls that exceed 42 inches within the required setbacks and a pool within the front yard setback. The project site is located at 240 Avenida La Cuesta within the Residential Low (RL-2) zoning district.

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.

Minor Exception Permit (MEP), Section 17.16.090

- a. The requested minor exception will not interfere with the purpose of the zone or the standards of the zone in which the property is located; and
- b. The neighboring properties will not be adversely affected as a result of the approval or conditional approval of the Minor Exception Permit; and
- c. The approval or conditional approval of the Minor Exception Permit will not be detrimental to the health, safety or welfare of the general public.

BACKGROUND

This is a request to construct a two story house that is adjacent to two historic houses. The project also requests six foot walls and a pool within the required setbacks. The property is within the Residential Low, 2 overlay (RL-2) zoning district. The lot is surrounded by single-family houses. In 1999, a residential project was approved for the subject property by the City Council that has since expired and the property was sold to Mr. Skillman who is pursuing a new project.

Abutting historic resources at 233 and 243 Avenida La Cuesta

The historic structures are located across the street from the subject property. The residence at 243 Avenida La Cuesta is a two story single family residence situated at the top of a slope approximately 15 feet above the street. The house was built in 1929 and designed by architect Paul Williams in a traditional Spanish Colonial Revival design. It is on the National Register of Historic Places as an individual property. The 4,400 square foot house is located on a 28,000 square foot lot and is approximately 140 feet from the proposed house.

The other historic structure at 233 Avenida La Cuesta is located diagonally across the street to the east of the subject property. The house is a two story structure designed by architect Aubrey St. Clair. The house was built in 1941 and is designed in the Hollywood Regency style. The house is screened from the street and is situated at the top of a slope approximately 140 feet from the proposed house.

Development Management Team

The City's Development Management Team (DMT) reviewed the applicant's request and determined the project meets the applicable requirements. Conditions of approval are recommended and are included in the attached draft resolution.

Noticing

Public notices were distributed and posted per City and State requirements. Staff received comment letters from the owner of the adjacent historic structure at 243 Avenida La Cuesta (Attachment 7)

PROJECT DESCRIPTION

The Skillman's propose to construct a 3,876 square foot two story house on a 9,010 square foot lot. The project includes six foot walls, fencing and a pool within the required setback areas. The design of the house is contemporary Spanish with smooth stucco walls, clay tile roof and wrought iron railings elements. The house is one story from the Avenida La Cuesta frontage and two stories along the Patero De Oro frontage because the house steps down the hillside. Six parking spaces are provided with two garages. The primary access to the house is off of Avenida La Cuesta.

Development Standards

Table 1 outlines how the project meets the RL-2 development standards:

Table 1 - Development Standards

	Zoning Ord. Requirements	Proposed
Building Height Maximum	25'	25'
Setbacks (Minimum):		
<ul style="list-style-type: none"> • Front (corner of La Cuesta and Patero De Oro) • Street Side Yard (La Cuesta) • Street Side Yard (Patero De Oro) • Rear Yard • Garage 	<p>20'</p> <p>10'</p> <p>10'</p> <p>10'</p> <p>18'</p>	<p>20'</p> <p>10'</p> <p>20'</p> <p>10'</p> <p>18'</p>
Lot Coverage	50%	34%
Required Parking (Minimum):	2 spaces	6 spaces

Lot Coverage

In 1999 when the previous entitlement was proposed, the neighbor raised concern that the plans stated the lot size was larger than the County Assessor’s records. The County records show the lot size as 6,500 square feet, were the applicant showed the lot is 9,069 square feet. The 1999 Staff report confirmed the lot size was 9,069 based on analysis that was done by the applicant. The same concern has been raised once more with the current application (Attachment 8). The Executive Management Team required the applicant to provide an engineering survey of the property to ensure the plans are accurate. The survey (Attachment 4) completed by Alpine Engineering, confirms the lot is 9,010 square feet and the Orange County Records are incorrect. Alpine also stated to staff that there are no monuments on the property to identify the property lines. To ensure the house and walls are located on the subject property and conform to the required setbacks Planning and Engineering have added Condition of Approval 25 that requires a Topographic Boundary Survey and a standard Line & Grade Letter. The condition will require the applicant to verify the property lines prior to the issuance of building to formally establish the property lines of the lot.

Architecture

The proposed architecture is contemporary Spanish which complements the adjacent historic houses without detracting attention from them. The project’s architecture is in character with the neighborhood which is a mix of architecture, including Spanish Colonial Revival (historic houses), modern and contemporary Spanish design. The structure is not located in an Architectural Overlay

district so Spanish Colonial Revival (SCR) design guidelines do not apply. The front building line along La Cuesta is staggered to break up the massing and provide articulation. To achieve the contemporary Spanish design the applicant proposes a smooth tan mission plaster finish and terra cotta roof tile, corniced boxed in eaves, decorative wrought-iron railings, and covered balconies. To reduce the massing along the Patero De Oro frontage the architect, James Chinn, recessed the garage doors six feet from the archway to provide a visual recess and create a shadow area.

PROJECT ANALYSIS

Cultural Heritage Permit (CHP)

The proposed project requires a CHP because the house is adjacent to two historic houses. The Cultural Heritage Permit ensures the project does not negatively visually or physically impact the historic structures and is consistent with the Design Guidelines.

The project meets the CHP findings in the following ways: 1) the single story along Avenida La Cuesta limits the visibility and massing of the project next to the historic structures. The two story portion of the house is on the Patero De Oro side of the property where the historic structures are not visible. 2) Both historic structures are located approximately 140 feet from the proposed house and are at the top of the slope which is 25 feet above the grade of the site. 4) The design of the house is a contemporary Spanish design that compliments the historic houses and is consistent with the neighborhood and the Design Guidelines.

Minor Exception Permit (MEP)

The MEP is required for two reasons: 1) to allow wall and fence heights of six feet in the required front and street side yard setbacks, and 2) to allow a pool within the front yard setback of the lot. The steep topography of the lot and its irregular shape requires walls and fencing to exceed 42 inches to create the maximum usable area for the yard and provide privacy to the owners. The increased wall/fence heights are also required to comply with the Building Code's pool barrier requirement. The project meets the required findings for the following reasons: 1) The fencing and pilaster design along the Avenida La Cuesta frontage still contribute to the street screen and will not create a visual impacts because of the transparency of the fencing and the addition of the landscaping. 2) The request is consistent with the neighborhood because there are examples of properties that have hedges, garages and houses that are along the street frontage that are six feet. 3) The Engineering Division reviewed the walls at the intersection of Avenida La Cuesta and Patero De Oro and confirmed they will not create any line of sight obstructions.

The shape and topography of the lot make it difficult to create a usable outside area. The MEP allows the pool to be located within the front yard setback (intersection of La Cuesta and Patero De Oro) where the lot is the flattest. The MEP for the pool meets the required findings for the following reasons: 1) The location of the pool in the front yard setback will not impact the adjacent uses because there are no houses that are adjacent to the pool. 2) The pool would be screened by the proposed landscaping and the solid wall along Patero De Oro.

Design Review Subcommittee review

Table 2 summarizes the concerns raised by the Design Review Subcommittee DRSC on the August 1, 2012, meeting. The DRSC supported the proposed design with the following recommended modifications.

<i>DRSC Concerns</i>	<i>Applicants Modifications</i>
The plans should reflect where the sidewalk is required and where a Sidewalk Waiver was received.	Modified as requested. Sidewalk will be provided along Avenida La Cuesta and a Sidewalk Waiver was received along Patero De Oro as shown on the plans.
Revise the wall design to provide a more open street scene.	Modified as requested. Pilasters and open fencing is used to provide an open street scene along Avenida La Cuesta.
Provide additional design elements to reduce the massing of the Patero De Oro frontage.	Modified as requested. On the Patero De Oro frontage the windows over the garage doors were removed to reduce the visual height, also, the garage doors are recessed 6 feet from the archway.
Provide a window sill detail and identify on the plans where they will be located.	Modified as requested.

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

Policies and Objectives	Consistency Finding
Policy 1.2.9 <i>Require that new residential development in existing residential neighborhoods be compatible with existing structures.</i>	Consistent. The proposed colors, finish, and materials are in character with various architecture styles in the neighborhood.

<p><i>Policy 10.3.6 Through the design review process, encourage that new development is compatible with adjacent existing historical structures.</i></p>	<p><i>Consistent.</i> The massing of the residence is consistent with neighboring development in terms of size and scale. The project reduces visual and massing by having only one level exposed to the adjacent to the historic houses.</p>
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ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA):

The Planning Division completed an initial environmental assessment of the project per the California Environmental Quality Act (CEQA). Staff recommends the Planning Commission determine the project is categorically exempt per CEQA Guidelines Section 15303(a) as a Class 1 exemption because the project is limited to the development of a single house and assessor structures including walls, fencing, and a pool.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff and recommend approval of the proposed project.

This is the recommended action. This action would result in the adoption of Resolution No. PC 13-005, allowing the construction of the house, increased wall heights in the setback areas and a pool in the front yard setback area.

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 detail, finish, massing changes or modifications to conditions of approval.

3. The Planning Commission can recommend denial of the proposed project.

This action would result in not denying the construction of the house, increased wall heights in the setback areas and a pool in the front yard setback area. This would require staff to draft a new resolution for denial of the project. The Commission should cite reasons or findings for its denial. This action is appealable to the City Council.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approve CHP 12-027, MEP 12-086, Skillman residences, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution PC13-005
2. Location Map
3. DRSC Minutes from August 1, 2012
4. Letter from Alpine Engineering Inc.
5. Photographs
6. DPR forms for 233 and 243 Avenida La Cuesta
7. Photograph of materials board
8. Public comments

Plans

RESOLUTION NO. PC 13-005

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 12-027 AND MINOR EXCEPTION PERMIT 12-086, SKILLMAN RESIDENCE, A REQUEST TO CONSTRUCT A HOUSE THAT IS ADJACENT TO TWO HISTORIC HOUSES WITH WALLS AND A POOL THAT ARE WITHIN THE REQUIRED SETBACKS AT 240 AVENIDA LA CUESTA

WHEREAS, on January 24, 2012 an application was submitted, and deemed complete on December 17, 2012, by Steve Young, P.O. Box 73356, San Clemente CA 92673, a request to construct a house that is adjacent to two historic houses with walls and a pool that are within the required setbacks. The project site is within the Residential Low, 2 overlay (RL-2) zoning district. The legal description is Lot 179, of Tract 898, and Assessor's Parcel Number 057-072-34; and

WHEREAS, the Planning Division has completed an initial environmental assessment of the above matter in accordance with the California Environmental Quality Act (CEQA) and recommends that the Planning Commission determine the project categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15303(a) the project is limited to the development of a house and accessory structures such as walls, fences, and a pool; and

WHEREAS, on August 23, July 5, and December 12, 2012 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 August 1, 2012, the City's Design Review Subcommittee considered the project and supports it as proposed; and

WHEREAS, on January 23, 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(a) the project is limited to the development of a house and accessory structures such as walls, fences, and a pool; and

Section 2: With regard to Cultural Heritage Permit (CHP) 12-027, the Planning Commission finds as follows:

- A. The proposed architectural style of the project complies with the San Clemente General Plan. The project adheres to the policies and objectives of the City's

Design Guidelines and has been reviewed and accepted by the City's Historic Preservation Officer and the Design Review Subcommittee.

- B. The project complies with the Zoning Ordinance development standards outlined in the San Clemente Municipal Code including height, setbacks, and lot coverage.
- C. The architectural treatment and massing of the project has been reviewed and is consistent with the City's Design Guidelines in that the proposed project will be harmonious with the surrounding developed neighborhood and it will not have a negative impact on the historic structures.
- D. The general appearance of the proposed project is consistent with the surrounding neighborhood. The majority of the residences are two-stories with various architectural styles. The proposed residence will be one story exposed to the historic structures, a contemporary Spanish design and compliment the historic structures. The residence is consistent with the surrounding developments and is in keeping with the character of the neighborhood.
- E. The proposed project will not be detrimental to the orderly and harmonious development to the City as it single family house located within the Residential Low, 2 overlay (RL-2) zoning district. The house is consistent with the purpose and intent of the zoning district and are in character with the neighborhood
- F. The proposed project will not have negative visual or physical impacts upon the historic resources given that the proposed house would be approximately 140 feet from the historic houses and only one-story along the La Cuesta street frontage. The architecture is complimentary to the historic structures integrity.

Section 3: With regard to Minor Exception Permit (MEP) 12-086, the Planning Commission finds as follows:

- A. The requested minor exception will not interfere with the purpose of the zone or the standards of the zone in which the property is located in that walls and pools are commonly associated with residential development.
- B. Neighboring properties will not be adversely affected as a result of the conditional approval of the Minor Exception Permit in that:
 - 1. The fencing and pilaster design along the Avenida La Cuesta frontage still contribute to the street screen and will not create visual impacts of a solid barrier because of the transparency of the fencing and the proposed landscaping.
 - 2. The request is consistent with the neighborhood because there are examples of properties that have hedges, garages and houses that are along the street frontage that exceed 42 inches.

- 3. The location of the pool in the front yard setback will not impact the adjacent uses because there are no houses that are adjacent to the property where the pool is proposed.
- 4. The pool would be screened by the proposed landscaping and the solid wall along Patero De Oro.
- B. The proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity, in that the Engineering Division reviewed increase in wall height at the intersection of Avenida La Cuesta and Patero De Oro and confirmed that there will not be any line of sight obstructions.
- C. The proposed project reduces the need for grading and allows the structure on the site to follow the natural topography, in that the location of the home on the lot preserves the integrity of the adjacent natural grade property.

Section 4: The Planning Commission of the City of San Clemente hereby approves CHP 12-027, MEP 12-086, Skillman Residence, 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 January 23, 2013.

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 January 23, 2013, and carried by the following roll call vote:

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

Secretary of the Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL
CHP 12-027, MEP 12-086, Skillman Addition

1. The owner or designee shall develop the approved project in conformance with the site plan, elevations, and any other applicable submittals approved by the Planning Commission on January 23, 2013, subject to these Conditions of Approval.

Any deviation from approved submittals shall require that, prior to the issuance of building permits, the owner or designee shall 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 Planning Commission, as appropriate. (PIng.)_____

2. 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.)_____

- 3. 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 12-027 and MEP 12-086 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.)_____

- 4. The owner or designee shall have the right to request an extension of 12-027 and MEP 12-086 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.)_____

- 5. CHP 12-027 and MEP 12-086 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 12-027 and MEP 12-086 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 12-027 and MEP 12-086 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.)_____

- 7. 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]*
8. 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) _____
9. 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, 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, Title 16 Subdivisions, Title 17 Zoning]*
10. 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]*
11. A separate Building Permit is required. Plans to construct new building 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.)_____
12. Plans lack sufficient detailed information to verify compliance with basic California Building Code requirements. Plans must include information indicating compliance with the California Residential Code and/or the California Building Code including but not

- limited to , type of construction, location on property, proposed building area within allowable area limits, proposed building height and number of stories within allowable height limits, proposed occupancy/use for building and/or portions of building, occupant loads in each portion of the building, exiting system, accessible path of travel leading up to and throughout the structure. (Bldg.)_____
- [S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]
13. Prior to issuance of building permits, code compliance will be reviewed during building plan check. (Bldg.)_____
- [S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]
14. 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]
15. 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]
16. 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. (Bldg.)_____
- [S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24]
17. 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]
18. Approved fire sprinkler system is required throughout the building including the attached garage(s).

[S.C.M.C – Title 15 – Chapter 15.08]

(Bldg.)_____

19. Underground utilities required. Overhead wiring shall not be installed outside on private property. All utility services located within the lot shall be installed underground. (Bldg.)_____
- [S.C.M.C – Title 15 – Chapter 15.12-Electrical Code]*

20. Prior to the issuance of any permits, in the event that Grading Plans are required due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, plan check fees shall be submitted for the Engineering Department plan check of soils reports and grading plans. *[Citation – Fee Resolution No. 08-81 and Section 15.36 of the SMC]* (Eng.)_____

Fees

21. Prior to the issuance of any permits, plan check fees shall be submitted for the Engineering Department plan check of soils reports and grading plans. *[Citation – Fee Resolution No. 08-81 and Section 15.36 of the SMC]* (Eng.)_____

Reports –Soils and Geologic, Hydrology

22. Prior to the issuance of any 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 SMC]* (Eng.)_____

Grading

23. Prior to the issuance of any 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 SMC]* (Eng.)_____
24. Prior to the issuance of any permits, the owner or designee shall submit for review, and obtain the approval of the City Engineer, a precise grading plan, prepared by a registered civil engineer, showing all applicable onsite improvements, including but not limited to, building pad grades, storm drains, sewer system, retaining walls, landscaping, water system, etc., as required by the City Grading Manual and Ordinance. *[Citation – Section 15.36 of the SMC]* (Eng.)_____
25. Prior to issuance of Building Permits, the surveyor or licensed civil engineer allowed to survey, shall submit a Topographic Boundary Survey and a standard Line & Grade Letter which indicates that the building pad and corners are in

conformance with the approved plans and that building foundation and exterior wall foundation are located on the property as shown on the approved plans. *[Citation – Section 15.36 of the SCMC]* ■ (Eng.)_____

Improvements

26. Prior to issuance of any 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 the drive approach to meet City standards. A sidewalk easement shall be granted to the City prior to final of permits for the portion of sidewalk within the property needed to go up and around the drive approach on Avenida La Cuesta. During the permit process the applicant filed for and was granted a waiver of sidewalk requirement along the Patero De Oro property frontage.
- 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, a modified pedestrian ramp at the corner and the construction of sidewalk up and around drive approach with a minimum width of 4 feet at no more than 2% cross fall.
- C. Non-monolithic curb and gutter shall be replaced with monolithic curb and gutter, if deemed necessary by the City Engineer.

Easements

27. Prior to issuance of any permits, the owner shall enter into a Hold Harmless Drainage Acceptance and Maintenance Agreement with the City for conveyance of street drainage from the street through the on-site drainage system. It shall be agreed upon, unless deemed an alternative approach is satisfactory per the City Attorney and City Engineer, that the property owner is to own and maintain the existing drainage pipe that is connected to the street catch basin. The pipe shall be kept in good working condition and all maintenance shall be the responsibility of the property owner. Easement documents have to be reviewed and approved by the City and recorded at the County Recorder's Office. *[Citation – Section 15.36 of the SCMC]* ■■ (Eng.)_____

NPDES

- 28. Prior to issuance of any 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.)_____
- 29. Prior to issuance of any 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. If the site is determined to be a “Priority Project” (as defined by the Orange County Municipal Storm Water Permit available at <http://www.waterboards.ca.gov/sandiego/programs/ocstormwater.html>), at the time of permit issuance, a final Water Quality Management Plan (WQMP) must be recorded with the Orange County Recorder’s Office and filed with the City. Site design plans shall incorporate all necessary WQMP requirements which are applicable at the time of permit issuance.
 - B. If a site is determined to be a “Non-Priority Project”, a final Non Priority Project Checklist must be filed with the City.

Financial Security

- 30. Prior to the issuance of any permits, the owner shall provide surety, improvement bonds, or irrevocable letters of credit for performance, labor and materials as determined by the City Engineer for 100% of each estimated improvement cost plus a 10% contingency, as prepared by a registered civil engineer as required and approved by the City Attorney or the City Engineer, for each applicable item, but not limited to, the following: grading earthwork, grading plan improvements, retaining walls, frontage improvements; sidewalks; sewer lines; water lines; storm drains; and erosion control. *[Citation – Section 15.36 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 12-027, MEP 12-086, Skillman Residence
240 Avenida La Cuesta



Not to
scale



configuration of the interchange and Pico roadway do not accommodate plantings envisioned by the City's Master Plan. Subject to the comments above the DRSC believes that the proposed landscaping, and where applicable the deviation from the City's Master Plan, are appropriate.

- The project currently includes only minor supplemental landscaping to the existing Estrella/los Mares interchange landscaping, so the DRSC inquired if this interchange could receive improved landscaping as the DRSC felt that it could use improvement. Staff will check with OCTA and Caltrans if that is possible and, if so, whether or not the City would be required to provide funding for this.

B. Minor Architectural Permit 12-221, The Habit Burger Grill (Atamian)

A request to consider exterior modifications to a suite in Ocean View Plaza located at 638 Camino De Los Mares.

Project Planner, Adam Atamian, summarized the staff report and presented the proposed plans to the Committee.

The applicant, Christopher Wadleigh, stated that the Habit Burger Grill is committed to providing high quality architecture, and that the proposed recessed patio would be sensitive to the surrounding businesses and would enhance the appeal of the shopping center.

The members of the Design Review Subcommittee agreed that the project would be a nice addition to Ocean View Plaza and that it meets the City's Design Guidelines. They had no recommendations to forward to the Zoning Administrator.

C. Cultural Heritage Permit 12-027, Skillman Residence (Ciampa)

A request to construct a new house with walls that exceed 42 inches and a pool within the required setbacks located adjacent to two historic homes. The project is located at 240 Avenida La Cuesta.

Project Planner, John Ciampa, summarized the staff report and presented the proposed plans to the Committee.

Subcommittee Members asked staff if the project proposes sidewalk on all street frontages. Staff responded that the sidewalk is proposed along the La Cuesta frontage and not along the Patero De Oro frontage. Staff stated that a waiver of the sidewalk has been requested by the applicant along the Patero De Oro frontage because of the limited right-of-way and the topography.

Subcommittee Member Crandell stated that he was fine with the design of the house in respect to the review for the Cultural Heritage Permit (CHP). He stated that the plans should have a detail of the wall. He raised concerns on the proposed height of the wall along La Cuesta and it was recommended to break the wall up with wrought iron railing segments or a split wall design that was part wall and part railing.

The applicant stated that the solid wall was for privacy and maintenance of the pool but would consider breaking up the wall with open fencing to reduce the mass of the wall.

Subcommittee Member Kaupp questioned the accuracy of the lot size and indicated the design of the home could be impacted if the lot is smaller than proposed.

The applicant responded stating that the previous approval in 1999 analyzed the lot area and confirmed the lot area is 9,069 sq. ft. They stated that they will provide additional information verifying the lot size is correct.

Subcommittee Member Kaupp also expressed concern with the massing of the structure for the Patero De Oro frontage. He stated the perceived height of the garages is too tall and the house feels large for the size of the lot and could be out of character with the neighborhood.

Steve Young, contractor for the applicant, stated that the mass of the house was moved to the Patero De Oro frontage to be sensitive to the historic structures on La Cuesta. He added that the proposed design is in response to the concerns of the house design in 1999.

Subcommittee Member Darden stated that when reviewing developments adjacent to historic houses the DRSC looks at how houses are perceived when viewing the historic houses from the public right-of-way. She stated that the DRSC tries to be consistent in their review of the structures and their massing, scale and potential impacts when viewing historic structures. She determined that she could support the project and would like to have the architect provide some additional architectural elements/features to the Patero De Oro elevation to reduce the mass of the structure.

Subcommittee Member Crandell stated that the mature landscaping proposed will help soften the massing of the south elevation. He also noted that the Planning Commission will be interested to know if there is up lighting proposed with the landscaping. He also asked that a window sill detail be provided and the plans should locate where they will be applied. It was requested by staff to find

out what the maximum and minimum driveway widths allowed by the engineering division.

Member of the public, Dena Van Slyke, voiced her concerns for the project and stated that the design, scale and mass of the proposed house is out of character with the neighborhood. She stated that the lot square footage is incorrect and will result in a redesign of the house to meet the maximum lot coverage (50%) for the RL zone.

Subcommittee Member Kaupp asked staff if the proposed project is in character with the neighborhood and how the project was analyzed to ensure that it does not impact the historic structure.

Staff explained that the proposed project is consistent with the neighborhood because it meets all of the development standards and is sensitive to the historic structures by having only one story when viewed from La Cuesta. The house design utilizes the topography to have an addition level below the top floor which results in two stories when viewed from Patero De Oro. Staff also stated that the project site has a number of constraints related to shape, location and topography. The proposed house is appropriate and consistent in size and height with other houses in the area. Staff stated that the project does not negatively impact the adjacent historic structures across the street because the La Cuesta elevation is only one story and is separated by approximately 140 feet.

The DRSC stated that they were in support of the project but wanted to ensure that when the project comes forward to the Planning Commission that the lot coverage will be verified, decision of where the sidewalk will be required will be made and the architect will look into adding additional architectural elements to soften the massing of the south elevation.

D. Minor Architectural Permit 12-164, Marcovecchio Residence Addition (Ciampa)

A request for a Minor Architectural Permit and Minor Exception Permit to allow an addition to a non-conforming single-family house located at 122 West Paseo De Cristobal.

Project Planner, John Ciampa, summarized the staff report and presented the proposed plans to the Committee.

The architect for the project, Christine Lampert, stated that the addition is needed to accommodate the growing family and the addition would keep the home as a one-story beach cottage. She stated that the non-conforming side yard setback is consistent in the neighborhood and the proposed improvements would improve the appearance of the beach cottage.

Alpine Engineering, Inc.

23011 Moulton Parkway, Suite J-12
Laguna Hills, CA 92653

Tele: (949) 855-8058
Fax: (949) 855-4058

January 16, 2013

Engineering Division
CITY OF SAN CLEMENTE
510 Calle Negocio
Suite 100
San Clemente, CA 92673

Re: Address: 240 Ave. La Cuesta, San Clemente
Portion of Lot 179, Tract 898

Subject: Property square footage

Engineering Division

Attached you will find "Exhibit A" from the preliminary title report for the referenced property. In using this description of the legal the subject property contains 9,010 square feet (plus or minus). This quantity should be used for subsequent processing for this property.

Sincerely,

ALPINE ENGINEERING, INC.



WFY/rc
attach.

William F. Young
R.C.E. 35715
Exp. 9-30-13

ORDER NO: OR0316278

EXHIBIT "A"

THAT PORTION OF LOT 179 OF TRACT NO. 888, IN THE CITY OF SAN CLEMENTE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 28, PAGE(S) 1 TO 4 INCLUSIVE OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING NORTHWESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT IN THE CURVED NORTHERLY LINE OF SAID LOT, DISTANT THEREON 71 FEET WESTERLY FROM THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTHWEST IN A STRAIGHT LINE TO A POINT IN THE CURVED SOUTHERLY LINE OF SAID LOT, DISTANT THEREON 59 FEET NORTHWESTERLY FROM THE MOST SOUTHERLY CORNER OF SAID LOT.

Skillman Residence 240 Avenida La Cuesta



Photo #1 From Center of lot looking at Avenida La Cuesta



Photo #2 Looking east to neighboring lot

Skillman Residence 240 Avenida La Cuesta



Photo#3 Looking south to Patero De Oro



Photo #4 Looking west towards the corner of Avenida La Cuesta and Patero De Oro

Skillman Residence 240 Avenida La Cuesta



Photo #5 Looking across lot towards Patero De Oro



Photo #6 Looking from the corner of Avenida La Cuesta and Patero De Oro

State of California -- The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

Prime
HRI#
Trinomial
NRHP Status Code 5S

PRIMARY RECORD

Other Listings

Review Code _____ Reviewer _____ Date _____

Page 1 of 3

Resource Name or #: 233 AVENIDA LA CUESTA

P1. Other Identifier:

P2. Location: Not for Publication Unrestricted a. County Orange
and (P2b and P2C or P2d. Attach a Location Map as necessary.)

b. USGS 7.5' Quad Date T; R; 1/4 of 1/4 of Sec ; B.M.

c. Address 233 Avenida La Cuesta City San Clemente Zip 92672

d. UTM: Zone ; mE/ mN

e. Other Locational Data: Assessor Parcel Number: 057-061-11

P3a. Description:

The property contains a two-story single family residence. The residence is largely obscured from the public-right-of-way. Designed in the Hollywood Regency style, it has a hip roof that appears to be clad in shingles. The exterior walls are clad with original smooth stucco. There is a decorative balustrade of an unknown material. The residence appears to be in good condition with good integrity.

P3b. Resources Attributes: 02 Single Family Property

P4. Resources Present: Building Structure Object Site District Element of District Other



P5b. Description of Photo:

West elevation, east view. May 2006.

P6. Date Constructed/Sources:

Historic Both
 Prehistoric

1941 (E) Tax Assessor

P7. Owner and Address:

Donchak, Andrew & Donchak, Lori Hamar
233 Avenida La Cuesta

P8. Recorded by:

Historic Resources Group, 1728
Whitley Avenue, Hollywood, CA
90028

P9. Date Recorded: 9/20/2006

P10. Survey Type:

City of San Clemente Historic
Resources Survey Update

P11. Report Citation: None.

Attachments: NONE Location Map Sketch Map Continuation Sheet Building, Structure, and Object Record
 Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record
 Artifact Record Photograph Record Other:

DPR 523A (1/95) HRG

BUILDING, STRUCTURE, AND OBJECT RECORD

Resource Name or #: 233 AVENIDA LA CUESTA

- B1. Historic Name: (Unknown)
- B2. Common Name: (Unknown)
- B3. Original Use: Single-family residential
- B4. Present Use: Single-family residential
- B5. Architectural Style: Hollywood Regency Style
- B6. Construction History:

- B7. Moved? No Yes Unknown Date: Original Location:
- B8. Related Features:

- B9a. Architect: Aubrey St. Clair b. Builder: Strang Bros.
- B10. Significance: Theme Residential Area City of San Clemente
- Period of Significance 1941 Property Type Residential Applicable Criteria C

This two-story single family residence was built for C.C. Page in 1941. Its design is attributed to noted Laguna architect Aubrey St. Clair. It was constructed by Strang Bros. The property appears eligible individually at the local level under Criterion A as a rare example of the Hollywood Regency style in San Clemente. It is recommended for retention on the Historic Structures List.

- B11. Additional Resource Attributes: 02 Single Family Property
- B12. References: Orange County Tax Assessor Records; Historic Resources Survey, Leslie Heumann and Associates, 1995.

B13. Remarks: (none)

- B14. Evaluator: Historic Resources Group, Hollywood, CA
- Date of Evaluation: 9/20/2006

(This space reserved for official comments.)



CONTINUATION SHEET

Page 3 of 3

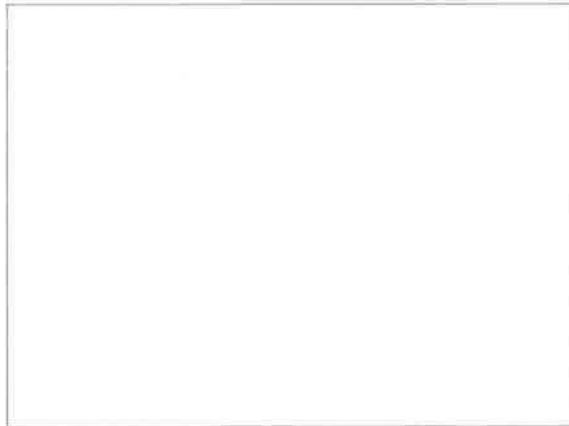
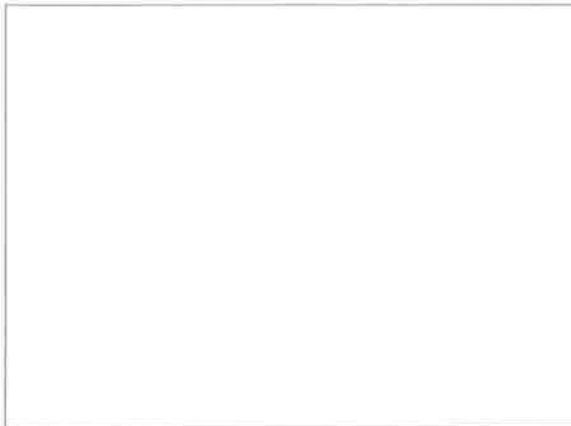
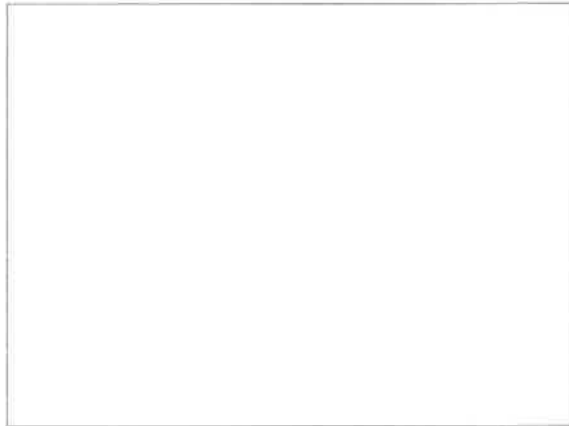
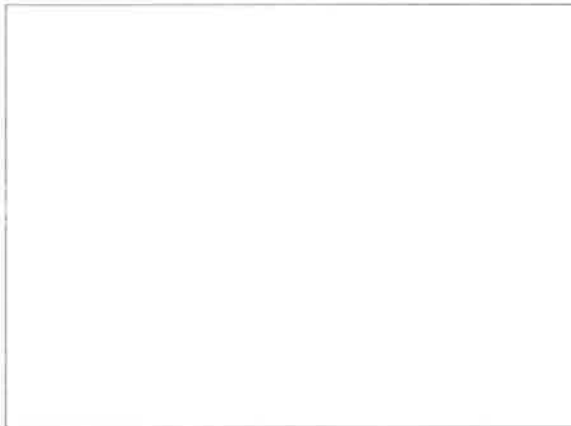
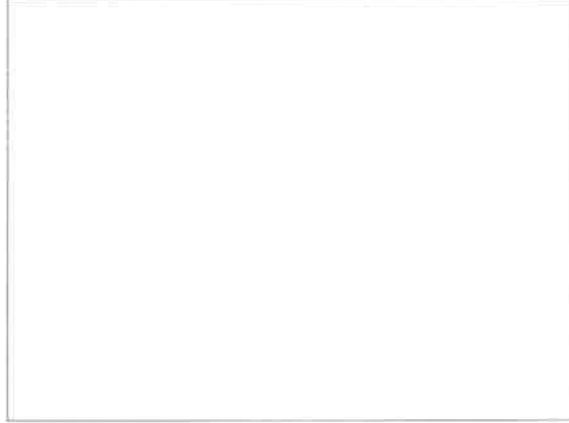
Resource Name or #: 233 AVENIDA LA CUESTA

Recorded by: Historic Resources Group

Date: 9/20/2006

Continuation Update

Photographs of the Subject Property, Continued:



CONTINUATION SHEET

Page 1 of 3

Resource Name or #: 243 AVENIDA LA CUESTA

Recorded by: Historic Resources Group

Date: 9/20/2006

Continuation Update

PROPERTY NAME	Casa Tres Vistas						
HISTORIC NAME	Goldschmidt House						
PROPERTY ADDRESS	243 Avenida La Cuesta						
ASSESSOR PARCEL NUMBER	057-061-13						
PROPERTY TYPE	Single-family residential						
OTHER DESCRIPTION							
DATE OF CONSTRUCTION	1928 (F) Building Permit						
<hr/>							
INTEGRITY	No substantial changes post-1988 Historical Photo Log prepared by the City of San Clemente.						
SIGNIFICANCE	This one-story single family residence was built for Adlai Goldschmidt in 1928. The Goldschmidts were Los Angeles distillers and winemakers. In 1906, they became half owners of some 10,500 acres of former ranch lands in the Capistrano Valley. (See Continuation Sheet).						
STATUS CODE	1S						
STATUS	Listed in the National Register as an individual property. The property also appears eligible at the local level both individually and as a contributor to a potential historic district. It is recommended for retention on the Historic Structures List.						
<div style="border: 1px solid black; padding: 10px; margin-top: 20px;"><table><tr><td>Project</td><td>City of San Clemente Historic Resources Survey Update</td></tr><tr><td>Prepared for</td><td>City of San Clemente 910 Calle Negicio, Suite 100 San Clemente, CA 92673</td></tr><tr><td>Prepared by</td><td>Historic Resources Group 1728 Whitley Avenue Hollywood, CA 90028</td></tr></table></div>		Project	City of San Clemente Historic Resources Survey Update	Prepared for	City of San Clemente 910 Calle Negicio, Suite 100 San Clemente, CA 92673	Prepared by	Historic Resources Group 1728 Whitley Avenue Hollywood, CA 90028
Project	City of San Clemente Historic Resources Survey Update						
Prepared for	City of San Clemente 910 Calle Negicio, Suite 100 San Clemente, CA 92673						
Prepared by	Historic Resources Group 1728 Whitley Avenue Hollywood, CA 90028						

CONTINUATION SHEET

Page 2 of 3

Resource Name or #: 243 AVENIDA LA CUESTA

Recorded by: Historic Resources Group

Date: 9/20/2006

Continuation Update

SIGNIFICANCE (continued).

When the property was later divided, the Goldschmidts retained the coastal grazing lands that would later be acquired by a syndicate headed by Hamilton Cotton and developed as San Clemente.

The Goldschmidt Residence was designed by Los Angeles architect Paul R. Williams. Williams has designed a number of residences for the Goldschmidt family over the years, including homes for brothers Max and Herman in the Holmby Hills and Hancock Park neighborhoods of Los Angeles. Williams was one of Los Angeles' premier architects from the 1920s to the 1950s, and undoubtedly the most successful black architect of his day. He is responsible for some of that city's most recognizable landmarks, including the Beverly Hills Hotel and the Theme Building at Los Angeles International Airport. He is perhaps best known as the "architect to the stars," designing elegant Period-style mansion for the Hollywood elite, including Frank Sinatra, Cary Grant, and Lucille Ball.

The Goldschmidt House was listed in the National Register of Historic Places in 2004. It appears eligible at the local level under Criterion A for its association with the Ole Hanson/Spanish Village by the Sea period of development (1925-1936), and under Criterion C for its association with prominent architect Paul R. Williams and as a unique and elaborate interpretation of the Spanish Colonial Revival style in San Clemente.

CONTINUATION SHEET

Page 3 of 3

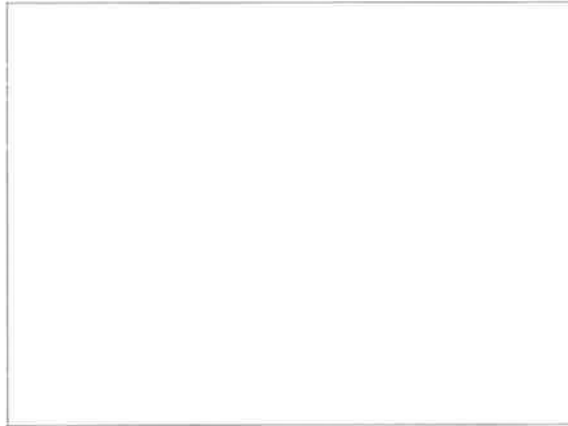
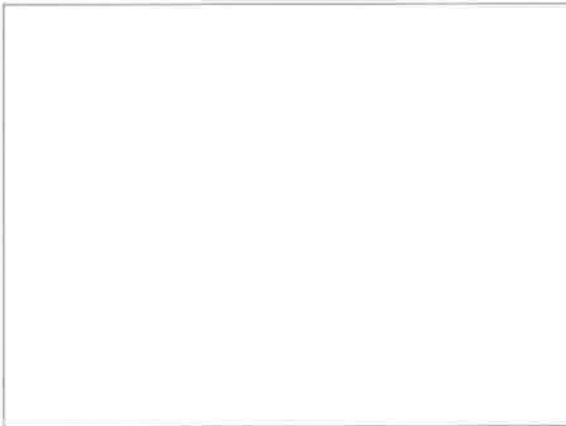
Resource Name or #: 243 AVENIDA LA CUESTA

Recorded by: Historic Resources Group

Date: 9/20/2006

Continuation Update

Photographs of the Subject Property:





Country Ledgeshale - Chardonnay (CSV-20006)

STONE



2F43-S Rosso Anitco Blend



ROOF



X-580 SIERRA TAN (BASE 200)

STUCCO
(BODY)



X-50 CRYSTAL WHITE (BASE 100)

STUCCO
(TRIM)

SKILLMAN RESIDENCE
240 AVE. LA CUESTA
SAN CLEMENTE, CA.

October 27, 2012

All Design Review Subcommittee Members
City of San Clemente – Jim Pechous and John Ciampa
All Planning Commissioners

RE: 240 Ave. La Cuesta; Cultural Heritage Permit 12-027, Skillman Residence

We are the owners of the property located across the street at 243 La Cuesta, which abuts 240 La Cuesta, the subject property. Our home was built in 1928 by Adlai Goldschmidt, the wealthy landowner who became partners with Ole Hanson supporting him in the development of the city of San Clemente. The house has been known as “The Goldschmidt House”. The architect was the famous Paul R. Williams and the home has a unique distinction of being the only residence in San Clemente on the National Registry of Historic Places, the distinguished City Landmark’s List and the City’s list of Historic Properties. I am a real estate broker specializing in Historic Homes. The home is being used both personally and professionally to enhance appreciation and preservation of San Clemente’s history.

Our major concerns with the building proposal for 240 La Cuesta are its inconsistent design, negative visual impact on the historic structure, massiveness out of character with the neighborhood, and the scale or inadequate set back.

Massiveness:

Paragraph F.1.d of the building code says “The general appearance of the proposed is in keeping with the character of the neighborhood”. The zoning for our neighborhood is called RL-2, residential low density. If you drive around the area you will see that there are very large lots (over 10,000 sq. ft. mostly) and houses just of 10% to 25% of the lot. There is a character of low density and spacious lots, with room for privacy, which maintains a very nice neighborhood property value.

I completed an analysis of the 21 properties in the surrounding area which were identified for notification of planning meetings for 240 La Cuesta. Commonwealth Title provided data on the size of each house “H” and the size of each lot “L” in this group. I then computed the ratio of house size to lot size (using total square footage not just the building footprint). The attached excel file called “2012 Chart of Houses and Lots” shows the data. Every house was less than 25% in size relationship to the lot. The average ratio of house size to lot size is 12.3 %.

I understand that the building code allows for the “footprint” to be up to 50% of the lot size in this area. However, if you compare the proposed building plans to the “character of the neighborhood” you will find that this plan is **excessively massive** for this lot. The plan, as submitted by Mr. Skillman says that the lot size at 240 La Cuesta is 9,069 square feet. (According to the county records (see attachment “title records”) this lot is only 6,500 square feet.) You must consider the massive nature of the proposed building in relation to its land size which is far different from the “character of the neighborhood”. At 3,876 square feet on a 6,500 square foot lot, the ratio of house to lot is 59.6%. If the lot is 9,069 feet (as the developer thinks) the ratio of house to lot is 42.7%. With an average of 12% and a maximum of 25% this is an excessively massive structure for this lot.

I expect that an analysis of the ratio of building footprint to lot size in the neighborhood would confirm that this design is, by definition, **not** consistent with the character of the neighborhood.

Inadequate Set Back and Scale:

We are also concerned with the scale of this proposed building and its use of available and/or allowable space. The code requires that the house be set back 20 feet from the front, and 10 feet from the side lot lines. Mr. Skillman also maximized that allowance and has set his building no more than 10 feet from the lot line on the east and 10 feet from the lot line on the north (the La Cuesta side). From Patero de Oro, the proposed building sets back 26.5 feet to take advantage of the higher elevation and better view from the very top of the lot.

I understand that the shortest side of the lot on the street is considered to be the “front” yard. The distance of the lot line on La Cuesta is ~149 feet and the distance on the Patero de Oro side is ~99.6 feet. Therefore the “front yard” should be on Patero de Oro. This is a triangular lot, not a pie-shaped lot on a cul-de-sac; they are calculating the corner point where two streets meet as the “front” for setback purposes and calling both La Cuesta and Patero de Oro side streets. However, the house is designed as if La Cuesta is his front yard. The address is there; the driveway is there; the garages are there; the front door is there. The intent of the 20’ setback rule is to make the front of the house set 20’ back from the street so as not to loom too big from the front. On a pie shaped lot located on a cul-de-sac, having the front door face away from the cul-de-sac does not cause it to impose on the street. On a corner triangular lot where two streets converge, the setbacks should be from the streets to reduce the massing effect.

Mr. Skillman is taking advantage of the short side rule and making the corner his “front” for set back purposes, but in fact the house is designed with the “front” on La Cuesta. On this triangular lot, having the front door face La Cuesta clearly sets the front of the lot on La Cuesta. The solution is to either position the house to face “front” (99’ Patero de Oro) or else follow the intent of the code and maintain a distance of 20 feet from the front of the house **and** garage to La Cuesta.

The building code allows for an average maximum height of 25 feet from the existing grade. While the staff report describes it as a “one story” structure on the La Cuesta frontage, that “one story” rises to 24’, 21’ and 19’ above the existing grade on three of the four heights. The “two story” height facing Patero de Oro has a height of 24.8’. Staff makes it sound like it is only one story tall at La Cuesta but it is only 8 inches shorter than the two story height on Patero de Oro. The challenge is to determine the “existing grade” on a steep lot. In the case at hand, the existing grade of the lot is roughly twenty feet below the existing grade of the lot at 242 Avenida La Cuesta.

Adverse Visual Impact on the Historic Structure:

It is the intention of the Cultural Heritage Permit process, I believe, to protect a historic property such as ours from being “physically or visually impacted” by a proposed building which abuts it. Besides the Casa Romantica, our house is probably the most famous visible historic home in the whole city. It is common for a dozen cars to stop in front of 240 Avenida La Cuesta on any given weekend just to gaze at our home. A grand view is available from Patero de Oro where it stands impressively. It is important that the city preserve the rights of the residents and visitors to enjoy seeing this historic structure and this is required by CEQA (see attachment “city codes and CEQA quotes” provided by the SC Historical Society). We have taken a number of photographs from

below the Stillman lot in front of the neighbor's homes on Patero de Oro. You can see from these photographs that the public's view of this historic house will be blocked by the proposed Stillman residence. None of the photographs provided with the Staff report were taken from Patero de Oro looking towards the historic structure.

Architecturally Incompatible: The design of the house does not reflect the Spanish style and could even be considered contemporary. The East wall is close to its neighbor and has very little articulation or design.

Waivers and Exceptions requested: The applicant plans a sidewalk on La Cuesta and has requested a waiver of the required sidewalk on Patero de Oro. Also, the applicant is requesting a five foot high solid wall around the property (in order to build a swimming pool) where the maximum allowable wall height is only three and a half feet. Such a wall will again have an adverse visual impact on the historic structure unlike tall landscaping on other properties in the area.

Summary: We are concerned that this imposing structure of 3,876 square feet will indeed have a physical and visual impact on our historic property, due to its inconsistent design, its size or scale blocking the public's view of the historic resource, its position on the lot and especially its mass in relation to the lot. I would like to see the design review sub-committee, the Planning Commission and the City Council respect the extraordinary historical significance of this abutting historic resource, one of 14 City designated Landmarks and a site recognized by the National Register of Historic Places for its architectural design by Paul Williams.

I believe that Mr. Stillman can have a nice ocean view and a nice house, detailed all around compatibly, and set lower on the lot. This will be in keeping with the character of the neighborhood and will not impact physically or visually on the historic home at 243 La Cuesta. We even look forward to having a house there because it will block some of the freeway noise we have now.

Please address these concerns about mass, scale, and visual impact carefully and request that lot measurements be verified and an alternate drawing presented which takes the neighborhood character into consideration.

Respectfully and historically yours,

Dena (and Lee) Van Slyke
243 Avenida La Cuesta
San Clemente, CA 92672
(949) 361-4663
Beacon@cox.net

Chapter and Verse from Code and CEQA

1. The San Clemente Zoning Code Section 17.16.100.F.2 requires that "the proposed project preserves and strengthens the pedestrian-orientation of the district and San Clemente's historic identity as a Spanish village" and "the proposed project will not have negative visual impact upon (a nearby) historic structure."

2. ALSO SEE CEQA GUIDELINES

SECTION 15064.5 (b)(1) BELOW in red

CEQA GUIDELINES

SECTION

15064.5. Determining the Significance of Impacts to Archeological and Historical Resources

(a) For purposes of this section, the term "historical resources" shall include the following:

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code, **◆** 5024.1, Title 14 CCR, Section 4850 et seq.).

(2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code, **◆** 5024.1, Title 14 CCR, Section 4852) including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of

the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

(b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

(1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its **immediate surroundings** such that the significance of an historical resource would be materially impaired.

(2) The significance of an historical resource is materially impaired when a project:

(A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

(B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

(C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.











(3) Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.

(4) A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.

(5) When a project will affect state-owned historical resources, as described in Public Resources Code Section 5024, and the lead agency is a state agency, the lead agency shall consult with the State Historic Preservation Officer as provided in Public Resources Code Section 5024.5. Consultation should be coordinated in a timely fashion with the preparation of environmental documents.











Re: Netal File # 599666

Information about all homes on "notification list" that are zoned RL-2:

Address	House Size (sq. ft)	Lot Size (sq. ft)	% of Lot	
225 Avenida La Cuesta	1,315	26,159	5.0%	
222 Avenida La Cuesta	1,955	7,900	24.7%	
233 Avenida La Cuesta	5,986	60,900	9.8%	
240 Avenida La Cuesta	3,876	9,069	42.7%	 Subject Property
243 Avenida La Cuesta	4,396	28,396	15.5%	
224 Avenida La Cuesta	1,800	15,048	12.0%	
228 Avenida La Cuesta	1,465	20,130	7.3%	
232 Avenida La Cuesta	2,356	11,600	20.3%	
156 Avenida de la Paz	1,523	12,848	11.9%	
158 Avenida de la Paz	1,304	13,182	9.9%	



Re: Netal File # 599666

Information about all homes on "notification list" that are zoned RL-2:

Address	House Size (sq. ft)	Lot Size (sq. ft)	% of Lot	
151 Avenida Patero de Oro	1,423	15,600	9.1%	
144 Avenida Patero de Oro	1,920	15,000	12.8%	
138 Avenida Patero de Oro	1,896	13,630	13.9%	
132 Avenida Patero de Oro	2,519	16,500	15.3%	
242 Avenida La Cuesta	1,230	8,925	13.8%	
143 Avenida Patero de Oro	4,377	19,000	23.0%	
141 Avenida Patero de Oro	1,356	21,600	6.3%	
152 Avenida de la Paz	1,492	13,860	10.8%	
241 Calle Villario	2,186	34,075	6.4%	

Re: NetaI File # 599666

Information about all homes on "notification list" that are zoned RL-2:

Address	House Size (sq. ft)	Lot Size (sq. ft)	% of Lot	
241 Calle Familia	2,186	35,650	6.1%	
Average of Existing Homes			12.3%	



Lawyers Title

INSURANCE CORPORATION

Primary Owner: SKILLMAN, RICHARD L

Secondary Owner:

Mail Address: 311 CALLE FIESTA
SAN CLEMENTE CA 92672

Site Address: 240 AVENIDA LA CUESTA
SAN CLEMENTE CA 92672

County: ORANGE

Assessor Parcel Number: 057-072-34

Housing Tract Number: 898

Lot Number:

Page Grid:

Legal Description: Tract No: 898 Abbreviated Description: TR#:898 TR
898 LOT 179 POR OF LOT

Property Characteristics

Bedrooms :	Year Built :	Square Feet :
Bathrooms :	Garage :	Lot Size : 6,500 SF
Total Rooms :	Fireplace :	Number of Units : 0
Zoning :	Pool :	Use Code : Single Family Residential
No of Stories :		
Building Style :		

Sale Information

Transfer Date : 12/24/2002	Seller : NETAL, HERBERT C	
Transfer Value : \$280,000	Document # : 2002001182803	Cost/Sq Feet :
Title Company : EQUITY TITLE COMPANY		

Assessment & Tax Information

Assessed Value : \$421,706	Percent Improvement :	Homeowner Exemption :
Land Value : \$421,706	Tax Amount : \$4,293.28	Tax Rate Area : 10-000
Improvement Value :	Tax Account ID :	Tax Status : Current
Market Improvement Value :	Market Land Value :	Market Value :
Tax Year : 2011		

Data Deemed Reliable, But Not Guaranteed.
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