



## STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: January 9, 2013

---

**PLANNER:** John Ciampa, Associate Planner

**SUBJECT:** Cultural Heritage Permit 12-282/Minor Exception Permit 12-329, Murless Addition, a request to expand a residence with a proposed in-bank garage with a reduced front yard setback, located adjacent to a historic structure. The subject site is at 1312 Avenida De La Estrella.

### **REQUIRED FINDINGS**

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

#### ***Cultural Heritage Permit, Section 17.16.060***

- 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, setbacks, ect.
- c. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines.
- d. The general appearance of the proposal is in keeping with the character of the neighborhood.
- e. The proposal 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, 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 expand a house and construct an in-bank garage. The subject site is a 4,788 square foot lot improved with an 890 square foot, single-story house and carport that was constructed in 1959. The property is located in the Residential Low (RL) zoning district and is adjacent to a historic house at 1314 Avenida De La Estrella.

The Design Review Subcommittee (DRSC) reviewed the application on October 10, 2012. The Subcommittee supports the project design and determined that it is consistent with the Design Guidelines.

The City's Development Management Team (DMT) reviewed the project on August 23, November 1, and November 29, 2012. The DMT supports the project with the recommended conditions of approval.

Public notices for this request were posted at the subject property, printed in the San Clemente Sun Post, and mailed to the owners of properties located within 300 feet of the project site. To date, staff has received no input from the public on this request.

## **PROJECT DESCRIPTION**

The applicants, Mr. and Mrs. Murlless, propose to expand the one story house and construct an in-bank garage. The project adds 235 square feet to the first floor and 1,086 square feet for a new second floor. The addition will increase the size of the house from 890 to 2,443 square feet. The in-bank garage proposes a reduced front yard setback from 18 feet to 15 feet because of the lot's steep topography. Green architectural alternatives will be designed throughout the house and will include a rooftop photovoltaic system, greywater system, and low flow fixtures.

As part of the project the applicant proposes a wall in the public right-of-way along the south property line to permit the installation of a sidewalk and preserve a mature palm tree. The Engineering Division supports this proposal.

### ***Development Standards***

Table 1 outlines the project's consistency with the Zoning Ordinance development standards.

**Table 1**  
**Development Standards**

	<b>Zoning Ordinance Requirements</b>	<b>Proposed</b>
Maximum Building Height	25'	23' 7"
Setbacks:		
• Front (Primary Structure)	20'	49'
• Side Yard (North)	4'	4'
• Side Yard (South)	4'	4'
• Rear Yard	10'	18'4"
• Garage	18'	15'*
Maximum Lot Coverage	50%	46.4%
Landscaping	50% (Front Setback)	52.5%
Required Parking (Minimum):	2 spaces	2 spaces

*\*MEP required for a reduced front yard setback for garages.*

**Architecture**

The house is a “beach cottage” design that is typical of homes built in San Clemente during the 1950s and 60s. The house and lot are in poor condition due to the lack of maintenance. The project proposes to change the architecture style from a 1950s beach cottage design to Spanish Colonial Revival (SCR). Traditional features include terra cotta tile roof, wrought iron railings, smooth white stucco walls, wood clad windows and French doors. Solar panels will be incorporated into the south facing roof and will not detract from the architecture of the building because they are not visible from the street.

**Height Analysis**

Zoning Ordinance Section 17.24.110 requires properties that are not mass graded to measure the building height from original grade. In cases where sufficient information does not exist, such as this, the City Planner has the authority to determine the grade that should be used to measure the building height. To provide the best estimate of the original grade the applicant obtained and analyzed the following information:

1. Topographical survey of the property that included grade points for the adjacent properties
2. 1966 topographical survey of the area (Attachment 6)
3. Analyzed the construction of the original house, retaining walls and adjacent properties

The applicant reviewed the findings with the City Planner and it was determined that the grades used for the height analysis were as close as possible to the original grade based on the information available to the applicant and staff.

## **PROJECT ANALYSIS**

### ***Minor Exception Permit***

The front of the property has a steep upslope that requires a long driveway to access the carport. The topography requires additional grading for a two garage with a conforming front yard setback and restricts the site planning options on the property. The architect proposes an in-bank garage with a reduced front yard setback to 15 feet where 18 feet is required. The project complies with the MEP requirements (Zoning Ordinance Section 17.32.050.E) for a reduction in the required front yard setback of 15 feet because there is a 10 foot grade difference within 35 feet of the front property line. A reduced setback to allow an in-bank garage is consistent with the three properties to the north of the project site. The Engineering Division determined that the back up distance from the in-bank garage to the street (25-feet) provides a safe line of sight for vehicles backing out of the garage.

### ***Cultural Heritage Permit***

The projects requires a Cultural Heritage Permit for two reasons: 1) to ensure that the addition does not create any visual or physical impacts to the historic structure, and 2) to review the project in compliance with the City's Design Guidelines.

The historic house is located to the north of the subject property and the two structures are separated by approximately eight feet. The addition closest to the historic house is 22 feet tall. To preserve the view of the historic house and avoid massing impacts the addition is setback 10 feet behind the front of the historic structure. The in-bank garage improves the projects compatability and massing to the adjacent historic structure because it reduces the potential visual impacts to the historic house by locating the mass of the garage at the street level. The reduction in massing, designed setbacks and the open decks at the front of the house should eliminate any potential impacts to the historic house.

The project is consistent with the Design Guidelines which encourages SCR architecture. The project is a SCR design that proposes a building form that creates interesting roof lines that improves the architecture of the single family residence. Staff's position is the project will improve the design of the house while having no massing impacts to the abutting historic structure.

### ***Design Review Subcommittee***

The Design Review Subcommittee (DRSC) reviewed the application on October 12, 2012. DRSC supports the design of the project with no recommended modifications.

**GENERAL PLAN CONSISTENCY**

Table 2 summarizes how the proposed project is consistent with adopted policies outlined in the City of San Clemente General Plan:

**Table 2  
General Plan Consistency**

General Plan Policy	Consistency Finding
<p><i>1.2.9 Require that new residential development in existing residential neighborhoods be compatible with existing structures.</i></p>	<p><b>Consistent.</b> The Spanish Colonial Revival design of the addition and exterior improvements are consistent with the surrounding neighborhood. The project compliments the adjacent historic structure and will improve the street scene.</p>
<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><b>Consistent.</b> The project’s Spanish Colonial Revival design is compatible with the historic house and preserves the Spanish Village character.</p>

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

The Planning Division completed an initial environmental assessment of the project accordance with the California Environmental Quality Act (CEQA). Staff recommends the Planning Commission determine the project is categorically exempt per CEQA Guidelines Section 15301(e), as a Class 1 since it will not result in an increase of more that 10,000 and the project is not in an environmentally sensitive area.

**ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES**

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

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

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 and potentially added as a condition of approval. Examples of potential modifications could be the reduce the size of the addition to improve the compatability of the addition with the historic house.*

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

*This action would result in the denial of the project. The applicant could appeal to the City Council.*

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission approve Cultural Heritage Permit 12-282/Minor Exception Permit 12-329, Murless Addition, subject to the attached Resolution and Conditions of Approval.

**Attachments:**

1. Resolution No. 13-001  
Exhibit 1 - Condition of Approval
2. Location Map
3. DRSC Minutes from October 10, 2012
4. 3D model of house and adjacent properties
5. Letter of justification for grade used in height analysis
6. 1966 Topography Survey
7. Photos  
Plans

# ATTACHMENT 1

## RESOLUTION NO. PC 13-001

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 12-282 AND MINOR EXCEPTION PERMIT 12-329, MURLLESS ADDITION, A REQUEST TO CONSTRUCT AN IN-BANK GARAGE WITH A REDUCED FRONT YARD SETBACK AND AN ADDITION TO A HOUSE LOCATED AT 1312 AVENIDA DE LA ESTRELLA WHICH IS LOCATED ADJACENT TO A HISTORIC STRUCTURE**

**WHEREAS**, on August 15, 2012 an application was submitted, and deemed complete on November 29, 2012, by Alura Aguilera, 1220 Avenida De La Estrella, San Clemente CA 92672, a request to allow a front yard setback reduction for a in-bank garage and to expand a house that is adjacent to a historic structure. The project site is within the Residential Low (RL) zoning district. The legal description is Lot 12, of Block 8, of Tract 795, and Assessor's Parcel Number 057-033-23; 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 15301(e) given that the project involves an addition that will not result in an increase of more 10,000 square feet of the floor area and the project is not in an environmentally sensitive area; and

**WHEREAS**, on August 23, November 1 and November 29, 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 October 10, 2012, the City's Design Review Subcommittee considered the project and supports it as proposed; and

**WHEREAS**, on January 9, 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 1 exemption given that the project involves an addition that will not result in an increase of more than 10,000 square feet of the floor area and the project is not in an environmentally sensitive area; and

**Section 2:** With regard to Cultural Heritage Permit (CHP) 12-282, 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 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 one- and two-stories with various architectural styles. The proposed residence will be two stories, Spanish Colonial Revival Architecture and respects the historic structure. 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 (RL) zoning district. The addition and in-bank garage are 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. The project has increase setbacks on the front and side elevations providing visual distance when observing the historic house. The architecture is complimentary to the historic structure's integrity.

**Section 3:** With regard to Minor Exception Permit (MEP) 12-392, the Planning Commission finds as follows:

- A. Neighboring properties will not be adversely affected as a result of the conditional approval of the Minor Exception Permit in that:
  - 1. The garage will not create a sight distance problem, as verified by the Engineering Division; and
  - 2. There are several garages and structures in the neighborhood with reduced front setbacks.
- 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 garage will be constructed in compliance with all required Building, Safety and Fire codes.

- C. The encroachment complies with Section 17.32.050.E, Garage Encroachments into Front Yard Setback, in that the height of the garage, including a roof with architectural interest, does not exceed 10 feet as measured from the finished floor of the garage.
- D. The slope of the front of the lot is significant enough in both length and width, to allow for the reduced garage front yard setback and meets the topography requirements for the Minor Exception Permit.
- E. 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 12-282, MEP 12-329, Murlless Addition, 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 9, 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 9, 2013, and carried by the following roll call vote:

<b>AYES:</b>	COMMISSIONERS:
<b>NOES:</b>	COMMISSIONERS:
<b>ABSTAIN:</b>	COMMISSIONERS:
<b>ABSENT:</b>	COMMISSIONERS:

---

Secretary of the Planning Commission

## EXHIBIT A

**CONDITIONS OF APPROVAL**  
**CHP 12-282, MEP 12-329, Murless 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 9, 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.)\_\_\_\_\_

4. CHP 12-282 and MEP 12-329 shall become null and void if the use is not commenced within three (3) years 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 12-282 and MEP 12-329 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.)\_\_\_\_\_

5. The owner or designee shall have the right to request an extension of CHP 12-282 and MEP 12-329 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.)\_\_\_\_\_

6. CHP 12-282 and MEP 12-329 shall become null and void if the use is not commenced within one (1) year from the date of the approval thereof. Since the use 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 12-282 and MEP 12-329 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.)\_\_\_\_\_

7. The owner or designee shall have the right to request an extension of CHP 12-282 and MEP 12-329 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.)\_\_\_\_\_

8. 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]*
9. 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. (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]*
10. Overhangs including roof eaves located within 3’-0” of property lines are required to have one-hour minimum fire-resistance rating on the underside per CRC Table R302.1(2). *[S.C.M.C – Title 15 Building Construction]* (Bldg.)\_\_\_\_\_
11. 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]*
12. 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]*
13. 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 ]*

14. 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]*
  
15. 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]*
  
16. Prior to issuance of building permits, the owner or designee shall submit two copies of a 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]*
  
17. 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]*
  
18. 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]*
  
19. Fire sprinkler system required throughout the building and attached garage. An automatic sprinkler system shall be installed throughout any existing Group R Occupancy building when the floor area of the alteration or combination of an Addition and Alteration, within any two year period, is 50% or more of area of the existing structure and where the scope of the work exposes building framing and facilitates sprinkler installation and is such that the Building/Fire Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building; (Bldg.)\_\_\_\_\_  
*[S.C.M.C – Title 15 – Chapter 15.08]*
  
20. Project involves remodeling, alteration, or addition to the existing main building exceeding 50% of the existing building floor area. Under ground utilities are required.

Overhead wiring shall not be installed outside on private property.

*[S.C.M.C – Title 15 – Chapter 15.12-Electrical Code]*

(Bldg.)\_\_\_\_\_

- 21. 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 SCMC]*  
(Eng.)\_\_\_\_\_
  
- 22. 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, 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.)\_\_\_\_\_
  
- 23. 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, 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.)\_\_\_\_\_
  
- 24. 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, 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 SCMC]* (Eng.)\_\_\_\_\_
  
- 25. 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 drive approaches to meet current City standards when adequate right-of-way exists.
  
- 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.

- 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 an Administrative Encroachment Permit for the proposed retaining wall as shown on the plans necessary to address the existing slope on the adjacent property and install compliant sidewalk. *[Citation – Section 15.36, and 12.08 of the SCMC]*

■ (Eng.)\_\_\_\_\_

- 27. 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, 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.)\_\_\_\_\_

- 28. Prior to issuance of any permit, the owner or designee shall submit for review a final “Non-Priority Project” Checklist *[Citation – Section 13.40 of the SCMC]*

(Eng.)\_\_\_\_\_

- 29. 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, 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.)\_\_\_\_\_

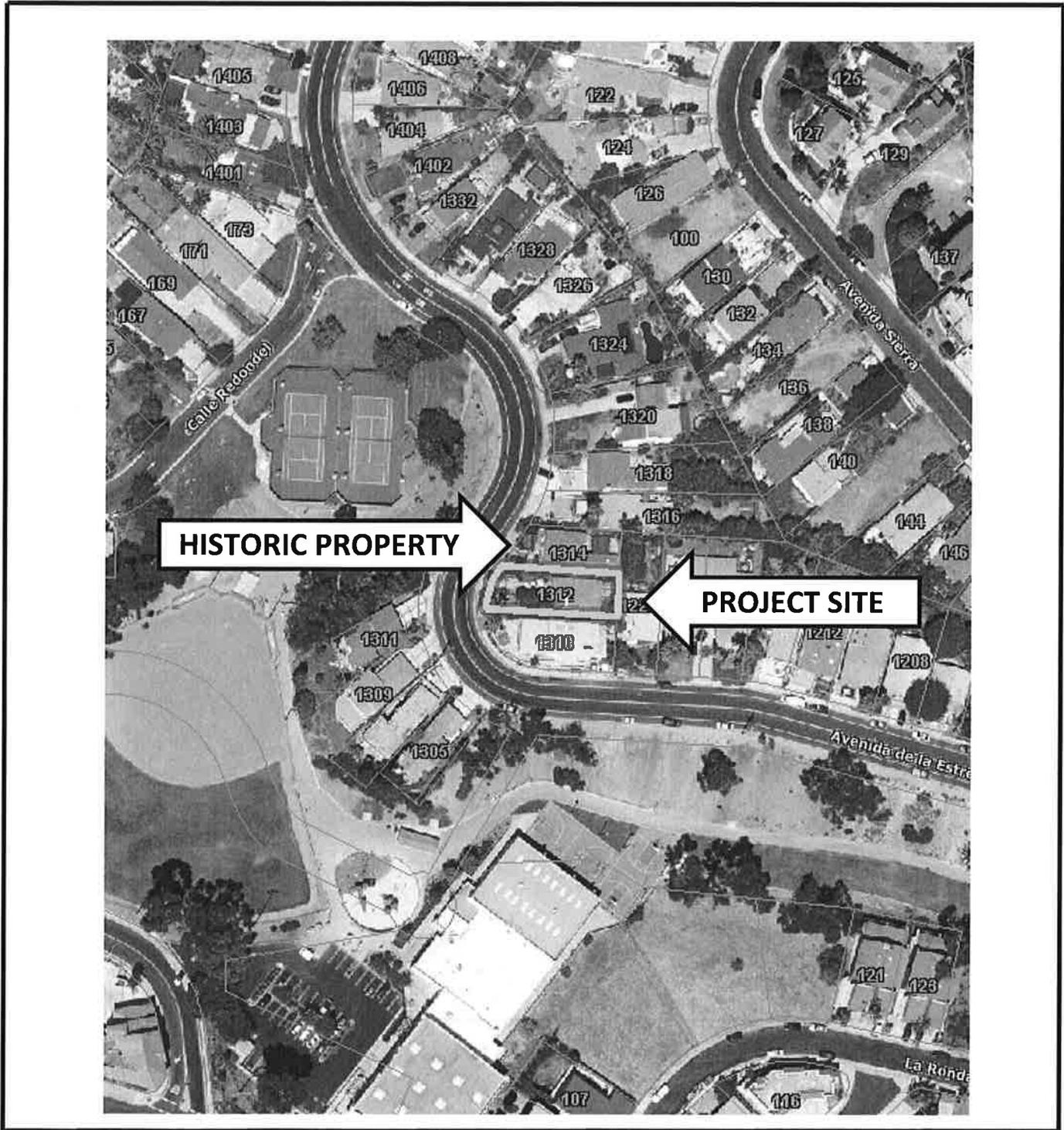
\* All Conditions of Approval are standard, unless indicated as follows:

- Denotes a modified standard Condition of Approval
- ■ Denotes a project specific Condition of Approval



# LOCATION MAP

CHP 12-282/MEP 12-329, Murless Addition  
1312 Avenida De La Estrella



The Design Review Subcommittee Members comments on the project were that they were concerned with the massing and design for the west elevation, the project needs a reduction or perceived reduction in the square footage. The DRSC thanked the applicant for coming in early to evaluate the projects design.

**D. Cultural Heritage Permit 12-282/Minor Exception Permit 12-329, Murless Addition (Ciampa)**

A request to consider an addition to the first floor and a new second story for a home with a proposed in-bank garage with a reduced front yard setback located adjacent to a historic structure located at 1312 Avenida De La Estrella.

Project Planner, John Ciampa, summarized the staff report.

Subcommittee Member Kaupp stated that the architect may want to consider using wood railings for the garage roof deck because wrought iron railings are typically a decorative element.

Subcommittee Member Darden asked what design elements are proposed for the font of the property next to the garage.

The architect, Alura Aguilera, stated that they are working with the topography of the lot to create a better entry for the house and improve the front elevation with more landscaping.

President of the Historic Society Larry Culbertson was in favor of the project and had no comments.

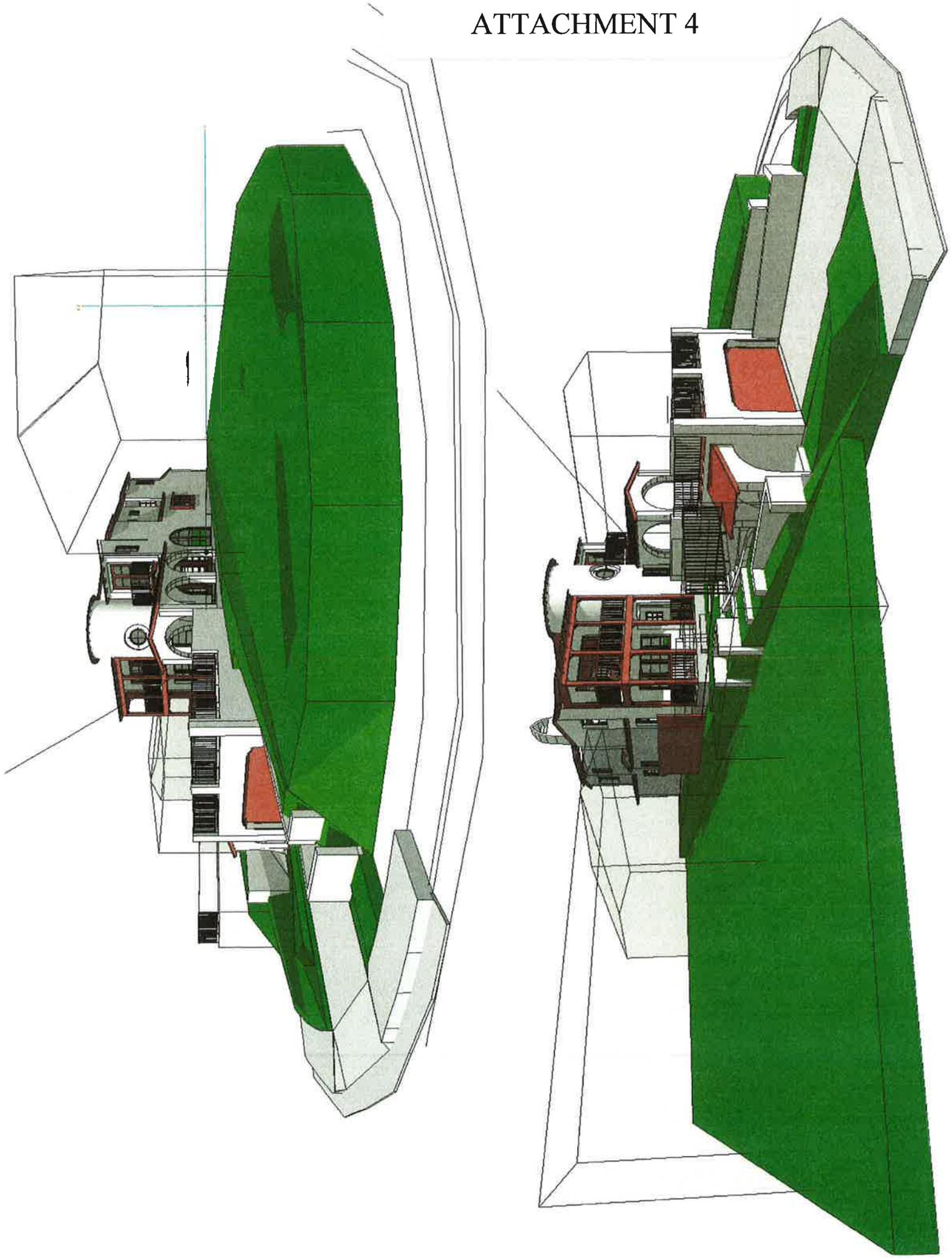
The DRSC was in favor of the project design and recommended the project move forward to the Planning Commission.

**II. NEW BUSINESS**

**A. Cultural Heritage Permit 10-142, Robinson Residence (Jones)**

Project Planner, Cliff Jones, indicated that the Planning Commission approved the construction of a Spanish Colonial Revival (SCR) residence on June 16, 2010. SCR architecture was not required but the owner liked this architectural style so pursued the necessary approvals. Planning Commission approval was necessary because the residence is located across the street from a historic home. The approved materials board for the project specified a traditional clay barrel type roof. The owner met with staff on October 5, 2012 seeking approval of the cement S-Tile roof. Planning staff indicated that the S-Tile roof appeared

ATTACHMENT 4



## **a2 design**

alura **aguilera**, AIA, LEED AP  
anthony **aguilera**

1220 Avenida De La Estrella  
San Clemente, Ca 92672  
Tel: 949.218.6472  
Fax: 949.218.5642

City of San Clemente  
910 Calle Negocio  
San Clemente, Ca 92672

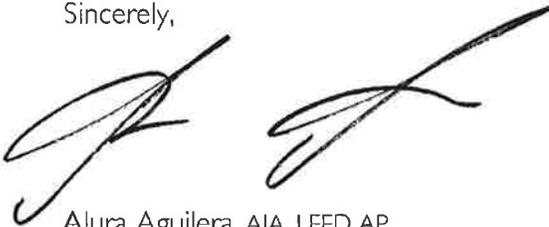
Project: Murless Remodel / Addition  
Owner: Robert Murless  
1312 Avenida De La Estrella  
San Clemente, Ca 92672

Date: November 27, 2012

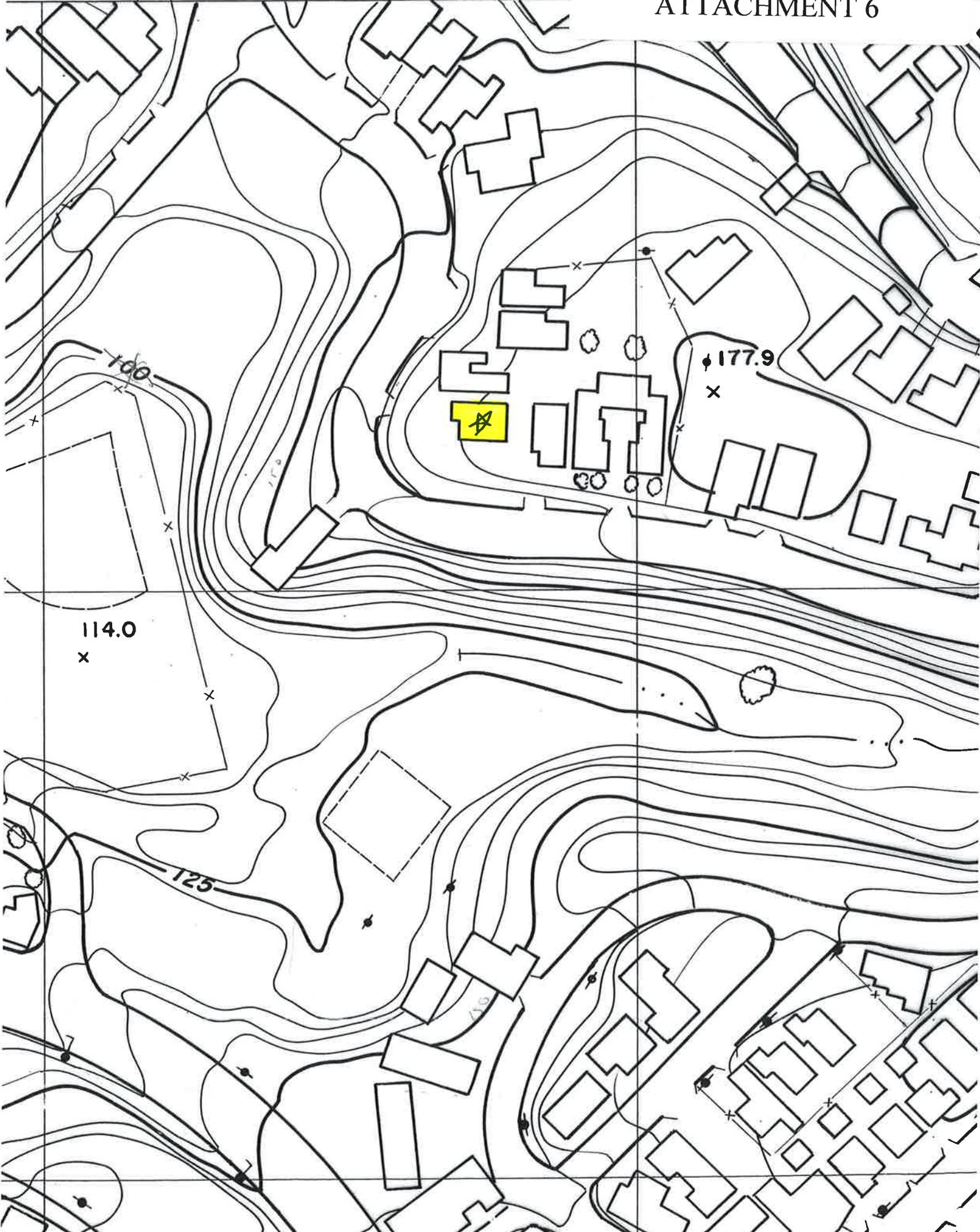
Based on my analysis of the site and review of the topographical survey for the above referenced property, the finished surface of the existing residence and the existing grade points used for the height survey are my best interpretation of the original grade of the site. The lot's topography is consistent with the adjacent lots, including that of the Historic home, which have a steep slope at the front yard and then flatten at the upper portion of the lot where the residence is sited. The site improvements further reinforce my determination, as the retaining walls at the front of the property are not increasing the pad of the house. In fact, we are lowering a portion of the pad at the front of the residence. In the front yard, we are eliminating the existing long steeply sloping driveway to create a more usable front yard area with new landscaping elements. The proposed garage will be cut into the site with a roof garden above it.

Based upon this information, I hereby request to utilize the existing topography based upon the survey for the height analysis.

Thank you.  
Sincerely,



Alura Aguilera, AIA, LEED AP  
a2 design



a2 design

alura aguiera, AIA, LEED AP

anthony aguiera

Murless Remodel/Addition

1312 Avenida De La Estrella

Context Photographs



a2 design

Laura **aguilera**, AIA, LEED AP

Anthony **aguilera**

**Murless** Remodel/Addition

**312 Avenida De La Estrella**

