



**AGENDA REPORT**  
**SAN CLEMENTE CITY COUNCIL MEETING**  
 Meeting Date: February 5, 2013

Agenda Item 7A  
 Approvals: [Signature]  
 City Manager: [Signature]  
 Dept. Head [Signature]  
 Attorney \_\_\_\_\_  
 Finance \_\_\_\_\_

**Department:** Community Development Department, Planning  
**Prepared By:** Amber Gregg, Associate Planner

**Subject:** **CONDITIONAL USE PERMIT 12-270 AND CULTURAL HERITAGE PERMIT 12-271, REEF POINTE VILLAS**

**Request:** At the January 22, 2013 City Council meeting, Council called up the item for review noting that staff indicated a process error had occurred. Per Section 17.24.100 of the Zoning Ordinance, story poles should have been erected for the project. Also, story poles must be erected 14 days prior to the public hearing. The applicant has indicated that the poles can be erected by 14 days prior to the February 19, 2013 regularly scheduled meeting and staff is requesting the item be continued to that date.

**Summary:** The proposed application is a request to consider the demolition of an existing apartment building, and the construction of a new three story development consisting of five units and a subterranean garage. The project is located at 410 Arenoso Lane and is within the Pier Bowl Specific Plan and Architectural and Coastal Zone Overlays.

The project was reviewed and unanimously approved by the Planning Commission on December 19, 2012. After the approval, staff realized an error was made as the development required that story poles be erected pursuant to Section 17.24.110 of the Zoning Ordinance which states:

**Visual Analysis Tools.** *Story pole staking, as described in Section 17.12.060 "Applications Requiring Additional Information," of this title, shall be required when a discretionary application is submitted which proposes one of the following:*

1. *A new structure or addition that is three (3) or more stories within a Nonresidential, Mixed Use zone and/or an Architectural Overlay District; or*
2. *Any structures with the potential to affect public view corridors from public places in the Coastal Overlay zone, regardless of number of stories.*

Staff made the City Council and City Manager aware of the error and provided a memo briefing them on the situation. At the January 22, 2013 City Council meeting, Council called up the item noting that the way to correct the procedural error was to have Council review the project once the story poles were constructed. The applicant has since erected the story poles and submitted the required certification.

**Project Description**

The project site is located on a coastal canyon overlooking Linda Lane Park. It is in the Residential High land use designation of the Pier Bowl Specific Plan. See Attachment 2 for Location Map. The applicant is proposing Spanish Colonial Revival architecture.

The three-story development consists of two units on the first and second floors, and one unit on the third story, for a total of five units. The units range in size from 2,270 to 2,855 square feet, with private oversized balconies that range from 343 to 668 square feet. The balconies are designed to take advantage of the ocean views. Guest parking and parking for four of the units is provided in the subterranean parking garage. The fifth unit has an attached two car garage.

**Site Data**

The project site is 12,136 square feet and is approximately 115 linear feet wide. The site currently has a one story, and a two story, building on-site. Directly south of the property is a public pedestrian walkway that connects Arenoso Lane to Linda Lane providing access to the beach and park. Adjacent properties are multi-family residential developments and include a four-story, multi-family development with a subterranean garage to the southeast, a three-story multi-family development to the northeast, and three and four-story multi-family developments directly across the street. See Attachment 6 for photographs of existing conditions.

***Development Standards***

Table 1 outlines the development standards for the Residential High land use designation and Architectural and Coastal Zone overlays and how the project is consistent with these standards.

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

<b>Standard</b>	<b>Code Requirements</b>	<b>Proposed Site Plan</b>	<b>Complies with Code Requirements</b>
Density:	1 unit/1,200 sf	1 unit/2,427 sf	Yes
Building Height (Maximum)	45 feet	40 feet	Yes
Setbacks (Minimum):			
• Front	10 feet	10 feet	Yes
• Side Yard	5 feet	5 feet	Yes
• Rear Yard/ Canyon Edge	15 feet	15 feet	Yes
Lot Coverage	55%	54.7%	Yes
Required Parking (Minimum):	15 spaces	15 Spaces	Yes

7A-2

Standard	Code Requirements	Proposed Site Plan	Complies with Code Requirements
Private Open Space Required:	100 sf	343-668 sf	Yes
Landscaping	4 street trees and 10% of the net lot area	4 street trees and approximately 25% of lot area	Yes

***Architecture***

The applicant is proposing Spanish Colonial Revival architecture. Traditional features include smooth white stucco finish, bull-nose edges, wood windows and doors, and single barrel tile roofing with 25% random mortar packing. Enhanced details include areas of ornate wrought iron, Cantera stone columns at the back of the building, decorative Spanish tiles on main entry raisers, and guardrails constructed of stacked clay roofing tiles.

The scale, mass and form of the building follow the design guidelines as well as the Pier Bowl Specific Plan requirements. The building is designed in a “wedding cake” style with the larger mass on the bottom two floors and stepping in the third story. The project has varied roof elements creating smaller-scale components.

***Site Design***

The site design follows basic principals of Spanish Colonial Revival architecture. The building is carefully suited to its site and takes advantage of the topography, climate and view, with exterior patios and balconies used for outdoor living. The buildable area of the site is limited to top portions of the lot 15 feet from the canyon edge. The project exceeds net lot landscaping requirements. The retaining and garden walls for the project meet code requirements and do not require a variance.

**PROJECT ANALYSIS**

***Cultural Heritage Permit***

A Cultural Heritage Permit is required for two reasons: 1) the project is located within an Architectural Overlay, and 2) the project is located within 300 feet of two historic properties.

Projects located in the Architectural Overlay must comply with the “Spanish Colonial Revival” District per the Design Guidelines of the City of San Clemente (Design Guidelines). The Design Guidelines provide goals and appropriate use of various architectural elements. The development proposes Spanish Colonial Revival architecture and complies with the Design Guidelines. The project meets the goals of the Architectural Overlay which are to

promote and enhance the City's Spanish character. The project also complies with the required findings. The project is in character with the surrounding neighborhood which made up of predominantly three and four story buildings, with higher density, and subterranean parking (see Attachment 6 for photographs of surrounding neighborhood). The DRSC reviewed the proposal on three separate occasions, offered suggestions and comments on how to meet the Design Guidelines, and is supportive of the final design.

There are two historic properties within 300 feet of the proposed project. One is located at 322 Encino Lane, and the other at 327 Encino Lane. Both of these historic resources can only be seen from Encino Lane public right-of-way. Due to the distance of the historic resources from the proposed project, and the topography of the area, the proposed project will not be visible when viewing the historic resources. See exhibit below. Since the project will not be seen when viewing the historic homes, it can be concluded that the project will not have any negative impacts on the historic resources. Copies of the historic resource survey for both of these properties can be found under Attachment 5.

**Exhibit 1**  
**Historic Structures Location**



**Conditional Use Permit**

All residential projects consisting of five or more units are required to obtain a Conditional Use Permit per Section 17.32.032, Residential Use Regulations, of the Zoning Ordinance. The neighborhood and surrounding area are predominantly developed with multi-family residential buildings varying from two, three, and four stories in height, consistent with the Pier Bowl High Density zoning. The permitted density of the district is one unit per 1,200 square feet of net lot area. The applicant is proposing one unit per 2,427 square feet. The last two recent developments approved and constructed in the neighborhood are located at

7A4

405 Arenoso and 412 Arenoso. Their densities were 1 unit per 2,080 square feet and 1 unit per 2,265 square feet respectively, and were also three stories in height with subterranean parking.

The project will not have an adverse negative impact on the surrounding neighborhood as it complies with the development standards of the Zoning Ordinance and the Pier Bowl Specific Plan. The project is consistent with the existing character of the neighborhood and is designed in the required Spanish Colonial Revival architecture, Design Guidelines, and policies of the San Clemente General Plan as detailed later in this report.

**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**

<b>Policies and Objectives</b>	<b>Consistency Finding</b>
<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 proposed project site is located within the Architectural overlay and proposes Spanish Colonial Revival architecture. The development is consistent with the City’s Design Guidelines and promotes and enhances the City’s Spanish character.</p>
<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 three-story, development is consistent with the surrounding three and four story buildings of the surrounding neighborhood. The Spanish Colonial architecture of the structure is also compatible with the existing developments and will be a positive addition to the street scene both from Arenoso and Linda Lane.</p>
<p><i>1.2.7(a) Use of building materials, colors, and forms which complement the neighborhood, while allowing flexibility for distinguished design solutions.</i></p>	<p><b>Consistent.</b> The proposed multi-family development complements the neighborhood as it fits into the variety of architectural styles and scale of the other residences in the neighborhood.</p>

Policies and Objectives	Consistency Finding
<p><i>1.2.7(b) Modulation and articulation of all building elevations, conveying the visual character of individual units rather than a singular building of mass and volume.</i></p>	<p><b>Consistent.</b> The multi-family residential project has been designed to incorporate articulation and distinction in order to create a project consistent and beneficial to the area.</p>

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

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

**CALIFORNIA COASTAL COMMISSION REVIEW**

The subject property is located within the Coastal Zone and is required to be reviewed and approved by the California Coastal Commission and obtain the necessary permit. California Coastal Commission staff has already met with the applicant and provided preliminary comments on the project and signed off on the location of the project footprint in relation to the canyon edge.

**CONCLUSION**

The proposed project meets all the development standards and is consistent with the design guidelines of Zoning Ordinance and Pier Bowl Specific Plan. The project is compatible with the surrounding neighborhood. The architecture will add to the streetscape of the surrounding neighborhood and preserve and strengthen San Clemente’s unique atmosphere and historic identity as “The Spanish Village by the Sea.” The project is below the maximum density permitted, and has less density per net area than most developments in the Residential High Zoning District. The mass and form of the building respects the neighboring properties and provides a recessed third story as required by the Pier Bowl Specific Plan. The project will not have a negative impact on the nearby historic resources as it is not visible when viewing the resources from the public right of way. It is staff’s determination that the project meets the required findings and is consistent with Coastal Zone requirements.

***Recommended***

**Action:**

STAFF RECOMMENDS THAT the City Council continue CUP 12-270 and CHP 12-271, Reef Pointe Villas, to the regularly scheduled meeting of February 19, 2013.

*7A-6*

**Fiscal Impact:** None

- Attachments:**
1. Resolution\_\_\_\_
    - A. Conditions of Approval
  2. Location Map
  3. Planning Commission Staff Report of December 19, 2012
  4. Story Pole Interpretation Report
  5. Historic Resources Reports
  6. Photographs of site
  7. Colored Elevation
  8. Correspondence from the public

**Notification:** All properties owners within 300 feet and the applicant, Steve Smith

RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 12-270 AND CULTURAL HERITAGE PERMIT (CHP) 12-271, REEF POINTE VILLAS, A REQUEST TO CONSTRUCT A FIVE UNIT RESIDENTIAL DEVELOPMENT AT 410 ARENOSO LANE

**WHEREAS**, on July 31, 2012 an application was submitted, and on November 14, 2012 completed by Michael Luna of Michael Luna and Associates Architecture Inc., 1531 N. El Camino Real Suite A, San Clemente, CA 92672, for a request to consider the construction of five residential units at 410 Arenoso Lane, the legal description being Lot 46 of Block 3 or Tract 784, and Assessors Parcel Number 692-012-06; and

**WHEREAS**, on August 16, 2012, October 25, 2012, and November 29, 2012, the City's Development Management Team reviewed the application for compliance with the General Plan, Zoning Ordinance, and other applicable requirements; and

**WHEREAS**, on June 27, 2012, September 12, 2012 and October 24, 2012, the Design Review Subcommittee reviewed the proposed project and provided comments to the applicant; and

**WHEREAS**, the Planning Division processed and completed an initial environmental assessment for this project in accordance with the California Environmental Quality Act (CEQA). The Planning Division recommends that the Planning Commission determine that the project is categorically exempt from CEQA in accordance with CEQA Guidelines Section 15303 as a Class 3 exemption because it involves the new construction of the development totaling less than six units in an urbanized area; and

**WHEREAS**, on December 19, 2012, the Planning Commission held a duly noticed public hearing on the subject application and considered evidence presented by City staff, the applicant, and other interested parties and unanimously approved the proposed project; and

**WHEREAS**, on January 22, 2013, the City Council called up the proposed project; and

**WHEREAS**, on February 5, 2013, the City Council held a duly noticed public hearing on the subject application and considered evidence presented by City staff, the applicant, and other interested parties.

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

**Section 1:** The City Council finds that the project is categorically exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15303 as a Class 3 exemption because it involves the new construction of the development totaling

7A-8



less than six units in an urbanized area.

**Section 2:** With respect to CUP 12-270, the City Council finds as follows:

- A. The proposed use is permitted within the subject zone pursuant to the approval of a CUP and complies with all of the applicable provisions of the San Clemente Zoning Ordinance, San Clemente General Plan, the Pier Bowl Specific Plan, and the purpose and intent of the zone in which the use is being proposed and the intent of the City's Design Guidelines and all appropriate addendums, in that the project meets all minimum development standards and exhibits massing, proportion and scale appropriate to the surrounding neighborhood.
- B. The site is suitable for the type and intensity of development that is proposed in that the proposed residential density does not exceed that allowed within the Residential High Density land use designation of the Pier Bowl Specific Plan.
- C. The proposed development will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity, in that the project will meet all of the City's codes and standards and will not involve dangerous or hazardous land uses.
- D. The proposed development will not be unsightly or create disharmony with the locale and surrounding neighborhood in that the density and massing is consistent with surrounding development and the architecture is consistent with the surrounding community.
- E. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or location in that the proposed development underwent extensive staff review, is consistent with the development standards, and went through the public hearing process.

**Section 3:** With respect to CHP 12-271, the City Council finds as follows:

- A. The architectural treatment of the project, as conditioned, complies with the San Clemente General Plan, San Clemente Zoning Ordinance, and the Pier Bowl Specific Plan in that the project is Spanish Colonial Revival architecture and adheres to the requirement of mass, scale and form as stipulated by the City's Design Guidelines.
- B. The architectural treatment for the project complies with the Pier Bowl Specific Plan which requires Spanish Colonial Revival Architecture. In addition, the project meets the height, setback and parking standards of the Residential High zone.

TA-9

- C. The architectural treatment of the project complies with architectural guidelines in the City’s design Guidelines in that the project is Spanish Colonial Revival and utilizes traditional design features and high quality materials which are consistent with styles in the surrounding neighborhood and requirements of the City’s Design Guidelines.
- D. The general appearance of the project is in keeping with the character of the neighborhood and is not detrimental to the orderly and harmonious development of the City, in that the proposed project has been designed substantially in keeping with the City’s Design Guidelines and the scale of previously approved projects in the vicinity.
- E. The proposed project will not be detrimental to the orderly or harmonious development of the City in that it complies will all development standards of the Municipal Code, Zoning Ordinance and Pier Bowl Specific Plan.
- F. The proposed project preserves and strengthens the City’s historic identity as a Spanish Village in that the project is designed in the Spanish Colonial Revival architecture and is designed in traditional basic principals of the architectural style.
- G. The proposed project will not have a negative visual or physical impact upon the historic structures located within a 300-foot radius in that the subject historic structures are located on a street above the project site and due to topography and distance cannot be seen when viewing the historic resources.
- H. The proposed project complies with the purpose and intent of the Architectural Overlay in that the project preserves and strengthens the City’s historic identity as a Spanish Village in that the project is designed in the Spanish Colonial Revival architecture and is designed in traditional basic principals of the architectural style.

**Section 4:** The City Council hereby approves CUP 12-270 and CHP 12-271, Reef Pointe Villas, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit 1.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of San Clemente on \_\_\_\_\_.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Mayor of the City of  
San Clemente, California

7A-10

ATTEST:

\_\_\_\_\_  
CITY CLERK of the City of  
San Clemente, California

STATE OF CALIFORNIA            )  
COUNTY OF ORANGE            ) §  
CITY OF SAN CLEMENTE         )

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. \_\_\_\_\_ was adopted at a regular meeting of the City Council of the City of San Clemente held on the    day of    ,    , by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
CITY CLERK of the City of  
San Clemente, California

Approved as to form:

\_\_\_\_\_  
City Attorney

7A-11

EXHIBIT 1

Condition of Approval  
CUP 12-270 and CHP 12-271 Reef Point Villas

GENERAL CONDITIONS

1. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City of San Clemente and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the "Indemnitees") from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either (i) the City's approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act ("CEQA"), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an "Action") within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City's full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)\_\_\_\_\_

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

7A-12

- 3. Signage is not part of this review. Any signage for this proposed development shall require the owner or designee to submit for review and obtain approval of a Sign Permit or Master Sign Program in accordance with the City's Sign Ordinance.  
*[Citation - Section 17.16.240.D& 17.16.250.D of the SCMC]* (PIng.)\_\_\_\_\_

**CONDITIONS TO BE SATISFIED PRIOR TO ISSUANCE OF BUILDING PERMITS**

- 4. Prior to the issuance of building permits, the owner or designee shall include within the first four pages of the working drawings a list of all conditions of approval imposed by the final approval for the project. *[Citation – City Quality Insurance Program]*  
(PIng.)\_\_\_\_\_(Bldg.)\_\_\_\_\_

**Spanish Style Architecture**

- 5. 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]*

**Roof Equipment**

- 6. Prior to issuance of any building permits, the owner or designee shall submit for review and obtain approval of the Director of Community Development or designee plans indicating that the height of any roof mounted equipment shall not exceed the height of the parapet wall intended to screen the equipment, and the equipment will be painted in such a manner as to cause the equipment to blend with the roof when viewed from surrounding areas. Additional screening devices may be required in conjunction with tenant improvements if deemed necessary by the Director of Community Development.  
*[Citation - Section 17.24.050.C.2 of the S.C.M.C.]* (PIng.)\_\_\_\_\_

**Coastal Commission**

- 7. Prior to the issuance of building permits, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that approval by the California Coastal Commission has been obtained for the project. *[Citation – Division 20 of the Public Resources Code & Section 17.56.050 of the S.C.M.C.]* (PIng.)\_\_\_\_\_

**Fees**

- 8. Prior to the review of plans, soils report and documents, the owner or designee shall pay the applicable development and plan review fees, which may include, but not limited to traffic, water, drainage, plan check deposit (minimum deposit shall be \$5000.00) for review of grading, drainage, soils. *[Citation – Fee Resolution No. 08-81]* (Eng.)\_\_\_\_\_
- 9. Prior to issuance of building and/or grading permits, the owner or designee shall pay the applicable permit fees, which may include, but are not limited to, City Attorney review, RCFPP, water and sewer connection. *[Citation – Fee Resolution No. 08-81& S.C.M.C. Title 15, Building and Construction, Sections 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]* (Eng.)\_\_\_\_\_

**Reports –Soils and Geologic, Hydrology**

- 10. 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, 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.)\_\_\_\_\_

**Grading**

- 11. Prior to 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, landslide treatment, treatment of cut and fill, slope stability, soils engineering, and surface and subsurface drainage. *[Citation – Section 15.36 of the SCMC]* (Eng.)\_\_\_\_\_
- 12. 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 a grading and drainage plan, prepared by a registered civil engineer, that shows grading and drainage plans. *[Citation – Section 15.36 of the SCMC]* (Eng.)\_\_\_\_\_

7A-14

- 13. Prior to issuance of any permits, the owner shall submit for review, and obtain the approval of the City Engineer or designee, a precise grading plan as required by the City Grading Manual and Ordinance. *[Citation – Section 15.36 of the SCMC]* (Eng.)\_\_\_\_\_

**Improvement Plans**

- 14. 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 improvements on the Precise Grading Plan, prepared by a registered civil engineer, including but not limited to the following provisions: *[Citation – Section 15.36 of the SCMC]* (Eng.)\_\_\_\_\_
  - A. Streets, sidewalks, curbs, gutters, storm drains, catch basins, slope drains, sewer lines, landscaping and street lights. All private and public improvements shall be designed and constructed in accordance with City standards. Sidewalks shall be designed to go up and around the drive apron with a cross fall not to exceed 2% towards the street.
  - B. The owner or his designee shall be responsible for the construction of all required frontage improvements as approved by the City Engineer or his designee.
  - C. Driveway slopes shall not exceed 10% without proper transitions per City Standards. Handicap parking stall slope shall not exceed 2%.
- 15. The developer shall be responsible for all of the frontage improvements, damage to any public improvements, and the relocation of any obstructions for the entire property frontage. The improvements may include, but not limited to, sidewalks, curbs, gutters, failed pavement sections, and street lights and utilities. *[Citation – Section 15.36 of the SCMC]* ■ (Eng.)\_\_\_\_\_

**Drainage**

- 16. All storm water shall be conveyed directly to an approved storm drain system. No storm water shall sheet flow over the sidewalks. *[Citation – Section 15.36 of the SCMC]* (Eng.)\_\_\_\_\_

**Easement**

- 17. Prior to issuance of any permits, the owner or designee shall submit for review and obtain the approval of the City Engineer for dedication of a sidewalk easement to the City. Sidewalk shall be designed to go up and around the drive aprons with a cross fall not to exceed 2% towards the street. *[Citation – Sections 12.08 & 15.36 of the SCMC]* ■ (Eng.)\_\_\_\_\_

MA-15

**NPDES**

18. 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.)\_\_\_\_\_
19. 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>) 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.

**Water**

20. 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 water improvement plans specific to the project, prepared by a registered civil engineer, which reflect consistency with the City's Water standards. Said plan shall provide for the following: *[Citation – Resolution 10-88 and Section 15.36 of the SCMC]* (Eng.)\_\_\_\_\_
- A. Indicate a service system which provides, or allows for, independent water metering.
  - B. All water meters shall be tapped into the public water main and be located in the public ROW.
  - C. A double detector check shall be installed at the transition from public to private for water systems.

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**Financial Security**

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

**Noise**

- 22. Prior to the issuance of grading permit, the owner or designee shall provide evidence acceptable to the City Engineer that: *[Citation – Section 15.36 of the SCMC]* (Eng.)\_\_\_\_\_
  - A. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with operating and maintained mufflers.

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

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

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

- 24. Prior to release of financial security, the owner or designee shall have completed the stenciling of all catch basins and/or storm drain inlets with labels 3" high in black letters, on either the top of the curb or the curb face adjacent to the inlet "NO DUMPING - DRAINS TO OCEAN". These markers shall be maintained in good condition by the Property Owners Association. Also, the owner or designee shall insure that all catch basins have filter basket inserts. *[Citation – Section 15.36 of the SCMC]* (Eng.)\_\_\_\_\_
- 25. 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, 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,

7A-17

CALGreen, and Fire Codes. *[Citation - S.C.M.C. Title 8, Section 8.16; Fire Code, Title 15, Building and Construction, Sections 15.08, 15.12, 15.16, 15.20; Title 16, Subdivisions; & Title 17, Zoning ]* (Bldg.)\_\_\_\_\_

26. 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. *[Section 15.36.160 of the SCMC]*(Bldg.)\_\_\_\_\_
27. Prior to the issuance of building permits, the owner or designee shall submit for review, and shall obtain the approval of the City Building Official or designee for, plans indicating the location and type of unit address lighting to be installed, and the location of doors and window locks. *[Citation – Section 15.24 & 15. 28 of the SCMC]* (Bldg.)\_\_\_\_\_
28. 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. *[Citation - S.C.M.C. Title 15, Building and Construction, Sections 15.52, 15.56, 15.60, 15.64, 15.68, 15.72].* (Bldg.)\_\_\_\_\_
29. 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 required front, side and rear setbacks and are in conformance to the approved plans. *[Citation – No Specific Citation/City Council Approval June 1, 2010]* (Bldg.)\_\_\_\_\_
30. 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. *[Citation – No Specific Citation/City Council Approval June 1, 2010]* (Bldg.)\_\_\_\_\_
31. Prior to issuance of certificates of occupancy, the owner or designee shall demonstrate to the satisfaction of the City Building Official or designee that the project has been constructed in conformance with the approved sets of plans and all applicable, codes, ordinances, and standards. *[Citation – Appendix 1, Section 110 of the California Building Code]* (Bldg.)\_\_\_\_\_

7A18

32. Prior to issuance of certificate of occupancy, the project shall be develop in conformance with the site plan, floor plans, elevations, details, and any other applicable submittals approved by the Planning Commission on December 19, 2012, subject to the Conditions of Approval.

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

33. All garden and retaining walls shall comply with the requirements of the San Clemente Municipal Code. ■■(PIng.)\_\_\_\_\_

34. Prior to the issuance of building permits the applicant shall submit for review and obtain approval of landscaping plans. ■■(PIng.)\_\_\_\_\_

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

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

37. Prior to issuance of certificates of occupancy, the owner or designee shall submit a letter, signed by a registered landscape architect, to the Community Development Director or designee, stating that all materials for all landscaped areas have been installed in accordance with the approved plans, and shall demonstrate to the satisfaction of the Community Development Director or designee, in consultation with the Beaches, Parks and Recreation Director or designee, that all landscaped areas have been landscaped per the approved landscape plans. *[Citation – Master Landscape Plan for Scenic Corridors, May 1992]* (PIng.) \_\_\_\_\_(B,P&R)\_\_\_\_\_

7A-19

**ORANGE COUNTY FIRE AUTHORITY (OCFA) CONDITIONS**

*OCFA Conditions of Approval are arranged by development category and not phase of development.*

***Prior to issuance of a building permit:***

38. Fire Master Plan (service code PR145)- The fire master plan shall demonstrate access to all rescue windows. The **minimum** width for the area below the rescue windows is the height of the window sill divided by 5 plus 2 feet. This will ensure adequate room to place a ladder in the event a rescue needs to be made from one of the bedroom windows.
39. Architectural (SERVICE CODES PR200-PR285)
40. Underground Piping (service code PR470-PR475), if private hydrants are installed/modified or a fire sprinkler system is required by code or installed voluntarily
41. Fire Sprinkler System (service codes PR410)

**Prior to concealing interior construction:**

42. Sprinkler Monitoring System (service code PR500)
43. Fire Alarm System (service code PR500-PR520), if modified, provided voluntarily, or required by code.
44. Should the policy regarding the requirement to paint windows on-site change prior to development, the applicant can choose to use the newly established window policy or the one active at the time of approval. *[Added by Planning Commission on December 19, 2012]* (Plng.)\_\_\_\_\_

7A-20



# LOCATION MAP

CUP 12-270 and CHP 12-271  
Reef Point Villas



7A-31



**STAFF REPORT**  
**SAN CLEMENTE PLANNING COMMISSION**

Date: December 19, 2012

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**PLANNER:** Amber Gregg, Associate Planner

**SUBJECT:** Conditional Use Permit 12-270 and Cultural Heritage Permit 12-271, Reef Pointe Villas, a request to consider the demolition of an existing apartment building, and the construction of a new three story building, with five residential units and a subterranean garage, located at 410 Arenoso Lane. The project is located in the Pier Bowl Specific Plan and the Architectural and Coastal Zone Overlays. The legal description is Lot 46, of Block 3, of Tract 784 and Assessor's Parcel Number 692-012-06.

**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.

***Conditional Use Permit, Section 17.16.060***

1. The proposed use is permitted within the subject zone pursuant to the approval of a Conditional Use Permit and complies with all the applicable provisions of this title, the San Clemente General Plan and the purpose and intent of the zone in which the use is being proposed.
2. The site is suitable for the type and intensity of use that is proposed.
3. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity.
4. The proposed use will not negatively impact surrounding land uses.

***Cultural Heritage Permit, Section 17.16.100***

1. The architectural treatment of the project complies with the San Clemente General Plan; and
2. The architectural treatment of the project complies with any applicable specific plan and this title in areas including, but not limited to, height, setback color, etc.; and
3. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines; and

MA-33

4. The general appearance of the proposal is in keeping with the character of the neighborhood.
5. The proposal is not detrimental to the orderly and harmonious development of the City.
6. The proposed project/use preserves and strengthens the pedestrian-orientation of the district and/or San Clemente's historic identity as a Spanish Village; or
7. The proposed project will not have negative visual or physical impacts upon the historic structure.
8. The proposed project complies with the purpose and intent of the Architectural Overlay District, Section [17.56.020](#) of this title.

### **BACKGROUND**

This is a request for a five-unit, three-story building with a subterranean garage. The project site is located on a coastal canyon overlooking Linda Lane Park. It is in the Residential High land use designation of the Pier Bowl Specific Plan, and the Architectural Overlay. See Attachment 2 for Location Map. The applicant is proposing Spanish Colonial Revival architecture.

The Design Review Subcommittee (DRSC) provided comments on the project on June 27, 2012, September 12, 2012 and October 24, 2012. At the meetings, the DRSC provided feedback to help aid the applicant in their design efforts and to ensure the development in the Architectural Overlay is compatible and harmonious with the surrounding neighborhood, and upholds the design guidelines of the City and Pier Bowl Specific Plan. A summary of those comments are provided later in this report, and a copy of the June 27, 2012 and September 12, 2012 DRSC Staff Report and the minutes are provided under Attachments 3 and 4 respectively.

The City's Development Management Team (DMT) reviewed the project on August 16, 2012, October 25, 2012, and November 29, 2012, and has 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 three-story development consists of two units on the first, two units on the second, and one unit on the third story. The units range in size from 2,270 square feet to 2,855 square feet, with private balconies that range from 343 square feet to 668 square feet. The balconies are designed to take advantage of the ocean views. Parking for four of the units, as well as the entire guest parking is provided in the subterranean parking garage. The fifth unit has two spaces located in a two-car garage that takes access from Arenoso Lane.

7A-23

**Site Data**

The project site is 12,136 square feet and is approximately 115 linear feet wide. The site currently has five residential units within two buildings, one is a two-story building that fronts Arenoso Lane, and the second is a one-story building located down the side and back of the property. Directly south of the property is a public pedestrian walkway that connects Arenoso Lane to Linda Lane providing access to the beach and park. Adjacent properties are multi-family residential developments and include a four-story, multi-family development with subterranean garage to the south east, a three-story multi-family development to the northeast, and three and four-story multi-family developments directly across the street. See Attachment 6 for photographs of existing conditions.

**Development Standards**

Table 1 outlines the development standards for the Residential High land use designation and Architectural and Coastal Zone overlays and how the project is consistent with these standards.

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

<b>Standard</b>	<b>Code Requirements</b>	<b>Proposed Site Plan</b>	<b>Complies with Code Requirements</b>
Density:	1 unit/1,200 sf	1 unit/2,427 sf	Yes
Building Height (Maximum)	45 feet	40 feet	Yes
Setbacks (Minimum):			
• Front	10 feet	10 feet	Yes
• Side Yard	5 feet	5 feet	Yes
• Rear Yard/ Canyon Edge	15 feet	15 feet	Yes
Lot Coverage	55%	54.7%	Yes
Required Parking (Minimum):	15 spaces	15 Spaces	Yes
Private Open Space Required:	100 sf	343-668 sf	Yes
Landscaping	4 street trees and 10% of the net lot area	4 street trees and approximately 25% of net lot area	Yes

7A-24



### ***Architecture***

The applicant is proposing Spanish Colonial Revival architecture. Traditional features included smooth white stucco finish, bull-nose edges, wood windows and doors, and single barrel tile roofing with 25% random mortar packing. Enhanced details include areas of ornate wrought iron, Cantera stone columns at the back of the building, decorative Spanish tiles on main entry raisers, and guardrails constructed of stacked clay roofing tiles.

The scale, mass and form of the building follow the design guidelines as well as the Pier Bowl Specific Plan requirements. The building is designed in a "wedding cake" style with the larger mass on the bottom two floors and stepping in the third story. The project has varied roof elements creating smaller-scale components.

### ***Site Design***

The site design follows basic principals of Spanish Colonial Revival architecture. The building is carefully suited to its site and takes advantage of the topography, climate and view, with exterior patios and balconies used for out door living. The buildable area of the site is limited to top portions of the lot 15 feet from the canyon edge.

The project exceeds net lot landscaping requirements. The retaining and garden walls for the project meet code requirements and do not require a variance.

## **PROJECT ANALYSIS**

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

A Cultural Heritage Permit is required for two reasons: 1) the project is located within an Architectural Overlay, and 2) the project is located within 300 feet of two historic properties.

Projects located in the Architectural Overlay must comply with the "Spanish Colonial Revival" District per the Design Guidelines of the City of San Clemente (Design Guidelines). The Design Guidelines provide goals and appropriate use of various architectural elements. The development proposes Spanish Colonial Revival architecture and complies with the Design Guidelines. As noted earlier, the applicant has incorporated traditional Spanish-Colonial Revival architectural details, including low pitched single-barrel red tile roofs, bull nosed edges, smooth white stucco finishes, and wood windows and doors. The project meets the goals of the Architectural Overlay which are to promote and enhance the City's Spanish character. The project also complies with the required findings. The project is in character with the surrounding neighborhood which is made up of predominantly three story buildings, with higher density, and subterranean parking (see attachment 6 for photographs of surrounding neighborhood). There is even a four story building directly across the street that also has subterranean parking. The project upholds the design guidelines in regard to the required architectural style of Spanish Colonia Revival architecture as

7A-25

well as the mass and scale of the building with its pedestrian elements, varied roof lines and stepped in upper floors.

There are two historic properties within 300 feet of the proposed project. One is located at 322 Encino Lane, and the other at 327 Encino Lane. Both of these historic resources can only be seen from Encino Lane public right-of-way. Due to the distance of the historic resources from the proposed project, and the topography of the area, the proposed project will not be visible when viewing the historic resources, see exhibit below. Since the project will not be seen when viewing the historic homes, it can be concluded that the project will not have any negative impacts on the historic resources. Copies of the historic resource survey for both of these properties can be found under Attachment 5.

**Exhibit 1**  
**Historic Structures Location**



***Conditional Use Permit***

All residential projects consisting of five or more units are required to obtain a Conditional Use Permit per Section 17.32.032, Residential Use Regulations, of the Zoning Ordinance. The neighborhood and surrounding area are predominantly developed with multi-family residential buildings varying from two to three stories in height, consistent with the Pier Bowl High Density zoning. The permitted density of the district is one unit per 1,200 square feet of net lot area. The applicant is purposing one unit per 2,427 square feet. The last two recent developments approve and constructed in the neighborhood are located at 405 Arenoso and 412 Arenoso. There densities were 1 unit per 2,080 square feet and 1 unit per 2,265 square feet respectively, and were also three stories in height with subterranean parking.

7A-26

The project will not have an adverse negative impact on the the surrounding neighborhood as it complies with the development standards of the Zoning Ordinance and the Pier Bowl Specific Plan. The project is consistent with the existing character of the neighborhood and is designed in the required Spanish Colonial Revival architecture and is consistent with the Design Guidelines. Please refer to Attachment 6 for photographs. The project is consistent with the goals and policies of the San Clemente General Plan as detailed later in this report.

***Design Review Subcommittee***

The Design Review Subcommittee (DRSC) reviewed the project on three occasions, as noted earlier. The following recommendations are from the DRSC meeting along the applicant’s response to the Subcommittee’s concerns.

**Table 2**  
**DRSC concerns and project modifications**

<b>DRSC Comments</b>	<b>Modification</b>
Proposed architecture is more contemporary in style than Spanish Colonial Revival. Although modern materials can be used to construct the building, it should visually appear as though traditional methods and materials were used.	<b>Modified as requested.</b> Applicant incorporated more traditional finishes and architectural details. The applicant thickened the width of the walls and recessed the windows and doors to provide visual appearance of traditional construction, and added mullions to the windows.
At the front elevation a more inviting entry, clearly defining the front pedestrian access to the multi-family homes, should be considered. This area has a great opportunity to add pedestrian scale, interest, and a sense of arrival.	<b>Modified as Requested.</b> The applicant modified front entrance to include columns with decorative light fixtures, decorative tile on the risers and a large archway covered with a tile cap.
Back of the building appears to have a cantilevered deck which is not acceptable in Spanish Colonial Revival architecture.	<b>Modified as requested.</b> The applicant has modified the renderings to show that the deck is not cantilevered.

**GENERAL PLAN CONSISTENCY**

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

*7A 27*

**Table 3**  
**General Plan Consistency**

Policies and Objectives	Consistency Finding
<p><i>2.IV.B Preserve and strengthen San Clemente’s unique atmosphere and historic identity as “The Spanish Village by the Sea.”</i></p>	<p><b>Consistent.</b> The proposed project site is located within the Architectural overlay and proposes Spanish Colonial Revival architecture. The development is consistent with the City’s Design Guidelines and promotes and enhances the City’s Spanish character.</p>
<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 three-story, development is consistent with the surrounding three and four story buildings of the surrounding neighborhood. The Spanish Colonial architecture of the structure is also compatible with the existing developments and will be a positive addition to the street scene both from Arenoso and Linda Lane.</p>
<p><i>1.2.7(a) Use of building materials, colors, and forms which complement the neighborhood, while allowing flexibility for distinguished design solutions.</i></p>	<p><b>Consistent.</b> The proposed multi-family development complements the neighborhood as it fits into the variety of architectural styles and scale of the other residences in the neighborhood.</p>
<p><i>1.2.7(b) Modulation and articulation of all building elevations, conveying the visual character of individual units rather than a singular building of mass and volume.</i></p>	<p><b>Consistent.</b> The multi-family residential project has been designed to incorporate articulation and distinction in order to create a project consistent and beneficial to the area.</p>

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

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

*TA-28*

**CALIFORNIA COASTAL COMMISSION REVIEW**

The subject property is located within the Coastal Zone and is required to be reviewed and approved by the California Coastal Commission and obtain the necessary permits. California Coastal Commission staff has already met with the applicant and provided preliminary comments on the project and signed off on the location of the project footprint in relation to the canyon edge.

**CONCLUSION**

The proposed project meets all the development standards and is consistent with the design guidelines of Zoning Ordinance and Pier Bowl Specific Plan. The project is compatible with the surrounding neighborhood, and the architecture will add to the streetscape of the surrounding neighborhood and preserve and strengthen San Clemente's unique atmosphere and historic identity as "The Spanish Village by the Sea." The project is below the maximum density permitted, and has less density per net area than most developments in the Residential High Zoning District. The mass and form of the building respects the neighboring properties and provides a recessed third story as required by the Pier Bowl Specific Plan. The project will not have a negative impact on the nearby historic resources as it is not visible when viewing the resources from the public right of way. It is staffs determination that the project meets and the required findings and is consistent with Coastal Zone requirements.

**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 project being approved and allow the applicant to apply for permits from the California Coastal Commission to construct a three-story, five-unit residential development.*

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/or conditions of approval. Examples of potential modifications could be to reduce the massing of the building whether that is in height or in width. Other examples may be modifications to proposed building materials such as detail elements.*

7A 39

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

*This action would result in the project's denial. The applicant could appeal Planning Commission's decision to the City Council.*

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission approve CUP 12-270, CHP 12-271, and SPP 12-272, Reef Pointe Villas, subject to the attached findings and conditions of approval provided under Exhibit A of Attachment 1.

**Attachments:**

1. Resolution No. 12-037  
Exhibit 1 - Conditions of Approval
2. Location Map
3. June 27, 2012 DRSC Report and Minutes
4. September 12, 2012 DRSC Report and Minutes
5. Historic Resources Reports
6. Photographs
7. Colored Elevations  
Plans

7A-30



**STAFF REPORT**  
**SAN CLEMENTE PLANNING COMMISSION**

Date: January 23, 2013

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**PLANNER:** Amber Gregg, Associate Planner

**SUBJECT:** **Interpretation 13-012, Story Pole Interpretation**, a request for an interpretation from the Planning Commission regarding story pole requirements for residential projects.

**PURPOSE AND INTENT**

The purpose and intent of the interpretation process is to provide for review and official interpretation of ambiguities in the Zoning Ordinance. No findings are required as part of this review, as we are not requesting an interpretation on a permitted use.

**BACKGROUND**

On December 19, 2012, the Planning Commission held a public hearing for the Reef Pointe Villas project, a five-unit, three-story, apartment development located in the Pier Bowl Specific Plan area (410 Arenoso Lane). At the meeting the Commission considered evidence presented by City Staff, the applicant, and other interested parties.

One member of the public, Ms. Christina Leon, spoke in opposition of the project. In her testimony Ms. Leon stated that she had concerns about the view of the ocean being lost and that story poles should be erected to see the true impact of the development.

Prompted by Ms. Leon's comments, staff reviewed the requirement of the story poles section of the Zoning Ordinance (17.24.100) at the meeting, which states the following:

*Visual Analysis Tools. Story pole staking, as described in Section 17.12.060 "Applications Requiring Additional Information," of this title, shall be required when a discretionary application is submitted which proposes one of the following:*

- 1. A new structure or addition that is three (3) or more stories within a Nonresidential, Mixed Use zone and/or an Architectural Overlay District; or*
- 2. Any structures with the potential to affect public view corridors from public places in the Coastal Overlay zone, regardless of number of stories.*

7A-31

In the past, story poles have only been utilized on three story developments in Commercial or Mixed Use Zones. We have not previously processed a residential project of three or more stories (since the adoption of the story pole requirement section 17.12.060), that was also in the Architectural Overlay District. There are several small portions of the City that have Residential zoned properties within the Architectural overlay; they are identified on Attachment 1.

Staff showed the section of the Zoning Ordinance to the Assistant City Attorney at the Planning Commission meeting. The Assistant City Attorney stated that there was ambiguity in the ordinance, with its reference to development that required story poles. Further, he had concerns that the requirement would violate the permit streamlining act. Specifically, Government Code Section 65940(a) requires the City to compile a list of the information required for an application to be deemed complete. Therefore the Assistant City Attorney recommended not to raise the issue.

Planning Commission addressed Ms. Leon's comments and stated that story poles were not required in this instance. The Planning Commission approved the project unanimously based on the findings, the fact that the building did not maximize the development envelope, was a full story under the permitted height allowance, recessed the third floor on all four sides, and was Spanish Colonial Revival architecture.

### ANALYSIS

After the meeting, staff reviewed the entire story pole section of the Zoning Ordinance (17.24.110, Height limitations), and agreed that the language is ambiguous. Upon closer examination and reflection, it appears the intent of the ordinance is to require story poles for any residential projects three or more stories in height within the Architectural Overlay District.

Story Poles are discussed under two sections of the Zoning Ordinance, Section 17.12.060, Review Process, Applications Requiring Additional Information and Section 17.24.110, General Standards Height Limitations. These sections are provided in their entirety under Attachments 2 and 3 respectively.

The first section (17.12.060), outlines the requirements and standards for staking the poles and provides the City Planner flexibility to necessitate story poles for projects that do not require them. The second section (17.24.110) identifies the projects that require story poles to be erected. Staff believes story poles are required for residential project based on the wording in 17.24.110, which states "A new structure or addition that is three (3) or more stories within a Nonresidential, Mixed Use zone and/or an Architectural Overlay District." Although the wording is confusing because it states "Nonresidential", the sentence continues "and/or in an Architectural Zone". The use of the "and/or" ultimately requires all three story developments in the Architectural Overlay to erect story poles.

City Attorney, Jeff Goldfarb, also reviewed the code and concurs with staffs assessment and determination.

JA-32



### FUTURE CLEAN UP

In our review, staff identified several problems with the story pole ordinance. Some of the problems that need cleaned up include:

- Clear wording to avoid confusion as to when story poles are required.
- The ordinance can require story poles for residential developments that have a 25 foot height limit.
- The location of the story poles requirement is problematic as it's located under height limitations. Staff would like to add a note in the zoning development standard sections of the code making the requirement more prominent to applicants and staff.

Staff will review these issues as part of the larger Zoning Ordinance update.

### CONCLUSION

Based on the above information, staff believes that the intent of the visual analysis tools section of the ordinance is to require all developments that are three or more stories, including residential, that are located within the Architectural Overlay, be required to erect story poles.

### ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff's conclusion and approve the Interpretation.

*This would result in all developments within the Architectural Overlay that are three stories in height or more, including Residential projects, be required to erect story poles.*

2. The Planning Commission can at its discretion make other interpretations of the intent and purpose of the story poles.

*Another interpretation could be that the intent was to require all commercial and mixed-use developments that are three or more stories to provide story poles, and that the requirement was not intended for residential developments.*

### RECOMMENDATION

**STAFF RECOMMENDS THAT** the Planning Commission approve Interpretation 13-012, that all developments within the Architectural Overlay that are three stories in height or more, including Residential projects, be required to erect story poles.

7A-33

Attachments

1. Map of Residential Zones in the Architectural Overlay
2. Section 17.12.060, Applications Requiring Additional Information of the Zoning Ordinance
3. Section 17.24.110, Height Limitations of the Zoning Ordinance
4. Memo to City Council members from Community Development Director Jim Holloway

7A-34

CONTINUATION SHEET

Page 1 of 2

Resource Name or #: 327 ENCINO LANE

Recorded by: Historic Resources Group

Date: 8/10/2006

Continuation  Update

PROPERTY NAME Unknown  
HISTORIC NAME Unknown  
PROPERTY ADDRESS 327 Encino Lane  
ASSESSOR PARCEL NUMBER 692-052-09  
PROPERTY TYPE Single-family residential  
OTHER DESCRIPTION  
DATE OF CONSTRUCTION 1928 (E) Tax Assessor

INTEGRITY No substantial changes post-1995 Historic Resources Survey prepared by Leslie Heumann & Associates.

SIGNIFICANCE This one-story single family residence sits atop a two-car garage and was built in 1928. This property is a modest example of the Spanish Colonial Revival style as represented in San Clemente. This property appears eligible as a contributor to a potential National Register district under Criterion A for its association with the Ole Hanson/Spanish Village by the Sea period of development (1925-1936).

STATUS CODE 3D

STATUS Appears eligible for the National Register as a contributor to a National Register eligible district through survey evaluation. The property also appears eligible at the local level as a contributor to a potential historic district. It is recommended for retention on the Historic Structures List.

Project City of San Clemente Historic Resources Survey Update  
Prepared for City of San Clemente  
910 Calle Negocio, Suite 100  
San Clemente, CA 92673  
Prepared by Historic Resources Group  
1728 Whitley Avenue  
Hollywood, CA 90028

# CONTINUATION SHEET

Page 2 of 2

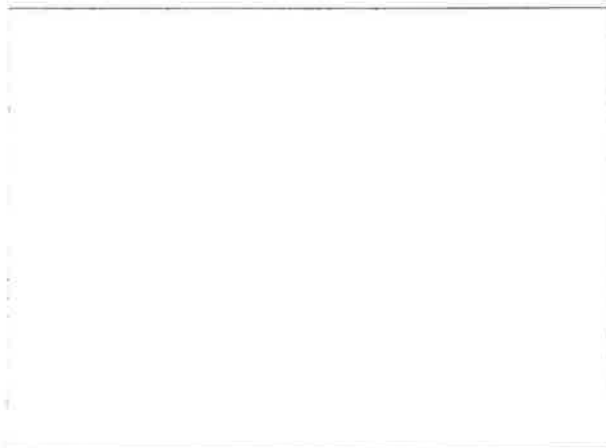
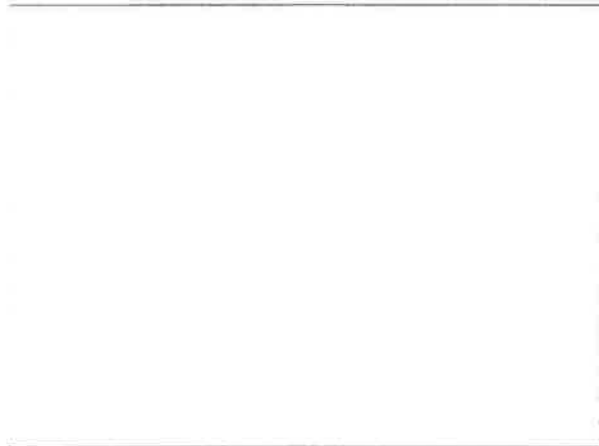
Resource Name or #: 327 ENCINO LANE

Recorded by: Historic Resources Group

Date: 8/10/2006

Continuation  Update

**Photographs of the Subject Property:**



# CONTINUATION SHEET

Page 1 of 2

Resource Name or #: 332 ENCINO LANE

Recorded by: Historic Resources Group

Date: 8/10/2006

Continuation  Update

PROPERTY NAME Unknown

HISTORIC NAME Unknown

PROPERTY ADDRESS 332 Encino Lane

ASSESSOR PARCEL NUMBER 692-012-03

PROPERTY TYPE Multi-family residential

OTHER DESCRIPTION

DATE OF CONSTRUCTION 1932 (E) Tax Assessor

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INTEGRITY No substantial changes post-1995 Historic Resources Survey prepared by Leslie Heumann & Associates.

SIGNIFICANCE This two-story multi-family residence was built in 1932. This property is a good example of the Spanish Colonial Revival style as represented in San Clemente. This property appears eligible as a contributor to a potential National Register district under Criterion A for its association with the Ole Hanson/Spanish Village by the Sea period of development (1925-1936).

STATUS CODE 3D

STATUS Appears eligible for the National Register as a contributor to a National Register eligible district through survey evaluation. The property also appears eligible at the local level as a contributor to a potential historic district. It is recommended for retention on the Historic Structures List.

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 2

Resource Name or #: 332 ENCINO LANE

Recorded by: Historic Resources Group

Date: 8/10/2006

Continuation  Update

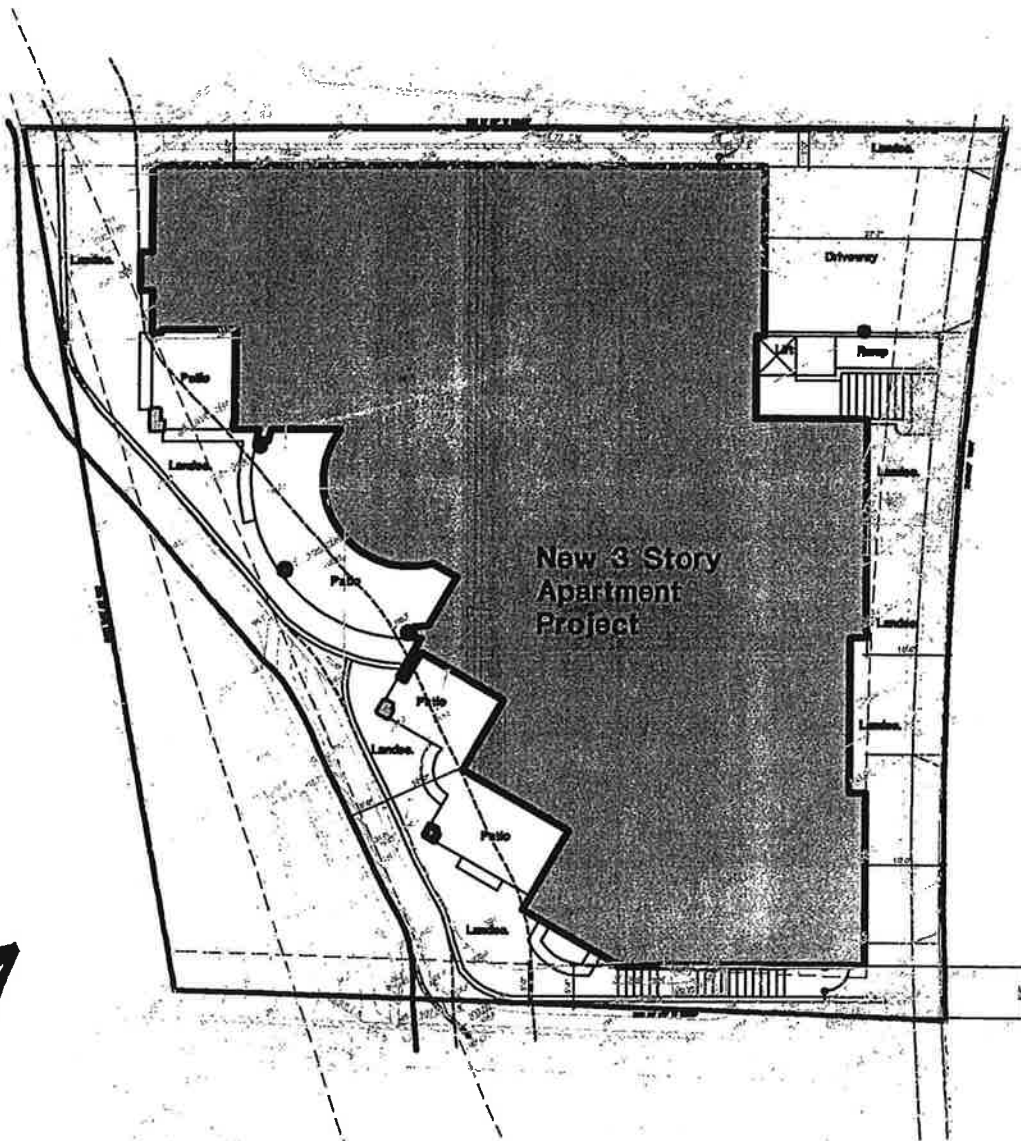
**Photographs of the Subject Property:**



# REEF POINTE VII

ATTACHMENT 6

410 ARENOSO LANE



7A-39



78-40

①





7A-41

2



7A-42

3



9A-43

4



19-44

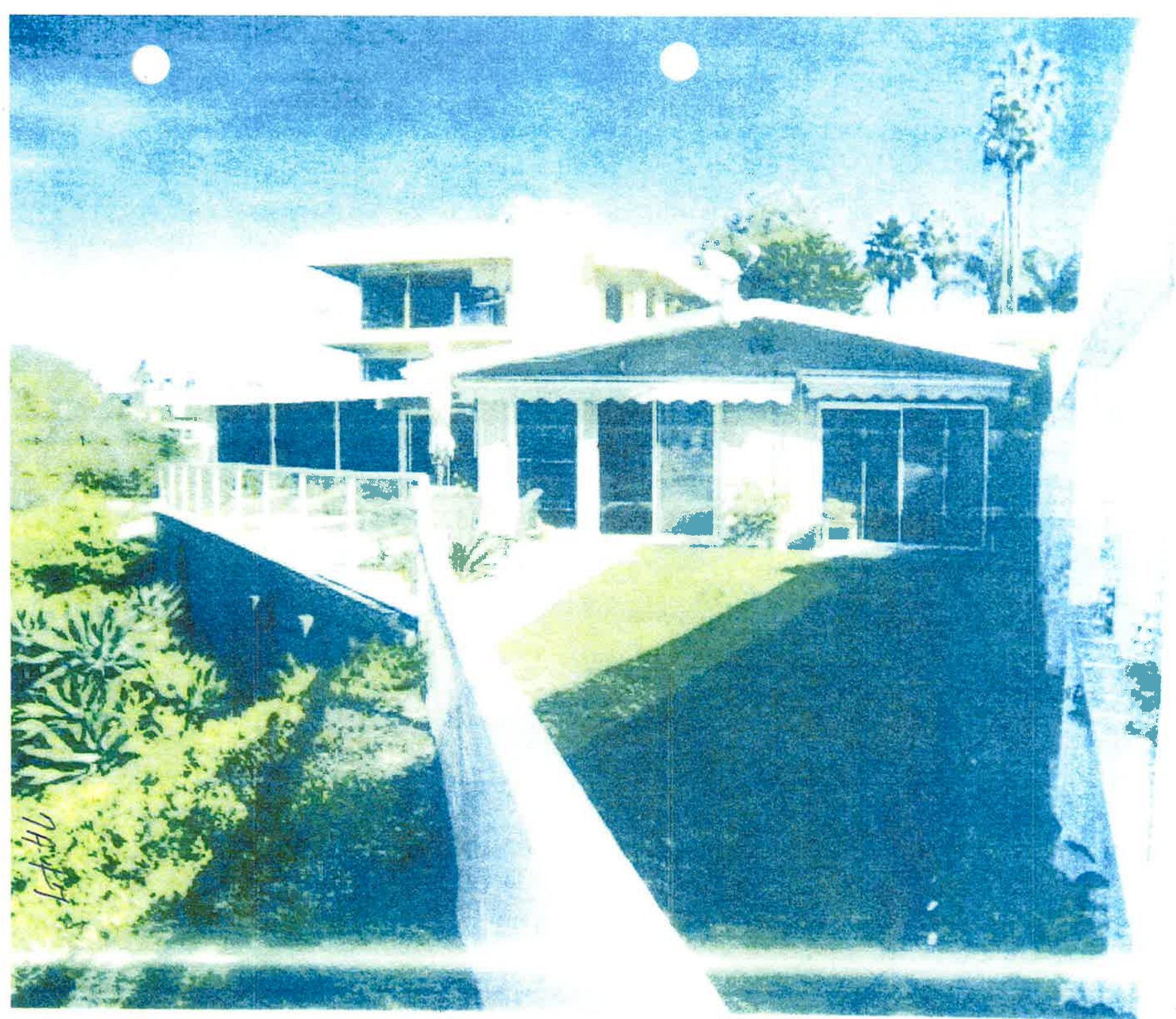
5



78-15



1/8/16



9A-101



7A-48





7A-49



7A-50



7A-51



East Elevation

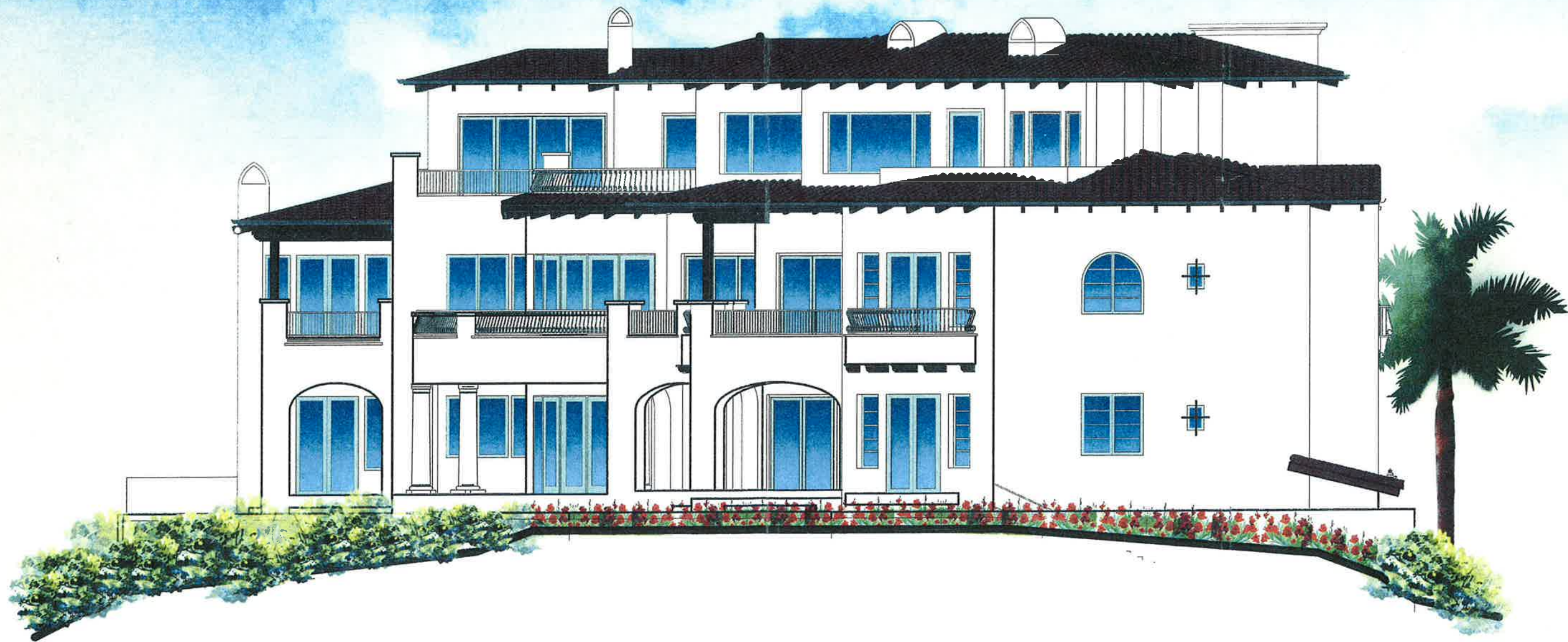
**REEF POINT VILLAS**  
SAN CLEMENTE, CA

Michael Luna



& Associates, Inc.

7A-52



South Elevation

**REEF POINT VILLAS**  
SAN CLEMENTE, CA

Michael Luna



& Associates, Inc.

7A-53



North Elevation

**REEF POINT VILLAS**  
SAN CLEMENTE, CA

Michael Luna



& Associates, Inc.

7A-54



West Elevation

**REEF POINT VILLAS**  
SAN CLEMENTE, CA

Michael Luna

■  
& Associates, Inc.

7A-55

January 18, 2013

CITY OF SAN CLEMENTE

RE: 410 Arenoso Lane Unanimous Planning Commission Approval

JAN 22 2012

CITY CLERK DEPARTMENT

Dear San Clemente City Council members,

My name is Richard Gibby. Having grown up in North Orange County, I always dreamed of having a beach house close to the water. That dream was realized in May of 1997 when I purchased the property that is the subject of this letter. Since my purchase in 1997, I have continuously owned and lived in this property. Presently, I live in one of the small apartment units. Despite my best efforts to maintain the property, it has become cumbersome to keep up with the maintenance. Moreover, the architecture is outdated and is inconsistent and incompatible with the Spanish Colonial nature of the area. Quite frankly, the existing building has exceeded its lifespan due to the fact that it was built in the 1950's. My dream has always been to someday re-build the aging building into a nicer home for myself, from clear back to the time that I originally purchased the property, I looked forward to the day that I could construct a beautiful new Spanish Colonial style building. After 16 long years of waiting, that opportunity has finally presented itself. I plan on retiring in a couple of years and living in one of the five units for the rest of my life.

Presently, my existing property consists of five units. Since it is my intention to live out the rest of my life at my property, I wanted to minimize the amount of new units that I would build such that the new project would remain a tranquil place to live. According to the zoning code, I could have designed a project with 10 units but I did not want to create a massive project like some of the others that I have seen. Again, my goal has always been to maximize my long term quality of life, not maximize my economic gain. Therefore, I carefully worked to minimize the density to the lowest economic denominator that I could afford. As such, I simply replaced 5 units with 5 units; thereby, cutting the allowed density in half. Additionally, I chose to build only 3 stories rather than the 4 allowed in the code. I have done everything possible to minimize the density, and at the same time, create a visually stunning building that is just barely economically feasible enough to actually be able to build.

Quite honestly, I have invested my life's savings in this project. In essence, I have gambled my life's work, on the success of this dream. To date, I have spent an enormous sum of money on architects, engineers, reports, City fees, etc. My greatest fear, thus far in the process, has been that I have wasted these expenditures (my life's savings) on a project that would for some reason be rejected. That would cause me a severe economic hardship, probably dash my dreams of ever improving the property, and in the worst case scenario, put me at risk of losing the property or forcing me to sell it. The Planning Commission voted unanimously in favor of the project on December 19<sup>th</sup>. Knowing that I had stuck to my original vision of the project, and to hear such positive comments from the Commissioners made me feel euphoric. It was my understanding that after the public appeal period and minutes approved by City Council that I would be on my way to realizing my dream. Unfortunately, I was informed by City Staff on January 11, that there was "ambiguity" discovered in the code and the City Council may force me to start again by erecting story poles, opening my project up to another round of public

7A-56



scrutiny, and causing me needless delays and extra expense. At this time I would politely ask the City Council to not "call my project up", but rather bless it, such that I can move forward without extra delay or expense.

I have worked the last year doing everything requested of me by the City. On December 19, 2012 the Planning Commission unanimously approved 5 unit project. At that meeting, the Assistant City Attorney and staff indicated that story poles were not required for the project. More specifically, the **MINUTES OF THE ADJOURNED REGULAR MEETING OF THE CITY OF SAN CLEMENTE PLANNING COMMISSION, December 19<sup>th</sup>, 2012 @6:00 p.m.** read as follows:

**"During the ensuing discussion, the Commissioners, either individually or in agreement, provided the following commentary:**

- **Commented that although story poles are a good tool, they have not been used in residential projects and are not called for with this application as it's not a commercial or mixed use project."**

I am not trying to be unreasonable here, but I find it unfair and for the City to allow me to go through the whole process, publicly tell me that I do not need story poles, compliment my project, approve my project, and then weeks later tell me that they may have made a mistake, and that now I may need to erect story poles. I find it difficult to understand why I may be delayed now and need to endure additional loss of time and money when the ambiguity over whether or not story poles is even required for **future** projects is not going to be debated until this Wednesday at the Planning Commission meeting. This seems incredulous to me given that I was approved and was specifically told by City staff, the Planning Commission and the City Attorney that the poles were not necessary.

The Planning Commission minutes also noted the following:

- **"Commended the choices made by this developer to reduce impacts to the adjacent properties, including lower massing than allowed, increased balconies, half the number of units that could be built on site, and limiting the number of stories to 3."** (instead of 4)
- **"Complimented the architect and applicant for the beautiful design."**

In summary, my project complies with every development criteria. We have done all that that has been asked, and most importantly trusted your city process of project review to be done in a fair and equitable manner without unnecessary steps backward.

So I ask that the City Council will concur with the Planning Commission and allow us to proceed with no untimely costly delays.

Thank you for your understanding and consideration.

Sincerely,

Richard Gibby

7A57