



Agenda Item 6+

Approvals:

City Manager PA

Dept. Head 3/4

Attorney _____

Finance SV

AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING

Meeting Date: December 3, 2013

Department: Beaches, Parks & Recreation
Prepared By: Sharon Heider, Beaches Parks & Recreation Director

Subject: *PLANNING COMMISSION CONDITIONS OF APPROVAL FOR BASE OF PIER RESTROOM.*

Fiscal Impact: Yes. A supplemental appropriation of \$73,743 would be needed for the project to meet the Planning Commission's Conditions of Approval and additional design costs.

Summary: The Base of Pier Restroom Renovation Project was considered and approved by the Planning Commission with several Conditions of Approval that have increased the scope of work and approved budget. Staff recommends the City Council appropriate additional funds to satisfy these conditions.

Background: On May 21, 2013, the City Council approved a conceptual plan and \$365,000 budget for the renovation of the beach restroom at the base of the pier. Plans for this project were considered by the Planning Commission on October 16, 2013 who was largely supportive of the proposed plan and architecture of the building. The Planning Commission did, however, approve resolution number PC 13-038, adding several requirements to the project which would increase the scope of work as well as the approved budget. The minutes of the Planning Commission meeting were approved by the City Council on November 5, 2013.

Discussion: This project is unique in that the City Council is both the owner of the building who sets the design and budget much like a homeowner, as well as the approving regulatory body. However, a City project also has to go through the approval process in which the Planning Commission reviews for appropriateness and sets Conditions of Approval. The Planning Commission was apprised of the budget constraints, but did add Conditions of Approval which increased the scope of work and budget.

The additional Planning Commission Conditions of Approval are described below:

Roofing

Additional clay tiles and mortar packing are being required which will increase the roof load and costs. The Design Guidelines for the Pier Bowl area show the limits of the Pier Bowl Redevelopment Area on the inland side of the railroad tracks. Because the Base of Pier Restroom is not actually within the Pier Bowl Redevelopment Area, staff and the Architect proposed a new tile roof, however did not propose the 25% mortar pack which provides a more rustic appearance and is heavier. This was due to the age of the structure and the attempt to keep costs down.

Exterior Stucco

A stucco exterior treatment is being required of the adjacent structures (trash enclosure and electrical building) as well as the rear of the building. The original scope of this project did not include improvements to the attached trash enclosure or electrical building other than painting them white to match the new restroom color. In addition, the rear of the restroom was not proposed to receive stucco but only paint as a cost savings measure as it had only limited visibility.

Exterior Details

A decorative metal screen and a fiberglass door with a simulated wood finish are required. Landscaping along the rear of the building is also required. These are part of the original scope of work.

Flooring

Although not a Condition of Approval, the subject of the flooring finish was discussed. The current scope of work does not include changes to the existing concrete flooring other than resealing it. This will result in a floor that looks the same as currently exists. There was discussion of providing a more attractive finish and adjusting the slopes for better drainage. Should the City Council wish to upgrade the floor finish, estimated costs would range between \$18,000 for a Stonhard type of product which was used in the restroom at Courtney's SandCastle, to \$24,000 for a commercial tile which gives a more Spanish Colonial finish similar to the Doheny State Park restrooms.

Schedule

The plans and specifications have been prepared and have been submitted for City Plan Check. Plans have also been submitted to the Coastal Commission for permitting. Coastal Commission review can take between three and six months. In an effort to accelerate the project, bidding can be done concurrent with Coastal Commission review. While there is some risk if the Coastal Commission requires a significantly different direction for the project, it would allow the City to have plans ready for construction as soon as Coastal Commission approves the permit should they not have significant issues. With this accelerated approach, the City may be able to initiate construction as early as March 2014. Construction is estimated to take six months which would have construction occurring during the summer months, ending in August 2014. It has been the City's practice not to allow construction by any concessionaires or City projects during the summer season. Staff does not recommend that construction be allowed in the summer, and recommends that the project be scheduled to begin immediately after Labor Day.

Recommended**Action:**

STAFF RECOMMENDS THAT the City Council authorize a supplemental appropriation from the General Fund's unassigned fund balance to account #001-636-45300-000-12560 for the Base of Pier Restroom Renovation in the amount of \$73,743 to satisfy the estimated costs associated with the Planning Commission's Conditions of Approval and additional design costs.

Attachments:

1. Planning Commission Resolution Number PC 13-038
2. Excerpt from draft minutes of 10/16/13 Planning Commission Meeting
3. Pier Bowl Area Design Guidelines

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Notification: None.

RESOLUTION NO. PC 13-038

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CULTURAL HERITAGE PERMIT 13-341, BASE OF PIER RESTROOM RENOVATION, A REQUEST TO CONSIDER EXTERIOR CHANGES TO A PUBLIC RESTROOM BUILDING LOCATED AT THE SOUTH SIDE OF THE BASE OF THE HISTORICAL MUNICIPAL PIER AT 615 AVENIDA VICTORIA

WHEREAS, an application was submitted on September 4, 2013 and completed on September 5, 2013 by City of San Clemente, 910 Calle Negocio, Suite 100, San Clemente, CA 92673 for a Minor Cultural Heritage Permit to consider exterior changes to a public restroom building located at the south side of the base of the historic municipal pier, located at 615 Avenida Victoria, Assessor's Parcel Number 058-240-15; and

WHEREAS, on October 2, 2013 the Zoning Administrator held a duly noticed public hearing and considered evidence and testimony presented by City staff, the applicant and other interested parties and recommended that the Planning Commission review and approve the proposed project; and

WHEREAS, the Planning Division completed an initial environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA) and recommends the Planning Commission determine this project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301 and Class 3 exemption pursuant to Section 15303, because the project consists of interior and exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances and new construction involving an existing accessory structure; and

WHEREAS, the City's Development Management Team reviewed the application for compliance with the General Plan, Zoning Ordinance, and other applicable requirements; and

WHEREAS, on October 16, 2013, the Planning Commission held a duly noticed public hearing and considered evidence and testimony presented by City staff, the applicant and other interested parties.

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

Section 1: The project is project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301 and Class 3 exemption pursuant to Section 15303, because the project consists of interior and exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances and new construction involving an existing accessory structure.

Section 2: With regard to Minor Cultural Heritage Permit 13-341, the Planning Commission finds as follows:

- A. The architectural treatment of the project complies with the San Clemente General Plan in that the proposed materials and design will be consistent with the neighborhood.
- B. The architectural treatment of the project complies with the Zoning Ordinance, Pier Bowl Specific Plan, and architectural guidelines in the City's Design Guidelines, in that the project demonstrates sensitivity to the neighborhood by maintaining the structure's context within the Pier Bowl area.
- C. The general appearance of the project is consistent with the surrounding neighborhood in that the proposed Spanish Colonial Revival restroom building is consistent with the Spanish Colonial Revival architectural style prescribed in the Pier Bowl area.
- D. The proposal is not detrimental to the orderly and harmonious development of the City in that, as conditioned, all structures will be constructed in compliance with all required Building, Safety and Fire codes.
- E. The proposed project/use preserves and strengthens San Clemente's historic identify as a Spanish village in that the building is designed in Spanish Colonial Revival architecture.
- F. The project will not have negative visual or physical impacts upon the abutting historic structures in that the architectural treatment complies with the Design Guidelines of the Pier Bowl Specific Plan and City Design Guidelines and does not detract the visual prominence of the pier.

Section 3: The Planning Commission of the City of San Clemente hereby approves MCHP 13-341, Base of Pier Restroom Renovation, subject to the above Findings and the Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of San Clemente on October 16, 2013.

Chair

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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 October 16, 2013, and carried by the following roll call vote:

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

Secretary of the Planning Commission

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EXHIBIT 1

CONDITIONS OF APPROVAL
Minor Cultural Heritage Permit 13-341
Base of Pier Restroom Renovation

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]* (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]* (PIng.)_____
3. MAP 13-258 shall become null and void if the use is not commenced within three (3) years from the date of the approval thereof. Pursuant to Section 17.12.150(B) of the Zoning Ordinance of the City of San Clemente, since the use requires the issuance of a building permit, the use shall not be deemed to have commenced

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until the date that the building permit is issued for the development. *[Citation - Section 17.12.150.A.1 of the SCMC]*

Pursuant to Section 17.12.150(C) of the Zoning Ordinance, a use shall be deemed to have lapsed, and 13-258 shall be deemed to have expired, when a building permit has been issued, construction has not been completed, and the building permit has expired in accordance with applicable sections of the Uniform Building Code, as amended. *[Citation - Section 17.12.150.C.2 of the SCMC]* (PIng.)_____

4. Prior to issuance of certificate of occupancy, the project shall be developed in conformance with the site plan, floor plans, elevations, details, and any other applicable submittals approved by the Planning Commission on October 16, 2013, subject to the Conditions of Approval.

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

(PIng.)_____

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 on the building:

- 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, on all exterior sides of building, 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]*
- C. Decorative metal screen.
- D. A fiberglass door, or similar material, designed to look like wood should be utilized that is finished in a dark brown.

■■ (PIng.)_____

- 6. Landscaping shall be installed along the rear of the restroom building to soften view of the building. ■■ (PIng./BP&R)_____
- 7. 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.)_____
- 8. 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]
- 9. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to, the Zoning Ordinance, Grading Code, Security Ordinance, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 of the California Code of Regulations as adopted by the City including, but not limited to the California Administrative, Building, Electrical, Plumbing, Mechanical, Energy, 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]
- 10. 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]
- 11. 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]

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

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

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MINOR CULTURAL HERITAGE PERMIT 13-281 – OLE HANSON BEACH CLUB REHABILITATION, TO THE REGULAR MEETING OF NOVEMBER 6, 2013.

[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]

B. 615 Avenida Victoria – Minor Cultural Heritage Permit 13-341 – Base of Pier Restroom Renovation (Jones)

A request to consider exterior changes to a public restroom building located at the south side of the base of the historic municipal pier. The property is located within the Pier Bowl Specific Plan within the Beach and Parks – Open Space land use designation at 615 Avenida Victoria. The legal description is Assessor's Parcel Number 058-240-15.

Cliff Jones, Associate Planner, narrated a PowerPoint Presentation entitled, "Base of Pier Restroom, Minor Cultural Heritage Permit 13-341, dated October 16, 2013." Staff recommended approval of the request as conditioned.

In response to questions, Sharon Heider, Beaches, Parks & Recreation Director, indicated areas on the building proposed to be treated with stucco, and noted that if funds allow, the electric equipment shed and/or trash enclosure could also be stuccoed, but are not part of the current scope of work. Staff is proposing the rear of the building be painted white because it is not generally visible to the public and will appear to have the same finish from a short distance away. Additional improvements include removal of storage area that is currently an attractive nuisance as well as revival of existing and planting of new landscaping materials. She agreed to forward the suggestion that any excess construction funds from the original budget and/or extra funds directed to the project from Council shall be used to stucco the rear façade.

During discussion, the Commissioners considered using budgeted funds to stucco the entire building and waiting to construct the decorative murals in the future when additional funds became available, and the majority concurred that it was preferable to put the murals in at this point in the construction as they are more visible than the rear of the building; encouraged staff to consider all five sides of a building when remodeling and plan the budget accordingly.

Director Heider advised the City Council is the final arbitrator of this project, and she will forward their comments for consideration.

Chair Darden opened the public hearing.

Jim Giannin, resident, supported the proposed renovation as some of the City's restrooms are considered the worst in Orange County; suggested

the women's restroom be given special consideration; supported the project architecture; endorsed beginning and completing the project as soon as possible. He suggested the City consider alternative materials, such as a rubber floor that can be hosed down, to eliminate pooling of liquids on the bathroom floors.

Chair Darden closed the public hearing.

Director Heider advised that during budget discussions Council directed staff to renovate one bathroom a year, and this one was selected first as it is the most used and very visible. At its last meeting, Council determined renovation of the City's restrooms was high priority and directed staff to consider fast-tracking the remaining restrooms and issuing Request for Proposals (RFP's) for all restrooms to be done at the same time. Staff is in the process of preparing the RFP and establishing parameters to determine the potential of doing at least two simultaneously.

The two unisex bathrooms being added at the base of the pier restroom will be ADA compliant, conveniently accommodate families and those with caregivers, and can be used by all whenever either the women's or men's restrooms are being cleaned. With regard to the bathroom floors, plans call to finish the concrete with sealant, when they are hosed off or wet from water tracked in, people perceive them as unclean and sometimes water will tend to pool. She noted leveling out the floor or sloping it is not part of the bid package. Soap dispensers have also been added, and privacy doors will be added to the stalls.

Vice Chair Brown suggested staff research topping compound as a potential solution for evening out the floors and recommended additional lighting inside to improve safety, especially at night.

Director Heider noted that energy efficient lighting fixtures will be added to the outside of the building, which are currently on timers rather than motion sensitive in consideration of the adjacent residential neighborhood. She will research whether motion sensitive lighting would be a good option for inside. Priorities for refurbishing all the City's restrooms are 1) ADA compliance, 2) public health, and 3) partitions for privacy. The City is establishing an appropriate look and increasing safety in all its restrooms.

Commissioner Ruehlin commented that the City-proposed project should be held up to the same standards as those submitted by private individuals; suggested revision to some of the conditions that contain indecisive phrases such as "if funds are available" or "should be considered." If standards are not being met, the City, as applicant in this proposal, should be required to come up with the funds to meet the standards just as a private individual would be required to do.

Commissioner Eggleston recounted recent comments from German tourists who were appalled at the state of the City's restrooms; agreed standards for the City should be the same as those imposed on the public; opined that the rear façade and attached structures should also be stuccoed because this is the most visible restroom in the City.

Commissioner Kaupp supported the project and felt the design is excellent; agreed with the consistent application of stucco on all facades and attached structures; commented that the City should set the highest standards for its structures as an example for all to follow; encouraged additional landscaping, especially if additional stuccoing is not possible.

Commissioner Crandell established from staff that the restrooms will be reroofed and that the flat roofs on the accessory structures will not be reroofed as part of this proposal. In addition, he noted it is not necessary to stucco the interior of the electrical building.

Chair Darden commented that the murals are an important part of the renovation, especially as this location is the most visible restroom and heavily used by tourists and residents alike. She requested that staff consider working with the Historical Society for input on the murals, and then forwarding the mural designs to the Design Review Subcommittee for their input as well.

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-038, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CULTURAL HERITAGE PERMIT 13-341, BASE OF PIER RESTROOM RENOVATION, A REQUEST TO CONSIDER EXTERIOR CHANGES TO A PUBLIC RESTROOM BUILDING LOCATED AT THE SOUTH SIDE OF THE BASE OF THE HISTORICAL MUNICIPAL PIER AT 615 AVENIDA VICTORIA, with the following revisions:

Page 5, condition no. 5, Staff will replace with standard condition for Spanish Colonial Revival building remodels regarding stucco application and mortar packing for the tile roof.

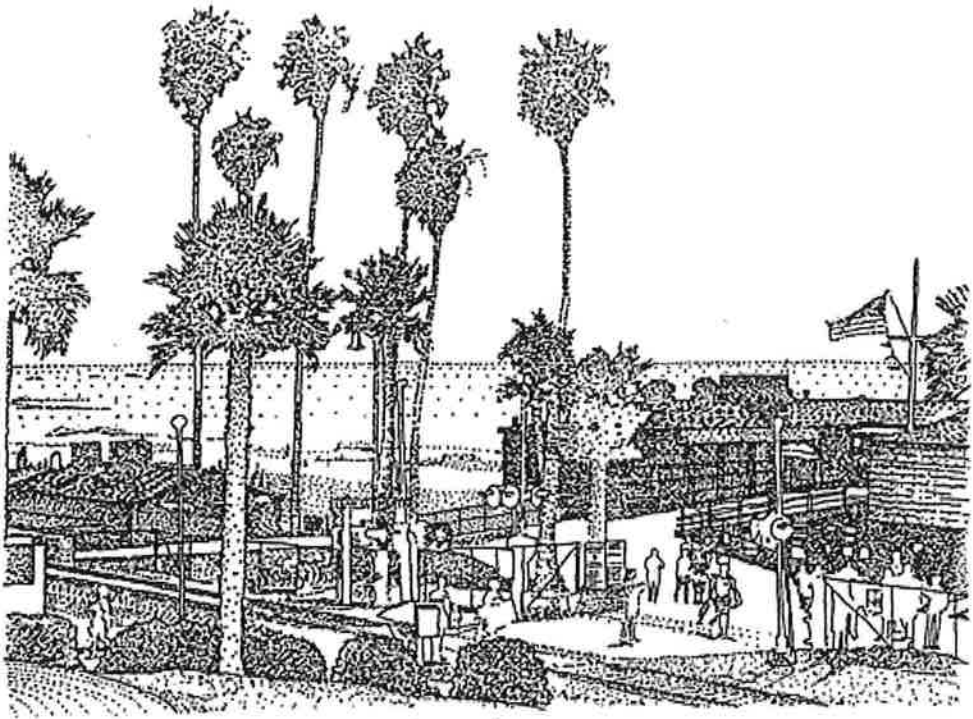
Page 5, no. 6, replace "should" with "shall", replace "considered" with "installed"

Commissioner Eggleston commented it was important for the City Council to know that we need consistency between public and private and what we expect for private buildings we should expect for public buildings.

[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL]

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IV.D. "The Pier Bowl"



All projects in the **"Pier Bowl" Redevelopment Project Area** defined by the boundaries in Figure 4 below should use the General Guidelines of Section II and the "Spanish Colonial Revival" District Design Guidelines of Section IV.G.

The Design Guidelines of Section III. "Additional Design Guidelines for Development Types" do not apply to the **"Pier Bowl" Redevelopment Project Area**.

Special Design Guidelines for the "Pier Bowl" will be incorporated into the **Pier Bowl Master Plan** and will apply to the area after their adoption by City Council.

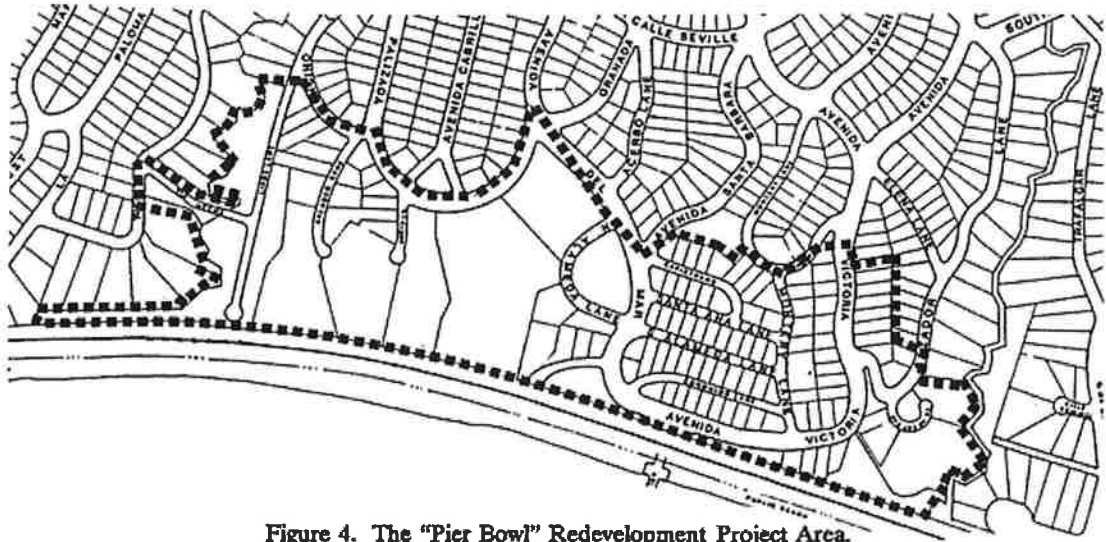


Figure 4. The "Pier Bowl" Redevelopment Project Area.