



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
 Meeting Date: December 3, 2013

Agenda Item 7B
Approvals:
 City Manager [Signature]
 Dept. Head [Signature]
 Attorney [Signature]
 Finance [Signature]

Department: Community Development/Planning Division
Prepared By: John Ciampa, Associate Planner

Subject: *CULTURAL HERITAGE PERMIT 13-095, DEMOLITION HISTORIC PROPERTY 13-339, HISTORIC PROPERTY PRESERVATION AGREEMENT 13-327, AND NEGATIVE DECLARATION, McMAHON RESIDENCE.*

Fiscal Impact: Execution of the Historic Property Preservation Agreement may result in minimal reductions in property tax revenues to the City.

Summary: Staff recommends the Council approve the McMahon project and a Negative Declaration to allow an addition and remodel of a historic house, new trellis and fireplace, and the demolition of the original garage. Also, staff supports a Historic Property Preservation Agreement (HPPA)/Mills Act for a reduction in property taxes in exchange for rehabilitating the historic house.

Background: The one-story 1,008 square foot historic house and a detached one car garage was built in 1927. Sometime after construction the front porch was enclosed to add 124 square feet to the house. There are also no City records of when approximately 40 square feet was added to the original detached garage or when it was converted to a studio unit. In 1957, a second detached one car garage was constructed at the back of the property.

The project adds a 489 square foot addition to the historic house to expand the kitchen and dining area, and create a new master bedroom and bathroom at the back of the house. The project restores the north façade by opening the original front porch to restore its original design. The applicant proposes to demolish the original detached garage because of fungus damage to the structural members. A new outdoor trellis and fireplace are proposed to improve the outdoor living space of the property.

The Cultural Heritage Subcommittee and Planning Commission reviewed the project on September 11, and November 6, 2013, respectively and recommend approval to the City Council.

The Negative Declaration was filed at the County Records Office and the State Clearing House on October 24, 2013, the public comment period ends on November 25, 2013. No public comments were received.

Discussion: A Cultural Heritage Permit (CHP) is required to ensure the project does not have a negative impact on the historic structure and complies with the Secretary of the

Interior's Standards. The proposed addition and new trellis and fireplace are compatible with the historic house and are consistent with the Secretary of the Interior's Standards because of its location, scale, and Spanish Colonial Revival design.

The Demolition of a Historic Property permit is to establish a review for the request to demolish building, structures, and other resources on the City's Designated Historic Resources List. This review is required because the detached garage is original to the site. The applicant proposes to demolish the original garage because Poria Incrassata fungus has destroyed all of the structural members. Historic aerial photos confirm the detached garage is original. The property was evaluated in 1996 and 2006 (Attachment 3) by two historic preservation firms. The historic surveys did not identify the original garage as a contributor to the historic significance of the property. The integrity of the garage has been compromised because of a non-permitted addition and its conversion into a studio. Scott Environmental Health and Safety Service completed a mold/fungi inspection report (Attachment 5) on the structure to determine the extent of the fungus damage. The fungus consumed the wood members of the building leaving almost no structural support. The report recommends the structure and foundation be removed entirely to ensure the fungus is eliminated.

Staff inspected the property to determine if modifications have been made to the historic house that are not consistent with the Secretary of the Interior's Standards. The inspection concluded that there are some improvements needed to rehabilitate the property. Photographs of the recommended improvements are included as Attachment 6 to this report. The applicant is proposing to complete the improvements with the proposed addition and porch rehabilitation. The Cultural Heritage Subcommittee's recommended improvements to be completed by the end of 2015:

1. Replace gutters with half round copper gutters.
2. Repair cracked and damaged stucco.
3. Repair or replace the deteriorated wrought iron railing at the front of the house.
4. Paint eaves and flashing dark brown.
5. Replace the louvered aluminum window at the back of the house with a wood window.
6. Replace the spark arrestor with a traditionally designed chimney cap or install a spark arrestor to the interior of the chimney.
7. Replace the existing fence with a traditionally designed fence.

Recommended

Action: STAFF RECOMMENDS THAT the City Council approve CHP 13-095, DHP 13-339, HPPA 13-327 and Negative Declaration, McMahan Residence.

Attachments:

Attachments:

1. Resolutions
2. Location Map
3. DPR form

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 13-095, DEMOLITION OF HISTORIC PROPERTY 13-339, AND A NEGATIVE DECLARATION, MCMAHON RESIDENCE, A REQUEST TO ALLOW THE ADDITION AND REMODEL OF A HISTORIC HOUSE, DEMOLITION OF THE ORIGINAL GARAGE, AND THE CONSTRUCTION OF A TRELIS AND OUTDOOR FIREPLACE LOCATED AT 105 AVENIDA BARCELONA

WHEREAS, on March 12, 2013, an application was submitted, and completed on October 17, 2013, by Michael Luna, 1531 North El Camino Real, San Clemente, CA 92672, for a request to expand and remodel a historic house, demolish the original garage, and construct an outdoor trellis and fireplace. The project within the Residential Low zoning district and Coastal Zone (RL-CZ) at 105 Avenida Barcelona, the legal description being Lot 53, of Block 4, of Tract 822; and

WHEREAS, a Negative Declaration reflecting the independent judgment of the City of San Clemente was prepared on October 24, 2013, and is being advertised for public review and comment for the required thirty (30) days from October 24, 2013 through November 25, 2013; and

WHEREAS, on November 6, 2013, the Planning Commission held a duly noticed public hearing on the subject application and recommended approval of the project to the City Council; and

WHEREAS, on December 3, 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 find that the project, would not result in any significant environmental impacts, and that a Negative Declaration is warranted. The Negative Declaration was completed on October 24, 2013, and was advertised for public review on October 24, 2013. The required thirty-day review period ends on November 25, 2013. The City Council has exercised its independent judgment in recommending approval of the Negative Declaration and the City Planner is the custodian of records for this project.

Section 2: With respect to Cultural Heritage Permit 13-095, the City Council finds as follows:

A. The proposed use is permitted within the subject zone pursuant to the approval of a Cultural Heritage Permit and complies with all the applicable provisions of

this Zoning Ordinance, the San Clemente General Plan and the purpose and intent of the zone in which the project is being proposed in that the project proposes to rehabilitate the historic house with an addition that is in compliance with the Secretary of the Interior's Standards.

B. The architectural treatment of the project complies with height, setback, color; in that the addition and exterior improvements will be Spanish Colonial Revival in design and in character with the historic structure and will remain one story. The new trellis and outdoor fireplace are also in character with the historic design of the house.

C. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines in that the rehabilitation and addition will be Spanish Colonial Revival in design and comply with the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties.

D The general appearance of the proposal is in keeping with the character of the neighborhood in that the historic house will be maintained as a single story and the addition and accessory structures will be located at the back of the lot and will not be visible from the public right-of-way. The design of the rehabilitation work and the addition will comply with the Secretary of the Interior's Standards based on the additions location and compatible Spanish Colonial Revival design.

E The proposed use will not be detrimental to the harmonious development of the City in that the project will continue the original use of the site and the 489 square foot addition and accessory structures associated with the primary use will not impact the adjacent properties. The project site is surrounded by single family homes and the project will not result in additional units being added to the property. All improvements will be in conformance with the Secretary of the Interior Standards for the Rehabilitation of Historic Structures to avoid any potential impacts to the historic resource.

F The City finds that the proposed modifications, alterations, and additions are sufficiently in conformance with the Secretary of the Interior Standards for the Treatment of Historic Properties and the San Clemente Design Guidelines to substantially further the City's goals of historic preservation. The Historic Preservation Officer and the Cultural Heritage Subcommittee have reviewed the project and based on the addition and accessory structures' design and location at the back of the property they are in conformance with the Secretary of the Interior Standards for Rehabilitation.

Section 3: With respect to Demolition of Historic Property 13-339, the Planning Commission finds as follows:

A. Any environmental impact caused by the demolition of the historic building, structure or other resource shall be mitigated to a level of insignificance as those terms are used in the California Environmental Quality Act. The negative declaration and historic surveys on the property concluded that that the demolition of the garage is not an impact to the significance of the lot and no mitigation is required.

The property was evaluated in 1996 and 2006 and the original garage was not identified as contributor to the property's historic significance. The proposed demolition of the original nondescript garage does not contribute to the historic significance of the property and its demolition will not have an adverse impact in the significance of the historic house. The original garage has been expanded and modified into an illegal second unit and the original garage door opening no longer remains. The garage has been consumed with fungi that have destroyed the wood members of the structure and have made it unsafe. The Poria Incrassata fungus has consumed the interior of the structure and the replacement of the wood members or sections of the structure would not permanently remove the Poria Incrassata fungus. A fungi specialist recommended the structure and the slab on-grade must be demolished to ensure the Poria Incrassata fungus does not return.

Section 4: The City Council hereby approves CHP 13-095, DHP 13-339, and Negative Declaration, McMahon Residence, to allow the addition and remodel of a historic house, demolition of the original garage, new trellis and outdoor fireplace and Negative Declaration CEQA Review, 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 December 3, 2013.

PASSED AND ADOPTED this _____ day of _____, _____.

Mayor of the City of
San Clemente, California

ATTEST:

CITY CLERK of the City of
San Clemente, California

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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

JB-6

EXHIBIT 1

**CONDITIONS OF APPROVAL
CHP 13-095, DHP 13-339**

1. The owner or designee shall develop the approved project in conformance with the site plan, elevations, and any other applicable submittals approved by the City Council on December 3, 2013, subject to these Conditions of Approval.

Any deviation from approved submittals shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Planning Commission, as appropriate. (PIng.)_____

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

A use shall be deemed to have lapsed, and CHP 13-095, DHP 13-339 shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the California Building Code, as amended. *[Citation - Section 17.12.150.C.1 of the SCMC]* (PIng.)_____

3. The owner or designee shall have the right to request an extension of CHP 13-095, DHP 13-339 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall be subject to review and approval in accordance with Section 17.16.160 of the Zoning Ordinance. *[Citation - Section 17.12.160 of the SCMC]* (PIng.)_____

4. CHP 13-095, DHP 13-339 shall become null and void if the use is not commenced within three (3) year from the date of the approval thereof. Since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development. *[Citation - Section 17.12.150.A.1 of the SCMC]* (PIng.)_____

A use shall be deemed to have lapsed, and CHP 13-095, DHP 13-339 shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the California Building Code, as amended. *[Citation - Section 17.12.150.C.1 of the SCMC]* (PIng.)_____

5. The owner or designee shall have the right to request an extension of CHP 13-095, DHP 13-339 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall be subject to review and approval by the final decision making authority that ultimately approved or conditionally approved the original application. *[Citation - Section 17.12.160 of the SCMC]* (PIng.)_____

6. 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]*

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- 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]*
7. 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]*
8. 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]*
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 the issuance of building permits, the owner or designee shall submit plans that identify the intended use of each building or portion of building and obtain approval of the Building Official. (Bldg.)_____ *[S.C.M.C – Title 15 – Chapter 15.08]*
11. Prior to the issuance of building permits, the owner or designee shall pay all applicable development fees in effect at the time, which may include, but are not limited to, Regional Circulation Financing and Phasing Program (RCFPP), park acquisition and development, water and sewer connection, drainage, Public Facility Construction, transportation corridor, Avenida La Pata Supplemental Road Fee and school fees, etc. (Bldg.)_____ *[S.C.M.C. – Title 15 Building and Construction, Chapters 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]*
12. Prior to issuance of building permits, the owner or designee shall submit two

copies of 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.

[S.C.M.C – Title 15 – Chapter 15.08 – Appendix Chapter 1 – Section 106.1.4]

(Bldg.)_____

13. Prior to the Building Division's approval to pour foundations, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer that is licensed to do surveying or land surveyor has certified that the forms for the building foundations conform to the front, side and rear setbacks are in conformance to the approved plans.

[S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24]

(Bldg.)_____

14. Fire sprinkler system required throughout the dwelling unit. An automatic sprinkler system shall be installed throughout any existing Group R Occupancy building when the floor area of the alteration or combination of an Addition and Alteration, within any two year period, is 50% or more of area of the existing structure and where the scope of the work exposes building framing and facilitates sprinkler installation and is such that the Building/Fire Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building;

[S.C.M.C – Title 15 – Chapter 15.08]

(Bldg.)_____

15. Project involves remodeling, alteration, or addition to the existing main building exceeding 50% of the existing building floor area. Under ground utilities are required. Overhead wiring shall not be installed outside on private property.

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

(Bldg.)_____

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

(Eng.)_____

17. Prior to the issuance of any permits, in the event that Grading Plans are required due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for, a soils and geologic report prepared by a registered geologist and/or geotechnical engineer which conforms to City standards and all other applicable codes, ordinances and regulations.

[Citation – Section 15.36 of the SMC]

(Eng.)_____

18. Prior to the issuance of any permits, in the event that Grading Plans are required

due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, the City Engineer shall determine that development of the site shall conform to general recommendations presented in the geotechnical studies, including specifications for site preparation, treatment of cut and fill, soils engineering, and surface and subsurface drainage. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____

19. Prior to the issuance of any permits, in the event that Grading Plans are required due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, the owner or designee shall submit for review, and obtain the approval of the City Engineer, a precise grading plan, prepared by a registered civil engineer, showing all applicable onsite improvements, including but not limited to, grading, building pad grades, storm drains, sewer system, retaining walls, water system, etc., as required by the City Grading Manual and Ordinance. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____
20. Prior to the issuance of any permits, in the event that Grading Plans are required due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, 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.)_____
21. Prior to the issuance of any permits, in the event that Grading Plans are required due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, the owner shall provide surety, improvement bonds, or irrevocable letters of credit for performance, labor and materials as determined by the City Engineer for 100% of each estimated improvement cost plus a 10% contingency, as prepared by a registered civil engineer as required and approved by the City Attorney or the City Engineer, for each applicable item, but not limited to, the following: grading earthwork, grading plan improvements, retaining walls, frontage improvements; sidewalks; sewer lines; water lines; storm drains; and erosion control. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____
22. Prior to issuance of any permits, if applicable, the owner or designee shall submit for review and shall obtain the approval of the City Engineer or designee for frontage improvement plans, including but not limited to the following provisions: *[Citation – Section 15.36, 12.08.010, and 12.24.050 of the SCMC]* ■ (Eng.)_____
 - A. Per City Municipal Code Section 12.08.010 (A), when building permit valuations exceed \$50,000 or the project is discretionary, the owner or

designee shall construct sidewalk along the property frontage. This includes construction of compliant sidewalk up and around drive approach to meet current City standards when adequate right-of-way exists. If necessary, a sidewalk easement may be required to be granted to the City prior to final of permits for any portion of sidewalk within the property needed to go up and around the drive approach or other obstructions. Also associated with this Code is the requirement that all sidewalks containing vertical deviations greater than $\frac{3}{4}$ inch be corrected per City Standards.

- B. An Engineering Department Encroachment Permit shall be issued prior to the commencement of any work in the public right-of-way.

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

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

MB-12

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING HISTORIC PROPERTY PRESERVATION AGREEMENT 13-327 FOR THE PROPERTY LOCATED AT 105 AVENIDA BARCELONA

WHEREAS, the City Council of the City of San Clemente adopted Ordinance 1194, which in Section 3, establishes procedures for property "owner" of designated historically significant structures to voluntarily enter into Historic Property Preservation Agreements in order to apply to receive property tax reductions as an incentive for historic preservation; and

WHEREAS, on March 12, 2013 an application was submitted by Michael Luna, 1531 North El Camino Real, San Clemente, CA 92672, who is the owner of a designated historically significant structure, to enter into an Historic Property Preservation Agreement (HPPA) for his property located at 105 Avenida Barcelona, the legal description being Lot 53, Block 4 of Tract 822; and

WHEREAS, on June 12, 2013, the Cultural Heritage Board of the Planning Commission reviewed the application and "recommended" approval of HPPA 13-327 with seven restoration improvement "conditions"; and

WHEREAS, on November 6, 2013, the Planning Commission of the City of San Clemente recommended approval of the project to the City Council; and

WHEREAS, on December 3, 2013, the City Council held a duly noticed public hearing, and considered testimony of City staff, the applicant and property owner, and other interested parties.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE HEREBY RESOLVES AS FOLLOWS:

SECTION 1: The City Council hereby approves HPPA 13-327, attached hereto and incorporated herein by reference as Exhibit 1, and authorizes the Mayor to execute, and the City Clerk to record the HPPA for the property at 105 Avenida Barcelona, after the required application fee has been submitted to the City by the property owner.

PASSED AND ADOPTED this _____ day of _____, 2013.

Mayor of the City of
San Clemente, California

7B-13

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 _____, 2013, by the following vote:

AYES:
NOES:
ABSENT:

CITY CLERK, of the City of
San Clemente, California

Approved as to form:

City Attorney

7B-14

EXHIBIT 1

Recording Requested by, and
when Recorded Mail to:

City Clerk
City of San Clemente
100 Avenida Presidio
San Clemente, CA 92672

This Agreement is recorded for the benefit of the City of San Clemente and is exempt from the payment of recording fees pursuant to Government Code Sections 6103 and 27383.

HISTORIC PROPERTY PRESERVATION AGREEMENT

THIS AGREEMENT is made and entered into this 3rd day of December, 2013, by and between the City of San Clemente ("City"), a municipal corporation of the State of California, and Andrew and Kelly McMahon ("Owner").

RECITALS

WHEREAS, the owners possess fee title in and to that certain qualified real property, together with associated structures and improvements thereon, located on Assessor's Parcel Number 692-151-21, located at 105 Avenida Barcelona, San Clemente, California 92672, more specifically described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the Historic Property is a qualified historic property in that it is privately owned property which is not exempt from property taxation and is listed in the City's Designated Historic Structures List, which is the City's official register of historically significant sites adopted May 1, 1996 by Resolution 96-32 of the San Clemente City Council, as amended; and

WHEREAS, both City and Owner desire to carry out the purposes of Article 12 (commencing with Section 50280) of Chapter 1, Part 1, Division 1 of Title 5 of the California Government Code and Article 1.9 (commencing with Section 439) of Chapter 3, Part 2 of Division 1 of the California Revenue and Taxation Code; and

WHEREAS, both City and Owner desire to enter into this Agreement for the purpose of protecting and preserving the characteristics of historical significance of the Historic Property through the incentive of a potential property tax reduction; and

WHEREAS, Owner, in consideration for abiding by the terms of this Agreement, shall be entitled to qualify for a reassessment of valuation of the Historic Property, pursuant to provisions of the aforementioned California Revenue and Taxation Code, and any corresponding adjustment in property taxes resulting therefrom.

AGREEMENT

NOW, THEREFORE, both Owner and City, in consideration of the mutual promises, covenants and conditions contained herein and the substantial public benefits to be derived therefrom, do hereby agree as follows:

1. AGREEMENT SUBJECT TO GOVERNMENT CODE SECTIONS 50280-50290. This agreement is made pursuant to California Government Code Sections 50280 through 50290 and Article 1.9 (commencing with Section 439) of Chapter 3, Part 2 of Division 1 of the California Revenue and Taxation Code and is subject to all of the provisions of those statutes.

2. REASSESSMENT OF VALUATION. The determination of property valuation pursuant to Chapter 3, Part 2 of Division 1 of the California Revenue and Taxation Code, is in the sole discretion of the Orange County Tax Assessor's Office. City makes no representations regarding the actual tax savings any person may realize by entering into this Agreement.

3. PRESERVATION OF PROPERTY. Owner agrees to preserve and maintain the Historic Property and its character-defining features, as provided below. Character-defining features include, but are not necessarily limited to, the general architectural form, style, materials, design, scale, details, mass, roof line and other aspects of the appearance of the exterior of the property. The Secretary of the Interior's Standards for the Treatment of Historic Properties and minimum maintenance standards, attached hereto and incorporated herein by reference as Exhibit "B," shall constitute the minimum standards and conditions for maintenance, use, and preservation of the Historic Property, and shall apply to the property throughout the term of this Agreement. Owner shall, where necessary, restore and rehabilitate the Historic Property to conform to the rules and regulations of the Office of Historic Preservation of the California Department of Parks and Recreation, the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties, the City of San Clemente Design Guidelines and in accordance with the attached schedule of improvements, attached hereto and incorporated herein by reference as Exhibit "3."

4. BUILDING CHANGES. All building changes shall comply with applicable City specific plans, City regulations and guidelines, and with the rules and regulations of the Office of Historic Preservation of the California Department of Parks and Recreation, namely the U.S. Secretary of the Interior's Standards for Rehabilitation and Standards and Guidelines for Historic Preservation Projects.

5. NOTIFICATION OF DIRECTOR. The Community Development Director shall be notified by the Owner of changes to character-defining exterior features prior to their execution, such as major landscaping projects and tree removals, exterior door or window replacement, exterior repainting, remodeling, or other exterior alterations requiring a building permit. The Owner agrees to secure all necessary City approvals and/or permits prior to changing the building's exterior appearance or use, or prior to commencing construction work.

6. PROHIBITED. The following are prohibited: demolition or partial demolition of the historic building or accessory buildings without prior City approval; exterior

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alterations or additions not in keeping with the standards listed above; dilapidated, deteriorating or unrepaired structures such as fences, roofs, doors, walls, windows; outdoor storage of junk, trash, debris, appliances, or furniture visible from a public way; or any device, decoration, structure or vegetation which is unsightly due to lack of maintenance or because such feature adversely affects, or is visually incompatible with, the property's recognized historic character, significance and design, as determined by the Community Development Director.

7. INSPECTIONS. Owner agrees to permit the periodic examination, by prior appointment, of the interior and exterior of the Historic Property by the County Assessor, the Department of Parks and Recreation, the State Board of Equalization and City as may be necessary to determine Owner's compliance with the terms and provisions of this Agreement. After five years and every five years thereafter, the City shall inspect the property to determine the owner's continued compliance with the agreement.

Each contract must have an inspection after five years and every five years thereafter by the City to determine the owner's continued compliance with the contract.

8. PAYMENT OF FEE. As a condition of executing the contract, Owner shall pay City a fee as provided in the City's current Planning Fee Schedule, after City Council approval of the Agreement, which fee does not exceed the reasonable cost of administering City's historical preservation program. Said fee shall be made payable to the City of San Clemente and shall be remitted to the Planning Division prior to the Agreement being executed by City.

9. TERM. The term of this Agreement shall be from December 3, 2013, to and including December 3, 2024.

10. AUTOMATIC RENEWAL. On each yearly anniversary of the effective date of this Agreement (hereinafter referred to as the "renewal date"), one year shall be added automatically to the initial term of this Agreement unless notice of non-renewal is given as provided in this Agreement.

11. NOTICE OF NONRENEWAL. If in any year either the Owner or City desires not to renew this Agreement, that party shall serve written notice of nonrenewal on the other party in advance of the annual renewal date. Unless the notice is served by Owner to City at least 90 days, or by City to Owner at least 60 days, prior to the renewal date, one year shall automatically be added to the term of the Agreement. Within 15 days of receipt by Owner of a notice of nonrenewal, Owner may make a written appeal of non-renewal. Such appeal shall include, but is not limited to, a statement of the grounds on which the appeal is based. Upon receipt of such an appeal, the City Clerk shall set a hearing before the City Council prior to the annual renewal date of this Agreement, or following the renewal date at the earliest date such hearing can reasonably be held. Owner may furnish the City Council with any information which the Owner deems relevant, and shall furnish the City Council with any information it may require. At any time prior to the renewal date, City may withdraw its notice of nonrenewal.

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12. EFFECT OF NOTICE NOT TO RENEW. If in any year either party serves notice of intent not to renew this Agreement, this Agreement shall remain in effect for the balance of the period since the original execution, or the last renewal of the Agreement, as the case may be. Thereafter, this Agreement shall terminate.

13. FURNISHING OF INFORMATION. Owner shall furnish City with any information City shall require in order to enable City to determine eligibility of the property to be classified as a qualified Historic Property.

14. ENFORCEMENT OF AGREEMENT. In lieu of, and/or in addition to, any provisions to cancel the Agreement as referenced herein, City may specifically enforce, or enjoin the breach of, the terms of this Agreement. In the event of a default under the provisions of this Agreement by Owner, City shall give written notice to Owner by registered or certified mail addressed to the address stated in this Agreement of violations of this Agreement. If such violation(s) is not corrected to the reasonable satisfaction of the City within thirty (30) days after the date of the notice of violation, or within such reasonable time as may be required to cure the breach or default [provided that acts to cure the breach or default are commenced within thirty (30) days and thereafter diligently pursued to completion], then City may, without further notice, declare a default under the terms of this Agreement and bring any action necessary to specifically enforce the obligations of Owner growing out of the terms of this Agreement, including, but not limited to, bringing an action for injunctive relief against the Owner or for such other relief as may be appropriate.

The City has the option to either cancel the contract or bring action in court to enforce the contract, if the city determines that the owner has breached any of the conditions of the contract or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historical property. As an alternative to canceling the contract, a landowner that is a party to the contract may bring any action in court necessary to enforce the contract.

City does not waive any claim of default by Owner if City does not enforce or cancel this Agreement. All other remedies at law or in equity which are not otherwise provided for in this Agreement or in City's regulations governing historic properties are available to City to pursue in the event there is a breach of this Agreement. No waiver by City or any breach or default under this Agreement shall be deemed to be a waiver of any other subsequent breach thereof or default thereunder.

15. CANCELLATION. City may cancel this Agreement if City determines Owner has breached any of the conditions or covenants of this Agreement or has allowed the Historic Property to deteriorate to the point that it no longer meets the standards for a qualified historic property. City may also cancel this Agreement if it determines Owner has failed to restore or rehabilitate the property in the manner specified in this Agreement.

16. NOTICE OF CANCELLATION. This Agreement cannot be canceled until after City has given notice and has held a public hearing as required by Government Code Section 50284. Notice of the hearing shall be mailed to the last known address of each owner of property on the City's Designated Historic Structures List and shall be

published in accordance with Government Code section 6061. Cancellation shall be effective on the date of Council adoption of a resolution cancelling the Agreement.

17. **CANCELLATION FEE.** If City cancels this Agreement in accordance with Sections 15 and 16 above, Owner shall pay a cancellation fee of twelve and one-half percent (12½%) of the full value of the property at the time of cancellation. The full value shall be determined by the County Assessor without regard to any restriction on the property imposed pursuant to this Agreement. The cancellation fee shall be paid to the Controller at such time and in such manner as the Controller shall prescribe in accordance with State law.

18. **NOTICES.** All notices required by or provided for in the Agreement shall be given in writing and may be mailed or delivered in person at the address of the respective parties as specified below or at any other address as may be later specified by the parties hereto:

To City: City of San Clemente
100 Avenida Presidio
San Clemente, CA 92672
Attention: City Manager

To Owner: Andrew and Kelly McMahon
105 Avenida Barcelona
San Clemente, CA 92672

Deposit of notice in the mail, postage prepaid, shall be deemed receipt of the notice.

19. **NO COMPENSATION.** Owner shall not receive any payment from City in consideration of the obligations imposed under this Agreement, it being recognized and agreed that the consideration for the execution of this Agreement is the substantial public benefit to be derived from the preservation and maintenance of historic resources and the right to reassessment under State law.

20. **REMEDY IF AGREEMENT HELD NOT ENFORCEABLE .** In the event it is finally determined this Agreement does not constitute an enforceable restriction within the meaning of the applicable provisions of the California Government Code and the California Revenue and Taxation Code, except for an unenforceability arising from the cancellation or nonrenewal of this Agreement, then this Agreement shall be null and void and without further effect and the property subject to this Agreement shall from that time be free from any restriction whatsoever under this Agreement without any payment or further act of the parties to this Agreement.

21. **EFFECT OF AGREEMENT.** None of the terms, provisions or conditions of this Agreement shall be deemed to create a partnership between the parties hereto and any of their heirs, successors or assigns, nor shall such terms, provisions or conditions cause the parties hereto to be considered joint ventures or members of any joint enterprise.

22. **INDEMNITY OF CITY.** Owner agrees to protect, defend, indemnify and shall hold harmless the City and its elected officials, officers, agents and employees

from liability for claims, loss, proceedings, damages, causes of action, liability, costs or expense, including reasonable attorney's fees in connection with damage for personal injuries, including death, and claims for property damage which may arise from the direct or indirect use or operations of Owner or those of his contractor, subcontractor, agent, employee or other person acting on his behalf which relate to the use, operation and maintenance of the Historic Property. Owner hereby agrees to and shall defend the City and its elected officials, officers, agents and employees with respect to any and all actions for damages caused by, or alleged to have been caused by, reason of Owner's activities in connection with the Historic Property. This hold harmless provision applies to all damages and claims for damages suffered, or alleged to have been suffered, by reason of the operations referred to in this Agreement regardless of whether or not the City prepared, supplied or approved the plans, specifications or other documents for the Historic Property.

23. SUCCESSORS AND ASSIGNS. This Agreement is binding upon and shall inure to the benefit of all successors in interest of the Owner. A successor in interest shall have the same rights and obligations under this Agreement as the original owner who entered into this Agreement.

24. RECORDATION. No later than twenty (20) days after the parties execute and enter into this Agreement, City shall cause this Agreement to be recorded in the office of the County Recorder of the County of Orange.

25. AMENDMENTS. This Agreement may be amended, in whole or in part, only by a written and recorded instrument executed by the parties hereto.

26. COMPLIANCE WITH APPLICABLE LAWS. During the term of this Agreement, Owner shall maintain and use the Historic Property in compliance with all applicable State and local statutes, ordinances, regulations and official policies; provided that, except as specifically set forth in Paragraph 3, nothing in this Agreement shall be deemed to require Owner to waive any vested rights or rights to continue to maintain a legally non-conforming structure or use existing as of the date of this Agreement.

IN WITNESS WHEREOF, the parties to this contract have caused their names to be affixed hereto on the day and year first written above.

City of San Clemente

By _____ Mayor

ATTEST:

City Clerk

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Owner

By _____

STATE OF CALIFORNIA
COUNTY OF ORANGE

On _____, before me, _____, a Notary Public in and for said State, personally appeared _____, personally known to be (or proved to me on the basis of satisfactory evidence to be) the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

_____ (Seal)

EXHIBIT A

HISTORIC PROPERTY LEGAL DESCRIPTION

LOT 53, IN BLOCK 4 OF TRACT No. 822, IN THE CITY OF SAN CLEMENTE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 692 PAGE 15 INCLUSIVE OF MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXHIBIT B

SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES

Rehabilitation (making possible a compatible use for a property through repair, alterations and additions while preserving portions/features that convey its historical, cultural or architectural values)

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Preservation (applying measures necessary to sustain the existing form, integrity and materials)

1. A property will be used as it was historically or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing conditions of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Restoration (accurately depicting the form, features, and character of a property as it appeared at a particular period of time)

1. A property will be used as it was historically or be given a new use which reflects the property's restoration period.
2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces and spatial relationships that characterize the period will not be undertaken.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive featured, the new feature will march the old in design, color, texture, and, where possible, materials.
7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be

- created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
8. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
 9. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
 10. Designs that were never executed historically will not be constructed.

Reconstruction (depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure or object at a specific time period in its historic location)

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.
4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color and texture.
5. A reconstruction will be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically will not be constructed.

**CITY OF SAN CLEMENTE HISTORIC PROPERTY
MINIMUM MAINTENANCE STANDARDS**

All buildings, structures, yards and other improvements shall be maintained in a manner which does not detract from the appearance of the immediate neighborhood. The following conditions are prohibited:

1. Dilapidated, deteriorating, or un-repaired structures, such as: fences, roofs, doors, walls and windows.
2. Publicly visible storage of scrap lumber, junk, trash or debris.
3. Publicly visible storage of abandoned, discarded or unused objects or equipment, such as automobiles, automobile parts, furniture, stoves, refrigerators, cans, containers or similar items.
4. Stagnant water or excavations, including pools or spas.
5. Any device, decoration, design, structure or vegetation which is unsightly by reason of its height, condition, or its inappropriate location.

EXHIBIT 3

HISTORIC PROPERTY IMPROVEMENTS TO BE COMPLETED

Completion Date	Historic Property Improvements
Complete by end of 2015	<ol style="list-style-type: none"> 1. Replace the gutters with half round copper gutters 2. Repair the cracked and damaged stucco 3. Repair or replace the deteriorated wrought iron railing at the front of the house 4. Paint the eaves and flashing dark brown 5. Replace the louvered window at the back of the house with a wood window 6. Replace the spark arrestor with a traditionally designed chimney cap or remove it and install a spark arrestor to the interior of the chimney 7. New Spanish designed wood fence.

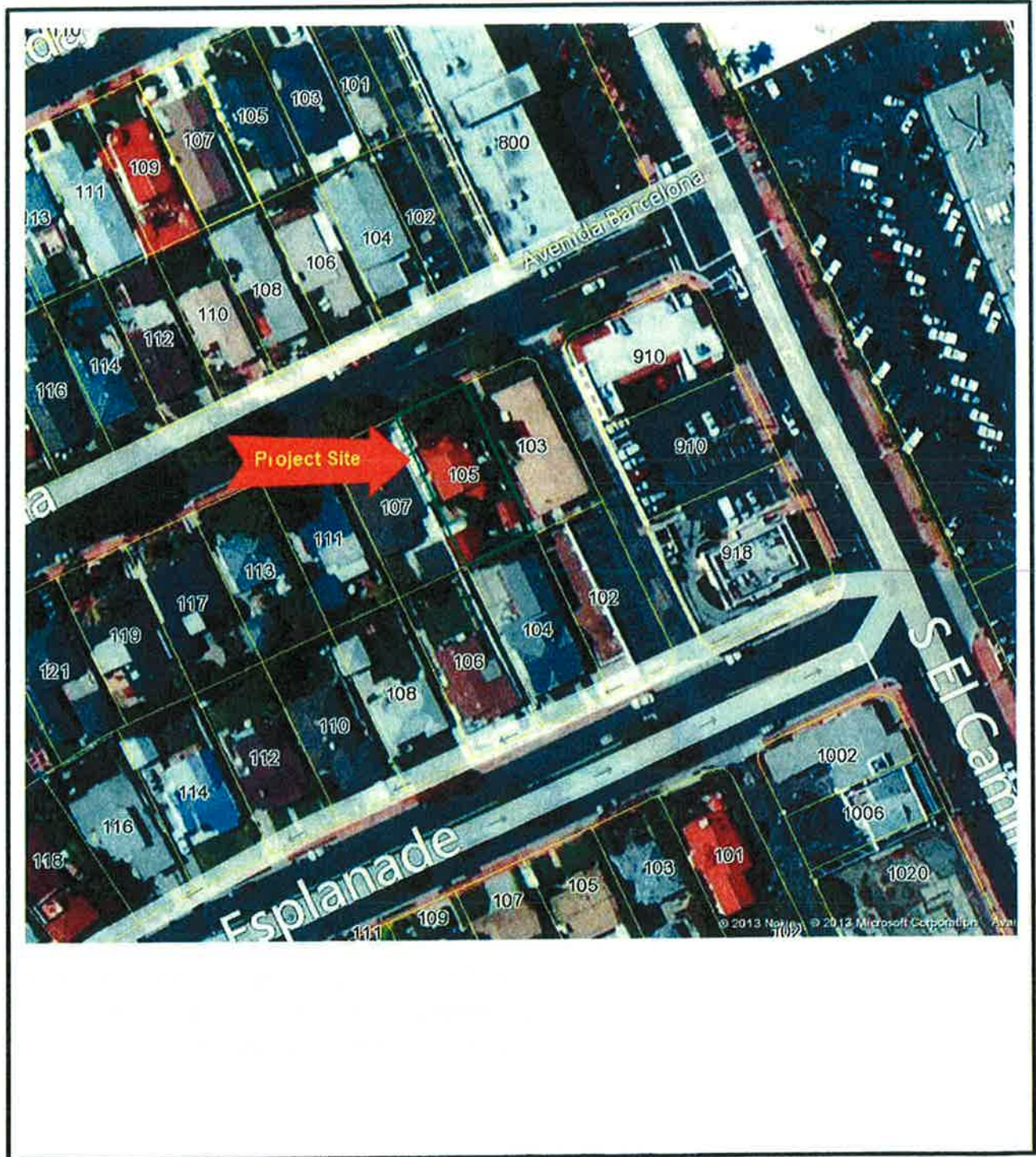
7B-25



ATTACHMENT 2

LOCATION MAP

CHP 13-095, DHS 13-339, HPPA 13-327, MCMahon Residence
105 Avenida Barcelona



No scale

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HISTORIC RESOURCES INVENTORY

IDENTIFICATION AND LOCATION

- 1. Historic name None
- *2. Common or current name None
- *3. Number & street 105 Avenida Barcelona Cross-corridor _____
City San Clemente Vicinity only _____ Zip 92672 County Orange
- 4. UTM zone 11 A _____ B _____ C _____ D _____
- 5. Quad map No. _____ Parcel No. 692-151-21 Other _____

Ser. No. _____
National Register Status 3D
Local Designation _____

DESCRIPTION

- 6. Property category Building If district, number of documented resources _____
- *7. Briefly describe the present physical appearance of the property, including condition, boundaries, related features, surroundings, and (if appropriate) architectural style.

This one story residence displays typical Spanish Colonial Revival features. It is clad with stucco and capped by a tiled, front gable roof. Rafters are exposed in the overhanging eaves. A second, lower gable is offset to the east over the facade, its west rake extending at a shallower pitch over a now enclosed porch. Three light casement windows, arranged on either side of a central, fixed pane or in pairs fenestrate the building. Simply styled, the house is fronted by a grassy setback bordered by a low retaining wall. A driveway on the provides access to the entry in the former porch and also leds to a two story garage and apartment built in 1947 in the rear of the property.



- 8. Planning agency City of San Clemente
- 9. Owner & address William D. Warren
384 Highland St.
Pasadena, CA 91104
- 10. Type of ownership Private
- 11. Present use Residential
- 12. Zoning R-1
- 13. Threats _____

Send a copy of this form to: State Office of Historic Preservation, P.O. Box 942896, Sacramento, CA 94296-0001

*Complete these items for historic preservation compliance projects under Section 106 (36 CFR 800). All items must be completed for historical resources survey information.

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HISTORICAL INFORMATION

- *14. Construction date(s) 1927 F Original location Same Date moved _____
- 15. Alterations & date Enclose porch (date unknown).
- 16. Architect Unknown Builder Unknown
- 17. Historic attributes (with number from list) 01--Single Family Residence

SIGNIFICANCE AND EVALUATION

- 18. Context for evaluation: Theme The Spanish Village Area San Clemente
 Period 1926-1936 Property type Residences Context formally developed? Yes

*19. Briefly discuss the property's importance within the context. Use historical and architectural analysis as appropriate. Compare with similar properties.

This two story Spanish style home is a relatively intact and representative example of residential architecture in "The Spanish Village." As conceived by Ole Hanson, San Clemente was to be improved exclusively with white stucco buildings topped by red clay tile roofs. Built in 1927, this house predated city incorporation in March 1928 and the subsequent retention of building permits, so nothing else is known of its origin.

Because of its construction during the period of significance, its Spanish Colonial Revival styling, and its relative integrity, 105 Avenida Barcelona contributes to a potential National Register district. It is recommended for retention on the Historical Structures List.

- 20. Sources
San Clemente Building Permits
Orange County Tax Assessment Records
M. Moon, Inventory of San Clemente Historic Places

21. Applicable National Register criteria A

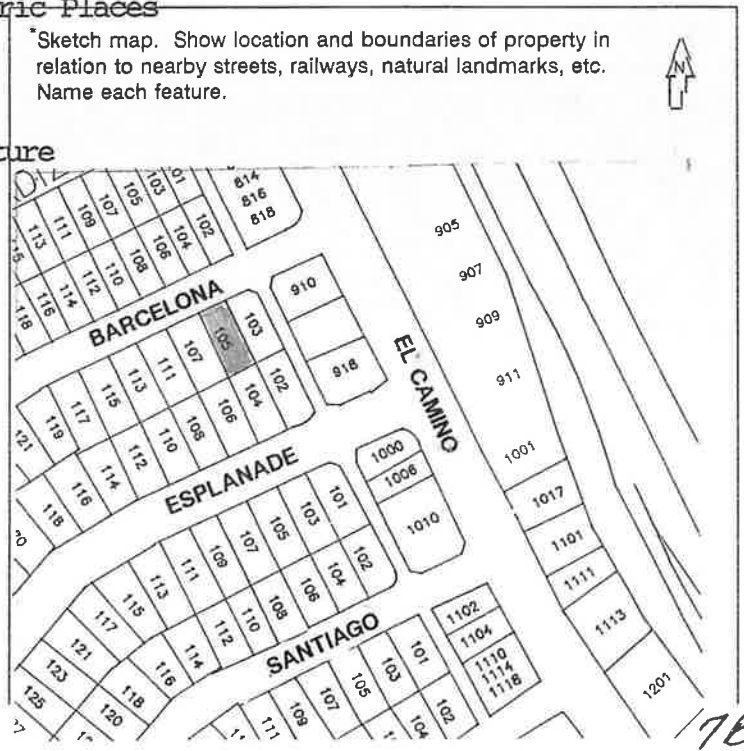
22. Other recognition San Clemente Historical Structure
 State Landmark No. (if applicable) _____

23. Evaluator Leslie Heumann
 Date of evaluation 1995

24. Survey type Comprehensive

25. Survey name Historic Resources Survey

*26. Year form prepared 1995
 By (name) Leslie Heumann & Associates
 Organization City of San Clemente
 Address 100 Calle Negocio, Suite 100
 City & Zip San Clemente 92672
 Phone (714) 498 2533



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CONTINUATION SHEET

Page 1 of 2

Resource Name or #: 105 AVENIDA BARCELONA

Recorded by: Historic Resources Group

Date: 9/18/2006

Continuation Update

PROPERTY NAME Unknown
HISTORIC NAME Unknown
PROPERTY ADDRESS 105 Avenida Barcelona
ASSESSOR PARCEL NUMBER 692-151-21
PROPERTY TYPE Single-family residential
OTHER DESCRIPTION
DATE OF CONSTRUCTION 1927 (E) Tax Assessor

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

SIGNIFICANCE This one-story single family residence was built in 1927. It 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 Negicio, Suite 100 San Clemente, CA 92673
Prepared by	Historic Resources Group 1728 Whitley Avenue Hollywood, CA 90028

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CONTINUATION SHEET

Page 2 of 2

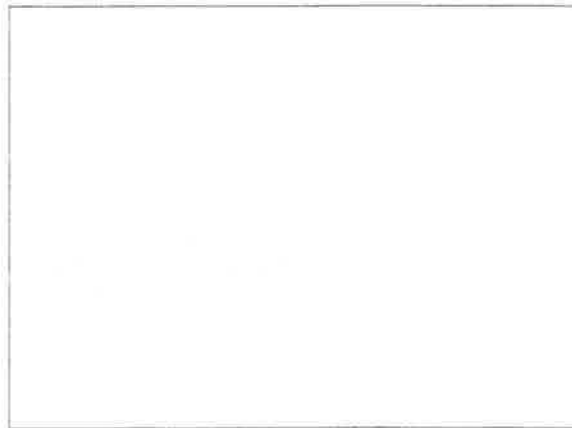
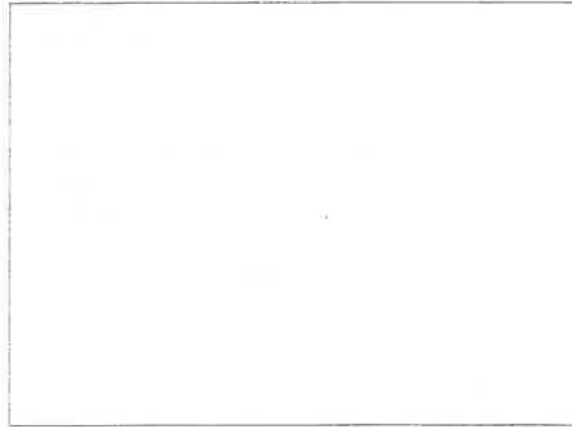
Resource Name or #: 105 AVENIDA BARCELONA

Recorded by: Historic Resources Group

Date: 9/18/2006

Continuation Update

Photographs of the Subject Property:



that the garages are used by employees who will have remote garage door operators for access. He noted other spaces on the lot will be available for all other users and they intend to remove the existing signage and install their own. He does not object to conditioning the project to require the garage doors remain open if the Commission directs. He noted there is plenty of parking available for those attending classes proposed for weekends and evening.

Chair Darden opened the public hearing, and there being no public testimony, closed the public hearing.

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-041, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 13-190, CHABAD JEWISH CENTER AND SCHOOL, A REQUEST TO ALLOW FOR A NEW RELIGIOUS FACILITY, NON-RELIGIOUS SCHOOL, AND SHARED PARKING AGREEMENT LOCATED AT 1306 NORTH CAMINO REAL, with the following revisions:

Page 5, add new condition 9B as follows: "The applicant shall record a shared parking agreement prior to issuance of permits for internal improvements. The parking agreement shall address hours of operation and maximum occupancy for each use within the facility. The agreement shall be reviewed and approved by staff and the City Attorney."

Page 6, add new condition 17 as follows: "Applicant shall ensure garages are utilized for parking on site."

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

B. 105 Avenida Barcelona – Cultural Heritage Permit 13-095/Demolition of Historic Property 13-339/Historic Property Preservation Agreement 13-327 and Negative Declaration – McMahon Residence (Ciampa)

A request to consider the addition and remodel of a historic house, demolition of the original garage, new trellis and outdoor fireplace, Historic Property Preservation Agreement and Negative Declaration CEQA Review for a project located at 105 Avenida Barcelona, legal description is Lot 53 of Block 4, Tract 822, Assessor's Parcel Number 692-151-21.

John Ciampa, Associate Planner, narrated a PowerPoint Presentation entitled, "Cultural Heritage Permit 13-095, Destruction Historic Property 13-339, Historic Property Preservation Agreement 13-327 and Negative Declaration, McMahon Residence, dated November 6, 2013." Staff recommended the Planning Commission recommend City Council approval of the request as conditioned.

In response to questions from the Commissioners, Mr. Ciampa advised the fungus damage to the garage to be demolished is extensive, and speculated the fungus has not spread to the house because it is on a raised foundation; noted the other garage on property satisfies the required garage space because it meets standards of the year of the home construction; advised staff is not requiring improvements to the existing garage because it was constructed later than the house construction; noted intention to work with the applicant to ensure most sensitive installation of fire sprinklers.

Michael Luna, architect representing the applicant, advised reason for home extension is expanding family; established location for the extension on the rear of the property to ensure the original Ole Hanson residence retains its front elevation; noted the fungus affecting the garage is city-wide and not just limited to historic structures; expressed desire to work with staff for flexibility to install the required fire sprinklers so that beams and other features typically found in historic homes are not negatively affected. In response to questions, he described the design/material features proposed to make the extension distinct from the original structure including machine made roof tiles, new windows and doors, and subtle differences in stucco application. The fireplace was redesigned in response to Design Review Subcommittee's (DRSC) suggestions to create more articulation and reflect more old world Spanish type design; advised the existing retaining walls and trellis will continue the screen the backyard from the adjacent neighbors.

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

- Thanked the applicant and architect for their willingness to work with the DRSC to improve the project.
- Supported removal of the garage in its deplorable condition.
- Complimented the architect/applicant on the project design.
- Commended the homeowners for their acts of bravery, love and faith in buying, restoring, and preserving a historic home.
- Commended the homeowners for the modest addition to maintain the historic flavor of the home.
- Endorsed staff allowing flexibility with fire sprinkler installation.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER EGGLESTON AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-040, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE CULTURAL HERITAGE PERMIT 13-095, DEMOLITION OF HISTORIC PROPERTY 13-339, AND A NEGATIVE DECLARATION, MCMAHON

RESIDENCE, A REQUEST TO ALLOW THE ADDITION AND REMODEL OF A HISTORIC HOUSE, DEMOLITION OF THE ORIGINAL GARAGE, AND THE CONSTRUCTION OF A TRELIS AND OUTDOOR FIREPLACE LOCATED AT 105 AVENIDA BARCELONA.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL]

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. 13-042, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL FOR HISTORIC PROPERTY PRESERVATION AGREEMENT 13-327 FOR THE PROPERTY LOCATED AT 105 AVENIDA BARCELONA.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL]

C. 105 West Avenida Pico and 112 Boca De La Playa – Minor Cultural Heritage Permit 13-281 – Negative Declaration – Ole Hanson Beach Club Rehabilitation (Ciampa) (continued from 10-16-13)

A request to consider the rehabilitation and exterior modifications to the historic Ole Hanson Beach Club and pools and Negative Declaration CEQA review for a project within the Open Space zoning designation and Architectural Overlay (O-A). The project is located at 105 West Avenida Pico and 112 Boca De La Playa, legal description is a portion of Block 5 of Tract 821, Assessor's Parcel Number 057-192-20.

John Ciampa, Associate Planner, narrated a PowerPoint Presentation entitled, "Ole Hanson Beach Club Rehabilitation, dated November 6, 2013." The project is in response to City Council direction and budget allocation to address deterioration, provide needed repairs and upgrades to bring the building into compliance with Building Code requirements, and meet recreation program demands. A historic preservation consultant from Architectural Resources Group, Inc., (ARG) has been retained to ensure the proposed improvements comply with the Secretary of the Interior's Standards. Staff recommended the Planning Commission approve the request as conditioned.

In response to questions from the Commission, Mr. Ciampa advised compatible foot treads to comply with the renovation are planned for the outdoor stairway; additional doors are being proposed to improve access from the building.

Sharon Heider, Beaches, Parks & Recreation Director, noted new window locations are proposed to increase safety by enabling additional supervision of lifeguards; advised the French doors providing aligned



2717 S. El Camino Real, San Clemente, CA 92672

Ph: 949.454.1625, Fax: 949.454.1636 Web: www.scottenvironmental.com

Mold/Fungi Inspection Report

November 9, 2011

Mold/Fungi Investigation of Rear Workshop 105 Avenida Barcelona, San Clemente, CA



Conducted For:

Andrew McMahon
105 Avenida Barcelona
San Clemente, CA 92672
Ph: (949) 433-5662



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Sampling and Testing Microbial Activity

There are several different and effective ways to sample and test mold infestations. Scott Environmental can provide the following types of sampling and testing to ensure the most accurate results.

AIR SAMPLING: In order to determine the presence/absence of mold spores, and their composition and concentrations in situations where either occupants or homeowners complain of ill health but see no obvious visible mold growth, air samples can be taken to detect airborne concentrations of mold spores. Air samples can be taken to determine if spores from visible mold growth sources have become airborne, and what their airborne concentrations are. This information could be used in assessing the possibility of hidden mold growth and human exposure.

BULK SAMPLING: Bulk samples with or without visible mold growth are suitable for analysis. Bulk samples include pieces of building materials such as drywall, insulation material, baseboards, ceiling and floor tiles, carpets, or even dust.

DUST SAMPLING: There could be many reasons why a Scott Environmental Specialist would want to take dust samples; dust samples give an indication of the types of microbial particles that have settled on the surface over time. Therefore, dust samples may give an indication of whether there is hidden mold. However, dust from carpets may also contain microbial particles brought in from outside through soiled shoes or other items brought into the building from outdoors. Dust samples can be used for a direct examination and may be analyzed immediately.

TAPE/SWAB SAMPLING: These samples could be used to determine the level of contamination on a surface. They may also be used to demonstrate that a surface is "clean" after remediation work. Surface sampling may reveal indoor reservoirs of spores that have not yet become airborne, however, there are limitations to the tape/swab sampling method.



Scott Environmental Mold Services

SERVICES: *Preliminary Inspections* are the first introduction to the mold problems there may, or may not be, at the location.

Investigation tools that are utilized by Scott Environmental trained personnel include moisture meters, hygrometers, etc., these do not involve invasive testing or Lab testing but can determine the presence of mold without expensive procedures.

Invasive Inspection is usually a follow-up inspection including boroscopic examination etc., and may also include surface sampling and lab tests.

IAQ Sampling is an Indoor Air Quality sampling test with pump and air-o-cell cassettes and Lab analysis.

Remediation Protocol includes a thorough examination to determine the extent of the mold problem that has now been identified. This provides an action plan for remediation, oversight, more inspections and final mold clearance testing.

Environmental Molds: In order to reproduce, molds release tiny spores just as plants produce seeds. The spores settle on surfaces and, when conditions are favorable they begin to consume organic material in their immediate vicinity. Molds can grow on cloth, carpet, leather, wood, etc. Sustained mold growth requires moisture, organic material (food source) and a suitable temperature generally in the range from 40 to 100 degrees Fahrenheit. When these conditions do not exist the mold colony will become dormant but will resume their metabolic activity when conditions become favorable again.

Molds can produce compounds that become airborne along with the old spores. A toxic substance called mycotoxin can cling to the surface of the spores.

Possible Health Effects of Mold Exposure.....

Health effects associated with mold fall into four groups as follows:

No Effect: Physiological mechanisms in healthy people may allow exposure to mold at low and high levels.

Allergic sensitization & immune responses:

These can include allergic rhinitis (hay fever), asthma, hypersensitivity pneumonitis (inflammation of lung tissue) and allergic skin diseases.

Disruption of cellular function: This level occurs when toxicogenic effects by toxic compounds produced by certain molds.

Sick Building Syndrome...

The indoor environment is the creation of the modern era. Previously, buildings were notable to the extent to which they were open to outside air, a system that could be referred to as natural ventilation. But technological advances have permitted us to seal buildings tightly, recirculate the air within them, and fill them with a variety of particle- and chemical emitting materials/objects. Specific illnesses include the indoor transmission of standard infectious diseases such as tuberculosis or legionellosis. Allergic reactions to indoor allergens such as dust mites, plant products or fungal/mold products, irritation due to volatile chemicals.



Mold/Fungi Visual Inspection

Mold/Fungi Investigation of Out-Buildings: 105 Avenida Barcelona, San Clemente, CA

Scott Environmental Services was selected to provide an assessment of the presence of mold and moisture on 10/29/2011 at: **105 Avenida Barcelona, San Clemente, CA**

- 1) Fungi-like substance was reported "growing" along indoor and outdoor walls.
- 2) Scott Environmental was asked to inspect this area, investigate any possible mold growth, and report as soon as possible.

Credentials and Certifications

Scott Environmental is a California Corporation located in San Clemente, California. Scott Environmental personnel have experience in the indoor air quality field and mold inspection. Scott specialists have over 12 years experience in mold investigations, sampling, analysis and testing for possible water intrusions and conditions around the home that might encourage the growth of mold. Mike Sibley has a Masters Degree from Imperial College, University of London, is a full member of the American Industrial Hygiene Association and a full member of the American Society of Safety Engineers and has supervised thousands of mold investigations throughout California for such companies as Prudential Realty, REMAX, Coldwell Banker, etc. Scott Environmental utilizes the latest in mold inspection equipment and supplies as well as adhering to recognized formal protocols for mold inspection. The mold inspection process that Scott Environmental follows was reviewed with you prior to the actual inspection and is also briefly described below. The results of the inspection are contained in this report, including the analytical results from an independent, certified laboratory.

Visual Inspection Process

The first step in properly evaluating any indoor environmental problem is the visual inspection. Throughout this phase an inspector is looking for evidence and causes of indoor environmental problems such as previous moisture intrusion, evidence of mold growth and areas with a potential for future mold infestation. An assessment typically covers the interior spaces as compared to the building exterior.

Surface Sampling

Surface/Bulk sampling is used to identify a surface contaminant at a specific location. This technique is useful also in ruling out possible discolorations or staining that sometimes exhibit mold like characteristics. Typically a cotton swab or piece of clear bulk is used to collect a small quantity of material. In turn this is analyzed either with a fungi screen or culture analysis. An independent national laboratory performs the testing procedures for these results.

Air Testing

Air sampling is the most effective method for determining whether some type of indoor contaminant is potentially creating an unsafe living environment. Our testing procedure can incorporate laser particle counters or the Air-O-Cell cassette. With the Air-O-Cell, air quality is tested by drawing 15 cubic liters of air per min and impacting the airborne particles over a glass substrate. Typically the process runs for 5 minutes, producing a sample size of 75 cubic liters. Next, the cassette is sent to a laboratory, where the contaminants are identified and counted. These numbers alone do not provide enough information to accurately determine the level of contamination. They need to be compared to outside air control samples taken or to national safety standards.

Background Information on Molds in the Home

Molds are simple, microscopic organisms, found virtually everywhere, indoors and outdoors. Concern about indoor exposure to mold has been increasing as the public becomes aware that exposure to mold can cause a variety of health effects and symptoms including allergic reactions. When excessive moisture accumulates in buildings or on building materials, mold growth will often occur, particularly if the moisture problem remains undiscovered or unaddressed. It is impossible to eliminate all mold and mold spores in the indoor environment. However, mold growth can be controlled indoors by controlling moisture indoors – mold requires water to grow.

Molds can produce allergens that can trigger allergic reactions or even asthma attacks in people allergic to mold. Potential health concerns are an important reason to prevent mold growth and to remediate / clean up any indoor mold growth.

There are only a limited number of documented cases of health problems from indoor exposure to fungal spores. Illnesses can result from both high level, short term exposures and lower level, long term exposures. The most common symptoms reported from exposures in indoor environments are runny nose, eye irritation, cough and congestion, aggravation of asthma, headache and fatigue.

Scope of Work

Scott Environmental Services made an inspection of the affected interior and exterior of the property, which included the following:

1. Conducted a visual inspection of the affected area along the indoor and outdoor walls.
2. Used moisture meter to determine the presense of moisture along affected areas.

Scott Environmental Services has relied upon the visual inspection, and moisture mapping



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7B-40



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7B.45



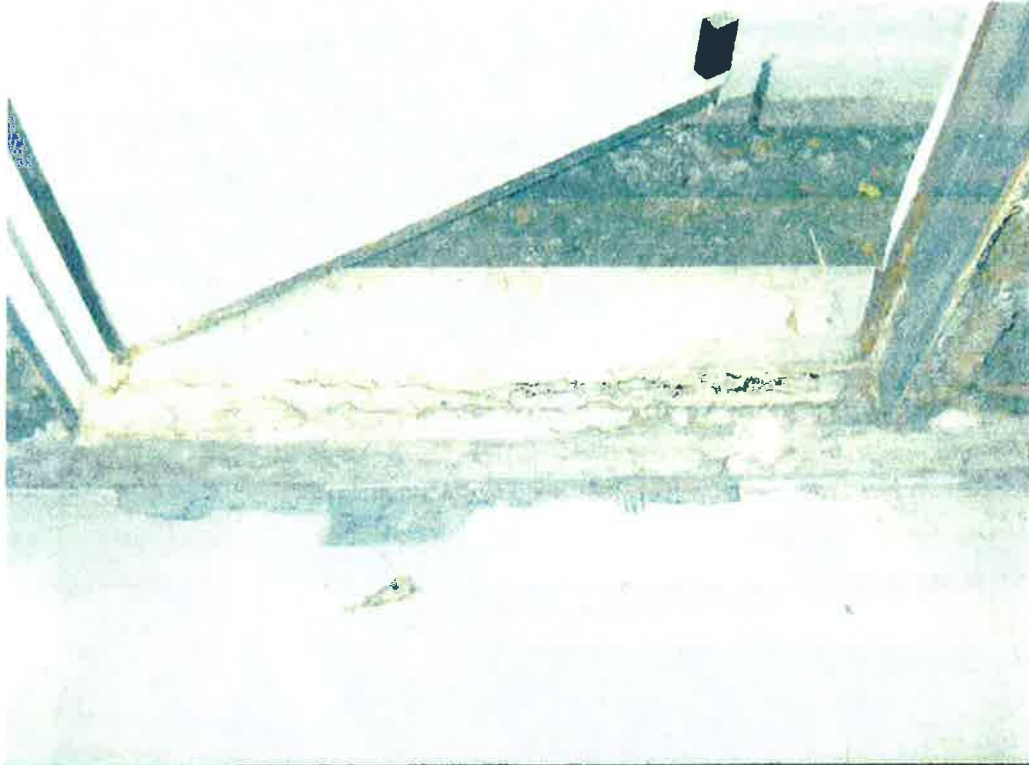
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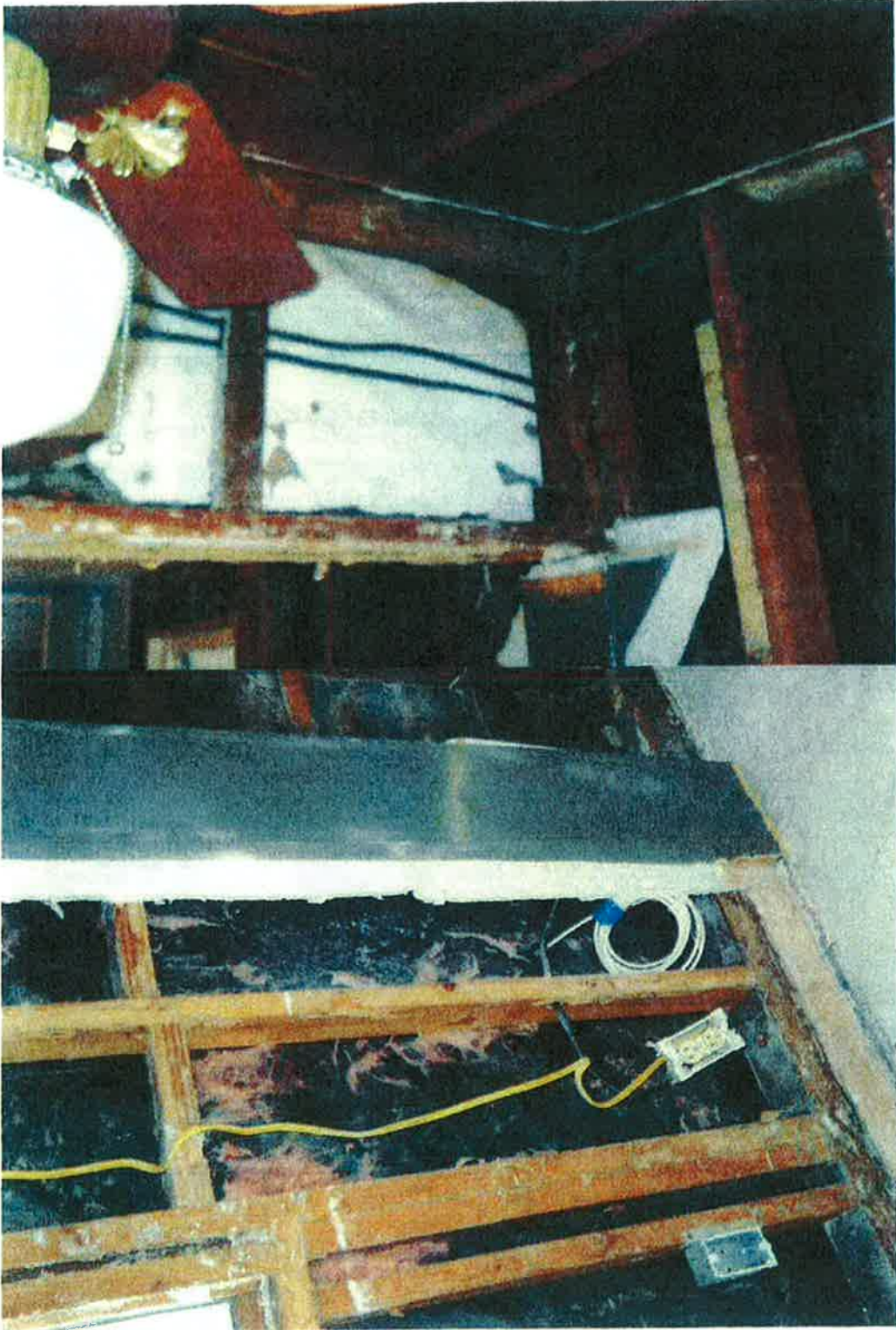
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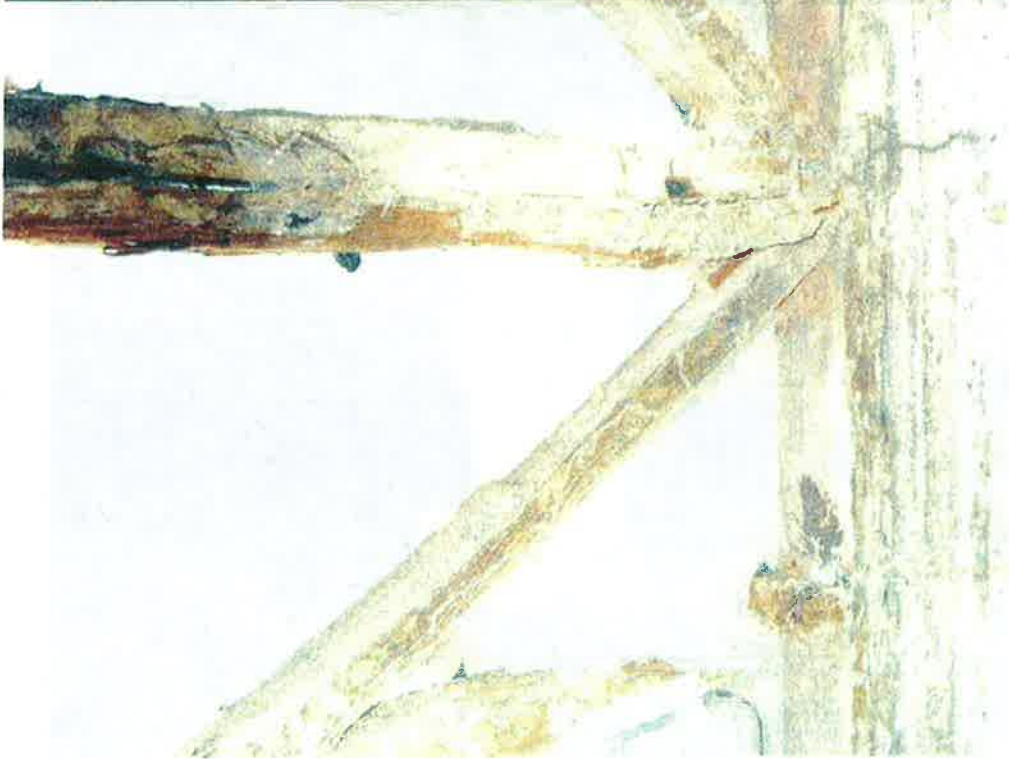
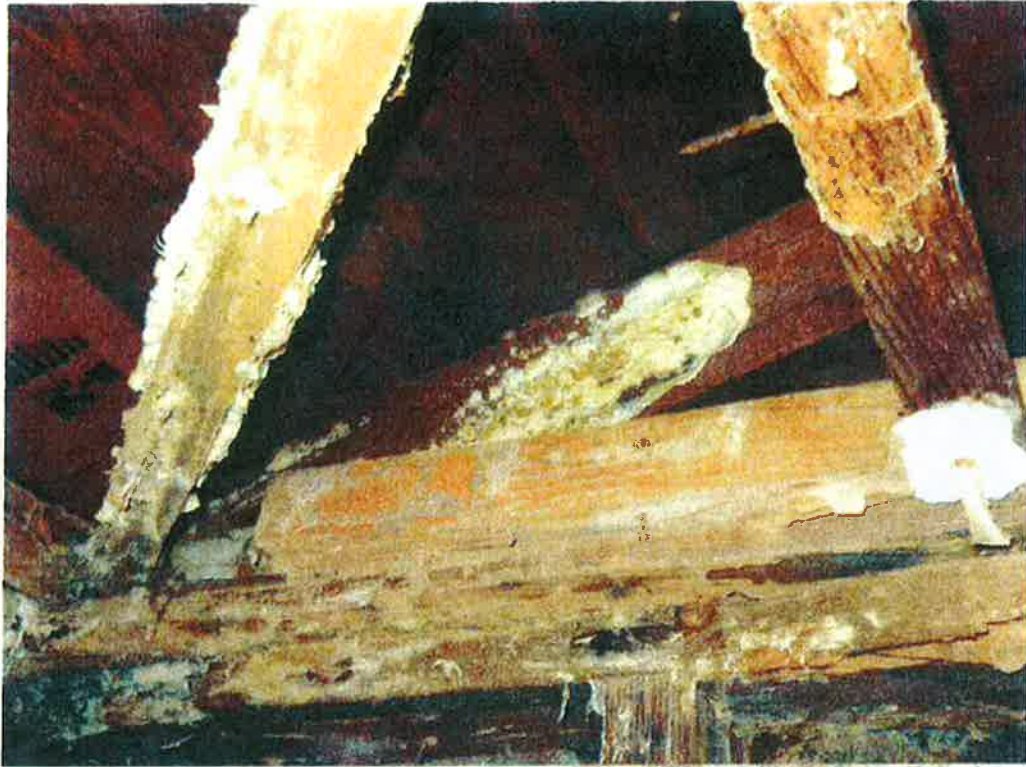
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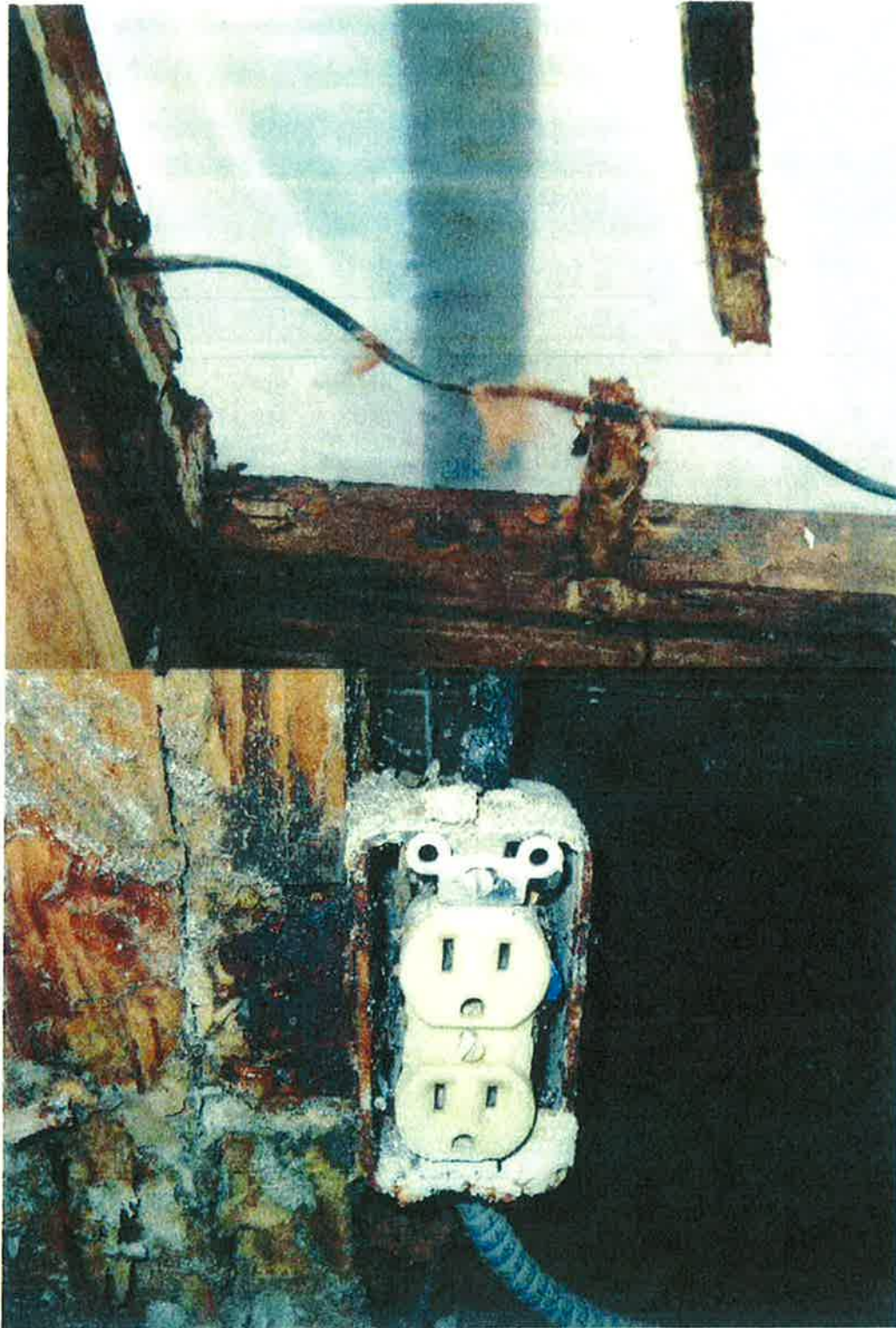
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7B-50



7B-51



7B-57



7B-53

Results & Remediation Recommendations

After the visual inspection of the affected areas was conducted, there was noticeable fungi-like growth along the interior and exterior walls of the property (see pictures above). After careful consideration and research, the growth seems to be a type of poria - <http://www.porlafacts.com/>:

"Poria incrassata is a wood-destroying decay fungus that may damage extensive portions of your house before making its presence known by generating the fruiting bodies shown above. Poria incrassata IS NOT A MOLD! Mold are fungi which grow on and discolor wood, but do not destroy it or use its cell walls as food.

Within a few hours after the fruiting bodies reach the bright orange coloration, millions of reddish brown spores will be expelled covering most of the horizontal surfaces within the vicinity of the activity.

While Poria incrassata may expel a very strong mushroom odor, neither the smell nor the spores have been documented to cause illness to humans.

Injuries have been sustained in a few occasions when, due to the extensive damage caused by the infection, the floor suddenly collapses under the weight of a foot."

The previously conducted moisture mapping had revealed elevated levels of moisture in the affected walls of the property (which appears to have originally been a workshop that had more recently been extended by some 10 feet – approx 35%). All of the wood joists and even the beams in the upper areas of the roof were affected by the capillary-like action that Poria fungi is best known for.

The remediation protocol guidelines could not be finally established however until invasive inspection was conducted throughout the affected areas. This work was undertaken by Braaeutgam Construction and Scott Environmental made four visits to the site, before during and after the invasive inspection (see photographs).

Soon after work proceeded and boards on the outside of the building were removed, it became obvious that the fungi had extensively invaded most of the wood framework of the building. The more recently built extension was made of wood and exterior clad with wooden boarding in contrast to the original portion of the workshop which had a plastered exterior. Plasterboard on the interior of the building was then removed exposing and confirming the full extent of the damage. The areas affected included the bottom plate, most of the wood frame and there was also evidence of extensive termite damage as well.

Outhouses that had fungi growth along the bottom of the structures were then displaced from the foundation bricks/blocks in an effort to determine where the fungi had originated.

The inevitable conclusion is that large portions of this workshop/studio wood framed structure are beyond repair and in any case could not easily be saved because of the danger of a future outbreak/return growth of the fungi. The floor area adjacent to the fungi-affected wood joist structure was covered by a thinset concrete and drylock applied membrane. It appears necessary to demolish this entire floor area and replace it. Indeed if historical building factors become an issue, it may be necessary to lift the building on jacks and pour an entirely new impervious slab. There may also be a need for an improved drainage system during the rebuilding process.

According to research on Poria Incrassata, it can infiltrate a foundation, wood or concrete and is resistant to many fungicides containing copper. Fortunately control is fairly simple and the research suggests that the permanent elimination of the water source is necessary. "Although poria is relatively rare, the rapid and extensive damage it can cause makes it desirable to understand the conditions leading to the attack, the signs indicating an attack is in progress, and methods of prevention and control of an attack". To succeed Poria needs to conduct water through its roots system (rhizomorphs) from a constant source (usually damp or wet soil) to dry wood in a building.

Report Prepared and Submitted by: _____

Mike Sibley DIC C. Eng.
President
Scott Environmental Health & Safety Services, Inc

Appendix: Poria Facts: www.poriafacts.com

7B-55

Poria Incrassata Facts.®

This is something that may suddenly appear, principally, during the months of May or November, and is an indication that the wood frame of your residence is being under attack by the water conducting fungus *Meruliporia (Poria) incrassata*.

Poria incrassata is a wood-destroying decay fungus that may damage extensive portions of your house before making its presence known by generating the fruiting bodies shown above.

Poria incrassata **IS NOT A MOLD!** Mold are fungi which grow on and discolor wood, but do not destroy it or use its cell walls as food.

Within a few hours after the fruiting bodies reach the bright orange coloration, millions of reddish brown spores will be expelled covering most of the horizontal surfaces within the vicinity of the activity.

While *Poria incrassata* may also expel a very strong mushroom odor, neither the smell nor the spores have been documented to cause illness to humans.

Injuries have been sustained in a few occasions when, due to the extensive damage caused by the infection, the floor suddenly collapses under the weight of a foot.

Crumbling, cupping or shrinking sections of hardwood floors, sections of door jambs, baseboards or cabinets in areas free of obvious sources of moisture often are a clear indication of the presence of *Poria incrassata*. Extensive cupping of hardwood floors is covered in another section of this web page as that may be related to a different problem.

The presence of flying moths could also serve as an indication of the presence of *Poria incrassata* as the larvae of the Fungus Moth feeds off of this infection and in many cases they start appearing in the living quarters before any of the other conditions become noticeable.

Proper diagnosis of the type of infection is critical, as chemical treatment will not stop *Poria* from continuing its attack to the wood structure unless specific repairs are performed.

When looking for the source of water feeding the *Poria* infection, look down not up. Repairs will fail if you believe the water is coming from the roof, plumbing, or window leaks or from wetting by the sprinklers. If you open the wall and find water dripping from the top plates, this is water that *Poria* has managed to draw in from your garden or from your septic tank.

The fluids transported by the *Poria* infection may be clear, amber, blood-red or dark brown resembling rusted water coming from an old rusted pipe.

Complete 2015



Replace the non-traditional gutters with copper gutters.

Complete 2015



Repair the cracked and damaged stucco.

7B-57

Complete 2015



Repair or replace the deteriorated wrought iron railing at the front of the house

6

Complete 2015



Paint the eaves and flashing dark brown

7B.58

Complete 2015



Replace the louvered window at the back of the house with a wood window.

Complete 2015



Replace fence with a Spanish designed fence.

Complete 2018



Replace the spark arrestor with a traditionally designed chimney cap or remove it and install a spark arrestor to the interior of the chimney

7B-60

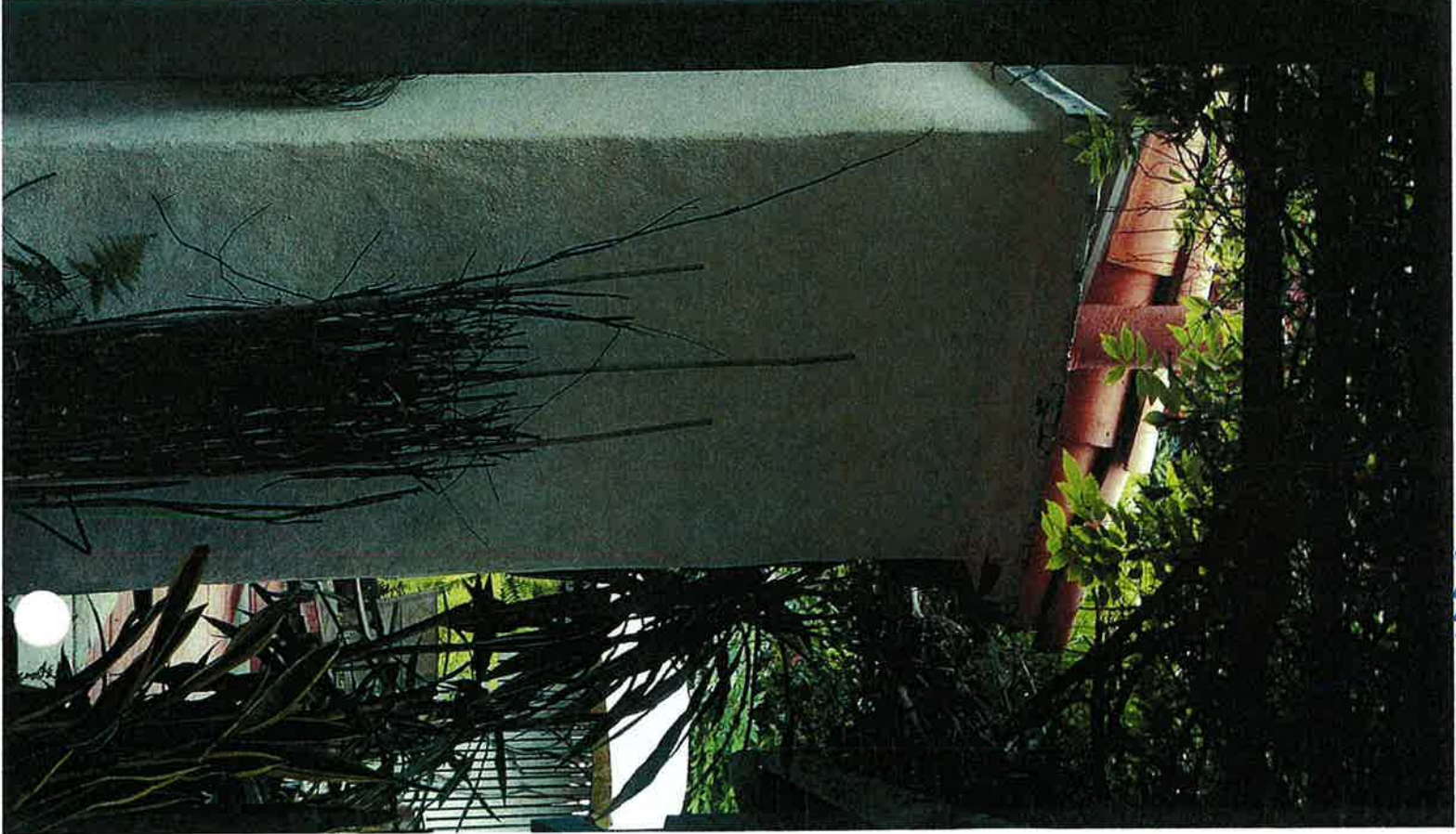


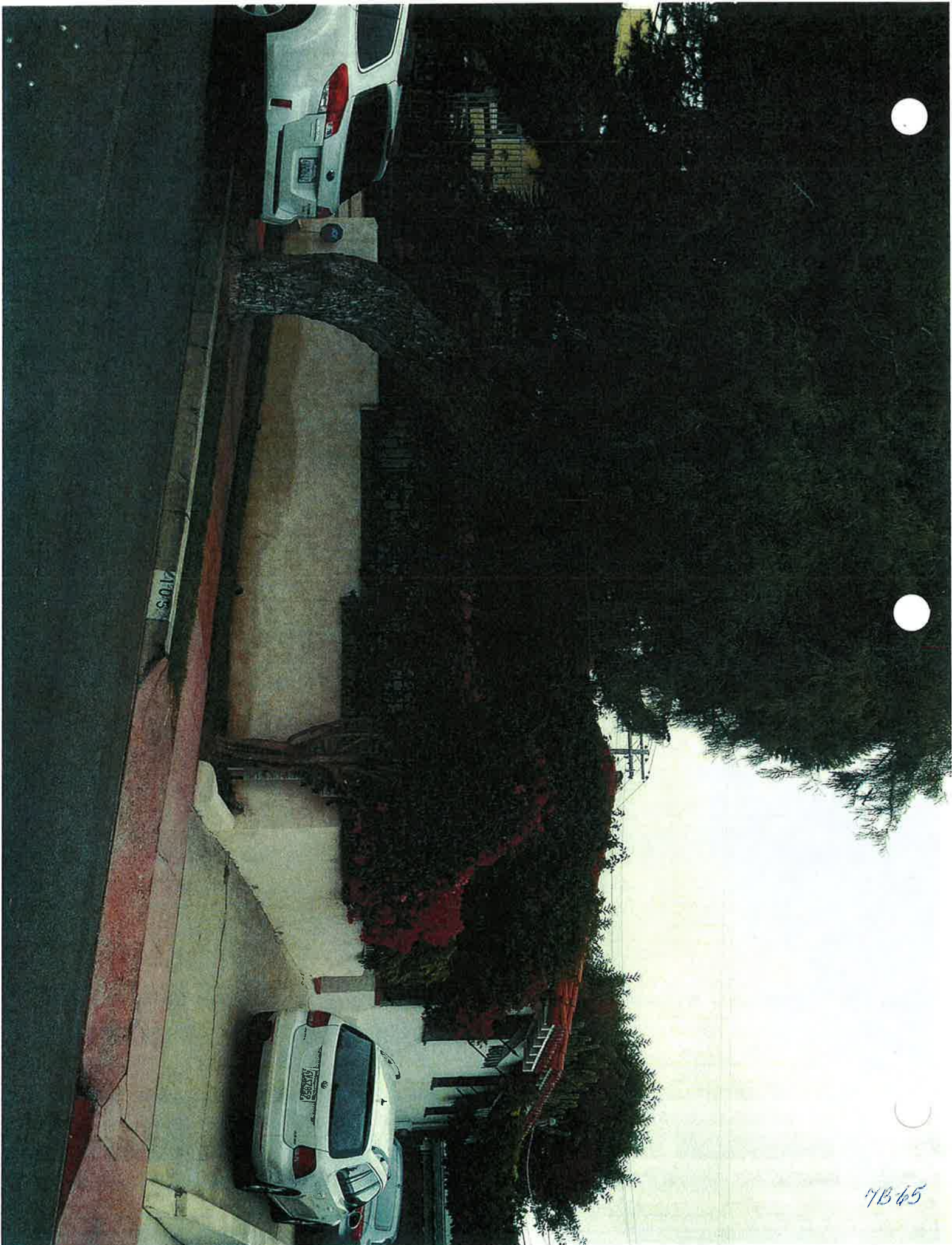
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NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

To: Interested Agencies, Individuals and
State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044

From: City of San Clemente
Community Development Department
910 Calle Negocio, Suite 100
San Clemente, CA 92673

Orange County Clerk Recorder
630 N. Broadway, Room 106
Santa Ana, CA 92702

Contact:
John Ciampa, Project Planner
(949) 361.6190
ciampaj@san-clemente.org

Applicant: Andrew and Kelly McMahon, 105 Avenida Barcelona, San Clemente, CA 92672

Project Title: Cultural Heritage Permit 13-095, Destruction Historic Property 13-339, Historic Property Preservation Agreement 13-327 and Negative Declaration, McMahon Residence

Project Description: The proposed project is requesting the following: 1) re-establishing the porch to the front of the house; 2) add 489 square feet to the house for the expansion of the kitchen, new master bedroom and bathroom, and remodel a portion of the interior floor plan; 3) demolish the original garage due to the Poria Incrassata fungi that have destroyed the garage structural wood members; 4) construct a trellis and outdoor fireplace in the general location of the original garage that is proposed to be demolished; and 5) exterior improvements are proposed as part of the Mills Act. The improvements include repair of wrought iron, replace gutters, replacing aluminum windows with wood windows, and replace the spark arrestor with a Spanish Colonial Revival designed chimney cap. All proposed improvements have been evaluated by the City's Historic Preservation Officer and the Cultural Heritage Subcommittee and it has been determined that the project will comply with the Secretary of Interior Standards for Rehabilitation of a Historic Structure.

POSTED

OCT 24 2013

HUGH NGUYEN, CLERK-RECORDER

BY: NG DEPUTY

Project Location: 105 Avenida Barcelona, Legal Description portion of Lot 53, Block 4 of Tract 822, APN 692-151-21

Project Number: Cultural Heritage Permit (CHP) 13-095, Destruction Historic Property (DHP) 13-339, Historic Property Preservation Agreement (HPPA) 13-327

Public Review Period: October 24, 2013 to November 25, 2013


Hearing Date/Time: November 6, 2013 (Planning Commission)
December 3, 2013 (City Council)

Hearing Location: City of San Clemente City Hall, Council Chambers
100 Avenida Presidio
San Clemente, CA 92672

The Negative Declaration and Initial Study as well as all referenced documents will be available for public review at:

City of San Clemente Community Development Department
910 Calle Negocio, Suite 100
City of San Clemente, CA 92673

Please submit any comments on the Negative Declaration to the City on or before November 25, 2013. Please direct your comments to John Ciampa, Associate Planner, at the above address, or by the telephone and e-mail contacts provided at the top of this form. Please also use this contact information to make any inquiries regarding this project.

Signature  Date 10/24/13

POSTED

OCT 24 2013

HUGH NGUYEN, CLERK-RECORDER

BY: NM DEPUTY

CITY OF SAN CLEMENTE ENVIRONMENTAL CHECKLIST FORM

1. Project Title: Cultural Heritage Permit (CHP)13-095, Demolition of Historic Property (DHP) 13-339, Historic Property Preservation Agreement (HPPA) 13-327, McMahon Residence Addition

Lead Agency Name and Address: City of San Clemente
910 Calle Negocio, Suite 100
San Clemente, CA 92673

3. Contact Person and Phone Number: John Ciampa 949.361.6190

4. Project Location: 105 Avenida Barcelona, Legal Description Lot 53 of Block 4 of Tract 822, APN 692-151-21

5. Project Sponsor's Name: Michael Luna and Associates
and Address 1531 North El Camino Real
San Clemente, CA 92672

6. General Plan Designation: Residential Low (RL)

7. Zoning: Residential Low within the Coastal Zone (RL-CZ)

8. Description of the Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary)

The proposed project proposes the following: 1) re-establishing the porch to the front of the house; 2) add 489 square feet to the house for the expansion of the kitchen, new master bedroom and bathroom, and remodel a portion of the interior floor plan; 3) demolish the original garage due to the *Poria Incrassata* fungi that have consumed the garage structural wood members; 4) construction of a trellis and outdoor fireplace in the general location of the original garage; and 5) exterior improvements as part of the Mills Act. The improvements include repair of wrought iron, replace gutters, replacing non-aluminum windows with wood windows, and replace the spark arrestor with a Spanish Colonial Revival designed chimney cap. The addition, demolition, exterior improvements and new accessory structures proposed have been evaluated by the City's Historic Preservation Officer and the City's Cultural Heritage Subcommittee and determined the project will comply with the Secretary of Interior Standards for Rehabilitation of a Historic Structure.

7B-48

9. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings)

To the north and east are residential and commercial uses, currently they are in the Neighborhood Commercial (NC2) and Residential Low (RL) zoning. To the south and west are residential units zoned Residential Low (RL) Density.

10. Other public agencies whose approval is required: None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The following Initial Study indicates that the project may result in potential environmental impacts in the following marked categories:

Aesthetics	Agricultural Resources	Air Quality
Biological Resources	Cultural Resources	Geology/Soils
Hazards/Hazardous Materials	Hydrology/Water Quality	Land Use/Planning
Mineral Resources	Noise	Population/Housing
Public Services	Recreation	Transportation/Traffic
Utilities & Service Systems	Mandatory Findings of Significance	

ENVIRONMENTAL DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION has been prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

7B-19


Signature

John Ciampa
Printed Name

10/24/13
Date

City of San Clemente
For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e. g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards and state whether such effects were addressed by mitigation based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

INITIAL STUDY

A. INITIAL STUDY CHECKLIST

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					

1. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?	1, 13				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	1, 13				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	13				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	4				X

2. AGRICULTURE RESOURCES -- Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	15				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	16				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	1, 13				X

3. AIR QUALITY -- Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	17				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	2				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	1, 2, 17				X
d) Expose sensitive receptors to substantial pollutant concentrations?	2, 3				X
e) Create objectionable odors affecting a substantial number of people?	2, 3				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					

4. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	1				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	1				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	1				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	1				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	1				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	1				X

5. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5	1,3, 4, 8, 9, 10, 11				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	3, 13				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	3, 13				X
d) Disturb any human remains, including those interred outside of formal cemeteries?	3, 13				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					

6. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Div. of Mines and Geology Special Pub. 42.)	3, 12				X
ii) Strong seismic ground shaking?	3				X
iii) Seismic-related ground failure, including liquefaction?	3				X
iv) Landslides?	3				X
b) Result in substantial soil erosion or the loss of topsoil?	3, 13				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	3				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	3				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	3				X

7. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	1, 4,				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	1, 4				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	3, 13				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	7				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	13				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	13				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	1				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	1				X

8. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements?	4				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	3,13				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	3, 13				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	13				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	3, 13				X
f) Otherwise substantially degrade water quality?	3, 13				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	14				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	14				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	3, 13				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
j) Inundation by seiche, tsunami, or mudflow?	3				X
k) Potentially impact storm water runoff from construction activities?	1,3,13				X
l) Potentially impact storm water runoff from post-construction activities?	1				X
m) Result in a potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work/activity areas?	1, 13				X
n) Result in the potential for discharge of storm water to impact the beneficial uses of receiving waters?	1, 13				X
o) Create the potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm?	1, 13				X
p) Create significant increases in erosion of the project site or surrounding areas?	1, 13				X

9. LAND USE AND PLANNING -- Would the project:

a) Physically divide an established community?	1, 13				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	1				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	1				X

10. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	1				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	1				X

11. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	1				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	1				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	1, 4				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	1,4				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	4, 13				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	4, 13				X

12. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	13				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	13				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	13				X

13. PUBLIC SERVICES—Would the project:

Fire protection?	13				X
Police protection?	13				X
Schools?	13				X
Parks?	13				X
Other public facilities?	13				X

14. RECREATION—Would the project

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	13				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	13				X

15. TRANSPORTATION/TRAFFIC -- Would the project:

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?)	3				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	3				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	13				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	13				X
e) Result in inadequate emergency access?	1				X
f) Result in inadequate parking capacity?	4, 13				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	1				X

16. UTILITIES AND SERVICE SYSTEMS -- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	1, 3				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	3				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	3				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	3				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	3				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	3				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?	1, 3				X

IMPACT CATEGORY	Sources*	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
*See Source References at the end of this Checklist.					
h) Require or result in the implementation of a new or retrofitted storm water treatment control Best Management Practice (BMP), (e.g. a water quality treatment basin, constructed treatment wetland, storage vault), the operation of which could result in significant environmental effects (e.g. increased vectors or odors)?	3				X

17. MANDATORY FINDINGS OF SIGNIFICANCE:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	3, 13				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	1, 3, 4, 8, 10				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	1, 3, 4				X

PREVIOUS ANALYSIS:

Per CEQA Guidelines Sections 15063 (*Initial Study*), 15152 (*Tiering*), 15153 (*Use of an EIR from an Earlier Project*), and 15168 (*Program EIR*), previous analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in a previous EIR or Negative Declaration. In this case, the following previous environmental impact reports address impacts of the current project:

Therefore, per CEQA and case law, the following items apply:

- a) Earlier Analysis Used. Identify earlier analyses and state where they are available for review.
- b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions of the project.

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SOURCE REFERENCES:

1.	<i>General Plan, City of San Clemente, 1993</i>
2.	<i>California Air Resources Board. Area Designation maps.</i>
3.	<i>General Plan EIR, City of San Clemente, May 6, 1993</i>
4.	<i>Zoning Ordinance, Zoning Map, and San Clemente Municipal Code</i>
5.	<i>California Geological Survey</i>
6.	<i>Southern California Geotechnical, 2005</i>
7.	<i>Department of Toxic Substances (DTSC) Control EnviroStar</i>
8.	<i>Secretary of the Interior's Standards for the Rehabilitation of Historic Structures</i>
9.	<i>Historic Photographs</i>
10.	<i>Mold/Fungi Inspection Report Completed by Scott Environmental Health and Safety Services</i>
11.	<i>Department of Parks and Recreation Historic Survey Form</i>
12.	<i>Southern California Geotechnical, 2005</i>
13.	<i>Field observations of the site and surrounding areas, John Ciampa, Associate Planner</i>
14.	<i>FEMA Map</i>
15.	<i>State of California Department of Conservation Farmland Mapping and Monitoring Programs.</i>
16.	<i>State of California Department of Conservation Map Information.</i>
17.	<i>South Coast Air Quality Management District 2012.</i>
Note: The preceding source documents are available for public review at the City of San Clemente Planning Division, 910 Calle Negocio, Suite 100, San Clemente, California.	

B. EXPLANATIONS OF CHECKLIST RESPONSES:

The proposed project will rehabilitate and add 489 square feet to a Historical Resource. Improvements made to the historic house that are not compatible with the architecture of the house will be modified and the front porch that was enclosed will be rehabilitated. The project will require the demolition of what is believed to be the original garage to the house. The structure is being proposed to be demolished because invasive Fungi has consumed the building and corroded the structural wood members. The project's scope does not create any potential environmental impacts associated with demolition of the garage or the addition based on the analysis completed by the City. The addition and exterior improvements proposed were found in conformance with the Secretary of Interior Standards for Rehabilitation of Historic Resources. The proposed improvements and restoration will result in no significant impacts.

Aesthetics

There are no potential environmental impacts to Aesthetics because:

- a) The proposed project will not have a substantial adverse effect on a scenic vista, in that the addition is located at the rear of the property. The project location is surrounded by existing development, thus no scenic vistas will be impacted by the project.

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- b) The proposed project will not substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic building within a state scenic highway, in that the project is located in the back yard of a historic house. Also, the historic resource will be rehabilitated and restored. No scenic resources will be affected as no development is proposed that could negatively impact any scenic resource.
- c) The proposed project will not substantially degrade the existing visual character or quality of the site and its surroundings, in that the addition and demolition of the original garage is located at the back of the house and will not be visible from the public right-of-way. All improvements have been found to comply with the Secretary of Interior Standards for the Rehabilitation of Historic Resources.
- d) The proposed project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area, in that all new lighting would be required to be directed away from any residence and comply with the City of San Clemente Municipal Code.⁴

Agricultural Resources

There are no potential environmental impacts to Agricultural Resources because:

- a) The City of San Clemente is not identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency.¹⁵ Therefore, no impacts are anticipated from the project.
- b) The proposed project will not conflict with existing zoning for agricultural use, or a Williamson Act contract, in that the project site is located within an urbanized area⁴ and it is not zoned for agriculture or involved with a Williamson Act agreement.¹⁶
- c) The proposed project will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use, in that the project site is not close to or within an area which could impact agriculture, and the approval of the project will not directly result in any significant change to the project site or the surrounding area.

Air Quality

There are no potential environmental impacts to Air Quality because:

- a) The proposed project will not conflict with or obstruct implementation of the applicable air quality plan, in that the approval of the project will allow for the addition and rehabilitation of an existing historic resource. The project will not intensify the use of the property and will be consistent with the land use designations of the City's General Plan and is therefore also consistent with land use projections of the AQMD. The project site is located in the South

⁴ *City of San Clemente Zoning Ordinance Map 1996*,

¹⁵ State of California Department of Conservation *Farmland Mapping and Monitoring Programs*. Available at: http://www.consrv.ca.gov/dlrp/fmmp/Documents/fmmp_guide_2004.pdf, accessed on August 27, 2013.

¹⁶ State of California Department of Conservation *Map Information*. Available at: <http://www.conservation.ca.gov/dlrp/lca/Pages/Index.aspx>, accessed on August 27, 2013.

Coast Air Basin (SCAB), within which air quality management is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The proposed project site is subject to the air pollution control thresholds established by the SCAQMD and published in their CEQA Air Quality Handbook. The SCAQMD is responsible for preparing a regional air quality management plan (AQMP) to improve air quality in the SCAB. The AQMP includes a variety of strategies to accommodate growth, to reduce the high levels of pollutants within the SCAB, to meet State and federal air quality performance standards, and to minimize the fiscal impact that pollution control measures have on the local economy. Because the potential construction activities on site will be minimal related to a 489 square foot addition, new trellis and fireplace and the demolition of the original garage there is no potential to exceed the thresholds set by the AQMD.¹⁶

- b) The proposed project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation, in that the SCAQMD provides thresholds of significance for air quality constituents by construction and operational activities. The project will include a small 489 square foot addition and the demolition of the original one car garage that would not generate substantial amounts of air pollutants. Also, the project's proposed land use intensity is consistent with the land use designations of the City's General Plan and is therefore also consistent with land use projections of the AQMP.² For these reasons there is no potential to exceed the threshold of significance.
- c) The proposed project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors, in that approval of the project will not result in any substantial construction activities as the building will not be expanded. The project's proposed land use intensity is consistent with the land use designations of the City's General Plan¹ and is therefore also consistent with land use projections of the AQMP. According to the California Air Resources Board (CARB), the proposed project is in a State and Federal non-attainment area for O₃, PM_{2.5}, and PM₁₀.² (SCAB has been in attainment for CO since December 2002 and on June 11, 2007, the U.S. Environmental Protection Agency reclassified CO as in attainment.¹⁶) The SCAQMD has established significance thresholds for the purpose of assessing a project's air quality impacts. The approach behind these thresholds stems from the AQMP forecasts of attainment of State and federal Ambient Air Quality Standards (AAQS) and SCAG's forecasted future regional growth. Based on SCAQMD's methodology, the proposed project would have a significant cumulative air quality impact if the ratio of daily District-related population

¹⁶ South Coast Air Quality Management District 2012. *Final 2012 AQMD*. Available at: <http://www.aqmd.gov/aqmp/AQMPintro.htm>, accessed on August 22, 2013.

² California Air Resources Board. *Area Designation maps*. Available at: <http://www.arb.ca.gov/desig/adm/adm.htm>, accessed on August 22, 2013.

¹ City of San Clemente General Plan, 1993, 10 (Natural and Historic/Cultural Resources)

vehicle miles traveled (VMT) exceeded the ratio of daily District-related population to countywide population, which it does not. Therefore, the project has no impact.

- d) The proposed project will not expose sensitive receptors to substantial pollutant concentrations, in that the project will only result in limited construction associated with the addition of 489 square feet to the historic house and the demolition of the original one car garage. Project emissions are not significant enough to result in pollutant concentrations that would affect sensitive receptors.² If hazardous materials such as asbestos were to be found on site appropriate abatement measures would be taken consistent with building code and state requirements ensuring no sensitive receptors will be exposed to any pollutants thus there will no impact.
- e) The proposed project will not create objectionable odors affecting a substantial number of people, in that the project will be continuing the residential use. The physical improvements will not have any environmental impacts because the project will be limited to the interior and pool improvements of the building, and minor restoration of deteriorated original features and new door and window openings and thus there will be no impact.

Biological Resources

There are no potential environmental impacts to Biological Resources because:

- a) The proposed project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, in that the project site is already developed on an improved lot with multiple structures, thus no biological resources will be impacted.¹
- b) The proposed project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, in that the project site has been developed and the house will have a 489 square foot addition and is outside any riparian habitat as identified in the General Plan, thus no biological resources will be impacted.¹
- c) The proposed project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means, in that there is no protected wetlands located on the site as the project is located on a developed lot with existing landscaping and structures that will be maintained, enhanced, and rehabilitated, thus there will be no impact to biological resources.¹
- d) The proposed project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife

¹ City of San Clemente General Plan, 1993, 10 (Natural and Historic/Cultural Resources), IV. (Goals, Objectives and Policies)

nursery sites, in that the project site does not have any native resident or migratory fish or wildlife species located on it. The project is located on a developed lot with existing landscaping and structures that will be maintained, enhanced, and rehabilitated, thus there will be no impact to biological resources.¹

- e) The proposed project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, in that no policies or ordinances are being amended or changed that would affect biological resources. The project is located on a developed lot with existing landscaping and structures that will be maintained, enhanced, and rehabilitated, thus there will be no impact to biological resources.
- f) The proposed Cultural Heritage Permit will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, in that the project is located on a developed lot with existing landscaping and structures that will be maintained, enhanced, and rehabilitated, and will not impact sensitive biological resources covered by the Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) for the County of Orange.¹

Cultural Resources

There are no potential environmental impacts to Cultural Resources because:

- a) The proposed project will not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5, in that this project proposes to add 489 square feet to the back of the historic house and rehabilitate the existing historic resource to comply with the Secretary of the Interior's Standards of Historic Structures for Rehabilitation. The proposed demolition of the original garage will not have an adverse impact in the historic significance of the property because the site was evaluated in 1996 and 2006 by two historic preservation firms and the original garage was not identified as a contributor to the house's historic significance.¹¹ The City presumes that the structure is the original garage based on evidence from the historic aerial photos of the property.⁹ The garage is a nondescript design that does not contribute the historic significance of the site or have any character defining features. Much of the original fabric of the garage was lost with the illegal addition and modification to the structure by the previous owner. The addition converted the garage into an illegal second unit and eliminated the original opening of the garage door. The garage was evaluated by Scott Environmental Health and Safety Service who completed a mold/fungi inspection report on the structure to determine the extent of damage caused by the fungi.¹⁰ The report determined the fungi entered the building through the slab foundation. The fungi have consumed the structural members of the building leaving almost no

¹ City of San Clemente General Plan, 1993, 10 (Natural and Historic/Cultural Resources), IV. (Goals, Objectives and Policies)

¹¹ Department of Parks and Recreation Historic Survey Form

⁹ Historic Aerial Photographs

¹⁰ Scott Environmental Health and Safety Service Fungi Report

structural support. To remove the fungi from the building and ensure it is permanently eliminated requires the structure and foundation to be removed entirely. The mere replacement of the wood members or sections of the structure would not eliminate the *Poria Incrassata* fungi. Any new structure in this area must have a raised foundation to prevent the fungi from penetrating the foundation and consuming the wood members. Since a raised foundation is required for the new structure it is not feasible to reconstruct the garage because it would require a slab on-grade foundation and would be susceptible to the *Poria Incrassata* fungi re-infestation. Furthermore, there is no longer vehicle access to the original garage on the side of the house because of improvements to the front and side of the property. For these reasons there will be no adverse change in the significance the historic resource with the demolition of the original garage. The addition, new trellis and outdoor fireplace, were reviewed by the Historic Preservation officer and the Cultural Heritage Subcommittee and were found to be in conformance with the Secretary of the Interior's Standards for Rehabilitation based on their location and design. The addition is compatible with the historic portion of the house because of its location, scale, and Spanish Colonial Revival design. The addition would be differentiated from the historic portions of the house because it is stepped out from the west side of the building six feet. The new stucco and materials will also differentiate the addition from the historic house. The roof design complies with Secretary of the Interior's Standards, Standard 10, by preserving the original roof framing (Shown on the plans sheet A-3.1) which allows the original roof to be restored if the addition is ever removed for the restoration of the house

- b) The proposed project will not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5, in that there is no archeological resource on site. This project site is already developed and the proposed addition and demolition will not result in substantial grading that would have the potential to expose an archeological resource on the site. Any improvements or modifications completed onsite that encounter archeological resources will be done with the help of a historic recourse consultant to ensure compliance with the Secretary of Interior Standards for the Rehabilitation of Historic Resources ensuring no impact to the archeological resource.
- c) The proposed project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, in that there are no known paleontological resources located onsite, and the site has been developed.³ However, in the event that such features are discovered, the project applicant shall retain a qualified paleontologist to review the proposed project area to determine the potential for paleontological resources to be encountered. If there is a potential for paleontological resources to occur, the paleontologist shall identify the area(s) where these resources are expected to be present, and the project applicant shall retain a qualified paleontological monitor
- d) The proposed project will not disturb any human remains, including those interred outside of formal cemeteries, in that the proposed project site is completely developed and with minimal demolition and excavation is proposed

³ San Clemente General Plan EIR 1993

within the disturbed areas of the property. No human remains or cemeteries are anticipated to be disturbed by the proposed project since there are no indications of a burial area and none identified in the General Plan EIR.³ The project will comply with existing State requirements which require notifying native tribes of the pending application during the entitlement process and, in the unlikely event that human remains are uncovered, halting construction activities until the County corner can evaluate the find and notifying a Native American Representative if the remains are of Native American origin.³

Geology and Soils

There are no potential environmental impacts to Geology and Soils because:

- a) The proposed project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides, in that the project site has been developed since the mid-1930s. Approval of the project will not result in additional development. The City of San Clemente is not listed on the California Geological Survey's list of cities and counties affected by Alquist-Priolo Earthquake Fault Zones. Research of maps indicates that the site is not located within an Alquist Priolo Fault Zone.¹² Therefore, a fault rupture would not occur on the site during future seismic events. The project site is located within Orange County which is in a moderate to high seismically active area. Approval of the project could not change or expose people or structures to potential substantial adverse effects regarding the risk of loss, injury or death involving strong seismic ground shaking because the project site is developed and previously had structural improvement completed. Any future proposed improvements will be constructed according to the most current California Building Code or the Historic Building Code. The project site is not in a designated liquefaction hazard zone.³ Differential seismic settlements are generally negligible and not anticipated to adversely affect the site. There would be no impact.
- b) The proposed project will not result in substantial soil erosion or the loss of topsoil, in that the project site is already developed and the existing facilities will be rehabilitated and used associated with the project. No soils will be modified associated with the proposed project. Any future improvements will be reviewed and evaluated to ensure compliance with National Pollution Discharge Elimination System (NPDES) requirements.
- c) The project site is not located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, in that the project site is developed and will have a 489 square foot addition and other

¹² California Geological Survey. Alquist Priolo Earthquake Fault Zones, accessed www.consrv.ca.gov/CGS/rghm/ap/affected.htm, accessed August 27, 2013.

³ San Clemente General Plan EIR 1993

minor accessory structure. The proposed project would rehabilitate the existing historic structure, work will be done on site and will not have the potential to create or impact a landslide.³

- d) The proposed project will not be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property, in that the project site has been developed and the project will be reviewed by the Building Division to determine if a soils report is required. The modifications will not have an environmental impact and will be primarily internal and will not impact any expansive soil if it did exist onsite.
- e) The proposed project will not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water, in that the necessary infrastructure already exists on the project site and no septic tanks will be used.

Hazards and Hazardous Materials

There are no potential environmental impacts to Hazards and Hazardous Materials because:

- a) The proposed project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, in that the project site is already developed with a historic resource. There are no known hazardous materials on the site. If hazardous materials are discovered on site, such as asbestos, all hazardous materials will be abated and disposed of in conformance with Building Code and legal requirements to ensure that there are no impacts to the public or the environment. With that, there is no impact.
- b) The proposed project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, in that the project site is developed with an existing historic resource that has no known hazardous materials onsite. If hazardous materials are discovered on site, such as asbestos, all hazardous materials will be abated and disposed of in conformance with Building Code and legal requirements to ensure that there are no impacts to the public or the environment. With that, there is no impact.
- c) The proposed project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. If hazardous materials are discovered on site, such as asbestos, all hazardous materials will be abated and disposed of in conformance with Building Code and legal requirements to ensure that there are no impacts to the public or the environment. With that, there is no impact.
- d) The proposed project site is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment, in that the project site is developed with a historic resource and does not contain any known hazardous materials. A search of the DTSC

³ City of San Clemente General Plan 1993 EIR

- EnviroStar database did not list the project site as a Federal superfund site, state response site, voluntary cleanup site, or school cleanup site.⁷
- e) The proposed project will not result in the site being located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the site result in a safety hazard for people residing or working in the area, in that the project site is not within the vicinity of a private airstrip or airport and will not result in a safety hazard for people residing or working in the south west San Clemente area.¹³ Therefore, no impact on the project site as the site is not near a local airport or airstrip.
 - f) The proposed project will not designate an area within the vicinity of a private airstrip, or would the district result in a safety hazard for people residing or working in the project area, in that the project site is not within the vicinity of a private airstrip or airport and will not result in a safety hazard for people residing or working in the area.¹³ Therefore, no impact would occur.
 - g) The proposed project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, in that the project site was developed in 1927 and the proposed addition and accessory structures are located at the back of the property to not impact the City's emergency response plan or emergency evacuation.
 - h) The proposed project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, in that wildlands can be defined as wholly undisturbed areas where wildlife remains in its natural state. The project site is currently developed and is located within an urban environment.³ The project site is not adjacent to any wild lands.¹³ Therefore, the proposed project would not expose people or structures to a significant risk of loss, injury or death from wild land fires.

Hydrology and Water Quality

There are no potential environmental impacts to Hydrology and Water Quality because:

- a) The proposed project will not violate any water quality standards or waste discharge requirements, in that the project site is developed and the project will not violate any water quality standards. The proposed project will have a Water Quality Management Plan (WQMP) that includes the use of Best Management Practices (BMPs) will be prepared further reducing the impacts on water quality. BMPs are measures that are to be taken to reduce pollutants from runoff and can include the use of sand bags, straw bales, and similar, to keep soil on a site, temporarily covering local storm drains to prevent soil and trash from entering into the stormwater drain system.
- b) The proposed project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which

⁷ Department of Toxic Substances (DTSC) Control EnviroStar database website <http://www.envirostor.dtsc.ca.gov/public/default.asp> accessed August 27, 2013.

¹³ Field observations

³ City of San Clemente General Plan 1993 EIR

- would not support existing land uses or planned uses for which permits have been granted), in that the project site is developed and will be maintained, and rehabilitated with a 489 square foot addition. There will be no impact to groundwater recharge as no additional paving is proposed and the project will not result in an expansion to the pools or building footprint.
- c) The proposed project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site, in that the project site is already developed.¹³ There will only be minor development associated with the project. That being the case, there will be no impact to any streams or rivers if any were to exist within the area.
 - d) The proposed project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, in that the project site has already been developed.
 - e) The proposed project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, in that the project site has already been developed and the project will only result in a 489 square foot addition. Storm drain systems in the area exist and because the expansion of the house is limited there will be no impact to the storm drain system.
 - f) The proposed project will not otherwise substantially degrade water quality, in that the project site has already been fully developed and only a 489 square foot addition, trellis and fireplace is proposed. Because only a minor work is proposed there will be no impact to degrade water quality.
 - g) The proposed project will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, in that the proposed project site is developed and has existing housing outside of the flood zone. According to FEMA Flood Insurance Rate Map No. 06059C0536J, the project site is not within a 100-year flood hazard zone.
 - h) The proposed project will not place within a 100-year flood hazard area structures which would impede or redirect flood flows, in that the proposed project site is not within a 100-year flood hazard area and therefore structures would not impede or redirect flood flows.¹⁴
 - i) The proposed project will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, in that the project site is not located within a dam or levee inundation area.¹³ Therefore, the proposed project site is not subject to inundation from the failure of a levee or dam.
 - j) The proposed project will not be inundated by seiche, tsunami, or mudflow, in that the project site is not within an area subject to these hazards. A seiche is a hazard caused by a wave in a lake or bay generated by seismic or atmospheric movements. The site is not downstream or down slope of an area subject to mudflows. The General Plan EIR identifies a tsunami hazard zone along the

¹³ Field Observations

¹³ Field Observations

coast below the 20 foot elevation contour. The project site is at an elevation greater than 36 feet above sea level.³

- k) The proposed project will not potentially impact storm water runoff from construction activities, in that the project will only result in the addition of 489 square feet so there is no potential impact to water runoff associated with construction activities.
- l) The proposed Cultural Heritage Permit will not potentially impact storm water runoff from post-construction activities, in that there will only be a minimal expansion to the building. Being that all structures onsite have been existing and only a 489 square foot addition, demolition of the original garage and new construction of a trellis and fireplace is proposed there will be no impact to post-construction storm water runoff.
- m) The proposed project will not result in a potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work/activity areas, in that the project site has been fully developed and only minor development for the site is proposed with this application. A Water Quality Management Plan (WQMP) that includes the use of Best Management Practices (BMPs) will be prepared to reduce the impacts on water quality. BMPs are measures that are to be taken to reduce pollutants from runoff and can include the use of sand bags, straw bales, and similar, to keep soil on a site, temporarily covering local storm drains to prevent soil and trash from entering into the storm water drain system. All water runoff for the site will be in conformance with all required local, state, and federal requirements.
- n) The proposed project will not result in the potential for discharge of storm water to impact the beneficial uses of receiving waters, in that there is no proposed activity onsite or development that will potentially impact the beneficial uses of receiving waters. A Water Quality Management Plan (WQMP) that includes the use of Best Management Practices (BMPs) will be prepared to reduce the impacts on water quality. BMPs are measures that are to be taken to reduce pollutants from runoff and can include the use of sand bags, straw bales, and similar, to keep soil on a site, temporarily covering local storm drains to prevent soil and trash from entering into the storm water drain system.
- o) The proposed project will not create the potential for significant changes in the flow velocity or volume of storm water runoff to cause environmental harm, in that there is no proposed activity onsite or development that will potentially impact the flow velocity or volume of storm water runoff since the project is a 489 square foot addition to a historic house, demolition of original garage and construction of a trellis and outdoor fire place. Also, the Water Quality Management Plan (WQMP) that includes the use of Best Management Practices (BMPs) will be prepared further reducing the impacts on water quality. BMPs are measures that are to be taken to reduce pollutants from runoff and can include the use of sand bags, straw bales, and similar, to keep soil on a site, temporarily covering local storm drains to prevent soil and trash from entering into the storm water drain system.

³ General Plan, City of San Clemente EIR, 1993

- p) The proposed project will not create significant increases in erosion of the project site or surrounding areas, in that the project is a small addition to an existing house that has gutters and area drains to eliminate the potential to impact the erosion of the project site. Also, a Water Quality Management Plan (WQMP) that includes the use of Best Management Practices (BMPs) will be prepared further reducing the impacts on water quality. BMPs are measures that are to be taken to reduce pollutants from runoff and can include the use of sand bags, straw bales, and similar, to keep soil on a site, temporarily covering local storm drains to prevent soil and trash from entering into the storm water drain system.

Land Use

There are no potential environmental impacts to Land Use because:

- a) The proposed project will not divide an established community, in that the project site is surrounded by developed residential and commercial properties. The property will not be expanded or subdivided.
- b) The proposed project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted to avoid environmental impact, in that the proposed project will continue the residential use of the property. The continuation of the residential use is consistent with all applicable planning documents.¹
- c) The proposed project will not conflict with any applicable habitat conservation plan or natural community conservation plan, in that the is established and the site is not located within a habitat or conservation plan.¹

Mineral Resources

There are no potential environmental impacts to Mineral Resources because:

- a) The approval of the project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, in that there are no known significant mineral deposits in the City of San Clemente.¹ Therefore, the approval of the project would not impact any known nonrenewable mineral resources of statewide or regional value.
- b) The approval of the project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan, in that there are no known significant mineral deposits in the City of San Clemente.¹ Therefore, the approval of the project would not impact any known nonrenewable mineral resources of statewide or regional value.

Noise

There are no significant environmental impacts to Noise because:

¹ City of San Clemente General Plan, 1993, 1(Land Use Element), III (Overview of Land Use Policies)

¹City of San Clemente General Plan, 1993, 10(Natural and Historic/Cultural Resources), II (Opportunities and Constraints).

- a) The proposed project will not expose persons to or generate noise levels in excess of standards established in the local General Plan or Noise Ordinance, or applicable standards of other agencies, in that the residential use will continue.¹
- b) The proposed project will not expose persons to or generate excessive ground borne vibration or ground borne noise levels, in that the original use of the building will continue. The residential use will not create impacts associated with ground borne vibration and noise levels.
- c) The proposed project will not be a substantial permanent increase in ambient noise levels in the vicinity above levels existing without the proposed project, in that the facility will continue its existing and original use and will not increase noise levels.
- d) The proposed project will not be a substantial temporary or periodic increase in ambient noise levels in the vicinity above levels existing without the project, in that the residential use will continue.
- e) The proposed project will not be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels, in that the project site is not located near an airport or subject people to any additional air traffic related noise.¹³
- f) The proposed project will not be within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels, in that the project site is not located near an airport or subject people to any additional air traffic related noise.

Population and Housing

There are no potential environmental impacts to Population and Housing because:

- a) The proposed project will not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure), in that the project site has already been developed for the residential use and does not provide any additional housing so there is no impact.¹³
- b) The proposed project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere, in that the project site is fully developed, does not provide housing, and no expansion is proposed.¹³
- c) The proposed project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere, in that the project site is a single family residence.

Public Services

There are no potential environmental impacts to Public Services because:

¹ City of San Clemente General Plan, 1993, 14(Noise Element), IV (Noise Ordinance, Regulations and Guidelines).

¹³ Field observation

- a) The proposed project will not result in reduced fire protection to the area, in that the proposed project is an existing building, and the addition and accessory structures will comply with Building Code requirements.³
- b) The proposed project will not result in reduced police services, in that the project will not be an expansion of the use.³
- c) The proposed project will not result in reduced school services/facilities, in that there will be no expansion of the use, number of units, or activity is proposed that could impact any schools within the area of the project site.³
- d) The proposed project will not result in reduced park facilities, in that no parks are being removed associated with the project.³
- e) The proposed project will not result in reduced general public facilities, in that the area surrounding the project site is already developed and all public facilities have been established.³

Recreation

There are no potential environmental impacts to Recreation because:

- a) The proposed project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, in that the house will remain one unit and will not be adding any additional units.¹³
- b) The proposed project will not include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment, in that the proposed project is addition to an existing house, demolition of the original garage and the construction of a trellis and fireplace.¹³

Traffic/Transportation

There are no significant environmental impacts to Traffic/Transportation because:

- a) The proposed project will not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system, in that the house is existing and will not increase the intensity of the site be expanded and the existing use will be continued and will not result in additional traffic.³
- b) The proposed project will not impact, individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways, in that the number of units on the property will not be increased.³
- c) The proposed project will not substantially increase hazards due to a design feature or incompatible use, in that the house will not add additional units and will be located at the back of the property.¹³
- d) The proposed project will not affect intersections, in that the project will be located at the back of the lot.¹³

³ San Clemente General Plan EIR 1993

¹³ Field observations

³ San Clemente General Plan EIR 1993

¹³ Field Observations

¹ San Clemente General Plan 1993

- e) The proposed project will not result in inadequate emergency access, in that the project site is already developed and not result in an expansion that may restrict emergency vehicle access.¹
- f) The proposed project will not result in inadequate parking capacity, in that the required parking for the residential use is provided
- g) The proposed project will not conflict with adopted policies, plans, or programs supporting alternative transportation, in that the project is associated with the 489 square foot addition to a house, demolition to the original garage, and the construction of a trellis and fireplace.

Utilities and Service Stations

There are no potential environmental impacts to Utilities and Service Stations because:

- a) The proposed project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, in that the project site is already developed, and any future upgrades will comply with all City standards, thus there will be no impacts.
- b) The proposed project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, in that the project scope and the continuation of the use will have no impact on the existing wastewater facilities from this project.
- c) The proposed project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, in that the 489 square foot addition, demolition of the original garage, the new trellis and fireplace will not impact to existing storm water facilities.
- d) The proposed project will have sufficient water supplies available to serve the area from existing entitlements and resources, or for new or expanded entitlements needed, in that the project will continue the current/original use with a 489 square foot addition. All applicable resources are existing and sufficient water supply is available.
- e) The proposed project will not result in a determination by the wastewater treatment provider which serves or may serve the area that it has inadequate capacity to serve the District's projected demand in addition to the provider's existing commitments, in that the project will continue the original use and the 489 square foot addition will not increase the demand in services or utilities above its capacity.
- f) The proposed project will be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs, in that the proposed use will generate municipal solid wastes (MSW) that will be taken to the Prima Deshecha landfill that is located just to the northeast of the City of San Clemente. This landfill has a permit to operate until 2046 and has adequate capacity to handle any MSW that will be generated by the use of the site.
- g) The proposed project will comply with federal, state, and local statutes and regulations related to solid waste, in that California AB 939 requires that up to 50% of MSW be recycled to extend the life of landfills throughout the state. This law is being implemented by the City and will reduce by half the MSW that

will be generated by the operations on the project site. Facilities will be provided onsite to provide for recycling of waste complex. Therefore, the project will comply with this state law that reduces solid wastes generated by the project.

- h) The proposed project will not require or result in the implementation of a new or retrofitted storm water treatment control Best Management Practice (BMP), (e.g. a water quality treatment basin, constructed treatment wetland, storage vault), the operation of which could result in significant environmental effects (e.g. increased vectors or odors), in that the project site is developed and no such resources are proposed or located onsite.

Mandatory Findings of Significance

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

The project will have not impact in the project is limited to the developed site and will not be expanded beyond the property so there will be no impact to habitat or species in the area.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

There are no cumulative impacts associated with the project because it complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties.⁸ The proposed demolition of the original garage will not have an adverse impact in the significance of the property because the site was evaluated in 1996 and 2006 by two historic preservation firms and the original garage was not as a contributor to the houses historic significance. The garage is a nondescript design that does not contribute the historic significance of the site or have any character defining features. The original garage has been expanded and modified into an illegal second unit and the original opening has been eliminated. The garage has been consumed with *Poria Incrassata* fungi that have deteriorated the wood members of the structure and have made the structure no longer safe or structurally sound.¹⁰ Since the addition and accessory structures comply with the Secretary of the Interior Standards and the original garage does not contribute to the historic significance to the property there is no impact.

⁸ Secretary of the Interior's Standards for Rehabilitation

¹⁰ Mold/Fungi Inspection Report Completed by Scott Environmental Health and Safety Services

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

The project will not result in substantial adverse effects on human beings in that the project is limited to the project site and the addition will not increase the number of units. The proposed size of the house is in scale with the neighborhood and would not have a negative impact to the adjacent uses.