



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
 Meeting Date: April 3, 2012

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

Department: Community Development
Prepared By: Sean Nicholas, Associate Planner

Subject: *AMENDMENT TO TENTATIVE PARCEL MAP 2006-287, LEE SUBDIVISION.*

Summary: On January 20, 2009, City Council approved the Lee Subdivision. While the applicant was preparing the Final Map, she had concern with the conditions of approval requiring Covenants, Conditions, and Restrictions (CC&Rs). The applicant is requesting removal of the conditions of approval for CC&Rs (attachment 3). The applicant's position is that the project is a simple subdivision of one lot into two lots. The applicant has agreed to deed restrictions preventing further subdivisions and for no development to occur on the top portion of the property. No changes are proposed to the attached approved Tentative Parcel Map.

Engineering staff has reviewed the request to remove the conditions of approval associated with CC&Rs, and determined that the required deed restrictions and reciprocal access agreement will satisfy City requirements. Engineering staff stated that the CC&R conditions were placed on the project under the assumption that the subdivision would have common area(s) necessitating the CC&Rs. In most cases, common area(s) are included and maintained through CC&Rs. Engineering staff, in reviewing the subdivision again, determined that the proposed reciprocal access easement between the two parcels for a common drive approach in conjunction with the various approved deed restrictions is sufficient to ensure compliance with the Tentative Parcel Map and City requirements. The required agreements and restrictions are included as conditions of approval to ensure the documents are recorded with the Final Map. With the updated conditions of approval, staff is still supportive of the proposed subdivision.

Recommended Action: STAFF RECOMMENDS THAT the City Council approve the attached Resolution with amended conditions of approval for Tentative Parcel Map 2006-287, Lee Subdivision.

Fiscal Impact: None.

- Attachments:**
- Attachment 1: Resolution
 - Exhibit 1: Conditions of Approval
 - Attachment 2: Location Map
 - Attachment 3: Letter from the Applicants Representative
 - Attachment 4: City Council Staff Report and Minutes from January 20, 2009
 - Tentative Parcel Map

Notification: In compliance with State and Municipal Code Requirements.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SAN CLEMENTE, CALIFORNIA, APPROVING AN AMENDMENT TO TENTATIVE PARCEL MAP
2006-287, LEE SUBDIVISION, A REQUEST FOR A SUBDIVISION OF AN EXISTING PARCEL LOCATED
AT 3812 VIA DEL CAMPO

WHEREAS, on August 28, 2007, an application was submitted, and on October 30, 2008, completed by Paul Douglas, 33863 Barcelona Place, Dana Point, CA, 92629, a request for a subdivision of an existing residential lot located at 3812 Via Del Campo, the legal description being Lot 22, of Tract 8495; and

WHEREAS, on September 20, 2007 and October 23, 2008, the City's Development Management Team reviewed the subject application and determined its compliance with the General Plan, Subdivision Map Act, Subdivision Code, Zoning Ordinance and other applicable City ordinances and codes; and

WHEREAS, the Planning Division processed and completed an initial environmental assessment for this project in accordance with the California Environmental Quality Act (CEQA). The Planning Division has determined that the project is categorically exempt from CEQA in accordance with CEQA Guidelines Section 15332 as a Class 32 exemption because it involves the division of an existing residential lot and is surrounded by similar residential development; and

WHEREAS, on November 19, 2008, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by the applicant, City staff, and other interested parties and voted to recommend approval of the request to the City Council; and

WHEREAS, on January 20, 2009, the City Council held a duly noticed public hearing on the subject application, and considered evidence presented by the applicant, City staff, and other interested parties, and approved the subdivision; and

WHEREAS, on January 24, 2012, an application was submitted, and on February 28, 2012 completed by Margaret Lee, 3812 Via Del Campo, a request for an amendment of and approved subdivision to remove the conditions of approval associated with Covenants, Conditions, and Restrictions (CC&Rs); and

WHEREAS, on February 2, 2012 and February 9, 2012, the City's Development Management Team reviewed the subject application and determined its compliance with the General Plan, Subdivision Map Act, Subdivision Code, Zoning Ordinance and other applicable City ordinances and codes; and

WHEREAS, the Planning Division processed and completed an initial environmental assessment for this project in accordance with the California Environmental Quality Act (CEQA). The Planning Division has determined that the project is categorically exempt from CEQA in accordance with CEQA Guidelines Section 15332 as a Class 32 exemption because it involves the division of an existing residential lot and is surrounded by similar residential development; and

WHEREAS, on April 3, 2012, the City Council held a duly noticed public hearing on the subject application, and considered evidence presented by the applicant, City staff, and other interested parties

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

Section 1: The project is categorically exempt from the California Environmental Quality Act (CEQA) as a Class 32 exemption because:

- a) the subdivision is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations in that the proposed subdivision exceeds all of the minimum requirements for residential subdivisions located within the Residential Low Density (RL-17) Zoning District; and
- b) the proposed subdivision occurs within city limits on a parcel of no more than five (5) acres substantially surrounded by urban uses in that the existing parcel is less than five (5) acres and the subsequent subdivision will create a new lot of 1.74 acres. Also the surrounding area is completely developed with single family residences on large lots similar to the one proposed to be created; and
- c) the subject site has no value as habitat for endangered, rare or threatened species in that the existing parcel already has a large home existing on it and the site is not identified as being habitat for any endangered, rare or threatened species; and
- d) approval of the subdivision would not result in any significant effects relating to traffic, noise, air quality, or water quality in that any future development of the site will be a single family residence and will be meet the required standards of the Municipal Code and will be consistent with development of the surrounding neighborhood; and
- e) the site can be adequately served by all required utilities and public services in that the area has already been developed with a number of single family residence and the infrastructure is already existing to service the proposed new lot.

Section 2: The proposed map, together with the provisions for design and improvements as supplemented by the conditions attached hereto as Exhibit 1, are compatible with the objectives, policies, general land uses and programs specified in the General Plan of the City of San Clemente in that the project complies with the development standards outlined in the Zoning Ordinance, and the subdivision meets the required minimum lot sizes and street

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frontages as set forth in the Residential Low Density requirements section of the Municipal Code (17.32.040).

Section 3: The site is physically suitable for the proposed type of residential subdivision in that the new parcel exceeds the minimum requirements set forth in the Municipal Code for new lots, and the applicant has provided a site plan for a single family residential structure with access that complies with all required sections of the Municipal Code and would not require any Variances or Minor Exception Permits for approval.

Section 4: The site is physically suitable for the proposed density of the subdivision in that the newly created parcel has an allowed density of one and a half (1.5) units per acre. While no construction is proposed with the proposed subdivision, when development does occur the applicant will not be allowed to exceed this density. This will be consistent with the surrounding residential neighborhood.

Section 5: The subdivision will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site is an in-fill site and does not contain any substantial wildlife or habitat.

Section 6: The design of the subdivision and the types of improvements are not likely to cause serious public health problems in that the subdivision is proposed in an area with similar residential structures and will be in character with the other lots with single family residences on large lots.

Section 7: The design of the subdivision and the type of improvements will not conflict with easements for use of the property within the proposed subdivision in that there are no existing easements and the applicant is proposing a new open space easement to run across the rear two hundred (200) linear feet of both the existing residential lot as well as the newly proposed lot that will be recorded with the parcel map.

Section 8: The proposed tentative parcel map is consistent with the Subdivision Map Act and the City of San Clemente Subdivision Ordinance and is within the maximum density permitted by the Residential Low Density Zoning District.

Section 9: The proposed parcel map is consistent with the Subdivision Map Act in that it has taken into consideration the housing needs of the region balanced with the need for public services.

Section 10: The City Council hereby approves the categorical exemption and Tentative Parcel Map 2006-287, a request for a subdivision of an existing parcel, subject to the above findings, and the Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED this _____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of
San Clemente, California

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

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

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

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EXHIBIT 1

CONDITIONS OF APPROVAL*
TENTATIVE PARCEL MAP 2006-287

1. Within two (3) years after the approval date of Tentative Parcel Map No. 2006-287, unless an extension is granted as provided in Section 35 of the Code of the City of San Clemente and Section 66452.6 of the Government Code of the State of California (Subdivision Map Act), the owner or designee shall file a substantially complete submittal for review and approval by the City for a final map or multiple final maps prepared by a registered civil engineer. The final map(s) shall be subject to all pertinent requirements of the Subdivision Map Act and shall conform to the approved tentative tract/parcel map, City standards, and all other applicable approved plans, codes, ordinances, statutes and regulations.
[Citation - Section 16.12.100.A of the SCMC] (PIng.)_____

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

- 3. Prior to the final tract/parcel map approval, the owner or designee shall submit written consent to all of these imposed conditions to the Community Development Director or designee. The owner or designee understands that the resolution will be of no force or effect unless such written consent is submitted to the City. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]*

(Plng.) _____

- 4. To ensure neighborhood compatibility in the future, the applicant, as a component of the proposed subdivision, shall record a deed restriction preventing further subdivision of the lots and shall include the following language: The parcels, both existing and proposed, identified as legal description western 2.84 acres of Lot 22 in Tract 8495, as shown on a map recorded in book 416, pages 13-15 inclusive, of miscellaneous maps, records of said Orange County, California and the eastern 1.74 acres of Lot 22 in Tract 8495, as shown on a map recorded in book 416, pages 13-15 inclusive, of miscellaneous maps, records of said Orange County, California, shall not be subdivided in any way in the future.

■■ (Plng.) _____

- 5. Prior the approval of the final parcel map, the applicant shall have obtained City Council approval of an open space easement pursuant to Government Code Section 51070 et. seq. over the upper portion of the existing and proposed lots as shown on the tentative parcel map.

■■ (Plng.) _____

CONDITIONS PRIOR TO FINAL TRACT MAP APPROVAL

Fees

- 6. Prior to final parcel map approval, the owner or designee shall pay all applicable development and final map fees, which may include, but are not limited to, park acquisition and development, water and sewer connection, drainage, grading, traffic, soils and hydrology review, plan check deposit (minimum plan check deposit shall be \$5,000). *[Citation – Fee Resolution No. 08-81 and Section 16.32.010.B of the SCMC]*

(Eng.) _____

Reports - Soils and Geologic, Hydrology

- 7. Prior to final parcel map approval, the owner shall submit for review, and shall obtain the approval of the City Engineer for, a soils and geologic report prepared by a registered geologist or geotechnical engineer which conforms to City standards and all other applicable codes, ordinances and regulations. *[Citation - Section 16.12.050.B of the SCMC].*

(Eng.) _____

Final Map Requirements

8. Prior to final parcel map approval, the owner or designee shall indicate on the final map that all storm drains, and improvements within the interior of the subdivision are private and shall be maintained by the private owners of each parcel. [Citation – Section 16.32.010.G of the SCMC] ■(Eng.)_____

Easements

9. Prior to approval of the final parcel map, the applicant shall submit to the city, obtain the City's approval of and record a deed restriction creating a reciprocal access easement or reciprocal access rights in the manner shown on the parcel map. The deed restriction shall indicate that the City is a third party beneficiary of the deed restriction and that the deed restriction cannot be amended without City Council approval. [Citation - Section 16.28.030.A & B of the SCMC] ■ (Eng.)_____
10. Prior to final parcel map approval, the owner or designee shall indicate on the final map as applicable, the location of all easements for open space, storm drains, utilities, reciprocal access, slopes, and landscaping. All drainage easements shall be a minimum of 15 feet. No drainage facilities accepted for dedication or maintenance by the City shall be located within slopes. Improvements may not be constructed within any easements to be accepted by the City, without approval of an Encroachment Permit. A Hold Harmless agreement approved by the City Attorney shall be required for all encroachments into the ROW. [Citation - Section 16.28.030.B of the SCMC] (Eng.)_____
11. Prior to final parcel map approval, the owner or designee shall demonstrate to the satisfaction of the City Engineer or designee, that quitclaims in favor of the City have been obtained from all persons having any interest in existing rights of way for pipelines for the conveyance of water, and for all rights to all underground water. The owner or designee shall convey the right to all underground water, but without right of entry to the surface thereof, to the City. The owner or designee shall cause no easements to be granted nor recorded over any portion of the property shown on the submitted record map between the tentative map approval date by the Planning Commission and the recording date of the final or record map by the County Recorder. [Citation - Section 13.04.500.A, B & C of the SCMC] (Eng.)_____

Grading & Drainage Plans Required

12. Prior to final parcel map approval, the owner or designee shall submit for review, and shall obtain the conceptual approval of the City Engineer or designee for a conceptual grading and drainage plans, prepared by a registered civil engineer, which shows grading and drainage for the project. [Citation - Section 16.12.050.C, E, F, G, J & K of the

SCMC]

■ (Eng.)_____

Improvement Required

- 13. Prior to final parcel map approval the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for Improvement Plans, prepared by a registered civil engineer, for all improvements as deemed necessary by the City Engineer or designee to provide adequate access, including but not limited to the following provisions: *[Citation – Section 16.28, Design Standards of the SCMC]*

■ (Eng.)_____

- A. Sidewalks, curbs, and gutter improvements. A minimum 4-foot wide sidewalk shall be constructed along the parcels frontage along Via Del Campo as determined by the City Engineer. All private and public improvements shall be designed and constructed in accordance with City standards. Any retaining walls that are necessary for the construction of the sidewalk shall be constructed on the private property and shall be privately maintained.
- B. Storm Drain Improvements. A storm drain and appurtenant structures shall be constructed to convey runoff from the existing concrete slope drains on Parcel 1 and discharge into Via Del Campo within the street frontage of Parcel 1.

- 14. Prior to final parcel map approval, the owner or designee shall provide dedicate an irrevocable offer to the City on the final map on Via Del Campo to provide for sidewalk easement as determined by the City Engineer. *[Citation – Section 16.28.010.B & 16.36.020 of the SCMC]*

■ (Eng.)_____

- 15. Prior to final parcel map approval, the owners or designee shall submit for review and approval Improvement Plans showing all grading, drainage devices, and parkway culverts as necessary to independently convey drainage on each parcel. Additionally, sidewalk along the frontage of Parcel 1 is to be included on the Improvement Plan. Improvement Plans must be submitted (along with a minimum \$5000.00 plan check deposit) for review and approval by the City Engineer. *[Citation – Fee Resolution No. 08-81 and Section 16.32.010.B of the SCMC]*

■ (Eng.)_____

- 16. Prior to final parcel map approval, the owner or designee shall enter into an agreement with the City to ensure that the improvements called for on the conditioned Improvement Plans, as referenced in condition of approval 15, are to be built within 2 years of recordation of the Final Map.

■ (Eng.)_____

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Drainage

- 17. Prior to final parcel map approval, the owner or designee shall clearly call out on the plans that all storm drain systems are private and are privately maintained. All storm water shall be conveyed directly to an approved storm drain system. No storm water from structures shall be allowed to sheet flow over the sidewalks or driveways approaches. *[Citation – Section 16.32.010.G of the SCMC]* (Eng.)_____

Financial Security

- 18. Prior to final parcel map approval, the owner or designee shall provide separate improvement bonds or irrevocable letters of credit, if applicable, as determined by the City Engineer, for 100% of each estimated improvement cost, as prepared by a registered civil engineer as required and approved by the City Attorney and the City Engineer or their designees, for each, but not limited to, the following: precise grading; sidewalks; signage; storm drains; erosion control; landscaping and appurtenant improvements. In addition, the owner or designee shall provide separate labor and material bonds or irrevocable letters of credit for 100%of the above estimated improvement costs, as determined by the City Engineer or designee. *[Citation – Section 16.32.020.D of the SCMC]* (Eng.)_____

CONDITIONS TO BE SATISFIED PRIOR TO RECORDATION

- 19. Prior to recordation of the final parcel map, the owner shall submit for review, and shall obtain the approval of the County Surveyor for, digitized tract map pursuant to Orange County Ordinance No. 3809 of January 28, 1991. The owner shall pay all costs of said digital submittals, including supplying digital copies to the City of the final County Surveyor-approved digital map in DXF format. *[Citation - Ordinance No. 3809 of the County of Orange]* (Eng.)_____

CONDITIONS TO BE SATISFIED PRIOR TO GRADING PERMITS

Grading

- 20. Prior to issuance of any grading permits, the City Engineer shall determine that development of the site shall conform to general recommendations presented in the geotechnical studies, including specifications for site preparation, landslide treatment, treatment of cut and fill, slope stability, soils engineering, and surface and subsurface drainage, and recommendations for further study. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____

21. Prior to issuance of grading permits, the limits of grading shown on the tentative map must be verified by the soils engineer. The owner or designee shall not be allowed to go beyond the limits as shown on the tentative map, unless approved by the Director of Community Development. *[Citation – Section 15.36 of the SCMC]*
 (Eng.)_____ (Plng.)_____
22. Prior to issuance of rough grading permits, rough grading plans shall be submitted to and approved by the City Engineer or designee. Said plans shall include provisions for: *[Citation – Section 15.36 of the SCMC]* (Eng.)_____
- A. Stockpiling of topsoil for placement on finished slopes.
 - B. Erosion and siltation control.
 - C. Dust control.
 - D. Planting of vegetation on all exposed slopes as required by the Grading Ordinance.
 - E. Temporary sedimentation basins and sandbagging if necessary
23. Prior to issuance of grading permits, the owner or designee shall submit for review, and obtain the approval of the City Engineer or designee, a precise grading plan as required by the City Grading Manual and Ordinance. *[Citation – Section 15.36 of the SCMC]*
 (Eng.)_____

Water

24. Prior to final tract map approval and the installation of water, sewer and storm drain lines, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee, for routing to the Utilities Manager or designee, 1"=200' plans prepared by a registered civil engineer showing all existing and proposed water services, sewer laterals and mains (including gate valves, pressure reducing stations, fire hydrants, manholes, pipe sizes, pipe types and any other related appurtenances). *[Citation – Sections 15.36 & 16.32.010.E of the SCMC]* (Eng.)_____

NPDES

25. Prior to issuance of grading permits, the owner or designee shall submit for review and shall obtain approval by the City Engineer or designee, plans for the regulation and control of pollutant run-off by using Best Management Practices (BMPs). The owner or designee shall demonstrate to the satisfaction of the City Engineer or designee that the project meets all requirements of the National Pollutant Discharge Elimination System (NPDES), Federal, State, San Diego Regional Water Quality Control Board, County and

City guidelines and regulations, in order to control pollutant run-off and shall provide evidence satisfactory to the City Engineer or his designee that the required NPDES permits has been obtained. [Citation – Section 13.40 of the SCMC] (Eng.)_____

26. Prior to issuance of grading permits, the owner or designee shall submit for review a project binder containing the following documents: [Citation – Section 13.40.055 of the SCMC] (Eng.)_____
- A. For projects greater than 1 acre, a Notice of Intent (NOI) for coverage under the General Construction Storm Water Permit must be filed with the State Water Resources Control Board (<http://www.waterboards.ca.gov/stormwtr/construction.html>) and a copy of the NOI, a WDID number and a copy of the Storm Water Pollution Prevention Plan (SWPPP) must be filed with the City.
 - B. If the site is determined to be a “Priority Project” (as defined by the Orange County Municipal Storm Water Permit available at <http://www.waterboards.ca.gov/sandiego/programs/ocstormwater.html>), a final Water Quality Management Plan (WQMP) must be recorded with the Orange County Recorder’s Office and filed with the City.
 - C. If a site is determined to be a “Non-Priority Project”, a final Non-Priority Project Checklist must be filed with the City.
 - D. Water Quality Management Plan containing Operational Best Management Practices (BMPs).
 - E. Copy of project Storm Water Pollution Prevention Plan (SWPPP).

Noise

27. Prior to the issuance of any grading permits, the owner or designee shall provide evidence acceptable to the City Engineer that: [Citation – Title 15, Section 15.36 (Excavations and Grading) of the SCMC] (Eng.)_____
- 1) All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with operating and maintained mufflers.
 - 2) Stockpiling and/or vehicle-storage areas shall be located as far as practicable and out of view from dwellings.

CONDITIONS TO BE SATISFIED PRIOR TO OCCUPANCY**Engineering**

28. Prior to issuance of Certificates of Occupancy and/or acceptance of improvements by the City Engineer or designee, the owner or designee shall submit "as-built" plans prepared by a registered civil engineer for streets, traffic signals, street lights, sewer, water, storm drains, street signs, striping, traffic markings, painted curbs and all other required improvements. *[Citation – Section 15.36 & 16.28 of the SCMC]* (Eng.)_____

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

29. Prior to release of financial security, if applicable, the owner or designee shall have completed the stenciling of all catch basins and/or storm drain inlets with labels 3" high in black letters, on either the top of the curb or the curb face adjacent to the inlet "NO DUMPING - DRAINS TO OCEAN". These markers shall be maintained in good condition by the Property Owners Association. Also, the owner shall insure that all catch basins have filter basket inserts. *[Citation – Title 13.34 of the SCMC]* (Eng.)_____
30. Prior to release of financial security, the owner or designee shall demonstrate to the satisfaction of the City Engineer that all survey monuments damaged or destroyed are restored. "Corner Records" shall be prepared for submission to the City Engineering Division and for filing with the County Surveyor's Office in compliance with AB 1414. All restorations of survey monuments shall be certified by the Registered Civil Engineer or Land Surveyor in accordance with Section 8771 of the Business and Professions Code. *[Citation – State of California, Assembly Bill 1414 & Title 16 of the SCMC]* (Eng.)_____
31. Prior to release of financial security, the owner or designee shall submit the following items, certified by a Registered Civil Engineer, to the Engineering Division: *[Citation – Section 16.16 of the SCMC]* (Eng.)_____
- A. Duplicate mylars of the recorded Final Map.
32. Prior to release of financial securities, the owner or designee shall submit to the City on 8 ½" x 11" sheet Centerline and Intersections Monument Ties signed and wet stamped by a Registered Engineer or Surveyor. *[Citation – Section 16.16 of the SCMC]* (Eng.)_____

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CONDITIONS TO BE SATISFIED PRIOR TO BUILDING PERMITS

Building

33. Prior to the issuance of building permits, the owner or designee shall pay all applicable development fees in effect at the time, which may include, but are not limited to, Regional Circulation Financing and Phasing Program (RCFPP), park acquisition and development, water and sewer connection, drainage, Public Facility Construction transportation corridor, Avenida La Pata Supplemental Road Fee and school fees, etc. [Citation - S.C.M.C. Title 15, Building and Construction, Sections 15.52, 15.56, 15.60, 15.64, 15.68, 15.72].

(Bldg.)_____

34. Prior to issuance of building permits, the owner or designee shall submit a copy of the City Engineer approved soils and geologic report, prepared by a registered geologist and/or soil engineer, which conforms to City standards and all other applicable codes, ordinances, statutes and regulations. The soils report shall accompany the building plans, engineering calculations, and reports. [Section 15.36.160 of the SCMC]

(Bldg.)_____

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


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



LOCATION MAP

Amendment to Tentative Parcel Map 2006-287, Lee Subdivision
3812 Via Del Campo



No scale 

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TOAL ENGINEERING, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
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RAYMOND R. TOAL, RCE 16889
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ADAM L. TOAL, RCE 59275

August 29, 2011

City of San Clemente
910 Calle Negocio, Ste. 100
San Clemente, CA 92673
Attn: Zachary Ponsen, P.E.

Subject: Request to amend Conditions of Approval (Resolution No. 09-11)
Tentative Tract No. 2006-287 (Lot 22, Tract 8495)
3812 Via Del Campo, San Clemente, California

Dear Zachary,

Pursuant to our meeting of July 26, 2011, we request on behalf of Ms. Margaret Lee (Applicant) that the Conditions of Approval for the subject project be amended as described in the following bullet list. The Applicant requests the amendments because she intends to create the second parcel for future sale and does not intend to construct improvements to the newly created parcel at this time. In general, the intent of the proposed amendments is to eliminate the requirement for creation of an Association and to require City approval and financial security only for those items which are necessary to be constructed at this time.

The requested amendments to the Conditions of Approval are as follows:

- 1) Delete condition no. 6 requiring creation of a Master Association and/or Sub-Association and development of CC&Rs. The proposed project can be constructed such that the only common interest between the two parcels is access from Via Del Campo, which can be covered by a reciprocal access easement. Fire prevention provisions, including establishment of fuel modification areas, can be achieved without creation of an Association.
- 2) Delete condition no. 7 requiring payment of costs associated with City Attorney review of Project CC&Rs, etc., since such review would no longer be required.
- 3) Revise condition no. 14 to read: "Prior to final parcel map approval, the owner or designee shall submit for review, and shall obtain the conceptual approval of the City Engineer or designee, a conceptual grading and drainage plan, prepared by a registered civil engineer, showing grading and drainage for the project."
- 4) Relocate condition no. 16 to the section entitled "Conditions to be Satisfied Prior to Grading Permits."

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- 5) Revise condition no. 17 to read as follows:

Prior to final parcel map approval the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee, for an Improvement Plan, prepared by a registered civil engineer, for all improvements as deemed necessary by the City Engineer or designee to provide adequate access, including, but not limited to, the following provisions:

- A. All sidewalks, curbs, and gutters. A minimum 4-foot wide sidewalk shall be constructed along the entire street frontage along Via Del Campo as determined by the City Engineer. All private and public improvements shall be designed and constructed in accordance with City standards. Any retaining walls that are necessary for the construction of the sidewalks shall be constructed on the private property and shall be privately maintained.
 - B. Storm drains. A storm drain and appurtenant structures shall be constructed to convey runoff from the existing concrete slope drains on Parcel 1 and discharge into Via Del Campo within the street frontage of Parcel 1.
- 6) Relocate condition no. 21 to the section entitled "Conditions to be Satisfied Prior to Grading Permits."
- 7) Revise condition no. 22 to read as follows:

Prior to final parcel map approval, the owner or designee shall provide separate improvement bonds or irrevocable letters of credit, if applicable, as determined by the City Engineer, for 100 percent of each estimated improvement cost, as prepared by a registered civil engineer as required and approved by the City Attorney and the City Engineer or their designees, for each, but not limited to, the following: the scope of work indicated on the Improvement Plan as described above in condition no. 17, including precise grading, sidewalks, curbs, gutters, signage, storm drains, erosion control, landscaping, and appurtenant improvements. In addition, the owner or designee shall provide separate labor and material bonds or irrevocable letters of credit for 100 percent of the above estimated improvement costs, as determined by the City Engineer or designee.

- 8) The Applicant would be amenable to a condition requiring that construction of the sidewalk, storm drains, and appurtenant improvements be completed within two years of Final Map approval.

If you have any questions, please call me at your convenience.

Sincerely,
Toal Engineering, Inc.

By: _____
Adam L. Toal, P.E.
Project Manager



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: January 20, 2009

Dept. Head _____
Attorney _____
Finance _____

Department: Community Development Department
Prepared By: Sean Nicholas, Associate Planner

Subject: *TENTATIVE PARCEL MAP (TPM) 2006-287, LEE SUBDIVISION, 3812 VIA DEL CAMPO*

Summary: The applicant is proposing to subdivide the existing lot (4.58 acres) into two parcels. One parcel is proposed to be 2.84 acres (with the existing residence), and the other parcel is proposed to be 1.74 acres. At this time only a subdivision is proposed. To demonstrate the 1.74 acre parcel can feasibly be developed, the applicant provided a potential site plan for a single family residence that would be compatible with the surrounding neighborhood and meets all applicable development standards. Future development of a single family residence consistent with the zoning ordinance would not require discretionary review.

The applicant is also proposing two (2) deed restrictions associated with the proposed subdivision, the first being the continuation of an open space easement. The easement starts at the rear property line and would move towards the front property line for 200 feet. The 200 ft. wide open space easement spans the width of both properties.

The second deed restriction prevents further subdivision of the two lots. By doing this the applicant prevents the area from becoming over developed, as well as ensures zoning ordinance compliance, and lasting neighborhood compatibility.

On November 19, 2008, the Planning Commission considered the subdivision and voted unanimously to recommend that the City Council approve the request. A detailed project analysis is provided in the attached Planning Commission staff report (Attachment 3).

Recommended

Action: PLANNING COMMISSION RECOMMENDS THAT the City Council adopt a resolution approving TPM 2006-287, Lee Subdivision, subject to the proposed Conditions of Approval.

Fiscal Impact: None

7A-19

CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting – January 20, 2009

A Regular Meeting of the San Clemente City Council was called to order on January 20, 2009 at 5:30 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

PRESENT: ANDERSON, BAKER, DAHL*, EGGLESTON, MAYOR DONCHAK

**Mayor Pro Tem Dahl arrived at 5:40 p.m.*

ABSENT: NONE

STAFF PRESENT: George Scarborough, City Manager; Jeff Goldfarb, Assistant City Attorney;
Joanne Baade, City Clerk; Kristi Russell, Deputy City Clerk

* * *

CLOSED SESSION

Assistant City Attorney Goldfarb requested a Closed Session to discuss items appearing on the agenda; stated Item A relates to negotiations with Target Corporation for a 9-acre parcel of property located at the northwest corner of Avenida La Pata and Avenida Vista Hermosa, and Item B relates to one potential case of anticipated litigation.

Council recessed to Closed Session at 5:31 p.m. to discuss the following:

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR, pursuant to Government Code Section 54956.8:

Property: 9-acre site located at the northwest corner of Avenida La Pata and Avenida Vista Hermosa.

Negotiating Parties: George Scarborough, City Manager and Molly McKee, Target Corporation.

7A-30

CONTINUATION OF MEETING PAST 11:00 P.M.

MOTION BY MAYOR PRO TEM DAHL, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to continue the meeting beyond 11:00 p.m.

B. **3812 Via Del Campo (Lee Subdivision) - Tentative Parcel Map 2006-287**

Public Hearing to consider the subdivision of an approximate 1-acre portion of an existing 4-acre Residential Low Density (RL-17) lot for a new single-family residential parcel located at 3812 Via Del Campo, the legal description being Lot 22 of Tract 8495, Assessors Parcel Number 675-062-15.

Assistant Planner Nicholas made himself available to respond to questions at Council's desire.

Mayor Donchak opened and closed the Public Hearing, there being no one desiring to speak to this issue.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM DAHL, CARRIED 5-0, to adopt Resolution No. 09-11 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 2006-287, LEE SUBDIVISION, A REQUEST FOR A SUBDIVISION OF AN EXISTING PARCEL LOCATED AT 3812 VIA DEL CAMPO.

7. **UNFINISHED BUSINESS**

A. **Update on Courtney's Sand Castle**

Report from the Beaches, Parks and Recreation Director concerning the status of the Courtney's Sand Castle Boundless Playground project.

Beaches, Parks and Recreation Director King reviewed the contents of the Administrative Report and responded to questions from Council.

Bill Thomas, Courtney's Sand Castle Subcommittee member, stated that La Pata/Vista Hermosa Community Park is the most appropriate location for Courtney's Sand Castle because no other park in the City has apparatus or a facility that is adaptable for children with special needs.

7A-21