



## STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: February 4, 2015

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**PLANNER:** Amber Gregg, Associate Planner *AG*

**SUBJECT:** Conditional Use Permit 14-389/Architectural Permit 14-478 – Capistrano Shores Transformers and Fence, a request to consider new accessory structures, seven new transformers, and the design of the proposed enclosure, temporary chain link fencing, located in the Capistrano Shores Mobile Homes Park leased portion of the railroad right-of-way.

Variance 14-474/Conditional Use Permit 14-475 – Capistrano Shores Wall and Landscaping a request to consider a variance for a decorative block wall in excess of six feet in height between the railroad tracks and the Capistrano Shores Mobile Homes Park with 9' 9" accent columns at the main entrance, along with a Conditional Use Permit to allow accessory structures, landscaping, and utility improvements in an open space zone. Both applications are located at 1880 N. El Camino Real within the Open Space zoning district and Coastal Zone Overlay (OS2-S2-CZ).

### REQUIRED FINDINGS

Prior to approval of the proposed project, the following findings shall be made. The draft Resolutions (Attachments 1 and 2) and analysis section of this report provide an assessment of the project's compliance with all required findings.

#### ***Conditional Use Permit***

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

**Architectural Permit**

- A. The architectural treatment of the project complies with the San Clemente General Plan.
- B. The architectural treatment of the project complies with any applicable specific plan and this title in areas including, but not limited to, height, setback color, etc.
- C. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood.
- E. The proposal is not detrimental to the orderly and harmonious development of the City.

**Variance**

- A. Due to special circumstances applicable to the subject property including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zone classifications.
- B. The granting of the variance is necessary for the preservation of a substantial property right possessed by other property in the same vicinity and zone and otherwise denied the subject property.
- C. The required conditions of approval assure that the adjustment authorized will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity subject to the same zoning regulations.
- D. The granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- E. The granting of a variance is consistent with the General Plan and the intent of this title.

**BACKGROUND**

Capistrano Shores Inc., owner of the Capistrano Shores Mobile Home Park (Park), desires to complete utility upgrades and aesthetic enhancements. The Park currently has three electrical transformers serving the 90 space park; seven transformers are needed to adequately provide service for electrical needs. On September 5, 2014, the Park received approval from the City to remove the three existing transformers and install seven new

transformers within the existing fence line. During that process, Capistrano Shores Inc. established a new land lease with the Orange County Transit Authority (OCTA) to encroach seven feet farther into the railroad right-of-way.

With the lease executed, Capistrano Shores Inc. proposes to locate the new transformers into the newly leased right-of-way. On October 2, 2014, Eric Anderson of Capistrano Shores Inc., submitted an application for seven transformers to be located in the newly leased area with "pop-out" fencing that would extend from the existing fence line and around the transformers to enclose the structures. The fencing is proposed to match the existing fence which is five feet in height, covered with green mesh, and has one-foot of barbed wire running along the top. However, the temporary fencing shall not have barbed wire as it is prohibited by the Zoning Ordinance in all zones.

This application was reviewed by the Design Review Subcommittee on December 10, 2014 (the staff report and minutes are provided under Attachment 4) and they could not support the request as the "pop-out" fencing was not identified as temporary nor was there information guaranteeing that the fence would in fact be temporary and for how long it would be needed. Additional information on Design Review Subcommittees review will be provided later in this report.

On November 20, 2014 a separate application was filled by Mr. Anderson on behalf of Capistrano Shores Inc., requesting a new wall eight-feet in height with pilasters, landscape area, trash and transformer enclosures, and entry monument.

The applicant has requested to take the two applications concurrently for the Planning Commission's review, and due to time constraints associated with placing the transformers, informed staff that this was the last possible Planning Commission date they could attend and still meet their deadlines.

Although there are two separate applications, 1) seven transformers and temporary "pop-out" fencing, and 2) the permanent decorative wall, accessory structures, and landscaping improvements, due to their interdependence Staff has prepared one staff report to provide a comprehensive analysis of the projects.

### ***Development Management Team Meeting***

The project was reviewed by the Development Management Team (DMT) on October 9 2014 and December 11, 2014, where they reviewed the applicant's requests and recommended Conditions of Approval to ensure compliance with applicable codes and State requirements. The recommended conditions are shown in Exhibit A of Attachments 1 and 2.

### ***Noticing***

Public notices were distributed and posted per City and State requirements. No public comments have been received to date.

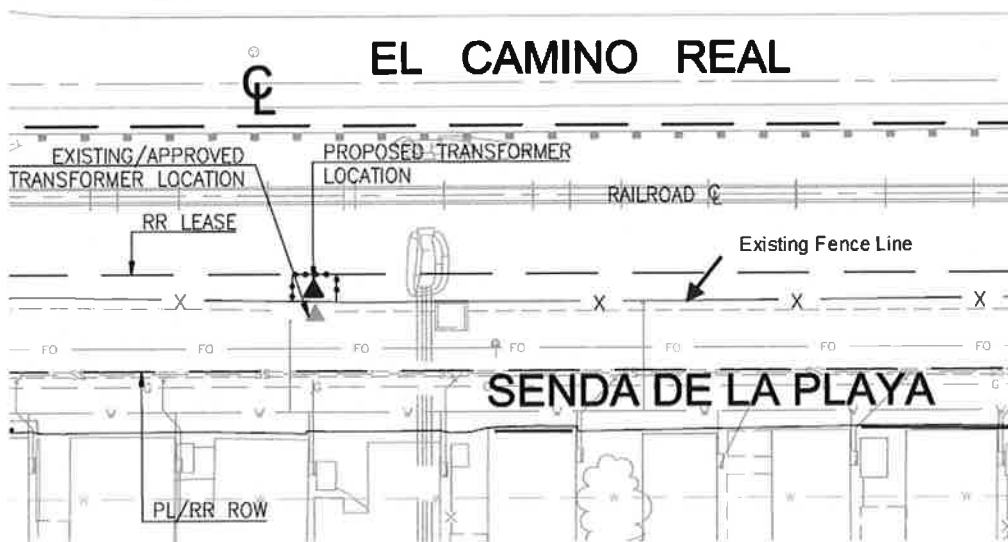
**PROJECT DESCRIPTION**

The projects comprise of two phases: 1) the first phase includes the installation of the new transformers and the temporary chain link fencing that will enclose them, 2) the second phase will include the construction of the decorative perimeter wall, entry monument, accessory structures, and landscaping.

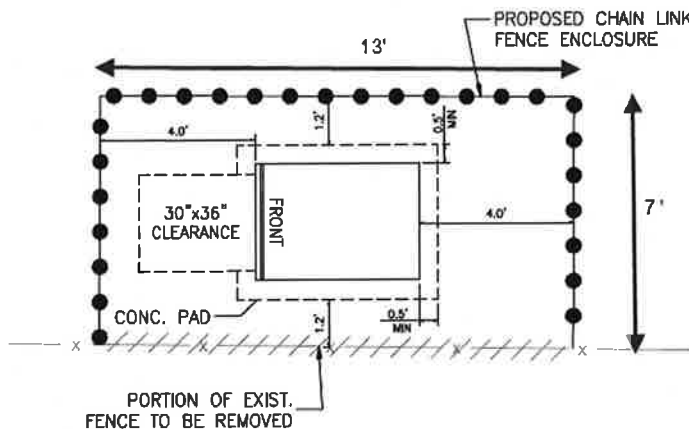
*Phase One*

Phase one includes seven new chain-link fence projections into the railroad right-of-way creating box-like “pop-outs” in the straight fence line when viewed from El Camino Real. See Exhibit 1 and 2 for additional information. Each projection will extend approximately seven feet from the existing fence line and be approximately 13 feet long. The existing fence provides a barrier between the development and the railroad tracks, and also helps screen the parking of the mobile home park.

**Exhibit 1 –Plan of single new accessory building and fence enclosure**



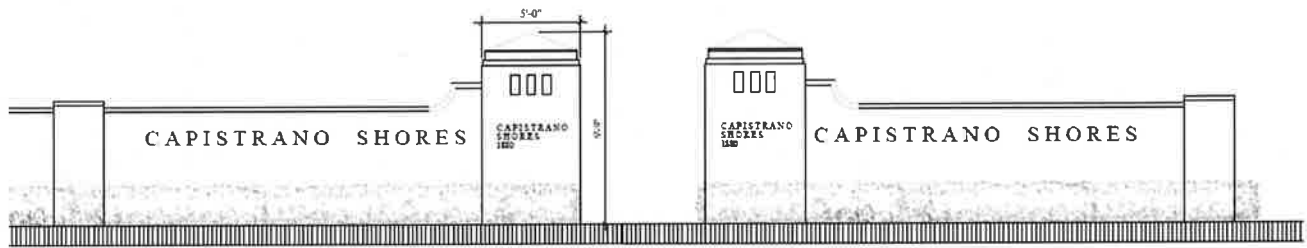
**Exhibit 2 – Detail of Electrical Transformer and Fence**



Phase Two

The second phase includes the construction of an eight foot tall decorative smooth white stucco wall spanning the length of the Park; approximately 3,615 feet according to the City's GIS. At the main entrance the applicant is proposing to have two entry monuments flanking the drive aisle. See Exhibit 3 for detail. Although signage is shown on the plans it is not apart of this application and will be reviewed at a later date.

**Exhibit 3: Preliminary Design of Entry Monuments**



The applicant also proposes 16 trash enclosures, decorative lighting along the drive aisle, and landscaping on the interior side of the wall and at the main entry. Decorative hardscape is also proposed, interlocking pavers will be installed at the main entry, crossings in front of all trash enclosures, and a pedestrian walkway on the side of the drive aisle will also be created out of pavers. For additional information please refer to the plans. The permanent decorative wall is conditioned to commence within one year of receiving building permits for the transformers.

**Architecture**

The applicant has submitted a preliminary design for the permanent decorative wall provided under Attachment 6. The elevations include an eight-foot tall smooth white stucco wall with decorative cap, columns and vines. At the main entry, the applicant proposes two 9'9" accent columns. The entry columns propose a two-piece red tile cap. Due to the applicant's time constraints, the Design Review Subcommittee has not had the opportunity to review or comment on the design. Per the applicant's project narrative (provided under Attachment 5) the wall will have a Spanish Colonial Revival style.

To ensure the architectural style requirement is met, staff has placed several conditions of approval on the project which insure architectural quality, and set review and approval requirements. These condition include but are not limited to:

- *The final permanent decorative wall design, design of the accessory structures, and any subsequent improvements associated with this application, shall be reviewed and approved by the Design Review Subcommittee as well as the City Planner or designee in the form of a Staff Waiver of an Architectural Permit prior to building permit issuance. ■■ (PIng.)\_\_\_\_\_*

- *The wall shall be in the Spanish Colonial Revival style and the stucco shall be applied with a 'steel, hand trowel' (no machine application), and shall be a smooth Mission finish with slight undulations (applied during brown coat) and bull-nosed corners and edges, including archways (applied during lathe), with limited control/expansion joints to be approved by the City Planner or designee. (PIng.)\_\_\_*
- *If roof tiles are used as part of the design the tiles shall be two-piece clay tile roofing 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. (PIng.)\_\_\_*

**Landscaping**

The project currently proposes landscaping on the Park side of the wall and not on the east, or railroad, side of the wall which faces the public right-of-way. The reason for that is the applicant's lease agreement with OCTA states that landscaping is not permitted on the railroad side of the wall. Staff and public officials are currently working with OCTA to discuss leniency on the landscape restriction to allow for vines on the east side of the wall. The vines will help soften the visual appearance of the ¾ of a mile long wall, as well as deter vandalism.

If landscaping is not permitted by OCTA, staff recommends the wall include architectural details to help soften the appearance and deter vandalism. Staff has placed the following condition on the project concerning the issue:

- *The east side of the wall, facing the railroad tracks, shall provide landscaping in the form of vines or other plant material to help soften the look of the wall and deter vandalism. The landscape plan shall be approved by the City prior to building permit issuance for the wall. If landscaping is prohibited by the Orange County Transit Authority (OCTA) on the east side of the wall, the applicant shall include architectural details as approved by the Design Review Subcommittee and the City Planner or designee to provide architectural interest as well as help deter vandalism of the wall. The wall shall be setback to accommodate for the area required to incorporate said landscaping or architectural projections. ■■ (PIng.)\_\_\_*

On the interior of the park the applicant is proposing a landscape planter area, approximately three feet wide, along the entire length of the permanent decorative wall. The planter area will include contiguous plantings of ground cover and trees. The trees along the wall are particularly important as they will grow tall and will add greenery to the railroad side of the wall as the canopies fill in. The applicant is currently working with City's Landscape Architect to finalize a drought tolerant plant palate and appropriate tree species that will provide canopy but not impact the view corridor from the new Marblehead Coastal trails.

**PROJECT ANALYSIS**

***Conditional Use Permit***

Per Zoning Ordinance Section 17.44.020, a Conditional Use Permit (CUP) is required for the development of accessory structures in an Open Space zone. The CUP is required for the temporary fencing, and the permanent decorative wall and accessory structures.

The applicant has noted that the “pop-out” fencing will be a temporary solution to enclose the transformers and provide a contiguous barrier between the Park and the railroad right-of-way until they can construct the permanent decorative wall. In a good faith effort, the City can approve the temporary fencing on a limited short term basis as long as there is a guarantee that a permanent decorative wall will be constructed in the near future. If the City does not have a guarantee that the wall will be constructed then approval of the temporary fencing, transformers, and other accessory structures can not be supported as it would not be consistent with the General Plan’s Goals and Policies.

To ensure the fencing is indeed temporary, as the applicant has stated, and that the wall is constructed in a timely manner, staff has included the following conditions of approval for the projects:

- *The perimeter chain link fence shall be for temporary purposes only as stated by the applicant. Prior to the issuance of building permit to install the transformers, the applicant shall establish an irrevocable line of credit or cash deposit to construct and landscape a permanent decorative wall to replace the existing perimeter chain link fence, which will span the length of the Capistrano Shores Mobile Home Park.* ■■ (PIng.)\_\_\_\_\_
- *Construction of the permanent decorative wall shall commence one year after permit issuance of the new transformers.* ■■ (PIng.)\_\_\_\_\_
- *Should construction of the permanent decorative wall not commence within one year of permit issuance for the transforms, the City shall collect the line of credit, or cash deposit, to construct the wall per City and California Coastal Commission approvals.* ■■ (PIng.)\_\_\_\_\_
- *The applicant can request an extension of the one year requirement to construct the permanent decorative wall from the Community Development Director or designee for six months at a time, if it is deemed by the Community Development Director or designee that the applicant is making substantial progress in obtaining the approvals from all outside agencies, and the City of San Clemente.* ■■ (PIng.)\_\_\_\_\_

The inclusion of these conditions ensures that for any reason should the applicant not be able to fulfill the requirement to construct the permanent decorative wall, the City can construct the wall on their behalf, ensuring the final development is consistent the goals and policies of the General Plan.

### ***Architectural Permit***

The temporary fencing, if it were to become a permanent fence, does not comply with the required findings of an Architectural Permit as it is not in keeping with the Goals and Policies of the General Plan which require Spanish Colonial Revival architectural style for gateway projects. Nor is it consistent with the City's Design Guidelines which discourages aluminum fencing, and the Zoning Ordinance which prohibits barbed wire fencing. However, with the proposed conditions ensuring the fencing is truly temporary, a permanent decorative wall in the required Spanish Colonial Revival style would be consistent with General Plan, Design Guidelines, and the findings of the Architectural Permit.

Staff believes that the preliminary Spanish Colonial Revival design submitted by the applicant for the permanent decorative wall is a good start, and with the requirement that the final design be reviewed and approved by the Design Review Subcommittee and City Planner or designee, the permanent wall will meet the City's General Plan and Design Guidelines.

### ***Variance***

The project requires a variance because the maximum permitted height for a wall is six feet. The applicant is proposing a wall eight feet in height with decorative columns at the entrance that reach 9' 9".

*Per the Zoning Ordinance Section 17.16.080, the purpose for the variance process is "to provide relief from development standards in special circumstances. For a variance to be granted, special circumstances related to a property must exist which deprive the property owner of development privileges enjoyed by other property owners in the vicinity and same zone; the deprivation of these privileges must result in a hardship for the property owner."*

The project site is unique to the City as it is the only community that resides on the west side of the railroad tracks. Bound between the ocean and the railroad right-of-way the mobile home units are approximately 70 feet from the railroad tracks. The applicant and OCTA would like to see safety improved in this area and believe the proposed wall will help accomplish that. In addition, the wall will provide sound mitigation for the residents from the trains. The LOSSAN railroad corridor is a main connection between metropolitan Los Angeles, Orange, and San Diego Counties, and is one of the business corridors in the U.S. Traffic volume for this stretch of the corridor has increased in recent years to an average of 50 trains per day. The aesthetics will also be enhanced by the replacement of the chain link and barbwire fence with a Spanish Colonial Revival style decorative block wall.

Staff believes the findings for the variance can be made because the project's unique coastal location and proximity to the railroad tracks. The granting of the variance will improve the safety barrier between the Capistrano Shores Mobile Home Park and the railroad, as well as mitigate noise generated by the increased train trip volume. The variance for the wall will be in keeping with the General Plan as it will develop an attractive Spanish Colonial Revival style wall at a gateway location into the City.



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

On December 10, 2014 the Design Review Subcommittee (DRSC) reviewed the application for “pop-out” fencing and transformers. The decorative permanent wall was submitted a month and a half after the fencing application and was not submitted in time to take concurrently for DRSC review. At the time of the meeting, the application did not state that the fencing would be temporary. However, at the meeting the applicant stated that it was their intent for the fencing to be temporary.

The DRSC concurred that they could not recommend approval of the temporary fencing without a guarantee that the entire length of the fence would be removed within a stipulated time period. To ensure the completion of the wall, DRSC concurred that financial security would need to be obtained for construction costs and landscaping. The DRSC then provided guidance, at the request of the applicant, on desirable design elements for the wall. For the complete DRSC report and minutes please refer to Attachment 4.

### **GENERAL PLAN CONSISTENCY**

Per the General Plan, the proposed project is located in the North Beach/North El Camino Real Focus Area, which is an important gateway into the City. The following are pertinent policies identified in the General Plan applicable to this area and gateways in general.

#### **NORTH BEACH/NORTH EL CAMINO REAL FOCUS AREA**

##### **POLICIES:**

LU-10.03. ***Gateways.*** We enhance and maintain attractive gateways and informational signage signifying arrival to the North Beach/North El Camino Real area at the following locations along North El Camino Real: 1) the northern entrance to North Beach, 2) the historic entryways to Max Berg Plaza Park at El Portal, and 3) the southern entryway to the area at Avenida Palizada.

LU-10.06. ***Quality Development.*** We require that site, building and landscape development be of high quality design and materials and that promote pedestrian activity, in accordance with the Urban Design Element, North Beach Specific Plan and Zoning Ordinance.

UD-2.02. ***Spanish Village by the Sea Design Identity.*** We require new gateway area development to include appropriate entry design elements (e.g., Spanish Colonial Revival and Spanish architecture, landscaping, signage, lighting, streetscape furniture).

UD-2.06. ***Parking.*** Where practical, we limit the visibility of surface parking lots and parking spaces within gateway areas by requiring them to be located behind or to the side of buildings. Where this is not practical, we ensure that street-facing parking spaces and parking lots are visually screened with landscaping and/or architectural treatments.

UD-2.10. **Visual Screening.** We require visual screening of blank walls, trash dumpsters, and parking facilities through a variety of landscaping and architectural design treatments, and signage associated with such features must be attractively designed and placed, consistent with sign regulations. Where possible, we require the screening of utilities infrastructure. Unsightly properties and buildings should be visually screened in an attractive manner.

UD-2.12. **Gateways on Highways.** We work with Caltrans and other agencies to ensure aesthetics are an integral consideration in the design, implementation and maintenance of all highway facilities and rights-of-way, with special emphasis on gateway areas.

UD-3.08. **Transitional Areas.** We require development in transitional areas, where one type of land use (e.g., industrial) transitions to another (e.g., residential) to protect residents' quality of life through such measures as landscaping, high-quality walls or fencing, or setbacks.

In addition, the City's Design Guidelines provide general guidelines for all architecture subject to discretionary review. For building and garden walls the following materials are encouraged:

- White, off-white or light earth tone cement plaster/stucco finishes.
- Concrete finishes of off-white or light earth tone integral color.
- Whitewash brick or adobe.

Based on the above, expanding the chain link fence into the railroad right-of-way is not consistent with General Plan goals and policies for the area, or the Design Guidelines. However, as conditioned, the chain link fence would be temporary, and a permanent, decorative, Spanish Colonial Revival style wall would comply. With the proposed Conditions of Approval incorporated into the projects, Staff can facilitate a Spanish Colonial Revival style permanent wall is properly designed and constructed.

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

The Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303, because the project involves the construction of accessory structures.

#### **CALIFORNIA COASTAL COMMISSION REVIEW**

The proposed projects are not exempt and require California Coastal Commission approval.

**ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES**

1. The Planning Commission can concur with staff and approve the proposed projects.

*This action would result in the approval of one or both of the proposed projects, subject to the fulfilment of the Conditions of Approval, and would allow the applicant the ability to move forward to obtain the other necessary agency permits including but not limited to the Californian Coastal Commission.*

2. The Planning Commission can, at its discretion, add, modify or delete provisions of the proposed projects or conditions.

*This action would result in any modifications being incorporated into the design of the projects and may be included in the conditions of approval. An example of this may include changes to the Conditions of Approval or the requirement that the final design of the permanent decorative perimeter wall be reviewed and approved by the Planning Commission.*

3. The Planning Commission can deny one or both of the proposed projects.

*An example could be denial of the application to place the transformers in the proposed location with temporary fencing, and approval of the wall and landscaping. This would require the applicant to construct the wall prior to placing the transformers in the desired area.*

*The applicant could appeal the Commission's decision to the City Council.*

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission approve Conditional Use Permit 14-389 and Architectural Permit 14-478, Capistrano Shores Transformers and Temporary Fencing and Variance 14-474 and Conditional Use Permit 14-475 – Capistrano Shores Permanent Decorative Wall and Landscaping, subject to the attached Resolutions and Conditions of Approval.

**Attachments:**

1. Resolution No. 15-002, Capistrano Shores Transformers and Temporary Fencing  
Exhibit A - Conditions of Approval
2. Resolution No. 15-003, Capistrano Shores Permanent Wall and Landscaping  
Exhibit A - Conditions of Approval
3. Location Map
4. DRSC Report and Minutes
5. Project Narrative submitted by applicant
6. Preliminary Colored Elevations
7. Letter from applicant with financial proposal for transformer relocation

Plans

RESOLUTION NO. PC 15-002

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE  
PERMIT 14-389, AND ARCHITECTURAL PERMIT 14-478,  
CAPISTRANO SHORES A REQUEST TO PERMIT TRANSFORMERS,  
AND TEMPORARY FENCING, AT 1880 NORTH EL CAMINO REAL**

**WHEREAS**, on October 2, 2014, an application was submitted and completed on December 11, 2014, by Eric Anderson and Eric Wills, 1880 N. El Camino Real, CA 92672, a request to consider seven new transformers, enclosed by temporary chain link fencing, located in the Capistrano Shores Mobile Homes Park leased portion of the railroad right-of-way. The project is located at 1880 N. El Camino Real within the Open Space zoning district and Coastal Zone Overlay (OS2-S2-CZ), the legal description being a strip of land 27.55 feet wide in the City of San Clemente, County of Orange, State of California, being a portion of Section 32, Township 8 South, Range 7 west, and Assessor's Parcel Number 691-432-02; and

**WHEREAS**, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15303, because the project involves the construction of accessory structures; and

**WHEREAS**, on October 9, 2014 the Development Management Team considered the application and provided conditions of approval to ensure the project was compliant with applicable codes; and

**WHEREAS**, on December 10, 2014, the Design Review Subcommittee considered the application; and

**WHEREAS**, on February 4, 2015, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

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

**Section 1:** This project is categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303 because the project involves the construction of accessory structures.

**Section 2:** In regard to CONDITIONAL USE PERMIT No. 14-389, the Planning Commission finds as follows:

- A. The proposed use is permitted within the Open Space zone pursuant to the approval of a Conditional Use Permit and complies with all the applicable provisions of this title in that the proposed project complies with the height requirements of the fence as well and the requirement to screen transformers from

the public right-of-way. The project is in conformance with the San Clemente General Plan in that the fencing being installed is temporary and will be replaced with a permanent decorative wall within a specific time period per the Conditions of Approval attached under Exhibit A. The project complies with the purpose and intent of the zone in which the use is being proposed in that the transformers, temporary fencing and subsequent permanent decorative wall are accessory buildings/structures and the final construction of the permanent decorative wall will be designed in the General Plan required Spanish Colonial Revival style and will screen the parking lot and transformers as required by the Zoning Ordinance and the General Plan.

- B. The site is suitable for the type and intensity of the use that is proposed in that the project will not add intensity or density to the site as it is an existing development. The installation of the transformers will bring the existing 90 space mobile home park into conformance with building and safety code requirements in regard to increasing the number of transformers from the existing three to seven as required by code. The temporary fencing will provide a temporary barrier between the Capistrano Shores Community and screen the transformers until the required permanent decorative wall is installed in the near future.
- C. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity in that the new transformers will improve the safety of the residence by bringing the infrastructure of the mobile home park into conformance with the building and safety codes. The temporary fencing which will be replaced by a permanent decorative wall will enhance the safety of the residences and visitors of the mobile home park as it will be a permanent and secure barrier between the community and railroad right-of-way.
- D. The proposed use will not negatively impact surrounding land uses in that the project consists of accessory structures and utilities on the project site. Adjacent uses include the railroad right-of-way and Pacific Coast Highway and the project is not anticipate to negatively impact those uses.

**Section 3:** In regard to ARCHITECTURAL PERMIT No. 14-478, the Planning Commission finds as follows:

- A. The architectural treatment of the project complies with the San Clemente General Planning in that the non-compliant chain-link fence, existing and temporary, is conditioned to be replaced, and guaranteed to be constructed by conditioned financial assurance, by a permanent decorative block wall that will be of Spanish Colonial Revival architectural style as required by the General Plan for development in gateways areas, and will comply with the City's Design Guidelines which discourages aluminum fencing and encourages walls with smooth white stucco finishes.

- B. The architectural treatment of the project complies with this title as it will screen the proposed above ground transformers from the view of the public right-of-way by installing temporary fencing that matches the existing, which is required to be replaced by a permanent wall that complies with the General Plan and City's Deign Guidelines.
  
- C. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines as the project is conditioned to replace the existing and temporary aluminum fencing which is discouraged by the Design Guidelines with a decorative Spanish Colonial Revival wall that will be treated with the smooth white stucco finish as encouraged by the guidelines.
  
- D. The general appearance of the proposal is in keeping with the character of the neighborhood in that the temporary fencing "pop-out" fencing will match the existing chain-link and green mesh fencing. The permanent wall (conditioned to replace the temporary fencing) once constructed will enhance the surrounding Spanish Colonial Revival style developments and support the adjacent Architectural Overlay district which also requires Spanish Colonial Revival architectural style.
  
- E. The proposal is not detrimental to the orderly and harmonious development of the City in that the Capistrano Shores Mobile Home Park is an existing community and the proposed project is for the installation of new accessory buildings/structures that will support the existing use.

**Section 4:** The Planning Commission hereby approves CUP 14-389 and AP 14-478, Capistrano Shores Mobile Home Park new transformers and temporary fencing, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit A.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of San Clemente on February 4, 2015.

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Chair

**TO WIT:**

I **HEREBY CERTIFY** that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of San Clemente on February 4, 2015, and carried by the following roll call vote:

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

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Secretary of the Planning Commission

## EXHIBIT A

**CONDITIONS OF APPROVAL  
CUP 14-389, and AP 14-478  
Capistrano Shores New Transformers  
And Temporary Fencing**

1. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City of San Clemente and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the "Indemnitees") from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either (i) the City's approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act ("CEQA"), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an "Action") within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City's full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)\_\_\_\_\_
2. Thirty (30) days after project approval, the owner or designee shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)\_\_\_\_\_
3. CUP 14-389, and AP 14-478 shall become null and void if the use is not commenced within three (3) years from the date of the approval thereof. Since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development. *[Citation - Section 17.12.150.A.1 of the SCMC]* (PIng.)\_\_\_\_\_



4. A use shall be deemed to have lapsed, and CUP 14-389 and AP 14-478 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 CUP 14-389, and AP 14-478 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. Signage is not part of this review. Any signage for this proposed development shall require the owner or designee to submit for review and obtain approval of a Sign Permit or Master Sign Program in accordance with the City's Sign Ordinance. *[Citation - Section 17.16.240.D& 17.16.250.D of the SCMC]* (PIng.)\_\_\_\_\_
  
7. Prior to the issuance of building permits, the owner or designee shall include within the first four pages of the working drawings a list of all conditions of approval imposed by the final approval for the project. *[Citation – City Quality Insurance Program]* (PIng.)\_\_\_\_\_(Bldg.)\_\_\_\_\_
  
8. Prior to issuance of final inspection sign-off, the project shall be develop in conformance with the site plan, elevations, details, and any other applicable submittals approved by the Planning Commission on February 4, 2015, subject to the Conditions of Approval, or subsequent approval by the City Planner or designee.

Any deviation from the approved site plan, elevations, details, or other approved submittal shall require that the owner or designee submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Planning Commission.  
 ■ (PIng.)\_\_\_\_\_

9. The perimeter chain link fence shall be for temporary purposes only as stated by the applicant. Prior to the issuance of building permit to install the transformers, the applicant shall establish an irrevocable line of credit or cash deposit to construct and landscape a permanent decorative wall to replace the existing perimeter chain link fence, which will span the length of the Capistrano Shores Mobile Home Park.  
 ■■ (PIng.) \_\_\_\_\_

10. The amount of the irrevocable line of credit or cash deposit shall be established by the City Engineer and shall include: the cost of the City's request for proposals, design, construction plans, City permits, permits from all required outside agencies (including but not limited to California Coastal Commission, OCTA, Metrolink, and BNS&F), train operation mitigation requirements, cost to construct, landscape and irrigate the wall under prevailing wages, and any other costs associated with the design or construction of the wall. If there are remaining funds after the wall has received final inspection sign-off from all required agencies, the remaining funds shall be returned to the depositor. ■■ (PIng.)\_\_\_\_\_
11. Construction of the permanent decorative wall shall commence one year after permit issuance of the new transformers from the City of San Clemente. ■■ (PIng.) \_\_\_\_\_
12. Should construction of the permanent decorative wall not commence within one year of permit issuance for the transforms, the City shall collect the line of credit, or cash deposit, to construct the wall per City and California Coastal Commission approvals. ■■ (PIng.)\_\_\_\_\_
13. The applicant can request an extension of the one year requirement to construct the permanent decorative wall from the Community Development Director or designee for six months at a time, if it is deemed by the Community Development Director or designee that the applicant is making substantial progress in obtaining the approvals from all outside agencies, and the City of San Clemente. ■■ (PIng.)\_\_\_\_\_
14. Prior to issuance of building permit for the transformers, the applicant shall enter into a written agreement with the City of San Clemente, to the satisfaction of the City Attorney, permitting the City the right to construct the permanent decorative wall in the event that the applicant fails to construct the wall per these conditions of approval, the agreement shall grant unlimited access to the Capistrano Shores Mobile Home Park property and OCTA leased area, and right to enter all properties associated with the Capistrano Shores Mobile Home Park required for construction, for the duration required to design and construct the wall. The written agreement shall also give the City the same said rights to the property if for any reason the wall can not be constructed and the City has to enter the property to relocate the transformers and reconstruct the fence line. ■■ (PIng.)\_\_\_\_\_
15. Maintenance of the wall including landscaping shall be the requirement of the Capistrano Shores Mobile Home Park and must be maintained in good keeping. ■■ (PIng.)\_\_\_\_\_
16. The final permanent decorative wall design, design of the accessory structures, and any subsequent improvements associated with this application, shall be reviewed and approved by the Design Review Subcommittee as well as the City Planner or designee in the form of a Staff Waiver of an Architectural Permit prior to building permit issuance. ■■ (PIng.)\_\_\_\_\_

17. The wall shall be in the Spanish Colonial Revival style and the stucco shall be applied with a 'steel, hand trowel' (no machine application), and shall be a smooth Mission finish with slight undulations (applied during brown coat) and bull-nosed corners and edges, including archways (applied during lathe), with limited control/expansion joints to be preapproved by the City Planner or designee. *[Citation – City of San Clemente Design Guidelines, November 1991]*  
(PIng.)\_\_\_\_\_
18. If roof tiles are used as part of the design the tiles shall be two-piece clay tile roofing 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]*  
PIng.)\_\_\_\_\_
19. The east side of the wall, facing the railroad tracks, shall provide landscaping in the form of vines or other plant material to help soften the look of the wall and deter vandalism. The landscape plan shall be approved by the City prior to building permit issuance for the wall. If landscaping is prohibited by the Orange County Transit Authority (OCTA) on the east side of the wall, the applicant shall include architectural details as approved by the Design Review Subcommittee and the City Planner or designee to provide architectural interest as well as help deter vandalism of the wall. The wall shall be setback to accommodate for the area required to incorporate said landscaping or architectural projections.  
■■ (PIng.)\_\_\_\_\_
20. Prior to permit issuance of the transformers, the applicant shall demonstrate to the satisfaction of the City Planner or designee that approval by the California Coastal Commission has been obtained. ■ (PIng.)\_\_\_\_\_
21. Prior to permit issuance of the permanent decorative perimeter wall, accessory structures, and any other improvements associated with these applications, the applicant shall demonstrate to the satisfaction of the City Planner or designee that approval by the California Coastal Commission has been obtained. ■ (PIng.)\_\_\_\_\_
22. The property owner or designee shall maintain all landscaped areas as approved on the final landscape plans in an orderly, attractive and healthy condition. This shall include proper pruning, mowing of turf areas, weeding, removal of litter, fertilization, replacement of plants when necessary, and the regular application of appropriate quantities of water to all landscaped areas. The property owner or designee shall maintain all irrigation systems as approved on the final landscape plans in proper operating condition. Waterline breaks, head/emitter ruptures, overspray or runoff conditions and other irrigation system failures shall be repaired immediately. *[Citation - Section 17.68.060.A&B of the of the SCMC]*  
(PIng.)\_\_\_\_\_

23. The applicant shall maintain canopy trees in a manner that they provide coverage and encourages the canopy to grow to provide shade. The applicant shall avoid pruning the trees to the point where they do not grow into a canopy tree. ■■ (PIng.)\_\_\_\_\_
24. In the event that the transformers are located on the east side of the existing fence line, and if for any reason the permanent wall can not be constructed, the applicant shall relocated the transformers to the west side of the original fence line and return the fence to its original condition at their own cost. If the applicant does not comply with this requirement, the City shall have the right to access the established line of credit or cash deposit created for the permanent wall installation and shall relocate the transformers and reconstruct the fence line to the original condition. ■■ (PIng.)\_\_\_\_\_
25. The temporary fencing shall not have barbed wire fencing as it is prohibited in all zones pursuant to Section 1724.090 of the Zoning Ordinance. ■■ (PIng.)\_\_\_\_\_
26. Prior to the issuance of any permits, the applicant shall obtain the approval of the City Engineer of an Administrative Encroachment Permit, for any improvements within the City's property or easement(s) that exist within the proposed project area. *[Citation – Section 12.20 of the SCMC]* ■■ (Eng.)\_\_\_\_\_

### **Building**

27. Separate Building Permit(s) required. Plans to construct new structures, add or alter the existing structure configuration(s), 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]*
28. Project has not been reviewed for Building Code compliance. Prior to issuance of building permits, code compliance will be reviewed during building plan check. *[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]* (Bldg.)\_\_\_\_\_
29. 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 and Title 25 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.*[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 ]* (Bldg.)\_\_\_\_\_

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

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

**RESOLUTION NO. PC 15-003**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING VARIANCE 14- AND CONDITIONAL USE PERMIT 14-475, CAPISTRANO SHORES A REQUEST TO CONSTRUCT A WALL EXCEEDING SIX FEET IN HEIGHT AND OTHER ACCESSORY IMPROVEMENTS, AT 1880 NORTH EL CAMINO REAL**

**WHEREAS**, on November 20, 2014, an application was submitted by Eric Anderson and Eric Wills, 1880 N. El Camino Real, CA 92672, a request to consider an eight foot tall decorative block wall between the railroad tracks and the Capistrano Shores Mobile Homes Park with 9'9" accent columns at the main entrance, along with accessory structures, landscaping, hardscape, and utility improvements, located in the Capistrano Shores Mobile Homes Park leased portion of the railroad right-of-way. The project is located at 1880 N. El Camino Real within the Open Space zoning district and Coastal Zone Overlay (OS2-S2-CZ), the legal description being a strip of land 27.55 feet wide in the City of San Clemente, County of Orange, State of California, being a portion of Section 32, Township 8 South, Range 7 west, and Assessor's Parcel Number 691-432-02; and

**WHEREAS**, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303, because the project involves the construction of accessory structures; and

**WHEREAS**, on December 11, 2014, the Development Management Team considered the application and provided conditions of approval to ensure the project was compliant with applicable codes; and

**WHEREAS**, on February 4, 2015, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

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

**Section 1:** This project is categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303 because the project involves the construction of accessory structures.

**Section 2:** In regard to VARIANCE No. 14-474, a request for walls in excess of six feet in height, the planning Commission finds as follows:

- A. Capistrano Shores Mobile Home Park is the only mobile home park located in Open Space and is legal non-conforming. It addition, it is the only residential development located west of the railroad right-of-way that runs through the entire length of the City of San Clemente. Due to special circumstances applicable to the subject property including size, shape, topography, location

and surroundings, the strict application of the Zoning Ordinance restricting the perimeter wall height to six feet is found to deprive the subject property of privileges enjoyed by other properties in the vicinity in that the Capistrano Shores Mobile Home Park is located extremely close to the railroad tracks and does not have the ability to move further away from the tracks as they are bound by the Pacific Ocean. Due to this close proximity of the Capistrano Shores Mobile Home Park to the railroad tracks, and because of its limitations based on its location and surrounding environmental constraints, the variance for an increased wall height of two feet over the maximum six feet allowed will improve the safety of the mobile home park for residents and visitors whose access and parking for the park are located within the railroad right-of-way. The wall will also improve noise impacts to the residents due to the close proximity of the railroad tracks that average approximately 50 train trips per day.

- B. The granting of the variance is necessary for the preservation of a substantial property right possessed by other property owners which include safety and noise. There is no other residential community in the City of San Clemente whose main drive aisle and parking is located within the railroad right-of-way, meaning that all daily access is taking place within the railroad right-of-way. The development being in such close proximity to a heavily utilized mass transit system poses unique safety concerns for the residents and visitors to the development. Constructing the perimeter wall will enhance safety of the residents and visitors of the mobile home park by installing a secure barrier between the train and the development. This close proximity to the railroad along with the increased train volume in the last several years also impacts noise to the subject property. Installation of the eight foot wall will help mitigate adverse impacts of excessive noise exposure on residents and visitors to the Capistrano Shores Mobile Home Park community.
- C. The required conditions of approval assure that the adjustment authorized will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity subject to the same zoning regulations in that there are no other mobile home developments in the same Open Space zone or that reside on the west side of the railroad tracks.
- D. The granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity in that the perimeter wall will enhance the safety of the residences and visitors of the mobile home park as it will be a permanent and secure barrier between the community and railroad right-of-way.
- E. The granting of a variance is consistent with the General Plan and the intent of this title in that the wall will be designed in the Spanish Colonial Revival architectural style, as required by the General Plan, and will serve as an improved gateway streetscape by replacing the existing aluminum fence that is not consistent with the General Plan with a safer and aesthetically attractive wall that meets the goals and policies of the General Plan for the subject area.

**Section 3:** In regard to CONDITIONAL USE PERMIT No. 14-475, the Planning Commission finds as follows:

- A. The proposed use is permitted within the Open Space zone pursuant to the approval of a Conditional Use Permit and complies with all the applicable provisions of this title with the exception of the wall height, which a Variance is being requires as part of this application. The project is in conformance with the San Clemente General Plan in that the wall will be a decorative in the Spanish Colonial Revival architectural style which will screen the parking and above ground transforms located in the Capistrano Shores Mobile Home Park as well as provide high quality architecture in a prominent gateway to the City; both required by the General Plan.
- B. The site is suitable for the type and intensity of the use that is proposed in that the project will not add intensity or density to the site as it is an existing development. The construction of the wall, accessory buildings/structures, and landscaping is suitable for the type and intensity of the existing use.
- C. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity in that the new wall will enhance the safety of the residences and visitors of the mobile home park as it will be a permanent and secure barrier between the community and railroad right-of-way.
- D. The proposed use will not negatively impact surrounding land uses in that the project consists of accessory structures/buildings that will improve the safety and aesthetics of the project site. Adjacent uses include the railroad right-of-way and Pacific Coast Highway and the project is not anticipate to negatively impact those uses.

**Section 4:** The Planning Commission hereby approves VAR 14-474 and CUP 14-475, Capistrano Shores Mobile Home Park permanent decorative wall and landscaping improvements, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit A.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of San Clemente on February 4, 2015.

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Chair

**TO WIT:**

I **HEREBY CERTIFY** that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of San Clemente on February 4, 2015, and carried by the following roll call vote:

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

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Secretary of the Planning Commission



## EXHIBIT A

## CONDITIONS OF APPROVAL

## VAR 14-474, CUP 14-475, and AP 14-478

## Capistrano Shores new transformers, temporary fencing, permanent wall and landscaping improvements

1. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City of San Clemente and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the "Indemnitees") from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either (i) the City's approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act ("CEQA"), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an "Action") within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City's full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)\_\_\_\_\_
2. Thirty (30) days after project approval, the owner or designee shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)\_\_\_\_\_
3. VAR 14-474 and CUP 14-475 shall become null and void if the use is not commenced within three (3) years from the date of the approval thereof. Since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development. *[Citation - Section 17.12.150.A.1 of the SCMC]* (PIng.)\_\_\_\_\_

4. A use shall be deemed to have lapsed, and VAR 14-474 and CUP 14-475, 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 VAR 14-474 and CUP 14-475, 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. Signage is not part of this review. Any signage for this proposed development shall require the owner or designee to submit for review and obtain approval of a Sign Permit or Master Sign Program in accordance with the City's Sign Ordinance. *[Citation - Section 17.16.240.D& 17.16.250.D of the SCMC]* (PIng.)\_\_\_\_\_
7. Prior to the issuance of building permits, the owner or designee shall include within the first four pages of the working drawings a list of all conditions of approval imposed by the final approval for the project. *[Citation - City Quality Insurance Program]* (PIng.)\_\_\_\_\_(Bldg.)\_\_\_\_\_
8. Prior to issuance of final inspection sign off, the project shall be develop in conformance with the site plan, elevations, details, and any other applicable submittals approved by the Planning Commission on February 4, 2015, subject to the Conditions of Approval, or subsequent approval by the City Planner or designee.  
  
Any deviation from the approved site plan, elevations, details, or other approved submittal shall require that the owner or designee submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Planning Commission.  
■ (PIng.)\_\_\_\_\_
9. Maintenance of the wall including landscaping shall be the requirement of the Capistrano Shores Mobile Home Park and must be maintained in good keeping.  
■■ (PIng.)\_\_\_\_\_
10. The final permanent decorative wall design, design of the accessory structures, and any subsequent improvements associated with this application, shall be reviewed and approved by the Design Review Subcommittee as well as the City Planner or designee in the form of a Staff Waiver of an Architectural Permit prior to building permit issuance.  
■■ (PIng.)\_\_\_\_\_

11. The wall shall be in the Spanish Colonial Revival Style and the stucco shall be applied with a 'steel, hand trowel' (no machine application), and shall be a smooth Mission finish with slight undulations (applied during brown coat) and bull-nosed corners and edges, including archways (applied during lathe), with limited control/expansion joints to be preapproved by the City Planner or designee. *[Citation – City of San Clemente Design Guidelines, November 1991]*  
(PIng.)\_\_\_\_\_
12. If roof tiles are used as part of the design the tiles shall be two-piece clay tile roofing 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]*  
PIng.)\_\_\_\_\_
13. The east side of the wall, facing the railroad tracks, shall provide landscaping in the form of vines or other plant material to help soften the look of the wall and deter vandalism. The landscape plan shall be approved by the City prior to building permit issuance for the wall. If landscaping is prohibited by the Orange County Transit Authority (OCTA) on the east side of the wall, the applicant shall include architectural details as approved by the Design Review Subcommittee and the City Planner or designee to provide architectural interest as well as help deter vandalism of the wall. The wall shall be setback to accommodate for the area required to incorporate said landscaping or architectural projections.  
■■ (PIng.)\_\_\_\_\_
14. Prior to permit issuance of the permanent decorative perimeter wall, accessory structures, and any other improvements associated with these applications, the applicant shall demonstrate to the satisfaction of the City Planner or designee that approval by the California Coastal Commission has been obtained. ■ (PIng.)\_\_\_\_\_
15. The property owner or designee shall maintain all landscaped areas as approved on the final landscape plans in an orderly, attractive and healthy condition. This shall include proper pruning, mowing of turf areas, weeding, removal of litter, fertilization, replacement of plants when necessary, and the regular application of appropriate quantities of water to all landscaped areas. The property owner or designee shall maintain all irrigation systems as approved on the final landscape plans in proper operating condition. Waterline breaks, head/emitter ruptures, overspray or runoff conditions and other irrigation system failures shall be repaired immediately. *[Citation - Section 17.68.060.A&B of the of the SCMC]*  
(PIng.)\_\_\_\_\_
16. The applicant shall maintain canopy trees in a manner that they provide coverage and encourages the canopy to grow to provide shade. The applicant shall avoid pruning the trees to the point where they do not grow into a canopy tree.  
■■ (PIng.)\_\_\_\_\_

17. Should for any reason the width of the planter area adjacent to the permanent decorative wall need to be widened to ensure the vitality of the landscaping and trees, the plans shall be modified to the satisfaction of the City Planner or designee.

■ (PIng.)\_\_\_\_\_

#### ***Fees and Plan Check Deposit***

18. Prior to the issuance of any permits, in the event that Grading Permits are required, plan check fees shall be submitted for the Engineering Department plan check of soils reports and grading plans. *[Citation – Fee Resolution No. 08-81 and Section 15.36 of the SCMC]*

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

19. Prior to issuance of the building permit, the owner shall pay all applicable development fees, which may include, but are not limited to, City Attorney review, development, water and sewer connection, parks, drainage, grading, RCFPP, transportation corridor, etc. *[Citation – Fee Resolution No. 08-81& S.C.M.C. Title 15, Building and Construction, Sections 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]*

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

#### ***Reports –Soils and Geologic, Hydrology***

20. Prior to the issuance of any permits, in the event that Grading Permits are required, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for, a soils and geologic report prepared by a registered geologist and/or geotechnical engineer which conforms to City standards and all other applicable codes, ordinances and regulations. *[Citation – Section 15.36 of the SCMC]*

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

21. Prior to the issuance of any permits, in the event that Grading Permits are required, 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.)\_\_\_\_\_

#### ***Grading***

22. Prior to the issuance of any permits, in the event that Grading Permits are required, 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 frontage improvements and 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.)\_\_\_\_\_

**Improvement Plans**

23. Prior to issuance of any permits, in the event that Grading Permits are required, 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. The owner or his designee shall be responsible for the construction of all required frontage and onsite improvements as approved by the City Engineer including but not limited to the following: *[Citation – Section 15.36, 12.08.010, and 12.24.050 of the SCMC]* ■ (Eng.)\_\_\_\_\_
- A. Construction details for how the public City utilities, such as the sewer main that crosses under the proposed wall, will be protected and not surcharged with additional loads. Since the method of protection has not been reviewed and approved at this time, the ultimate design shall be approved by the Public Works Director/City Engineer. Design methods for adequate protection may include, but not be limited to sleeving the existing pipe(s).
- B. An Engineering Department Encroachment Permit shall in place prior to the commencement of any work in the public right-of-way.
24. Prior to the issuance of any permits, the applicant shall obtain the approval of the City Engineer of an Administrative Encroachment Permit, for any improvements within the City's property or easement(s) that exist within the proposed project area. *[Citation – Section 12.20 of the SCMC]* ■■ (Eng.)\_\_\_\_\_

**NPDES**

25. Prior to issuance of any permit, the owner shall demonstrate to the satisfaction of the City Engineer that the project meets all requirements of the Orange County National Pollutant Discharge Elimination System (NPDES) Storm Drain Program, and Federal, State, County and City guidelines and regulations, in order to control pollutant run-off. The owner shall submit for review, and shall obtain approval of the City Engineer plans for regulation and control of pollutant run-off by using Best Management Practices (BMP's). *[Citation – Section 13.40 of the SCMC]* (Eng.)\_\_\_\_\_
26. Prior to issuance of any permit, the owner or designee shall submit for review a project binder containing the following documents: *[Citation – Section 13.40 of the SCMC]* ■ ■ (Eng.)\_\_\_\_\_
- A. If the project is 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's MS4 Permit for the South Orange County Model WQMP, [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/stormwater/](http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/) ) a final Water Quality Management Plan (WQMP) must be approved by the City prior to issuance of any permits. The final WQMP shall be recorded with the Orange County Recorder's Office and filed with the City prior to Certificate of Occupancy or finalization of permits. Site design plans shall incorporate all necessary WQMP requirements, including but not limited to covered trash enclosures.
- C. Since a portion of the proposed project is located on City property, prior to the issuance of any permits for work in this area, the applicant and the City shall enter into a recorded agreement for maintenance for any WQMP features or any other improvements on City property. Any such agreement shall be to the satisfaction of the City Attorney. Unless approved otherwise by the City Manager, the Agreement shall place all maintenance responsibilities on the project applicant.
27. Prior to release of financial security, the owner or designee shall have completed the stenciling of all catch basins and/or storm drain inlets with labels 3" high in black letters, on either the top of the curb or the curb face adjacent to the inlet "NO DUMPING - DRAINS TO OCEAN". These markers shall be maintained in good condition by the Property Owner. *[Citation – Section 13.40 of the SMC]*

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

**Financial Security**

28. Prior to issuance of any permits, the owner shall provide separate improvement surety, bonds, or irrevocable letters of credit, as determined by the City Engineer for 100% of each estimated improvement cost, as prepared by a registered civil engineer as approved by City Attorney/City Engineer, for the following: grading improvements; frontage improvements; sidewalks; sewer lines; water lines; onsite storm drains; and erosion control. In addition, the owner shall provide separate labor and material surety for 100% of the above estimated improvement costs, as determined by the City Engineer or designee. *[Citation – Section 15.36 of the SMC]*

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

**Landscape Plans**

29. Prior to issuance of grading and/or building permits, the owner or designee shall submit for review and approval by the Community Development Director and Director of Public Works or designees, a detailed landscape and irrigation plan prepared by a registered landscape architect, and in compliance with all pertinent requirements. (BP&R.)\_\_\_\_\_
30. All landscape irrigation systems shall be designed using the City's reclaimed water standards. In the event reclaimed water is not available at the time the system is put into operation, the system may be connected to the potable water system. When reclaimed water is available, the system shall be converted to reclaimed

service. The owner or designee shall install reclaimed water service lines to the meter locations for future connection when reclaimed water is available.  
(BP&R.)\_\_\_\_\_

- 31. Prior to final inspection sign-off, the owner or designee shall submit a letter, signed by a registered landscape architect, to the Community Development Director or designee, stating that all materials for all landscaped areas have been installed in accordance with the approved plans, and shall demonstrate to the satisfaction of the Community Development Director or designee, in consultation with the Public Works Director or designee, that all landscaped areas have been landscaped per the approved landscape plans. (BP&R.)\_\_\_\_\_

**Building**

- 32. Separate Building Permit(s) required. Plans to construct new structures, add or alter the existing structure configuration(s), 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]*
- 33. Project has not been reviewed for Building Code compliance. Prior to issuance of building permits, code compliance will be reviewed during building plan check. *[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]* (Bldg.)\_\_\_\_\_
- 34. 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 and Title 25 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.*[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 ]* (Bldg.)\_\_\_\_\_
- 35. Prior to the Building Division's approval of the framing inspection, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer that is licensed to do surveying or land surveyor has certified that the height of all structures are in conformance to the approved plans. *S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24* (Bldg.)\_\_\_\_\_

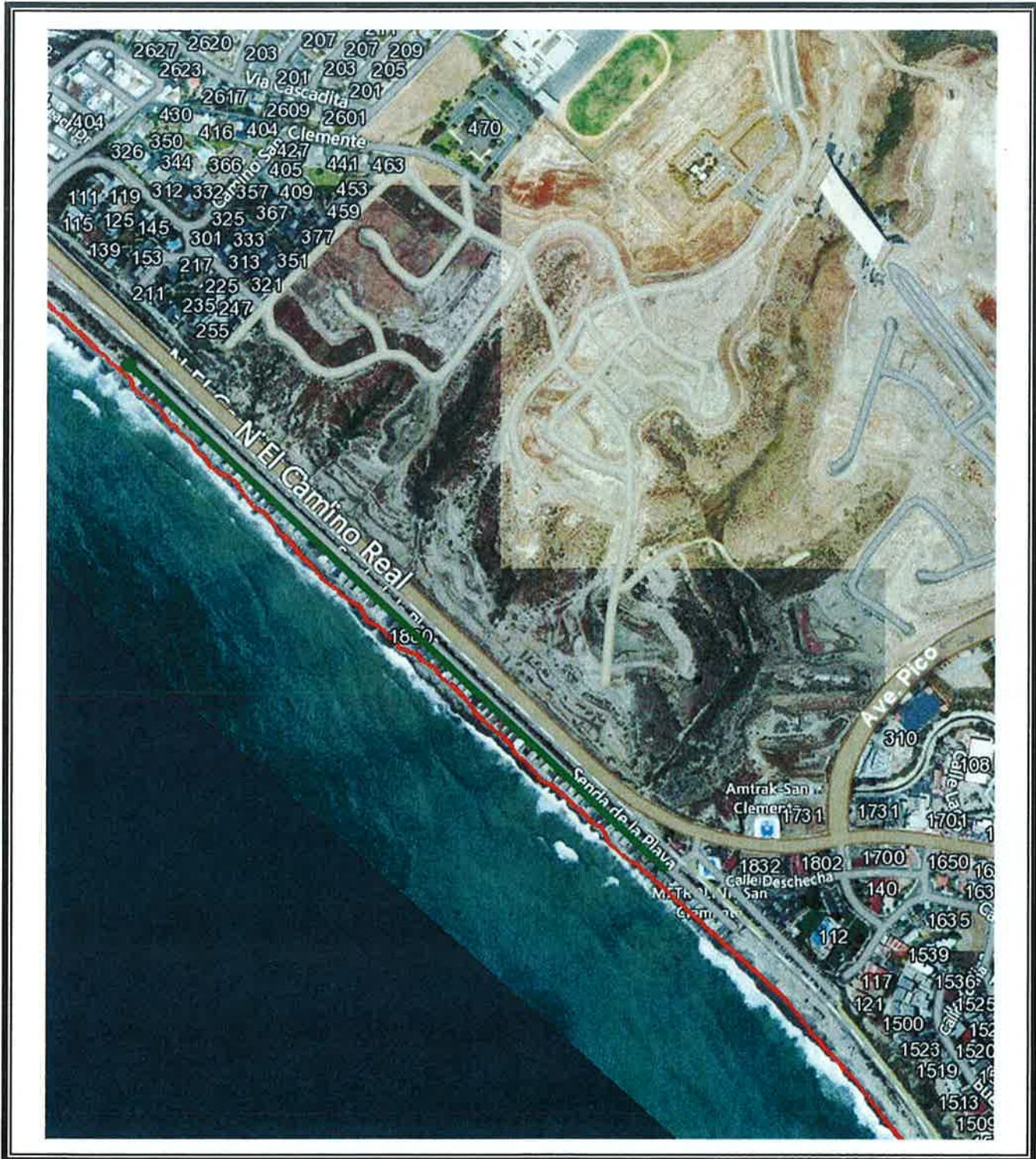
All Conditions of Approval are standard, unless indicated as follows:

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



## LOCATION MAP

Capistrano Shores Mobile Home Park  
1880 N. El Camino Real







## Design Review Subcommittee (DRSC)

Meeting Date: December 10, 2014

**PLANNER:** Amber Gregg, Associate Planner

**SUBJECT:** **Conditional Use Permit 14-389 and Architectural Permit 14-478, Capistrano Shores Transformers and Fence**, a request to demolish the existing transformers and locate new transformers and fencing in a portion of leased railroad right-of-way. The project is located at 1880 N. El Camino Real and is in the Privately Owned Shoreline zoning district and the Coastal Zone Overlay (OS2-S2-CZ.)

### **BACKGROUND:**

#### *Project Description*

Capistrano Shores is a mobile home park with 90 units. The applicant is requesting to demolish seven electrical transformers and install new transformers in another location on the railroad side of the mobile home park's perimeter fence. New fencing is proposed to enclose the new transformers. The applicant is proposing the same fencing and screening material to match the existing.

#### *Why is DRSC Review Required?*

The project is located in the Privately Owned Shoreline zoning district and the Coastal Zone Overlay (OS2-S2-CZ.) Per Zoning Ordinance Section 17.44.020, a Conditional Use Permit (CUP) is required for unclassified uses, which include accessory buildings. Per Zoning Ordinance Section 17.16.100, an Architectural Permit (AP) is required for new accessory buildings on a non-residential site; the proposed site is within the railroad right-of-way. The purpose and intent of the AP is to provide for architectural review of certain classes of development projects to ensure compliance with the General Plan and the City's Design Guidelines. The purpose of DRSC review is to ensure that new structures comply with the General Plan Urban Design Element and the City's Design Guidelines.

#### *Site Data*

The proposed project site is a portion of railroad right-of-way that the applicant, Capistrano Shores Inc., has leased from the Orange County Transportation Authority (OCTA). The applicant has provided a copy of the lease between OCTA and the applicant showing the agreed upon improvements.

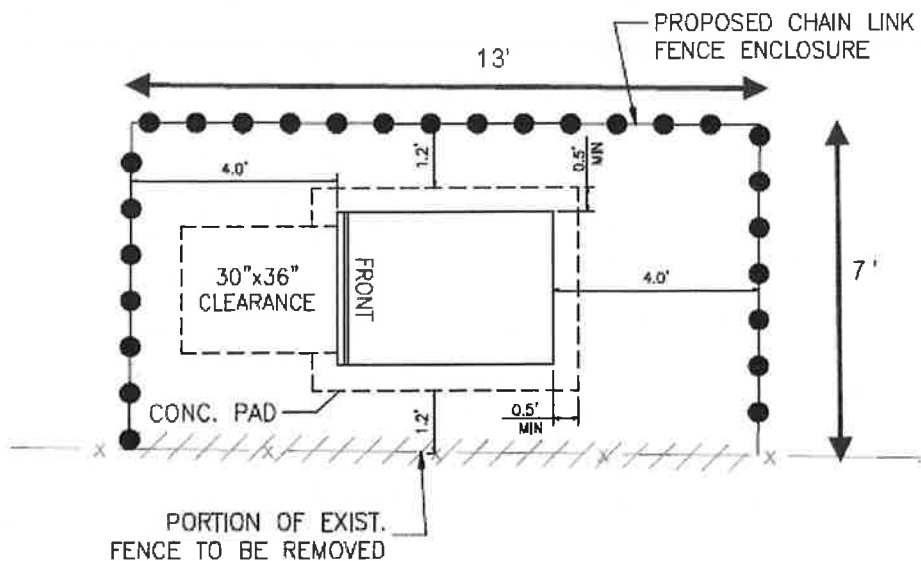
**ANALYSIS:**

The proposed project includes seven new chain-link fence projections into the railroad right-of-way creating box-like pop-outs in the straight fence line. See Exhibit 1 and 2 for additional information. Each projection will extend approximately seven feet from the existing fence line and be approximately 13 feet long. The existing fence separates the development from the railroad tracks and also helps screen the parking lot of the mobile home park.

**Exhibit 1 –Plan of single new accessory building and fence enclosure**



**Exhibit 2 – Detail of Electrical Transformer and Fence**



Per the General Plan, the proposed project is located in the North Beach/North El Camino Real Focus Area, which is an important gateway to the City. The following are pertinent policies identified in the General Plan applicable to this area and gateways in general. For a complete compilation of applicable goals and policies for the North Beach focus area, please refer to Attachment 2.

## North Beach/North El Camino Real Focus Area

### POLICIES:

LU-10.03. **Gateways.** We enhance and maintain attractive gateways and informational signage signifying arrival to the North Beach/North El Camino Real area at the following locations along North El Camino Real: 1) the northern entrance to North Beach, 2) the historic entryways to Max Berg Plaza Park at El Portal, and 3) the southern entryway to the area at Avenida Palizada.

LU-10.06. **Quality Development.** We require that site, building and landscape development be of high quality design and materials and that promote pedestrian activity, in accordance with the Urban Design Element, North Beach Specific Plan and Zoning Ordinance.

LU-10.07. **Public Streetscape.** We provide a distinctive visual and physical environment for the public streetscape, in accordance with the Urban Design Element, including standards for the consistent use of street trees, landscaping, street furniture (benches, trash receptacles, news racks, etc.), decorative street and crosswalk paving, pedestrian-scaled lighting, public and entry signage and other appropriate streetscape elements.

## Gateways

Gateways are transitional places and visual cues that announce entrances to cities, neighborhoods or districts.

### POLICIES:

UD-2.02. **Spanish Village by the Sea Design Identity.** We require new gateway area development to include appropriate entry design elements (e.g., Spanish Colonial Revival and Spanish architecture, landscaping, signage, lighting, streetscape furniture).

UD-2.06. **Parking.** Where practical, we limit the visibility of surface parking lots and parking spaces within gateway areas by requiring them to be located behind or to the side of buildings. Where this is not practical, we ensure that street-facing parking spaces and parking lots are visually screened with landscaping and/or architectural treatments.

UD-2.10. **Visual Screening.** We require visual screening of blank walls, trash dumpsters, and parking facilities through a variety of landscaping and architectural

design treatments, and signage associated with such features must be attractively designed and placed, consistent with sign regulations. Where possible, we require the screening of utilities infrastructure. Unsightly properties and buildings should be visually screened in an attractive manner.

UD-2.12. **Gateways on Highways.** We work with Caltrans and other agencies to ensure aesthetics are an integral consideration in the design, implementation and maintenance of all highway facilities and rights-of-way, with special emphasis on gateway areas.

In addition to the General Plan providing policies for the North Beach Focus area and Gateway locations, the General Plan also discusses transitional areas of town (one land use to another) in the Urban Design Element under Architectural Compatibility. Below is the potential pertinent information from that section.

## Architectural Compatibility

UD-3.08. **Transitional Areas.** We require development in transitional areas, where one type of land use (e.g., industrial) transitions to another (e.g., residential) to protect residents' quality of life through such measures as landscaping, high-quality walls or fencing, or setbacks.

In addition, the City's Design Guidelines provide general guidelines for all architecture subject to discretionary review. For building and garden walls the following materials are encouraged:

- White, off-white or light earth tone cement plaster/stucco finishes.
- Concrete finishes of off-white or light earth tone integral color.
- Whitewash brick or adobe.

It also states that unfinished aluminum should not be used.

Based on the above, expanding the chain link fence into the railroad right-of-way is not consistent with General Plan goals and policies for the area, or the Design Guidelines.

### **RECOMMENDATIONS:**

The proposed project includes chain-link fence projections into the railroad right-of-way creating box-like pop-outs in the straight fence. This is not consistent with the General Plan or the Design Guidelines. This type of detail would draw additional attention to the fence.

Staff has the following recommendation to help bring the proposed project into conformance with General Plan and Design Guidelines.

1. Construct a contiguous, high quality wall with decorative or artistic elements incorporated. This type of wall is more consistent with the goals and policies for this area, would better present this area as a City gateway, and would be less prone to attract graffiti and other vandalism that would be difficult to deter being in the railroad right-of-way. In addition, the following General Plan policy encourages public art in gateway areas.

UD-2.09. *Art in Public Places.* We encourage the inclusion of public art in private development and in public improvements in gateway areas.

If the above recommendation is followed, staff would reevaluate the revised plans for conformance with the General Plan and the City's Design Guidelines and the project would return to the DRSC. Staff seeks DRSC's input and welcomes additional feedback.

***Attachments:***

1. Location Map
2. Detailed North Beach/ North El Camino Real Focus Area Policy List Plans and Photos of Existing

**CITY OF SAN CLEMENTE  
MINUTES OF THE REGULAR MEETING OF THE  
DESIGN REVIEW SUBCOMMITTEE  
DECEMBER 10, 2014**

Subcommittee Members Present: Julia Darden and Jim Ruehlin

Staff Present: Jim Pechous, Sean Nicholas, Amber Gregg and Cliff Jones

**1. MINUTES**

Minutes from November 12, 2014

**2. ARCHITECTURAL REVIEW OF THE FOLLOWING ITEM**

**A. San Clemente Sports Hall of Fame Tile Mural Review (Nicholas)**

A request to review the tile murals for the previously approved San Clemente Sports Hall of Fame tile display at the San Clemente Aquatic Center.

Associate Planner Sean Nicholas summarized the staff report. Staff indicated support of the design as presented as it provided color to the white building and is consistent with the design of the original concept murals presented at the time the whole program was approved.

Subcommittee Member Darden asked why Katherine Stovall-Dennis, the artist, chose this design rather than murals more in the design vein of the entry murals she did for the Aquatic Center.

John Dorey, Friends of the Beaches, Parks, and Recreation Foundation, stated that she was trying to put them in silhouette in order to represent all races and sexes. The goal was to inspire young people who see the hall of fame, and these images, and see themselves in accomplishing these goals. Finding a way to do that and provide that universality is difficult. He also indicated that the color was meant to break up the silhouettes and make it stand out and consistent with the colors found on the pool deck.

Aeryn Donnelly, Park Planner, also indicated that she had talked to Katherine earlier today and the artist indicated she wanted the murals to stand on their own and not be a continuation of the murals at the front. She also stated the artist wanted the murals to be playful and colorful as they are for children. Having the color will really stand out from the white of the building and the white of the hall of fame tiles.

Subcommittee Member Darden asked about other mural opportunities in the park.

Neither Planner Nicholas or Pam Passow, Beaches, Parks, and Recreation Manager, knew of any other opportunities at this time in the park.

Subcommittee Member Darden asked what is staff's position regarding the need to have the murals be compatible with the architecture. Member Darden stated that Katherine has set the bar very high as she did such an amazing job on the front murals it is hard to compare, but this design is very different from those murals.

Planner Nicholas stated that staff has reviewed the murals and is supportive of them. It is not uncommon that Spanish Colonial Revival buildings have color added to them through the use of art such as Spanish tiles or tile murals as proposed. From that perspective, staff is supportive of the designs. Planner Nicholas clarified that this is not within an Architectural Overlay but Spanish Colonial Revival architecture is required of new park buildings. Planner Nicholas also indicated that the murals will not be visible from the parking lot.

Park Planner Donnelly stated that Katherine has indicated a willingness to modify the artistic style if DRSC requested it.

Subcommittee Member Darden said that she is weighing this so carefully because the Aquatic Center is one of the nicest City facilities we have and wants to make sure the mural is complimentary and adds to the facility. She stated that she has concern that the feel of the murals is too contemporary for the facility. She stated she understood the perspective of the artist, and the inspiration she drew from the elements at the aquatic center. Though she felt being on the building, and the context of where it will be viewed, it seems too contemporary.

Subcommittee Member Ruehlin stated that regularly now DRSC is reviewing art, which is a good thing that art is coming into the community, but it highlights the need for guidelines. He stated that at times this is difficult because it is subjective. Member Ruehlin stated that he understands the direction Katherine was going, but agrees with Subcommittee Member Darden that the design is a bit contemporary and has some compatibility concerns.

John Dorey recommended continuing the item and allow for some time for the artist to arrive at the meeting.

DRSC agreed and continued the item until later in the meeting.

DRSC then re-opened the discussion once Katherine Stovall-Dennis, the artist, arrived.

Planner Nicholas gave a summary of the discussion and expressed the general concern of the DRSC.

Katherine Stovall-Dennis thanks the DRSC for their review and perspective, and complimented them on the job they do. She commented that she was once on this committee and knows how difficult the job is. Ms. Stovall-Dennis then gave a description of her process and how she came to the designs that have been presented. She acknowledged the need to perhaps tie more into the front murals and some of those components in terms of the border and palm tree components. She also suggested that she could use different colors if that is a concern.

DRSC agreed that they did not want to dictate the design and would rather Katherine be creative. They both agreed bringing in elements of the front murals will be helpful. Overall, they expressed again that the design feels too contemporary and anything she can do to bring the design of the front murals to these murals to improve compatibility with the building would be better.

Ms. Stovall-Dennis indicated that she understood the concern of the DRSC and has some ideas on how to address the issues.

Beaches, Parks, and Recreation staff and the Foundation indicated a desire to get the murals installed in time for the next hall of fame event.

In order to assist Beaches, Parks, and Recreation and the Foundation, DRSC recommended that revisions come through staff and updates sent to DRSC to ensure the design is compatible with the building.

Staff understood the direction and indicated they will provide updates to DRSC.

**B. Amendment to Site Plan Permit 97-16/Amendment to Conditional Use Permit 07-245/Amendment to Minor Exception Permit 07-288, Ocean Club Amendment – Marblehead Coastal Residential Community Facility (Nicholas)**

A request to consider revised architecture and site plan for the previously approved Ocean Club private community center for Marblehead Coastal residents located on four lots within the Marblehead Coastal Specific Plan PA-1.



Associate Planner Sean Nicholas summarized the staff report. Planner Nicholas indicated that the applicant was supportive of all of staff's comments, but wanted to discuss the tower element. Planner Nicholas stated that the mantra staff has followed when reviewing projects in Marblehead Coastal is "less than or equal too in height." The applicant is proposing a tower element which exceeds the height or the originally approved Ocean Club project.

Chris Barlow, the architect, stated that a taller tower element is common for a focal point building/community center such as what is proposed by the applicant. It provides a nice detail focal point for the development with an emphasis that is common in Spanish architecture.

Don McDougall, also stated that the original design of PA 1, where the Ocean Club is located, had a three story element that was only one foot shorter than the tower. With the revised architecture and approval of the Ocean Club height, there will only be one building at that height rather than 30.

Subcommittee Members Darden and Ruehlin commented that they did not want to get into a policy discussion regarding the height issue. Though they both agreed that the architecture of the Ocean Club design is better with the tower feature. While they felt the design of the facility was better with a tower, both agreed that the design of the tower needed additional features or components to be successful and appropriate for the development. DRSC requested the applicant to continue to work with staff to enhance the overall design, and bring the height of the tower down one foot to match the City Council approved heights of the previously approved architecture of PA-1.

The applicant agreed to reduce the height and work with staff on the design prior to moving forward.

**C. Conditional Use Permit 14-389/Architectural Permit 14-478, Capistrano Shores New Electrical Transformers and Fencing (Gregg)**

A request to demolish the existing transformers and locate new transformers and fencing in a portion of leased railroad right-of-way. The project is located at 1880 N. El Camino Real and is in the Privately Owned Shoreline zoning district and the Coastal Zone Overlay (OS2-S2-CZ.)

Associate Planner Amber Gregg summarized the staff report and informed the Subcommittee that an application for a block wall had been submitted that week that is planned to take the place of the chain link fencing. Ms. Gregg noted that although the applicant has stated the fencing would be temporary, the application does not identify it as such.

Subcommittee Member Darden noted that it was clear that the proposed project is not an appropriate permanent solution.

Subcommittee Member Ruehlin agrees that the temporary solution is not appropriate. A temporary solution would have to be crystal clear to replace the proposed fence with something definitive.

Subcommittee Member Darden stated a Spanish Colonial Revival wall with smooth white stucco, landscaping, architectural features and or visual interest would be appropriate on the permanent wall.

Subcommittee Member Ruehlin concurred with Darden's comments but recognizes that the wall is not before us for review today, only the transformers and pop-out fencing. He stated the only way he can support the chain link fence is with a definitive timeline. He does not see that guarantee at this time.

The applicant, Eric Anderson, asked what was the difference between 1959 General Plan and today's?

Subcommittee Member Darden explained that the City has evolved since 1959 as reflected in the previous and exiting General Plan. Subcommittee Member Ruehlin stated that Gateways are very important and the wall is very visible and very important to the community.

Darden and Ruehlin concurred that they are not supportive of the fence.

The Subcommittee Members did discuss possible design elements the applicant may want to consider when designing the future wall. Subcommittee Member Ruehlin noted the wall should be smooth white stucco with a hand trowel Santa Barbara finish with decorative elements, and directed the applicants to review the architectural style on the soon to be remodeled Estrella Shopping Center. He also suggested utilizing arches to break up the monotony and that it is in a pedestrian area and will need to be pedestrian oriented.

Subcommittee Member Darden stated vines will be very important on that wall. She also noted that the Spanish Colonial Revival style is not only elegant in its simplicity but is typically less expensive to construct.

The Applicant Eric Wills, asked the Subcommittee what they thought about a poured in place wall with decorative murals like Cal-Trans has utilized. The Subcommittee Members concurred that they did not believe that application was consistent with City Design Guidelines.

Mr. Wills noted that they appreciated the Subcommittee's comments but they were planning on moving forward as is to the Planning Commission.

**D. Minor Cultural Heritage Permit 14-480, Selma's Patio Doors (Jones)**

A request to install patio doors within the commercial building at 218 Avenida Del Mar. The project is located within the Mixed Use Zoning District and within the Architectural and Central Business Overlays (MU3-CB-A).

Associate Planner Cliff Jones summarized the staff report and presented the proposed wood clad aluminum sliding glass door system.

The Subcommittee agreed that the wood clad aluminum sliding glass door system meets the requirements of the Architectural Overlay and expressed support for the door system. The Subcommittee noted that the expense to add mullions to the door system, to provide a more traditional look, was not necessary because most of the time the doors would be slid to one side and the public would not be able to see that feature. The Subcommittee felt that the sliding door system would add to the pedestrian experience along Avenida Del Mar.

The Subcommittee recommended that the project move forward to the Zoning Administrator for consideration.

**3. NEW BUSINESS**

None

**4. OLD BUSINESS**

**A. Conditional Use Permit 14-228/Minor Cultural Heritage Permit 14-229, Fig @ 313 (Jones)**

A request to consider allowing minor exterior changes to a historic building to accommodate a restaurant use, a full range of alcohol for on-site consumption, and a shared off-site parking agreement. The historic building is located at 313 North El Camino Real within the Mixed Use Zoning District and within the Architectural and Central Business Overlays (MU3-CB-A).

Associate Planner Cliff Jones summarized the staff report. Mr. Jones indicated that since the previous DRSC review, the applicant now proposes to demolish the spiral staircase and construct a wood staircase to provide restaurant patron access from the rear of the property.

Subcommittee Member Darden clarified that the spiral stair case to be demolished was not an original historic feature. Mr. Jones indicated that was correct.

The Subcommittee agreed that the proposed wood stair case would compliment the historic buildings architecture and expressed support for the design of the project.

The Subcommittee recommended that the project move forward to the Planning Commission for consideration.

## **5. ADJOURNMENT**

Adjourn to the Regular Meeting of the Design Review Subcommittee to be held January 14, 2015 at 3:00 p.m. in Conference Room A, Community Development Department, 910 Calle Negocio, Suite 100, San Clemente, CA 92673.

Respectfully submitted,

---

Julia Darden, Vice Chair

Attest:

---

Cliff Jones, Associate Planner



Irvine  
San Diego  
Ontario  
Los Angeles  
El Centro  
Dana Point

## CAPISTRANO SHORES CUP PH II

### PROJECT NARRATIVE

The attached CUP reflects a new screen wall with pilasters, buffer/landscape area with accent lighting and new irrigation system, culvert extensions, additional paving, trash and transformer enclosures that include hose bibs, solid overhead covering, lighting and electrical outlets, water quality features, and entry monuments with pilasters all between the Capistrano Shores mobile home park and OCTA rail line, on property that is leased with OCTA (refer to Exhibit 'B' of executed lease agreement). The land leased extends beyond the existing leased land and has received OCTA review and approval as the proposed improvements are to be located 22.45' from the railroad right of way.

The project scope includes the aforementioned architectural plastered block wall, designed for aesthetics, privacy and to help with sound mitigation. It is proposed that the wall will be finished to reflect the "Spanish Colonial Revival" style to match other similar features in the city of San Clemente. The construction of these walls will require the existing culverts that cross through the site to be extended an average of five feet. This change will have a negligible effect on drainage through the site, as the Marblehead Coastal Development has studied culvert capacities and has reduced runoff by constructing large basins that detain storm runoff. At the entry it is proposed that pilasters and monument walls will be constructed to provide an aesthetically pleasing entry into the park site. These features will enhance the view from North El Camino Real.

On the home side of the proposed wall, there will be a proposed buffer area that includes landscaping along the drive aisle side with a new irrigation system, accent lighting, and trash and transformer enclosures constructed of c.m.u block, which are proposed to house electrical equipment and domestic sized trash bins. The trash and transformer enclosures will also include solid overhead covering for water purposes, hose bibs, lighting for maintenance and safety purposes as well as electrical outlets to accommodate maintenance staff and electric vehicles. Past the landscape area will be additional paving in the leased area that was previously unused, due to the location of the existing chain link fence. The additional paved area will require that runoff be treated by using permeable concrete that will allow infiltration into the sandy soil below. The permeable concrete will be a narrow strip that runs parallel to the wall in the drive aisle. Site conditions are desirable for this method of treatment. The existing drive aisle asphalt is in need of replacement, so a more substantial asphalt section is proposed. For aesthetics and safety within the park, it is also proposed to have pavers that will be in bands that connect trash enclosures to a pedestrian strip adjacent to homes within the Capistrano Shores parcel. Proposed pavers at the entry will also provide an aesthetically pleasing entry. The pavers will be beneficial for traffic calming and provide safer passage for pedestrians.

Call us for thinking



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San Diego  
Ontario  
Los Angeles  
El Centro  
Donville

The new wall, enclosures, paving, and buffer area will significantly increase the safety to the residents and guests of the park, and improve aesthetics on the east and west side of the wall. The additional leased land will provide more room for the drive aisle, as the current width only allows for angled parking and cars encroach into drive aisle. Also, by widening the drive aisle there will be a clearly defined pedestrian walkway.



**PROPOSED ENTRY MONUMENT**  
**CAPISTRANO SHORES**  
**SAN CLEMENTE, CALIFORNIA**

DATE: JANUARY 7, 2015  
 DRAWN BY: NAD  
 PROJECT: NAD  
 1990 S. BANCY BLVD., FOURTH FLOOR  
 LOS ANGELES, CA 90005  
 TEL: 213.785.1100  
 WWW.NADLINC.COM

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landscape views / screens

cmu wall

TYPICAL WALL DESIGN



PARTIAL PLAN



cmu wall

TYPICAL WALL ELEVATION



## PROPOSED SCREEN WALL DESIGN

**CAPISTRANO SHORES  
SAN CLEMENTE, CALIFORNIA**

DATE: JANUARY 7, 2018

PROJECT: NADEL

NADEL  
NADEL STUDIO ONE, INC.  
1790 S. BAY AVENUE, CA. 90601  
TEL: 310.621.0000  
WWW.NADEL.COM

**NADEL**





**CAPISTRANO SHORES, INC.**

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(949) 351-9642  
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**VIA U.S. MAIL AND ELECTRONIC MAIL**

December 17, 2014

Jim Holloway  
City of San Clemente  
910 Calle Negocio, Suite 100  
San Clemente, CA 92673

Amber Gregg  
City of San Clemente  
910 Calle Negocio, Suite 100  
San Clemente, CA 92673

RE: Capistrano Shores Mobilehome Park-Infrastructure Repair and Maintenance Program;  
CUP 14-389; Building Permit B13-1623 (Temporary Fence Pop Outs)

Dear Mr. Holloway and Ms. Gregg:

Pursuant to the recent DRSC meeting and our discussions with the City, please find the proposed removal plan for the temporary pop outs and the contracted electrical vendor's quote for such removal. As you will recall, we initially discussed a bond or letter of credit to make sure the permanent wall would be built. After talking to the bank and going through the details, costs, and timing with all parties, we felt it made more sense for everyone (including the City) to put a plan in place where, if the permanent wall was not built, the transformers would be moved to our side of the existing fence line. This way, if the permanent wall was not built, everything would be consistent with the approved Phase I building permit.

We previously sent you a letter removing any doubt that the proposed pop outs were temporary. However, in the abundance of caution, below is our formal change of the project description (new text in bold italics), and without waiver of our previous objection to the requirement of a Minor CUP:

The approved Capistrano Shores Deferred Maintenance Project is to replace aging/failing utilities. The approved plan replaces existing utilities that have exceeded their useful life, were not constructed to current codes, and need to be replaced for the Health, Safety, and Welfare of the 90 residential households, the City and the Environment. Replacement of the electrical transformers was approved as part of the Deferred Maintenance Project. This application requests a modification of the approved

Jim Holloway  
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project to alter the location of the approved transformers. The transformers were approved to be located on the Park side of the existing fence line. The requested modification is to locate the transformers on the railroad side of the existing fence line.

The Minor Conditional Use Permit submitted is limited to the location of the transformers on the railroad side of the existing fence with a **[temporary]** modification of the existing fence to enclose the transformers. ***The temporary fence would be replaced with a permanent wall the length of the Park pursuant to the Phase II project.*** The transformers and enclosing fence is proposed on property owned by OCTA and leased by Capistrano Shores, Inc. Capistrano Shores, Inc. leases the land approximately 7' behind the existing chain link fence location and would like to make better use of their leased land. Relocating the transformers will help to create more available room in the current drive aisle, allow for safer vehicle and resident pedestrian passage within the Park, and maintain the number of existing parking spaces for the residents and their guests.

Based upon our current construction schedule, the transformers will need to be placed within the next 45 – 60 days. Time is of the essence and we would like to get on the Planning Commission's agenda as soon as possible to get these temporary pop outs approved. We are available to work with you most days between now and the next Planning Commission meeting to get staff's complete support for the project.

Please let me know if there is anything else you need to get staff's recommended approval for this project. We hope to proceed forward shortly for the safety of the 90 resident households in the Capistrano Shores Mobilehome Park.

Sincerely,



Eric Wills  
Vice President  
(714) 473-3058

cc: CSI Infrastructure Committee  
Board

## CAPISTRANO SHORES, INC.

### REMOVAL PLAN FOR TEMPORARY FENCE POP OUTS

- Temporary Pop Outs:
    - The removal of the temporary fence pop outs will occur upon the approval and construction schedule set forth below.
  
  - Approval Schedule:
    - City: CSI has submitted their Phase II plans to the City which includes plans for a permanent wall.
    - Coastal: Once the City has approved the Phase II project in concept (including the permanent wall), CSI will submit a Coastal Development Permit within 45 days.
    - Railroad/Metrolink: CSI will submit the City approved plans to Metrolink for their technical approval.
    - City Building Permit: Once CSI receives its CDP and Metrolink approval, it will submit the CDP and Metrolink approval to the City for a building permit within 14 days.
  
  - Construction:
    - Commencement of Construction: Once CSI receives all necessary approvals and receives a City issued building permit, CSI will start construction on Phase II within 90 days thereafter.
  
  - Temporary Pop Outs Removal/Financial Security:
    - The estimated cost to move the transformers to our side of the existing fence is \$29,006.40.
    - CSI will put up a Certificate of Deposit in the name of the City of San Clemente in the amount of \$35,000.
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- If CSI obtains all the required permits and approvals but does not build the permanent wall pursuant to the schedule above, CSI will remove the temporary fencing and will move the transformers to our side of the existing fence line. The City of San Clemente will sign the CD over to CSI once the transformers are moved and the temporary fencing removed.
  - If CSI obtains all the required permits and approvals but does not build the permanent wall and does not remove the temporary fencing and move the transformers to our side of the existing fence line, the City of San Clemente can use the \$35,000 CD to remove the temporary fencing and move the transformers to our side of the existing fence line. Any unused funds will be returned to CSI.
  - If CSI obtains all the required permits and approvals and builds the permanent wall and removes the temporary fence, the City of San Clemente will sign the CD over to CSI.
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# Subsurface Electric Inc.

6360 Industrial Ave  
Riverside, CA 92504  
(951) 354-9900 Fax (951) 354-0709  
CA Lic #C10 491957

December 17, 2014

Capistrano Shores MHP  
1880 El Camino Real  
San Clemente, Ca 92762

Attn: Mr. Eric Anderson  
Copy: Mr. James Trammell

Re: Relocation of Service Equipment

Gentlemen,

If the H.V. main switchboard, fuse cabinet and unit sub transformers are relocated from their original locations during the current construction and relocated again, back to their original location, there will be an additional cost of \$29,006.40.

Thank you.

Sincerely,



David Aldama  
Projects Manager  
Subsurface Electric Inc.