



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: May 6, 2015

PLANNER: Adam Atamian, Associate Planner 

SUBJECT: Zoning Amendment 14-364/ Site Plan Permit 14-365/ Conditional Use Permit 14-366/ Cultural Heritage Permit 14-367, Santiago Mixed-Use, a request to consider forwarding a recommendation to the City Council to amend the Zoning Ordinance and Zoning Map to designate portions of the Neighborhood Commercial (NC 2) zone along South El Camino Real to a new Mixed Use (MU 3.2) zone, and consider a mixed use development consisting of 7 residential units and 4,416 square feet of commercial space located at 1010 South El Camino Real.

REQUIRED FINDINGS

Prior to approval of the proposed project, the following findings shall be made. The draft Resolution (Attachment 1) and analysis section of this report provide an assessment of the project's compliance with these findings.

Zoning Amendment (ZA), Section 17.16.040, to add a new Mixed-Use zone, MU 3.2, and associated development standards to the Zoning Ordinance and amend the Zoning Map for portions of the west side of South El Camino Real between Avenida Presidio and the I-5 Freeway.

- a. The proposed amendment is consistent with the General Plan.
- b. The proposed amendment will not adversely affect the public health, safety and welfare.

Site Plan Permit (SPP), Section 17.16.050, to allow a new mixed-use building.

- a. The proposed development is permitted within the subject zone pursuant to the approval of a SPP and complies with all the applicable provisions of the Zoning Ordinance, the goals, and objectives of the San Clemente General Plan, and the purpose and intent of the zone in which the development is being proposed.
- b. The site is suitable for the type and intensity of development that is proposed.
- c. The proposed development will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity.
- d. The proposed development will not be unsightly or create disharmony with its locale and surroundings.
- e. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or location.

Conditional Use Permit (CUP), Section 17.16.060, to allow residential units in a Mixed-Use zoning district, and to allow an elevator shaft to exceed the height limit of the building, up to six feet.

- a. The proposed use is permitted within the subject zone pursuant to the approval of a CUP and complies with all the applicable provisions of the Zoning Ordinance, 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.

Cultural Heritage Permit (CHP), Section 17.16.100, to allow a new multi-family residential building in the Architectural Overlay and located within 300 feet of a historic property.

- a. The architectural treatment of the project complies with the San Clemente General Plan.
- b. The architectural treatment of the project complies with the Zoning Ordinance 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.
- f. The proposed project/use preserves and strengthens the pedestrian-orientation of the district and/or San Clemente's historic identity as a Spanish village.
- g. The proposed project will not have negative visual or physical impacts upon any historic structures located within 300 feet of the subject site.
- h. The proposed project complies with the purpose and intent of the Architectural Overlay District.

BACKGROUND

In 2014, the City Council adopted the Centennial General Plan, a comprehensive update of the City's vision for development that included a five year process with significant public input and visioning to guide growth and development through 2028. During this process, the commercial district along South El Camino Real, which includes the subject property, was identified as a Focus Area. This stretch of El Camino Real has seen very little redevelopment in the past two decades due in part to a low Floor Area Ratio (FAR) of .35. The community vision for this area is to, "Create a transitional area between Interstate 5 and the Del Mar/T-Zone, featuring spectacular ocean views, attractive mixed-use housing with local-serving commercial uses, restaurants and hotels" (LU-35). To implement this goal and encourage revitalization of this area, the General Plan changed the land use designation

from Neighborhood Commercial to Mixed-Use, and increased the density of development permitted. The purpose of allowing residential uses and increasing the density is to encourage new development.

The subject property is a 12,930 square foot, vacant lot located on the northwest corner of the South El Camino Real and Avenida Santiago intersection. The natural topography of the lot slopes down away from South El Camino Real. The property was previously graded for use as a gas station. To accommodate that use a 10 foot tall retaining wall was installed and the lot was filled to bring the grade of the entire lot to that of South El Camino Real.

The gas station closed in the 1980s, the building was demolished, and the site has remained vacant ever since. The property was listed as a Leaking Underground Storage Tank (LUST) Cleanup Site by the State Water resources Control Board, however, on September 21, 1987, the site's cleanup status was declared completed, and the case was closed. Since 2001, the site has been the subject of ten Code Enforcement Division citations due to graffiti, unpermitted automotive and boat storage, trash and debris, and unmaintained trees and weeds.

The surrounding land uses include a two-story multi-family residential structure to the west, separated from the site by the alley. To the north is a two-story, multi-tenant commercial building which appears as a one-story building from South El Camino Real. Across Avenida Santiago is another two-story commercial building, which also appears as a one-story building from South El Camino Real. To the east, across South El Camino Real, are one-story commercial buildings. There is a 20-foot wide, City-owned alley abutting the property on the west side of the lot, which runs parallel to South El Camino Real.

The project is located within 300 feet of two historic properties located at 104 Paseo de Cristobal and 105 Avenida Barcelona. The project will be visible from both historic properties because both have direct lines of sight to the subject lot. These properties are shown on the Location Map, included as Attachment 2.

This project was continued from the Planning Commission meeting of April 22, 2015 because the applicant did not erect story poles within the required time frame stipulated in the Zoning Ordinance.

Development Management Team Meeting

The City's Development Management Team (DMT) reviewed the project and supports the request, subject to the conditions of approval provided in Exhibit 1 of Attachment 1.

Noticing

Public notification was completed in accordance with State Law and Municipal Code regulations. Public notices for this request were posted at the subject property (1010 South El Camino Real), printed in the San Clemente Sun Post, and mailed to the owners of properties located within 300 feet of the project site. Additionally, in compliance with the noticing requirements for a zoning amendment, public notices were mailed to the owners of

properties within 300 feet of the areas proposed to be rezoned to the new mixed use designation.

Public Comment

At the April 22, 2015 Planning Commission meeting, multiple members of the public spoke about this project. Since that date, additional public comments have been received verbally and in writing. Attachment 9 provides a copy of the written comments received from the public regarding this project.

Story Pole Staking

The applicant was required to erect story poles per Zoning Ordinance Section 17.24.110.E, Visual Analysis Tools, because the application proposes a new structure that is three or more stories within a Mixed Use zone and an Architectural Overlay. The story pole staking was erected on April 21, 2015 and is in compliance with the requirements specified in Zoning Ordinance Section 17.12.060.A, Story Pole Staking.

PROJECT DESCRIPTION

The applicant is proposing the following: 1) amend the Zoning Ordinance and Zoning Map to reflect the Centennial General Plan's Mixed-Use (MU 3.2) land use designation for certain portions of the Neighborhood Commercial (NC 2) zone along South El Camino Real located between Avenida Presidio and the I-5 freeway; 2) establish development standards for the MU 3.2 zone; and 3) construct a new mixed-use development with a Spanish Colonial Revival design.

The mixed-use project consists of one 17,050 square foot building with 2,035 square feet of deck areas. The building includes a 4,416 square foot, two-story commercial portion at the street frontage facing South El Camino Real, and seven dwelling units which total 12,634 square feet on three levels at the rear, or alley, side of the property. The building provides two levels of parking areas. The commercial parking, 12 spaces total, is located in the upper parking level garage with access taken from Avenida Santiago. Some of the residential parking, two spaces, is located in the upper level garage with the commercial parking, while the other 16 required spaces are located in a predominantly subterranean parking garage that takes access off the alley.

Proposed Development Standards

Table 1 outlines the proposed development standards for the new MU 3.2 zone, how the project complies with these standards, and how these development standards are consistent with the standards currently listed in the Centennial General Plan, and City Council direction to amend the General Plan.

Table 1 - Development Standards for the new MU 3.2 zone

Standard	Proposed Development Standards	Project Details	Current General Plan
Density (Max.):	1 dwelling unit per 1,800 square feet of lot area.	7 dwelling units (1 dwelling unit per 1847 square feet)	24 dwelling units per acre (= 1 per 1,800 square feet), Project complies.
Building Height (Max.):	Not to Exceed 30' PL and 35' TOR. and 2 stories facing El Camino Real, and 37' PL*/ 42' TOR** average.	34'-6" off S. El Camino Real, 38'-11" maximum average TOR.	With Residential: 3 stories; TOR: 45 ft.; PL: 37 ft. (Project complies) For more information on the City's current Zoning Amendment related to Building Height in this area, please refer to Attachment 10.
Elevator Tower Height (Max.):	6' over Building Height Limit	4' over Building Height Limit (39' total).	Not discussed, but consistent with existing Zoning Ordinance allowances.
Setbacks (Min.):			
• Front	0'	6"	Not specified, but Project consistent with existing MU 3 zone.
• Street Side Yard (facing Ave. Santiago)	0'	3'-10"	
• Interior Side Yard	0'	3'-0"	
• Rear Yard	0'	1'-0"	
Maximum Floor Area Ratio (FAR) w/ Residential	1.5	1.3	1.5, Project complies

Standard	Proposed Development Standards	Project Details	Current General Plan
Lot Coverage	100%	86%	Not specified, but Project consistent with existing MU 3 zone.
Urban Open Area	30% of lot area	40%	Not specified, but Project consistent with existing MU 3 zone.
Amount of Open Urban Area to be Landscaped	25%	25%	
Number of 15-gallon trees, or equivalent, required	10	13 (with 4 additional in City Right-of-Way)	
Parking – Please refer to Table 2 for Parking related standards and project details.			

* Plate Line Height

** Top of Roof Height

The project is consistent with the proposed development standards listed for the new MU 3.2 land use designation in the General Plan, which consist of density, building height, and Floor Area Ratio (FAR). While the General Plan discusses height limits taller than what the applicant proposes, staff has received City Council direction to reduce the maximum heights allowed to effectively limit buildings to be no taller than a typical two-story building when viewed from South El Camino Real. The applicant’s proposal, and the proposed height standard, is consistent with this direction. For the development standards not listed in the General Plan, such as setbacks, lot coverage, and landscaping requirements, the City’s direction, and what the applicant proposes, is to apply the standards that currently regulate the existing MU 3 zone.

Parking

The project provides 30 parking spaces on site. 16 spaces are located in the subterranean garage, with the other 14 located one level above. In order to meet minimum parking requirements the applicant proposes to apply the reduced commercial parking requirement provided in the existing MU 3 zone to the new MU 3.2 zone. Typically, general office and retail uses both require one parking space per 300 square feet of building area. The Zoning Ordinance provides a reduction in these standards for the MU 3 zone so that retail requires one parking space per 400 square feet, and general office requires one space per 350 square feet. Currently, the only areas that benefit from this reduced parking rate are the Downtown/ Del Mar T-Zone, and the North Beach Study Area.

Table 2 outlines the proposed parking breakdown for the project, how the project complies with these standards, and how these development standards are consistent with the standards currently specified for this commercial district.

Table 2 – Parking Calculation

Standard	Proposed Parking Standard with MU 3 Reduction	Proposed Parking	Current Parking Standards	Req. Parking	Project Deficiency per Current Reqt.
Required Parking (Minimum):					
• Commercial-Office	1 space /350 square feet	5	1 space /300 square feet	6	-1
Retail	1 space /400 square feet	7	1 space /400 square feet	9	-2
• Residential-Dwelling Units	Per Municipal Code for multi-family structures.	15	Per Municipal Code for multi-family structures.	15	0
• Guest	.333 spaces/ dwelling unit	3	.333 spaces/ dwelling unit	3	0
Total		30		33	-3

Staff does not support the use of the reduced parking ratio in the MU 3.2 zone for two reasons. First, the other mixed-use zones with reduced parking rates are retail concentration areas, in that they represent a core of visitor-serving business activity, away from which commercial density decreases. The new MU 3.2 zone is not a core because it is only on one half of the street. The new MU 3.2 zone acts more as a buffer between existing commercial and residential zones than the epicenter of a downtown core. Additionally, the other areas with reduced parking standards are pedestrian-intensive districts. These pedestrian districts assume that people will park once to visit multiple businesses. The new MU 3.2 zone does not establish a pedestrian district, and it is very likely that parking will not overlap, either between residences and commercial or between neighboring commercial.

Though the applicant's request includes the reduced parking requirements of the existing MU 3 zone, the project, as proposed, could still meet the parking requirements of the Zoning Ordinance with the approval of a shared parking agreement. The shared parking agreement would allow the uses on-site to share three spaces for the commercial and residential guest parking. This would be accomplished by limiting the types of commercial businesses that could occupy the building to ensure that those spaces are available during times when guest parking is typically used the most on weekends and after 5 pm on weekdays.

The project includes multi-modal amenities with bicycle parking facilities along the South El Camino Real building frontage. The site also has an Orange County Transportation Authority bus stop located in front of the building near the corner of South El Camino Real and Avenida Santiago.

Signs

The applicant has not included building and site signs as part of this application. However, per the Zoning Ordinance, the multi-tenant non-residential portions of the building require that a Master Sign Program be approved. To ensure that compliance with the City’s sign regulations, the commercial portion of the development will not be eligible to receive certificates of occupancy until the applicant has received approval of a Discretionary Sign Permit for a new Master Sign Program (Condition of Approval number 39). The building elevations demonstrate that there are logical locations on the building to locate signs that would complement the architecture and comply with the sign requirements for signs in the Architectural Overlay.

Design Review Subcommittee

The Design Review Subcommittee (DRSC) reviewed the project’s architecture, site design, landscaping, and historic resource impacts for consistency with the City’s Design Guidelines and the General Plan Urban Design Element on the November 26, 2014, and January 14, 2015. Attachments 4 – 7 include the staff reports and minutes of both meetings. The DRSC generally supported the proposed project finding that while the project was of a larger scale than surrounding development, it is compatible with applicable Design Guidelines and meets the intent of the new MU 3.2 land use designation. The DRSC had the following recommended modifications identified in Table 3.

Table 3 - DRSC Concerns and Project Modifications

DRSC Concerns	Project modifications
<p>The project should include more building setbacks on the upper levels to reduce the appearance of the third story from the neighborhood to the west. This will help reduce massing impacts to these properties.</p>	<p><i>Modified as requested.</i> The applicant revised plans to include building setbacks beyond what the Zoning Ordinance requires. The ground floor is setback 3.5 feet from the rear property line, the second story is setback 10’, and the third story is setback 20’. The DRSC noted that there still existed a difference in scale with the modifications, but the majority were satisfied that the increased upper floor setbacks improved the compatibility of the building with surrounding development.</p>

DRSC Concerns	Project modifications
The deck wall along the second floor deck should include more wrought-iron railing sections to break up the impact of the solid guard wall to reduce the amount of solid wall visible on the back side of the building.	<i>Modified as requested.</i> The applicant revised plans to provide a combination of railing and solid wall sections for the second floor deck area.
The front courtyard should be more open to the pedestrian experience. The walls along the front property line should be reduced to remove a “walled-in” appearance, and the upper floor should be modified to create a more open feel.	<i>Modified as requested.</i> The applicant revised the staircase, walls, roofs, and second floor walkway designs to provide more opportunity for light to enter the courtyard and to open it up to the street frontage.

GENERAL PLAN CONSISTENCY

The Centennial General Plan designated the South El Camino Real corridor as a Focus Area, and provided specific direction above and beyond those policies that are applicable Citywide. This was done to foster revitalization to an area that has seen very little redevelopment in the past 20 years. The primary goal for this section of the City is to create employment and residential opportunities, anchored by neighborhood-serving retail uses, which strike a balance between automobile, bicycle and pedestrian orientations that is well connected to adjacent neighborhoods. The sections of the General Plan Land Use Element that discuss the South El Camino Real Focus Area are included as Attachment 11. Table 4 summarizes how the proposed use is consistent with adopted policies outlined in the City of San Clemente General Plan.

Table 4 - General Plan Consistency

Policies and Objectives	Consistency Finding
<i>“Horizontal and Vertical Mix. We permit a range of horizontally and vertically mixed uses appropriate to key areas of the City.” (LU-3.01)</i>	<i>Consistent.</i> The project is appropriate for the surrounding neighborhood, and the existing commercial uses, integrating a commercial and residential vertical mixed-use.
<i>“Upper Floors. Where buildings over two stories are allowed, we require building facades above the second floor to be set back from lower, street-facing facades to minimize building height and bulk, pursuant to the Zoning Ordinance, Design Guidelines, and applicable Specific Plans.” (LU-3.04)</i>	<i>Consistent.</i> The rear portion of the building provides building setbacks of 10 and 20 feet for the second and third stories, respectively, to reduce massing impacts on surrounding development. This is beyond what the Zoning Ordinance requires

Policies and Objectives	Consistency Finding
<p><i>“Views. New development shall be designed to minimize obstructions of ocean views from the I-5 freeway.” (LU-13.05.)</i></p>	<p><i>Partially Consistent.</i> Limiting the building height from South El Camino Real to two stories, this project maintains the horizon/ocean view from the I-5 freeway. The project does block some ocean views from the I-5 below the horizon (see <i>Ocean View Impacts</i> in Analysis Section, below).</p>
<p><i>“Outdoor Areas/Public Space. We work with property owners and developers to identify opportunities for providing usable outdoor areas and public spaces for visual relief from the built environment and areas for gathering.” (LU-13.09)</i></p>	<p><i>Consistent.</i> The project incorporates 5,170 square feet usable outdoor areas and public spaces.</p>
<p><i>“Buffers and Setbacks. We require that new uses and buildings, characterized by differing functions, activities, density, scale and massing, to provide conditions of approval, landscaped buffers and/or setbacks between uses to prevent or reduce adverse impacts.” (UD-3.03)</i></p>	<p><i>Consistent.</i> The project provides setbacks on all building elevations, and provides landscaping buffers that soften the transition between abutting land uses. Also, the building uses are situated so the residential portion faces the residential area to the west, and the commercial portion faces the commercial area to the east on S. El Camino Real.</p>
<p><i>“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.” (UD-3.08)</i></p>	<p><i>Consistent.</i> The project incorporates upper story setbacks of 10 and 20 feet for the second and third stories, respectively. Additionally, the project includes high-quality landscaping to buffer commercial uses from on- and off-site residential uses.</p>
<p><i>“Outdoor Spaces. For multi-family residential, mixed use and commercial development, we require integration of outdoor spaces into the architectural and site designs by encouraging the use of courtyards, patios, paseos, plazas, gardens, covered walkways, rooftop terraces, verandas and other outdoor spaces...” (UD-5.01)</i></p>	<p><i>Consistent.</i> The project incorporates urban open space on most levels of the project, providing twice the minimum amount required by the Zoning Ordinance.</p>

Policies and Objectives	Consistency Finding
<p><i>“Site Access and Entries. Downtown site and building designs shall be integrated with the public sidewalk... to create inviting and attractive commercial and residential areas and public spaces.” (UD-5.04)</i></p>	<p><i>Consistent.</i> The project includes commercial spaces adjacent to the sidewalk with a well landscaped street frontage and an inviting central courtyard and corner patio space.</p>
<p><i>“Architectural Overlay District. We require that new buildings... utilize Spanish Colonial Revival architecture, per the Architectural Overlay District and Design Guidelines.” (UD-5.05)</i></p>	<p><i>Consistent.</i> The project is designed in the Spanish Colonial Revival style.</p>
<p><i>“Scale and Massing. We require that the scale and massing of development be compatible with its surroundings and with the General Plan, applicable specific plan and or area plan.” (UD-5.10)</i></p>	<p><i>Consistent.</i> The project is compatible with adjacent land uses and structures and the intent of the General Plan given the unique character of the new MU 3.2 zone being sandwiched between the Residential Low density zone and the Neighborhood Commercial zones. The mass of the proposed building is stepped back on the upper floors to reduce the stark contrast that occurs on other blocks in the new MU 3.2 zone where commercial buildings provide no setbacks from the alley.</p>
<p><i>“Building Design with Topography. Building design shall consider the site’s natural topography, public view corridors and adjacent building profiles so that canyonization is avoided.” (UD-5.14)</i></p>	<p><i>Partially Consistent.</i> Though the tallest portion of the building is in the center of the downward sloping lot, the proposed project provides rear building setbacks on the upper floors that allude to the slope of the natural topography. The restricted height along South El Camino Real minimizes impacts to public views. In this way, the canyonization that is created along other portions of the alley is avoided.</p>
<p><i>“Landscaping Plans. We require that development projects subject to discretionary review submit and implement a landscaping and irrigation plan.” (UD-5.19)</i></p>	<p><i>Consistent.</i> The project includes a landscape plan that will be reviewed and inspected by the City’s Landscape Architect.</p>

Policies and Objectives	Consistency Finding
<p><i>“Landscape Maintenance. We require property owners to properly maintain vegetation on developed sites, remove and abate weeds, and replace unhealthy or dead landscape plants.” (UD-5.20)</i></p>	<p><i>Consistent.</i> The project is conditioned to require the property owner to maintain all landscaping according to the approved final landscape plan.</p>
<p><i>“El Camino Real. We require initiatives, investments, and development approvals for El Camino Real to contribute to our vision of the area as a mixed-use, multi-modal corridor with historic resources and different commercial nodes that primarily serve the needs of San Clemente residents and businesses.” (ED-4.04)</i></p>	<p><i>Consistent.</i> The project includes many of the features envisioned for the new MU 3.2 zone being a mixed-use, multi-modal project that reflect the City’s Spanish Colonial Revival heritage.</p>

PROJECT ANALYSIS

Zoning Amendment

After the adoption of the Centennial General Plan, the City Council directed staff to initiate a Zoning Ordinance update that includes establishing new development standards that are appropriate for the area. Their concern was that the height in the General Plan did not reflect their direction to limit height to two stories off South El Camino Real. In an effort to amend the General Plan, staff have worked with the City Council, the Planning Commission, a land-use consultant, and community stakeholders, to identify the most appropriate development standards to apply to the new MU 3.2 zone.

In order to expedite the processing of the application for the proposed project, the applicant has elected to propose a Zoning Amendment to change the Zoning Ordinance and Zoning Map consistent with current staff direction.

It is important to note that the height standard reflects direction from the City Council to limit buildings in the MU 3.2 zone to be no taller than two stories. This clarification was further refined by the Planning Commission to mean two stories and 35 feet above the South El Camino Real street frontage, and a maximum height of 42 feet to the top of roof as the lot slopes toward the alley. These new development standards are provided in Exhibit 2 of Attachment 1, with additions shown in red. The proposed Zoning Map changes are shown in Exhibit 3 of Attachment 1, with changes shown in red.

Site Plan Permit

This project requires a Site Plan Permit (SPP) to allow a new mixed-use building. The purpose of this review is to encourage site and structural development which respects the

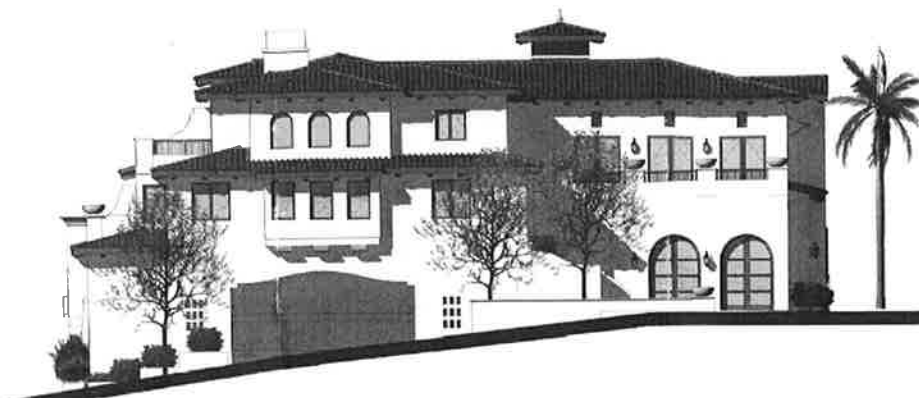
physical and environmental characteristics of the site, ensures safe and convenient access and circulation for pedestrians and vehicles, exemplifies the best professional design practices, encourages individual identity for specific uses and structures, encourages a distinct community or neighborhood identity, and minimizes visual impacts.

The project locates the commercial portion along the street frontage and the residential portion toward the rear of the property, most of which is above street level. By locating the two uses in this way, the applicant is able to provide separate parking areas for the commercial and residential uses. The commercial parking is adjacent to on-site commercial uses with vehicular access from Avenida Santiago and pedestrian access from South El Camino Real. The residential subterranean parking garage is accessed from the alley behind the building, and is considered a basement because it is more than 60% below the surrounding grade. The advantage of this site design is to minimize the visual impact of parking areas generally, and to obscure it entirely from South El Camino Real, where the orientation of the building can be geared to the pedestrian experience.

The project provides building setbacks along most property lines. These setbacks provide the opportunity for building wall articulation, landscaping, and usable outdoor areas. Along the alley, most of the building is setback three and a half feet to provide a raised planter area to provide a landscaped buffer between the building and the adjacent properties.

The project conforms to the purpose and intent of the zone by locating commercial uses at the street adjacent to other commercial uses, minimizing the visibility of parking areas, and locating the residential portion away from the street level toward the rear of the lot adjacent to other residential uses, thereby providing a buffer between the commercial and residential uses.

The Urban Design Element of the General Plan requires that, "Building design shall consider the site's natural topography, public view corridors and adjacent building profiles so that canyonization is avoided" (UD-5.14). Similarly, the City's Design Guidelines require that buildings be designed to follow the natural topography of the property. While, the tallest portion of the proposed building is in the center of the downward sloping lot, the building is designed with the rear portion of the upper floors stepped back. This stepping of the upper floors creates a slope to the building's profile that helps avoid canyonization and alludes to the natural topography of the site. The following image shows the profile of the building above the grade of Avenida Santiago looking north.



The new MU 3.2 zone is unique compared to other zones of the City because it is only one lot wide, and divides a low density residential zone and a commercial zone. Because of these characteristics, this new zone creates a transitional buffer between standalone residential and standalone commercial projects, while being required to provide compatibility with both. In this way, there is virtually no opportunity to achieve a gradual transition in density in a way similar to other zones, which is to increase or decrease density over the span of a few lots on the zone peripheries. Instead, in order to achieve the type of density provided for in the General Plan Land Use Element, a contrast in scale and mass between new projects and existing development can be expected in this area.

Considering the density contrast that typically occurs where two zones meet, especially for the subject zone, there are constraints on the project's ability to provide a gentle transition between zones. To make the building compatible, the project has been designed to incorporate building setbacks along all property lines, with landscaped buffers wherever possible. Additionally, the main massing of the building occurs in the center of the lot, allowing the respective residential and commercial portions of the building to increase their compatibility with the surrounding residential and commercial development in the area. The buildings' scale and massing are consistent with the proposed development standards and the intention of the General Plan. The subterranean garage and commercial parking area are located behind and under the commercial uses which allows parking to be hidden from South El Camino Real. Additionally, the parking areas are accessed from Avenida Santiago and the rear alley allowing the South El Camino Real street frontage to be more pedestrian oriented.

As far as compatibility with adjacent structures, the FAR of 1.5, as specified in the General Plan, creates a situation where there can be a significant difference between the scales and massing of neighboring buildings. The proposed development is compatible with surrounding commercial development in the area, as there is a mix of one- and two-story structures along South El Camino Real, and the proposed building is limited to two stories on the side fronting South El Camino Real. The biggest area of concern regarding neighborhood compatibility is on the rear side of the building, adjacent to the residential zone to the west. The Residential Low zone only allows for single-family residences, however, the abutting residential structure located at 102 Avenida Santiago is a legal, non-conforming multi-family structure that is two-stories tall. In the context of a two-story, multi-family structure that provides residential parking off the alley, the proposed building is a compatible use. While the proposed building is taller, the project is separated by a 20 foot-wide alley then and steps back the upper floors ten and 20 feet to reduce the effect of canyonization and loss of direct sunlight to the adjacent properties. In contrast, canyonization can be seen in the surrounding neighborhood along the alley where other tall commercial properties are built straight up to the rear property line.

The new MU 3.2 zone provides unique opportunities and constraints for site design in the City. Being one lot deep along the west side of South El Camino Real, this new zone is unique as it creates a transitional buffer between standalone residential and standalone commercial projects, while requiring compatibility with both. The project's site design accomplishes the goals of the General Plan to create a contextually sensitive development that provides a mixed-use, multi-modal project which reflects the City's Spanish Colonial

Revival heritage. The project will add vitality and pedestrian activity to the area, enhance economic opportunities, reduce vehicle trips, and offer convenient housing opportunities.

Ocean View Impacts

As noted in Table 4, General Plan Consistency, Land Use Element policy LU-13.05 applies to this project. This policy requires that, "New development shall be designed to minimize obstructions of ocean views from the I-5 freeway." The intent of this policy is to reduce the occurrence of projects that completely block or significantly detract from ocean views visible from the freeway to maintain the City's reputation as a beach community. The picture below demonstrates a typical view of the project site (where the story poles are located) from the slow lane of the southbound I-5 freeway near the subject property. The slow lane, and adjacent off-ramp, provide the most visibility of the site, with views diminishing when viewed from areas on the freeway further east.



In evaluating a potential project's impacts to public view corridors, the City has typically required a Public View Corridor Impact Analysis. This document generally follows a prescribed process that includes: 1) a review of applicable General Plan goals, objectives and policies; 2) a determination of potential areas of impact; 3) a selection of vantage points within the identified areas of impact; 4) the selection of visual analysis tools; 5) identification of character defining features present in the existing view corridor; 6) an assessment of the project-related visual impacts; and 7) an evaluation of the project's consistency with the General Plan goals, objectives, and policies identified in step 1.

Public View Corridors are defined in the General Plan as, "A view from a public right-of-way... which is specifically designated in the General Plan and which provides the public at large with views of the Pacific Ocean, shoreline, coastal ridgelines, coastal canyons or other visual resources" (Glossary, page 17). For projects that could potentially affect Public View Corridors, General Plan Natural Resources Element policy NR-2.09 states, "The City will preserve and improve the view corridors, as designated in Figures NR-1 and NR-2" Though the General Plan discusses the protection of ocean views related to new projects, the view from the I-5 freeway to the ocean is not a designated Public View Corridor listed in Figure NR-1, Aesthetic Resources, in the General Plan Natural Resources Element.

However, this viewshed is included in the Land Use Element as a consideration when reviewing new projects in this area.

Because the view from the freeway to the ocean is not a designated Public View Corridor, the General Plan, through policy LU-13.05, specifies a narrower analysis than what is necessary to "preserve and improve" Public View Corridors. Specifically, the General Plan requires that projects be designed to minimize impacts to ocean views from the freeway. For this analysis, it is necessary to identify how the project will impact the views of the ocean from the freeway, and how the project has been designed to minimize those impacts. San Clemente is a beach town, and visitors and others viewing the City as they travel on the freeway know they have arrived at the coast due to these views. The intent is to maintain this experience from the I-5 freeway.

The proposed project will obstruct ocean views from certain locations on the freeway, as seen in the photos above. The most prominent obstruction is the elevator tower, centrally located in the building. As the story poles demonstrate, the project directly encroaches upon a portion of an uninterrupted public view of the ocean from certain locations on the freeway.

However, the impacts of this encroachment are not fully understood or described by the story poles. Additionally, there has been a significant amount of public input received about the project's visual impacts that do not appear to be clarified or explained by the story poles. While it does not appear that the building, as proposed, will encroach upon the horizon, or obstruct a viewshed focal point, staff recommends that the applicant provide additional visual analysis related to the project to evaluate the building's aesthetic impacts more fully.

The project, through initial consultations with Planning staff, as well as two meetings with the Design Review Subcommittee, has been revised by the applicant to reduce the massing of the structure. This reduction in the project's size has reduced the impact to ocean views from the freeway. Further minimization would most likely require substantial project modifications to the building, such as relocating the elevator shaft, or further reducing the building's mass.

Conditional Use Permit

The project requires a CUP to allow residential uses in a Mixed-Use zoning district. The purpose of this review is to encourage uses to be located in a manner that is consistent with the zone, sensitive to community and neighborhood identity, and which minimize impacts to adjacent uses.

As described in the above analyses, this project conforms to the purpose and intent of the zone by locating commercial uses along the street frontage, providing parking behind and under the commercial portion, and locating the residential portion away from the South El Camino Real street frontage toward the rear of the lot. The project meets the goals and objectives of the San Clemente General Plan because it is attractively designed, activates pedestrian activity in the area, reduces vehicle trips, and offers convenient housing opportunities. Also, the new commercial uses enhance economic opportunities in an area

that has experienced little new development for over two decades. With a shared parking agreement, the project will provide all required parking on-site.

The project has been conditioned to require the applicant to record an on-site shared parking agreement to share the guest parking spaces with the commercial parking spaces to meet the minimum parking requirements (Condition of Approval number 48).

Cultural Heritage Permit

This project requires a CHP to allow new buildings in the Architectural Overlay, and multi-family structures within 300 feet of registered historic structures. The purpose of this review is to encourage architecture which is sensitive to community and neighborhood character, enhances the visual environment, protects the economic value of existing structures, and exemplifies the highest professional design standards, while ensuring that project's do not have negative impacts on historic properties. Additionally, this process is meant to preserve and strengthen San Clemente's historic identity as a Spanish village, protect and enhance the City's attraction as a historic community to tourists and visitors, and encourage and require architecture which reflects the community's historic character.

The applicant proposes Spanish Colonial Revival design for the building consistent with the architectural requirements of this district. The project includes the use of classic Spanish Colonial Revival elements, such as an exterior building finish in a smooth hand-troweled white stucco with slight undulations, roofing that is low-pitched, mortar-packed clay tile, stucco moldings, wrought-iron railings and details, decorative tiles on stair risers, decorative paving for pedestrian walkways, exposed wood rafter-tails, and decorative masonry elements, such as finials, chimney-caps and bowls. The project also incorporates multiple outdoor living areas such as balconies and decks.

The proposed landscaping exceeds the minimum landscaping requirements. The project will provide 13 15-gallon trees, where only ten are required. Additionally, the project will install four non-fruiting olive trees within the public right-of-way, behind the sidewalk along Avenida Santiago. The landscaping consists of primarily low-water plant materials and is consistent with some recently remodeled properties in this area of South El Camino Real. With the building setbacks provided on most sides, the perimeter is heavily landscaped.

Most of the commercial portion of the building is setback four feet to provide a landscaped buffer between the sidewalk and the building to soften the streetscape and provide a way to screen required above-ground utilities. The project will remove the two existing curb cuts on South El Camino Real, and replace and upgrade the nine and a half foot wide sidewalk along South El Camino Real and the seven and a half foot wide sidewalk along Avenida Santiago. Also, the project will install two new Mexican Fan Palms on the sidewalk adjacent to South El Camino Real per the City's street tree requirements.

The mixed-use zone requires at least 30% of the lot to be "urban open area." Urban open areas includes courtyards, pedestrian walkways, and outdoor seating, and other useable open types of areas. The project provides urban open areas which constitute 40% of the lot area. For the urban open areas, the landscaping standards require a minimum of 25% of

that area to be landscaped. The urban open area for this project includes 1,300 square feet of landscaped area, or 25% of the space.

The project complies with the Design Guidelines which specify building forms that are one, two, and three stories, divided into parts scaled to human size, with low pitched hip and gable roofs. The Design Guidelines also require articulated building forms, avoiding long and unrelieved wall planes, to create interesting roof lines and strong patterns of shade and shadow. The project provides articulated wall planes, multiple building step-backs on all sides of the structure, and inviting public spaces along the main street frontage.

By incorporating the street-level design features discussed above, the project improves the pedestrian-environment of the district and preserves San Clemente's historic identity as a Spanish village. The project incorporates Spanish Colonial Revival architecture that is consistent with the Design Guidelines as required by the General Plan's Urban Design Element. The project is conditioned to ensure that the architectural finishes, such as the wrought iron balconies, fencing, and ornamental details, exterior stair and floor tiles, all proposed light fixtures, pre-cast concrete elements, exposed rafter tails, windows and doors, and gutters and downspouts, comply with the City's design standards for Spanish Colonial Revival style. These architectural features shall be approved by the Planning Division prior to the issuance of a building permit (Condition of Approval number 49).

The project is located within 300 feet of two historic properties located at 104 Paseo de Cristobal and 105 Avenida Barcelona. The project will be visible from both historic properties because both have direct lines of sight to the subject lot. While there is a direct line of site, no negative impacts, either physical or visual, are anticipated. This is because the distance between the project site and the closest of the nearby historic properties is approximately 180 feet. Both properties are insulated from the subject property by other properties in the Residential Low zoning district, as well as a public street and the alley. The DRSC did not find that the proposed project would directly have a negative effect on the historic properties, but there were comments that the scale of the project could diminish the importance of the historic properties in the context of the neighborhood. However, the proposed project is a Spanish Colonial Revival design that enhances the City's Spanish-village-by-the-sea heritage, which compliments recent building façade improvements in the neighborhood, such as the Ralph's grocery store, that have remodeled structures in a Spanish style.

ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA):

The Planning Division is conducting an environmental assessment per the California Environmental Quality Act. Pursuant to CEQA notification and determination guidelines, the assessment and any necessary environmental documents will be completed and made available to the public.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff and continue the item to a later date.

This is the recommended action, and would result in the item being continued to a date that would allow the applicant enough time to reasonably produce additional information and analysis to evaluate the projects impacts to surrounding properties and views of the ocean from the I-5 freeway.

2. The Planning Commission can forward a recommendation for approval of the proposed Zoning Amendment and mixed-use project to the City Council.

This action would result in the application being forwarded to the City Council for approval to develop the project as proposed.

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

This action would result in any modifications being incorporated into the project which could include modifications to the proposed development standards, the redesign of the building or its features, or modifications to the landscaping. This action would result in the application being forwarded to the City Council for approval to develop the project with modifications.

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

This action would result in the application being forwarded to the City Council with a recommendation of denial for the project as proposed

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission continue this application to a later date to provide the applicant an opportunity to develop a View Impact Analysis and provide additional visual analysis tools as may be necessary. Staff has provided a draft resolution recommending approval for the Planning Commission to review as referenced in this staff report.

Attachments:

1. Resolution No. PC 15-014
 - Exhibit 1 – Conditions of Approval
 - Exhibit 2 – Proposed Zoning Ordinance Amendment
 - Exhibit 3 – Proposed Zoning Map Amendment
2. Location Map
3. Site Photos

4. Design Review Subcommittee Staff Report, dated November 26, 2014
5. Design Review Subcommittee Meeting Minutes of November 26, 2014
6. Design Review Subcommittee Staff Report, dated January 14, 2015
7. Design Review Subcommittee Meeting Minutes of January 14, 2015
8. Draft Planning Commission Meeting Minutes, dated April 22, 2015
9. Written Public Comments
10. Planning Commission Staff Report on Zoning Amendments, dated April 22, 2015
11. General Plan Land Use Element South El Camino Real Focus Area Sections
Plans

ATTACHMENT 1

RESOLUTION NO. PC 15-014

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE ZONING AMENDMENT 14-364, SITE PLAN PERMIT 14-365, CONDITIONAL USE PERMIT 14-366, AND CULTURAL HERITAGE PERMIT 14-367, SANTIAGO MIXED USE, A REQUEST TO AMEND THE ZONING ORDINANCE AND ZONING MAP TO DESIGNATE PORTIONS OF THE NEIGHBORHOOD COMMERCIAL (NC 2) ZONE ALONG SOUTH EL CAMINO REAL TO A NEW MIXED USE (MU 3.2) ZONE, AND TO ALLOW A MIXED USE DEVELOPMENT CONSISTING OF 7 RESIDENTIAL UNITS AND 4,416 SQUARE FEET OF COMMERCIAL SPACE LOCATED AT 1010 SOUTH EL CAMINO REAL.

WHEREAS, on September 19, 2014, an application was submitted, and deemed complete on March 16, 2015, by Nick Buchanan of 1010 S. El Camino Real Partners, LLC, 101 S. El Camino Real, Suite 205, San Clemente, CA 92672, to amend the Zoning Ordinance and Zoning Map to designate portions of the Neighborhood Commercial (NC 2) zone along South El Camino Real to a new Mixed Use (MU 3.2) zone, and allow a mixed use development consisting of 7 residential units and 4,416 square feet of commercial space located at 1010 South El Camino Real, San Clemente, CA 92672, the legal description being Lots 3,4, and 5, of Block 5, of Tract 822, Assessor's Parcel Number 692-152-23; and

WHEREAS, on September 25, 2014, January 22, 2015, and February 26, 2015, the City's Development Management Team reviewed the application for compliance with the General Plan, Zoning Ordinance, and other applicable requirements; and

WHEREAS, on November 24, 2014, and January 14, 2015, the proposed project was reviewed by the Design Review Subcommittee, which supported the design of the project with recommended changes; and

WHEREAS, the Planning Division processed and completed an initial environmental assessment for this project in accordance with the California Environmental Quality Act (CEQA). The Planning Division has determined that the Zoning Amendment is exempt from CEQA pursuant to California Code § 21083.3 because the rezoning is consistent with the community plan, defined as, "a part of the general plan of a city... which (1) applies to a defined geographic portion of the total area included in the general plan, (2) complies with Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of Title 7 of the Government Code by including or referencing each of the mandatory elements specified in Section 65302 of the Government Code, and (3) contains specific development policies adopted for the area included in the community plan and identifies measures to implement those policies, so that the policies which will apply to each parcel can be determined." CEQA Guidelines Section 15183 stipulate that, "projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review."

The Planning Division has determined the project is categorically exempt from CEQA as a Class 32 exemption pursuant to CEQA Guidelines Section 15332, because the project consists of an in-fill development which meets the following conditions: A) the project is consistent with the General Plan and Zoning Ordinance; B) the development occurs on a site of no more than five acres substantially surrounded by urban uses; C) the project is on a site which has no value as habitat for endangered, rare or threatened species; D) the approval of the project would not result in any significant effects relating to traffic, noise, air or water quality; and E) the project is on a site which can be adequately served by all required utilities; and

WHEREAS, on April 22, 2015 the Planning Commission of the City of San Clemente held a duly noticed public hearing on the subject application, and considered evidence presented by the applicant, City staff, and other interested parties; and

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

Section 1: The Zoning Amendment is exempt from CEQA pursuant to California Code § 21083.3 because the rezoning is consistent with the community plan, defined as, "a part of the general plan of a city... which (1) applies to a defined geographic portion of the total area included in the general plan, (2) complies with Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of Title 7 of the Government Code by including or referencing each of the mandatory elements specified in Section 65302 of the Government Code, and (3) contains specific development policies adopted for the area included in the community plan and identifies measures to implement those policies, so that the policies which will apply to each parcel can be determined." CEQA Guidelines Section 15183 stipulate that, "projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review."

The development portion of the project is categorically exempt from CEQA as a Class 32 exemption pursuant to CEQA Guidelines Section 15332, because the project consists of an in-fill development which meets the following conditions: A) the project is consistent with the General Plan and Zoning Ordinance; B) the development occurs on a site of no more than five acres substantially surrounded by urban uses; C) the project is on a site which has no value as habitat for endangered, rare or threatened species; D) the approval of the project would not result in any significant effects relating to traffic, noise, air or water quality; and E) the project is on a site which can be adequately served by all required utilities.

Section 2: With regard to Zoning Amendment (ZA) 14-364, the Planning Commission finds as follows:

- A. The proposed amendment is consistent with the General Plan, in that the amendment to the Zoning Ordinance, specified in Exhibit 2, and Precise Zoning Map, specified in Exhibit 3, meets the goals and objectives of the San

Clemente General Plan and are consistent with the development standards identified for the South El Camino Real Focus Area in the Land Use Element.

- B. The proposed amendment will not adversely affect the public health, safety and welfare, in that the amendment implements the goals and policies of the General Plan as it relates to land use designations within the South El Camino Real Focus Area.

Section 3: With regard to Site Plan Permit (SPP) 14-365, the Planning Commission finds as follows:

- A. The proposed development is permitted within the Mixed Use (MU 3.2) zoning district, pursuant to the approval of ZA 14-364, and complies with all the applicable development standards of the Zoning Ordinance. The project conforms to the purpose and intent of the zone by locating commercial uses along the street frontage, providing parking behind and under the commercial portion, and locating the residential portion away from the South El Camino Real street frontage toward the rear of the lot. The project meets the goals and objectives of the San Clemente General Plan because it is attractively designed, adds vitality and pedestrian activity, enhances economic opportunities, reduces vehicle trips, and offers convenient housing opportunities.
- B. The site is suitable for the type and intensity of development that is proposed. The commercial portion is located along the South El Camino Real street frontage and away from neighboring residential uses. The building's total floor area ratio is below the maximum project FAR of 1.5 specified in the General Plan and proposed in ZA 14-364. The residential portion is setback away from and above the South El Camino Real street frontage.
- C. The proposed development will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity as the proposal meets the development standards specified in the General Plan and the standards proposed in ZA 14-364, and will be built according to all applicable building, fire and safety codes.
- D. The proposed development will not be unsightly or create disharmony with its locale and surroundings as the project consists of a high quality architectural design that is consistent with the City's Design Guidelines and the requirements of the Architectural Overlay, in that the building is compatible with the mass, scale, and placement of other buildings on the street. The building is compatible with the surrounding neighborhood, which provides a mix of one, two and three-story structures.
- E. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate

development, design or location, in that the project's layout does not create a negative impact on adjacent properties. The project meets the intent of the Architectural Overlay and the Design Guidelines, and meets or exceeds the minimum standards of the Zoning Ordinance, pursuant to ZA 14-364. Landscaping is provided in multiple locations on-site to reduce the impact of the building. The two-level parking garage allows residential parking to be mainly accessed from the rear alley, and the commercial and guest parking access to be accessed from Avenida Santiago, allowing the removal of an existing curb cut along the South El Camino Real street frontage.

Section 4: With regard to Conditional Use Permit (CUP) 14-366, the Planning Commission finds as follows:

- A. The proposed use is permitted within the Mixed Use (MU 3.2) zoning district, pursuant to the approval of ZA 14-364, and complies with all the applicable development standards of the Zoning Ordinance. The project conforms to the purpose and intent of the zone by locating commercial uses along the street frontage, providing parking behind and under the commercial portion, and locating the residential portion away from the South El Camino Real street frontage toward the rear of the lot. The project meets the goals and objectives of the San Clemente General Plan because it is attractively designed, adds vitality and pedestrian activity, enhances economic opportunities, reduces vehicle trips, and offers convenient housing opportunities.
- B. The site is suitable for the type and intensity of development that is proposed. The commercial portion is located along the South El Camino Real street frontage and away from neighboring residential uses. The building's total floor area ratio is below the maximum project FAR of 1.5 specified in the General Plan and proposed in ZA 14-364. The residential portion is setback away from and above the South El Camino Real street frontage.
- C. The proposed development will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity as the proposal meets the development standards specified in the General Plan and the standards proposed in ZA 14-364, and will be built according to all applicable building, fire and safety codes.
- D. The proposed use will not negatively impact surrounding land uses in that the commercial portion of the project is consistent with most other commercial uses in the area in terms of square footage and types of commercial uses proposed. The residential portion of the project is sensitive to the surrounding residences by providing setbacks where none are required, and where required, beyond what is required in other Mixed Use zones. The use provides all required parking on-site, with a two level parking

garage that allows parking access from the rear alley and Avenida Santiago, not from South El Camino Real.

Section 5: With regard to Cultural Heritage Permit (CHP) 14-367, the Planning Commission finds as follows:

- A. The architectural treatment of the project complies with the San Clemente General Plan, in that the Urban Design Element specifies that new buildings located in the Architectural Overlay be designed in the Spanish Colonial Revival style, provide open space on-site, be compatible in scale and massing to surrounding properties, and be considerate of the natural topography of the site. The project incorporates Spanish Colonial Revival architecture that is consistent with the Design Guidelines. The project is compatible with the scale and massing of surrounding properties because the project's rear façade is stepped to provide massing relief to adjacent structures, and the project provides ample on- and off-site landscaping.
- B. The architectural treatment of the project complies with the Zoning Ordinance, in that the project conforms to the development standards for the zone pursuant to ZA 14-364, as well as providing building setbacks where none is required. Furthermore, the Zoning Ordinance specifies that new developments in the Architectural Overlay be designed to reflect the City's Spanish Colonial Revival heritage. The project includes the use of classic Spanish Colonial Revival elements such as an exterior building finish of smooth hand-troweled white stucco with slight undulations, roofing that is mud-packed, low-pitched two-piece red clay tile roof, stucco moldings, and wrought-iron ornamental details.
- C. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines. The Design Guidelines specify building forms that are one, two, and three stories, divided into parts scaled to human size, with low pitched red tile hip, gable, and shed roofs and ornamental and sculptural detail. The project consists of a multi-storied building broken into human-scaled sections that provide ornamental detail to emphasize pedestrian-oriented aspects of the project. The roofs are hip and gable with mud-packed, two-piece clay tile with a slight eave supported by decorative, thick-timber rafter tails.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood, in that South El Camino Real is mainly a commercial street and the proposed building is compatible with the mass and scale of other commercial buildings on the street. The residential portion is also compatible with other properties located between South El Camino Real and the public alley. The project is sensitive to the neighboring residences by providing setbacks that reduce the top massing visible from adjacent properties.

- E. The proposal is not detrimental to the orderly and harmonious development of the City. The project meets the requirements of the Zoning Ordinance, pursuant to ZA 14-364, and the Design Guidelines, and meets the purpose and intent of the General Plan. The project is sensitive to the surrounding neighborhood, and is appropriately scaled for the size of the property on which it is proposed. Additionally, the project strengthens the pedestrian-orientation of the South El Camino Real Focus Area and San Clemente's historic identity as a Spanish village.
- F. The project preserves and strengthens the pedestrian-orientation of the district and/or San Clemente's historic identity as a Spanish Village in that the architectural style of the building is Spanish Colonial Revival and enhances and continues the Spanish Village theme.
- G. The proposed project will not have negative visual or physical impacts upon any historic structures located within 300 feet of the subject site, in that the nearest historic property is located approximately 180 feet away, and though there is a direct line of sight to the subject property, the proposed project is a Spanish Colonial Revival design that enhances the City's Spanish-village-by-the-sea heritage, which does not detract from the historical value of the City's historic resources.
- H. The proposed project complies with the purpose and intent of the Architectural Overlay District, in that the project incorporates Spanish Colonial Revival architecture and features pedestrian-oriented design elements.

Section 6: The Planning Commission of the City of San Clemente hereby recommends that the City Council approve Zoning Amendment 14-364, attached hereto as Exhibits 2-3, Site Plan Permit 14-365, Conditional Use Permit 14-366, and Cultural Heritage Permit 14-367, Santiago Mixed Use, a request to amend the Zoning Ordinance and Zoning Map to designate a portion of the Neighborhood Commercial (NC 2) zone along South El Camino Real to a new Mixed Use (MU 3.2) zone, and allow a mixed use development consisting of 7 residential units and 4,416 square feet of commercial space located at 1010 South El Camino Real, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of San Clemente on April 22, 2015.

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 April 22, 2015, and carried by the following roll call vote:

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

Secretary of the Planning Commission

DRAFT

EXHIBIT 1

CONDITIONS OF APPROVAL*
**ZONING AMENDMENT 14-364/ SITE PLAN PERMIT 14-365/
 CONDITIONAL USE PERMIT 14-366/ AND CULTURAL HERITAGE
 PERMIT 14-367, SANTIAGO MIXED USE**

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. Site Plan Permit (SPP) 14-365, Conditional Use Permit (CUP) 14-366, and Cultural Heritage Permit (CHP) 14-367 shall become null and void if the use is not commenced within three (3) years from the date of the approval thereof. The use

shall be deemed to have commenced on the date the use becomes legally operational, including issuance of a Certificate of Occupancy from the City of San Clemente. *[Citation - Section 17.12.150.A.1 of the SCMC]* (PIng.)_____

4. A use shall be deemed to have lapsed, and Site Plan Permit SPP 14-365, CUP 14-366, and CHP 14-367 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 Site Plan Permit SPP 14-365, CUP 14-366, and CHP 14-367 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. The applicant shall develop the proposed structure consistent with design and details as approved by the Planning Commission on April 22, 2015. Any deviation from the approved site plan, floor plans, elevations, details, or other approved submittal shall require that the owner or designee submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Zoning Administrator. *[Citation - Section 17.12.180 of the SCMC]* (PIng.)_____
7. Window and banner signage is not part of this review. Window or banner signage shall comply with Zoning Ordinance Table 17.84.030A & Section 17.84.030(H), and any applicable Master Sign Programs. *[Citation - Section 17.16.240.D of the SCMC]* (Code Enforce.)_____ (PIng.)_____

CONDITIONS TO BE SATISFIED PRIOR TO ISSUANCE OF BUILDING PERMITS

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

Spanish Style Architecture

9. Prior to issuance of building permits, the owner or designee shall submit for review and obtain approval of the City Planner or designee for plans indicating the following:
- A. Two-piece clay tile roofing shall be used with booster tiles on the edges and ridges and random mortar packing. The mortar shall be packed on 100 percent of the tiles in the first two rows of tiles and along any rake and ridgeline, and shall be packed on 25 percent of the tiles on the remaining field. Mortar packing shall serve as bird stops at the roof edges. The volume of mortar pack to achieve the appropriate thickness shall be equivalent to a 6 inch diameter sphere of mortar applied to each tile. *[Citation – City of San Clemente Design Guidelines, November 1991]* (PIng.)_____
- B. Stucco walls with a ‘steel, hand trowel’ (no machine application), smooth Mission finish and slight undulations (applied during brown coat) and bull-nosed corners and edges, including archways (applied during lathe), with no control/expansion joints. *[Citation – City of San Clemente Design Guidelines, November 1991]* (PIng.)_____

Fees and Plan Check Deposit

10. Prior to the review of grading plans, soils report and documents, the owner or designee shall deposit a minimum of \$5,000.00 for plan check. *[Citation – Fee Resolution No. 08-81 and Section 15.36 of the SCMC]* (Eng.)_____
11. 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

12. Prior to the issuance of any permits, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for, a soils and geologic report prepared by a registered geologist and/or geotechnical engineer which conforms to City standards and all other applicable codes, ordinances and regulations. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____

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

Grading

14. Prior to the issuance of any permits, 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, water quality features, erosion control devices, etc., as required by the City Grading Manual and Ordinance. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____

Improvement Plans

15. Prior to issuance of any permits, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for frontage 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. Per City Municipal Code Section 12.08.010 (A), when building permit valuations exceed \$50,000, the owner or designee shall construct sidewalk along the property frontages. This includes construction of compliant sidewalk around drive approach or other obstructions to meet current City standards (2% cross fall) when adequate right-of-way exists. Since there is adequate right-of-way, a sidewalk easement will not be required to be granted to the City for any portion of sidewalk needed to go up and around the drive approach or other obstructions.
- B. Per City Municipal Code Section 12.08.010 (A), the owner or designee shall replace the existing non-standard curb and gutter along the property frontage. The existing curb and gutter does not meet the heights for standard six inch curbs and is not monolithic construction. The existing curb height is approximately 4-5 inches high for a majority of the site. The proposed removal of the existing drive approaches also adds to the need for a consistent frontage.
- C. An Engineering Department Encroachment Permit shall in place prior to the commencement of any work in the public right-of-way.

16. Prior to issuance of any permits, the owner or designee shall submit for review and shall obtain the approval of the City Engineer or designee for water improvement plans specific to the project, prepared by a registered civil engineer, which reflect consistency with the City's Water standards. Said plan shall provide for the following: *[Citation – Section 15.36 of the SCMC]* (Eng.)_____
- A. Indicate a service system which provides, or allows for, independent water metering. For future reference- any units intended to be converted via condominiums in the future will be required to have independent water meters.
 - B. All water meters shall be tapped into the public water main and be located in the public ROW.
 - C. A double detector check shall be installed at the transition from public to private for water systems.

NPDES

17. Prior to issuance of any permit, the owner shall demonstrate to the satisfaction of the City Engineer that the project meets all requirements of the Orange County National Pollutant Discharge Elimination System (NPDES) Storm Drain Program, and Federal, State, County and City guidelines and regulations, in order to control pollutant run-off. The owner shall submit for review, and shall obtain approval of the City Engineer for, plans for regulation and control of pollutant run-off by using Best Management Practices (BMP's). *[Citation – Section 13.40 of the SCMC]* (Eng.)_____
18. 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. Since 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/) 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. Site design plans shall incorporate all necessary WQMP requirements, including but not limited to covered trash enclosures.

- 19. 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 SCMC]*
(Eng.)_____

Lot Merger

- 20. Prior to final building acceptance and occupancy, if determined necessary by the Building Official, the developer shall prepare and obtain the approval of the City Engineer of a lot merger for the existing separate parcels under the building and/or parking lot(s). *[Citation – Section 15.36 of the SCMC]*
(Eng.)_____

Financial Security

- 21. 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 SCMC]*
(Eng.)_____
- 22. Prior to the release of performance bonds, the owner or designee shall execute an agreement, to the satisfaction of the Community Development Director and the Public Works Director or their designees, with the City which designates responsibility for maintenance and irrigation of parkway trees, shrubs and ground cover within the public right-of-way. The City or designee shall be responsible for maintaining all medians within the public right-of-way, and shall prune and keep disease-free all parkway trees within the public right-of-way. The owner or designee, or the homeowners' association or designee, shall be responsible for watering all parkway trees, shrubs and ground cover within the public right-of-way, and shall trim and otherwise maintain parkway shrubs and ground cover. *[Citation – Section 12.24 of the SCMC]*
(Pub. Works)_____
- 23. A separate Building Permit is required. Plans to construct new building, add or alter the existing building configuration, change in use, add or alter structural, mechanical, electrical or plumbing features of the project must be reviewed and approved through a separate building plan check / permit process. *[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.)_____

24. 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.)_____
25. Prior to issuance of building permits, applicant shall secure all utility agencies approvals for the proposed project. *[S.C.M.C – Title 15 Building Construction]* (Bldg.)_____
26. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to, the Zoning Ordinance, Grading Code, Security Ordinance, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 of the California Code of Regulations as adopted by the City including, but not limited to the California Administrative, Building, Electrical, Plumbing, Mechanical, Energy, Green, and Fire Codes. *[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.)_____
27. Prior to the issuance of building permits, the owner or designee shall submit plans that identify the intended use of each building or portion of building and obtain approval of the Building Official. *[S.C.M.C – Title 15 – Chapter 15.08]* (Bldg.)_____
28. Prior to the issuance of building permits, the owner or designee shall pay all applicable development fees in effect at the time, which may include, but are not limited to, Regional Circulation Financing and Phasing Program (RCFPP), park acquisition and development, water and sewer connection, drainage, Public Facility Construction, transportation corridor, Avenida La Pata Supplemental Road Fee and school fees, etc. *[S.C.M.C. – Title 15 Building and Construction, Chapters 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]* (Bldg.)_____
29. Prior to issuance of building permits, the owner or designee shall submit a copy of the City Engineer approved soils and geologic report, prepared by a registered geologist and/or soil engineer, which conforms to City standards and all other applicable codes, ordinances, statutes and regulations. The soils report shall accompany the building plans, engineering calculations, and reports. *[S.C.M.C – Title 15 – Chapter 15.08 – Appendix Chapter 1 – Section 106.1.4]* (Bldg.)_____
30. Prior to the Building Division's approval to pour foundations, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer that is licensed to do surveying or land surveyor has certified that the forms for the building foundations conform to the front, side and rear setbacks are in conformance to the approved plans. *[S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24]* (Bldg.)_____
31. 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.)_____

32. Underground utilities required. Overhead wiring shall not be installed outside on private property. All utility services located within any lot to be installed underground. *[S.C.M.C – Title 15 – Chapter 15.12-Electrical Code]* (Bldg.)_____
33. Prior to the issuance of any building permits, the applicant shall submit a Fire Master Plan to the Orange County Fire Authority for review and approval. *[Citation - Service Code PR145]* (Fire)_____
34. Prior to the issuance of a building permit, the applicant shall submit architectural plans for the review and approval of the Fire Chief if required per the “Orange County Fire Authority Plan Submittal Criteria Form.” Please contact the OCFA at (714) 744-0499 for a copy of the Site/Architectural Notes to be placed on the plans prior to submittal. *[Citation - Service Codes: 2.51- 2.57 (New Construction Architectural Review)]* (Fire)_____
35. Prior to the concealing interior construction, the applicant shall submit a Fire Sprinkler System Plan to the Orange County Fire Authority for review, inspection, and approval. Please contact the OCFA at (714) 744-0499 to request a copy of the “Orange County Fire Authority Notes for New NFPA 13 Commercial Sprinkler Systems.” *[Citation - Service Codes: 2.18-2.26 (Commercial Fire Sprinklers), 2.27-2.28 (Residential Fire Sprinklers)]* (Fire)_____

CONDITIONS TO BE SATISFIED PRIOR TO CERTIFICATES OF OCCUPANCY

36. Prior to issuance of certificates of occupancy, the owner shall demonstrate to the satisfaction of the City Engineer and City Maintenance Manager or their designees that all frontage improvements have been completed, and accepted and that any damage to new or existing street right-of-way during construction have been repaired/replaced. *[Citation – Title 12 of the SCMC]* (Eng.) _____ (Maint.)_____
37. Prior to the issuance of a certificate of occupancy, the project shall be developed in conformance with the site plan, floor plans, elevations, details, and any other applicable submittals approved by the Planning Commission on April 22, 2015, subject to the Conditions of Approval.

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

review and obtain the approval of the Zoning Administrator. *[Citation - Section 17.12.180 of the SCMC]* (PIng.)_____

38. Prior to the issuance of certificates of occupancy, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that all exterior lighting is designed, arranged, directed or shielded per the approved plans, and in such a manner as to contain direct illumination on site, thereby preventing excess illumination onto adjoining site(s) and/or street(s). *[Citation – Section 17.24.130 of the SCMC]* (PIng.)_____
39. Prior to issuance of certificates of occupancy, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that the stucco on the entire structure is a smooth finish with slight undulations, painted the approved color. *[Citation – City of San Clemente Design Guidelines, November 1991]*(PIng.)_____
40. Prior to issuance of certificates of occupancy for the commercial portions of the building, the owner or designee shall be required to submit an application for, and receive approval of, a Discretionary Sign Permit pursuant to the Zoning Ordinance to permit a Master Sign Program for all signage on the subject property including, but not limited to, signage related to any commercial, residential, parking, directional, property management, and emergency contact purposes. A Discretionary Sign Permit is a discretionary application that requires Planning Commission approval through a public hearing, and general processing times are comparable with other Planning Commission-approved permits. ■■(PIng.)_____
41. An approved double-detector check backflow assembly shall be installed on any/all fire lines above ground and as near to the point of connection to the potable water system as practical, given functional and aesthetic considerations. An isolation valve shall be installed on any/all fire lines at the point of connection to the water main. *[Citation - Section 13.04.350.D of the SCMC]* ■(Util.)_____ (PIng.)_____
42. Prior to issuance of grading and/or building permits, the owner or designee shall prepare and submit a comprehensive landscaping plan according to the City of San Clemente's Guidelines and Specifications for Landscape Development submittal requirements for comprehensive landscape plans. This landscape plan shall be submitted concurrent with the application for any Building Permits and the owner or designee understands that no Building Permits will be finalized until the required landscaping is installed to the satisfaction of the City Planner. ■■(PIng.)_____
43. 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 the Public Works Director, or designees, a detailed landscape and irrigation plan incorporating drought tolerant plants, for medians, parkways, public trails, fuel modification areas, common areas, and slopes, and other landscaped areas, prepared by a registered landscape architect, and in compliance with all pertinent requirements including, but not limited to guidelines contained in the City's Master

Landscape Plan of Scenic Corridors. This landscape plan shall demonstrate removing the existing Washingtonia Robusta "Mexican Fan Palm" street tree along West Avenida Santiago, to accommodate the new Driveway Apron and replace it with three (3) New Washingtonia Robusta "Mexican Fan Palm" trees. All Existing Street trees on El Camino Real must be shown on the Landscape Plan and must be protected in place. *[Citation – Section 17.68.020.B.2 of the SCMC]*

(PIng.)_____ (PW) _____

44. The following standards shall apply for all landscape plans specific to parkways, unless otherwise approved for private residential streets: *[Citation – Section 17.68 of the SCMC & Master Landscape Plan for Scenic Corridors]*

(PW)_____ (PIng.)_____

- A. All parkway trees shall maintain the minimum following distances from improvements:
- 10'0" from water, sewer and storm drain lines.
 - 5'0" from hardscape (curbs, sidewalks, street lights, utility boxes, fire hydrants, P.I.V.'s, F.D.C., etc.) except for tree wells.
 - 15'0" from drive approaches.
 - 25'0" from curb return at street intersections.
- B. 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.
- C. Minimum parkway tree size shall be 15-gallon for canopy trees and ten-foot (10') Brown Trunk Height (BTH) for palms.
- D. Parkway trees shall be planted at 30-foot intervals in commercial and 25-foot intervals in residential areas.
- E. Residential corner lots shall include a minimum of two (2) trees along the side yard parkway.

Landscape and irrigation plans for all City-maintained streetscapes shall be submitted and approved by the Beaches, Parks and Recreation Department prior to the issuance of building/encroachment permits for the project development.

45. Any olive trees located along West Avenida Santiago, in the public right-of-way parkway area, must be 'Swan Hill' and bear no fruit – All landscaping along this frontage will be the maintenance responsibility of the property owner and will not be maintained by the City. Crown of the tree must be 7'-0" High at the base and 18"

from the curb to ensure an appropriate Pedestrian Path of Travel.

■ ■ (PW)_____

46. Prior to issuance of certificates of occupancy, the owner or designee shall submit a letter, signed by a registered landscape architect, to the Community Development Director or designee, stating that all materials for all landscaped areas have been installed in accordance with the approved plans, and shall demonstrate to the satisfaction of the Community Development Director or designee, in consultation with the Public Works Director or designee, that all landscaped areas have been landscaped per the approved landscape plans. *[Citation – Master Landscape Plan for Scenic Corridors, May 1992]* (PIng.)_____ (PW)_____

47. 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.)_____

48. The owner or designee shall maintain access to all required commercial parking spaces during normal business hours and any times that any commercial business located on site, excepting home occupation permits, is open to the public. Likewise, the owner or designee shall maintain access to all residential guest parking spaces at all times for the use of the guests of the residents. ■ ■(PIng.)_____

49. The applicant, owner, or designee, shall submit an application, pursuant to the Zoning Ordinance Section 17.64.120, and receive approval prior to the issuance of any certificates of occupancy, to permit the use of on-site shared parking between the commercial parking spaces and the residential guest parking spaces. ■ ■(PIng.)_____

50. The applicant shall provide specifications on details such as wrought iron balconies, fencing, and ornamental details, exterior stair and floor tiles, all proposed light fixtures, pre-cast concrete elements, exposed rafter tails, windows and doors, and gutters and downspouts, for approval by the City Planner, or designee, prior to installation of each feature. ■ ■(PIng.)_____

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

- Denotes a modified Standard Condition of Approval
- ■ Denotes a project-specific Condition of Approval

EXHIBIT 2

Section 1: Table 17.40.030 of the City of San Clemente Municipal Code shall be amended to read as follows (additions are shown in red lettering):

Table [17.40.030](#)

Mixed-Use Zone Uses

Use	MU 3, MU 3.2	MU 3-CB	MU 5.1
1. Commercial Uses			
Antiques	P	P	P
Art Galleries	P	P	P
Bakery Goods/Sales (No Wholesale Distributors)	P	P	P

Table continues with no further modifications.

Section 2: Table 17.40.040 of the City of San Clemente Municipal Code shall be amended to read as follows:

Table [17.40.040](#)

Mixed-Use Zone Development Standards

Standards	MU 3	MU 3.2	MU 5.1
Lot Area, Minimum	6,000 s.f.	6,000 s.f.	6,000 s.f.
Lot Frontage, Minimum	Refer to Section 17.24.140 , Lot Frontage Requirements, Minimum, of this title.		
Lot Width, Minimum	60 ft.	60 ft.	60 ft.
Density, Maximum Residential	1 Dwelling Unit/1,800 s.f. of Lot Area	1 Dwelling Unit/1,800 s.f. of Lot Area	1 Dwelling Unit/1,200 s.f. of Lot Area
Unit Size, Minimum ^[1]	600 s.f.		
Front Yard Setback, Minimum	0 ft.	0 ft.	10 ft. ^[2]
	Please refer to Section 17.64.060(C) , Landscaping, for landscaping setbacks for parking areas.		
Interior-Side Yard Setback, Minimum	0 ft.	0 ft.	5 ft. ^[3]

Standards	MU 3	<u>MU 3.2</u>	MU 5.1
	Please refer to Section 17.24.170 , Residentially Zoned Property, Development Adjacent to, for setbacks from residentially zoned property.		
Street-Side Yard Setback, Minimum	0 ft.	<u>0 ft.</u>	8 ft. [4]
	Please refer to Section 17.64.060(C), Landscaping, for landscaping setbacks for parking areas.		
Rear Yard Setback, Minimum	0 ft.	<u>0 ft.</u>	5 ft. [5]
	Please refer to Section 17.24.170, Residentially Zoned Property, Development Adjacent to, for setbacks from residentially zoned property.		
Lot Coverage, Maximum	100%	<u>100%</u>	55%
Floor Area Ratio, Commercial Projects: [6]			
Maximum FAR	.75	<u>.75</u>	
Maximum FAR with Public Benefit	1.0	<u>1.0</u>	.35
Floor Area Ratio, Mixed-Use Projects: [7]			
Project FAR			
Maximum Project FAR:	1.5 ⁸	<u>1.5</u>	
Maximum FAR with Public Benefit	2.0 ⁸	<u>2.0</u>	
Commercial FAR			
Minimum/Maximum FAR*	.35 [8]/.75		
Maximum FAR with Public Benefit	1.0	<u>1.0</u>	

Standards	MU 3	<u>MU 3.2</u>	MU 5.1
Building Height, Maximum			
For Commercial Projects	TOR: 33 ft.; PL: 26 ft.; and 2 stories		TOR: 33 ft.; PL: 26 ft.; and 2 stories

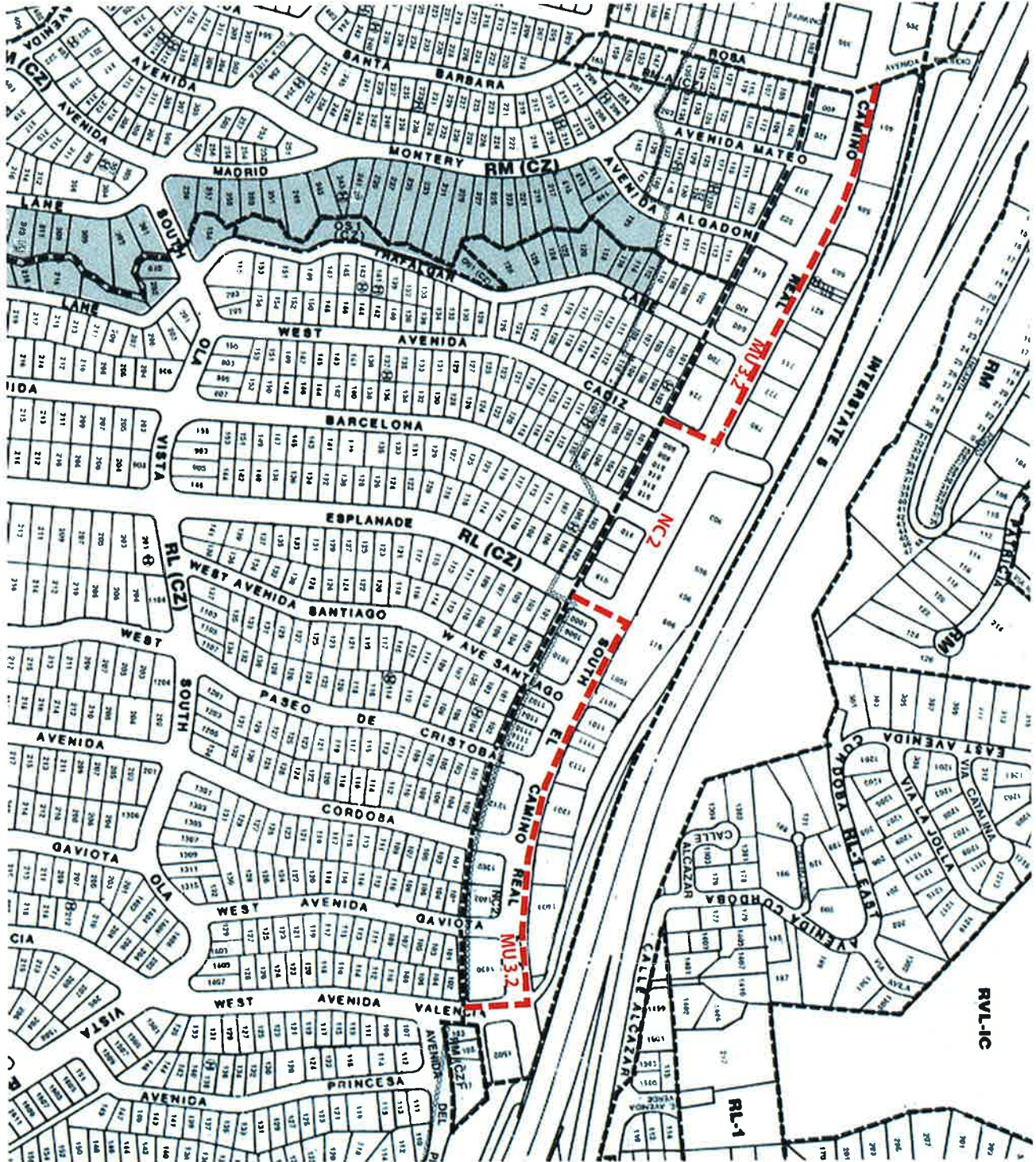
Standards	MU 3	<u>MU 3.2</u>	MU 5.1
For Mixed-Use Projects			
Lots greater than 12,000 square feet	TOR: 45 ft.; PL: 37 ft.; and 3 stories	<p><u>General: TOR: 42 ft.; PL: 37 ft.</u> <u>Not to exceed from elevation at midpoint of lot facing South El Camino Real: TOR: 35 ft.; PL: 30 ft.; and 2 stories.</u></p>	
Lots 12,000 square feet or smaller	<p>TOR: 33 ft.; PL: 26 ft.; and 2 stories. An exception for 3 stories, 45 ft. to TOR, and 37 ft. to PL may be granted through the CUP process. Please refer to Section 17.40.050(C)(1)(c), Exceptions to the Development Standards for Lots of 12,000 Square Feet or Smaller, MU3 Zone.</p>		
For Residential Projects			TOR: 33 ft.; PL: 26 ft.; and 2 stories
Parking	<p>For parking requirements, please refer to Chapter 17.64, Parking and Access Standards, of this title, as well as the City's General Plan (Land Use and Urban Design Elements) and Urban Design Guidelines. In the MU3 Zone, parking is to be located behind buildings (or to the side of buildings when parking behind buildings is impossible).</p>		
	<p>The calculation for parking for the Downtown Parking Study Area shall be made as follows:</p>		
	<p>1. The number of off-street parking spaces which shall be provided for an alteration of use or addition of square footage shall be the net increase¹ in parking spaces required for the project as a result of the alteration or addition of square footage.²</p>		
	<p>2. Waivers of the parking requirements may be approved by the City, in accordance with Section 17.64.125(A) (Waivers) within the Downtown Parking Study Area, of this title.</p>		

Standards	MU 3	<u>MU 3.2</u>	MU 5.1
Landscaping	Refer to <u>Chapter 17.68</u> , Landscaping Standards, of this title, for landscaping requirements.		
Other	Refer to <u>Section 17.40.050(A)</u> , Residential/Nonresidential Use Restrictions for MU 5.1, for restrictions on the location of different types of development.		

DRAFT

EXHIBIT 3

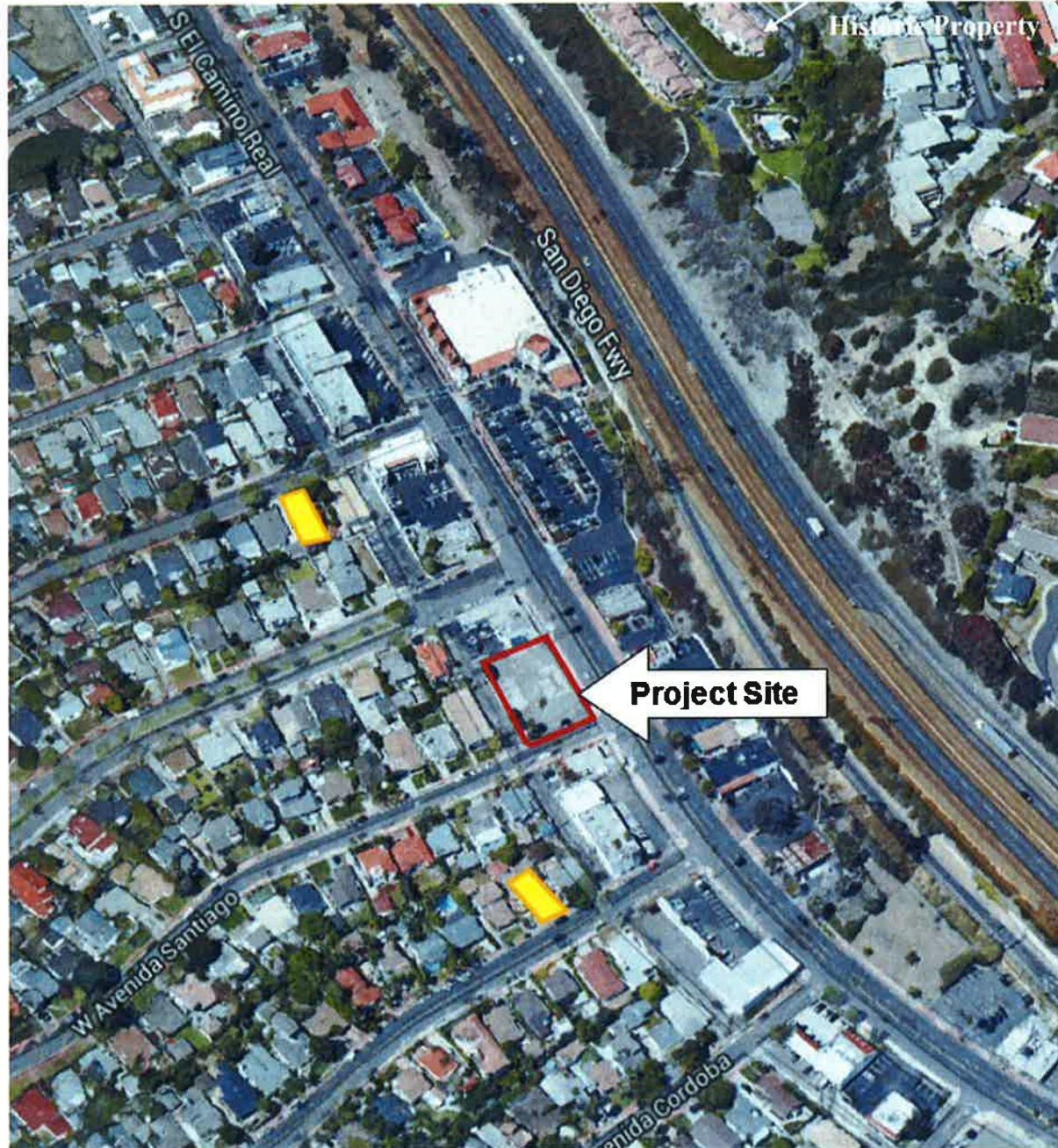
Section 1: Page 8 of the City of San Clemente Precise Zoning Map shall be amended to illustrate as follows:





LOCATION MAP

Zoning Amendment 14-364, Site Plan Permit 14-365, Conditional Use Permit 14-366, Cultural Heritage Permit 14-367, Santiago Mixed-Use
1010 South El Camino Real



 Historic Properties within 300 feet of Subject Property

No scale 

Existing Site Photos



Historic Property (104 Paseo de Cristobal)





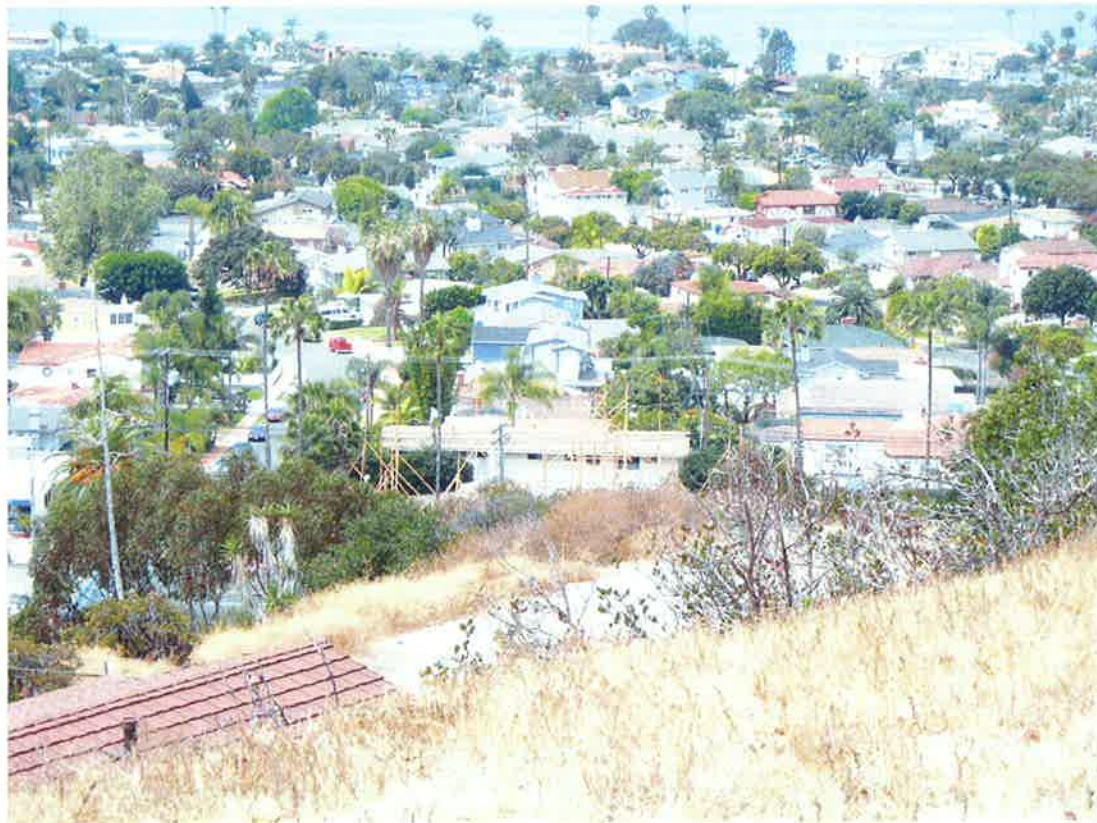














Design Review Subcommittee (DRSC)

Meeting Date: November 26, 2014

PLANNER: Adam Atamian, Associate Planner

SUBJECT: **Zoning Amendment 14-364/Site Plan Permit 14-365/Conditional Use Permit 14-366/Cultural Heritage Permit 14-367, Santiago Mixed Use,** a request to consider amending the zoning designation of a portion of the Neighborhood Commercial (NC 2) zone along South El Camino Real to a new Mixed Use (MU 3.2) zone, and consider a new mixed use development consisting of 7 residential units and 4,244 square feet of commercial space located at 1010 South El Camino Real.

BACKGROUND:

Project Description

The applicant is proposing to amend the Zoning Ordinance to reflect the Centennial General Plan's new Mixed-Use (MU 3.2) land use designation for the subject zone to allow a new mixed-use development. The applicant proposes to apply the existing Mixed-Use (MU 3) development standards to certain sections of South El Camino Real located between Avenida Presidio and the I-5 freeway that changed General Plan land use designations from Neighborhood Commercial (NC 2) to MU 3.2.

The project consists of a tiered, four level building in the Spanish Colonial Revival style that contains 4,244 square feet of commercial space on the first and second stories with seven residential units that are located throughout the second, third, and fourth stories. Parking is located in a partial-basement level garage. Part of the partial-basement level garage counts as a first story and the other portion is considered a basement because it is more than 60% below grade. Although the building has four levels, for this reason it is three stories tall.

Why is DRSC Review Required?

A Zoning Amendment is required to change the subject zone to MU 3.2 and to apply the existing MU 3 development standards to this zone; a Cultural Heritage Permit is required because the project is located within 300 feet of a historic property; a Conditional Use Permit is required to allow residential development in a Mixed-Use zone, and a Site Plan Permit is required for all new mixed-use developments. The DRSC is tasked to ensure development in the Architectural Overlay is compatible and harmonious with the surrounding neighborhood, and consistent with the City's Design Guidelines and does not negatively impact nearby historic structures. These applications will be reviewed by the

Planning Commission with a recommendation made to the City Council, the final review authority for projects involving a Zoning Amendment.

Site Data

The property is a 12,930 square foot, vacant lot located on the northwest corner of the South El Camino Real and Avenida Santiago intersection. The natural topography of the lot slopes down away from South El Camino Real. The property was previously graded for use as a gas station. To accommodate that use a 10 foot tall retaining wall was installed and the lot was filled to bring the grade of the entire lot to that of South El Camino Real. There is a 20-foot wide, City-owned alley abutting the property on the west side, which runs parallel to South El Camino Real.

The surrounding land uses include a two-story multifamily residential structure to the west, separated from the site by the alley. To the north is a two-story, multi-tenant commercial building which appears as a one-story building from South El Camino Real. Across Avenida Santiago is another two-story commercial building, which also appears as a one-story building from South El Camino Real. To the east, across South El Camino Real, are one-story commercial buildings.

The project is located within 300 feet of two historic properties located at 104 Paseo de Cristobal and 105 Avenida Barcelona. The project will be visible from both historic properties because both have direct lines of sight to the subject lot.

ANALYSIS:

As noted previously, the applicant proposes to amend the Zoning Ordinance to apply the MU 3 development standards to the new MU 3.2 zone. However, the appropriate development standards for the new MU 3.2 zone have not yet been vetted through the Zoning Ordinance update process and some standards of the MU 3 zone may not be appropriate for this area and community. The Zoning Ordinance update process, which will identify the appropriate standards for the area, is a lengthy process requiring many meetings that involve property owner area input, detailed staff analysis, Planning Commission review and recommendation, and City Council action. Staff has provided the applicant the option of waiting for staff to update the Zoning Ordinance to be consistent with the General Plan but they chose to proceed with the Zoning Amendment.

Consistency with the General Plan Urban Design Element and the Design Guidelines

Due to the nature of this project as a Zoning Amendment to allow a new mixed-use development on a lot currently zoned NC 2, there are many design considerations that apply to this project. This section of the report will focus on staff's major concerns regarding the scale and mass of the proposed building. For additional detail, staff is providing a more comprehensive analysis of this project's compliance with the Design Guidelines, included as Attachment 2.

The Urban Design Element and the Design Guidelines require:

“Building design shall consider the site’s natural topography, public view corridors and adjacent building profiles so that canyonization is avoided.”

General Plan UD-5.14

“Develop compatible relationships between the topography, building placement, and existing open spaces of neighboring properties.” Design Guidelines. General Site Design Objectives II.A.

The project involves substantial grading for a basement level garage that could offer the opportunity for the development to demonstrate the natural slope of the property. However, the proposed project does not follow the natural topography of the site. From front to back, the building’s roof line follows a generally horizontal pattern.

“All development proposals should demonstrate sensitivity to the contextual influences of adjacent properties and the neighborhood.” Design Guidelines. Relationship to Neighboring Development II.B.

Adjacent properties include a two-story duplex to the west, two-story commercial buildings to the north and south, and a one-story commercial building to the east. None of these properties are over one-story tall from the grade of South El Camino Real. While the building appears as a tall two-story structure from South El Camino Real, the building’s rear façade shows four levels. The proposed development does not provide much massing relief to the properties to the west and north due to their proximity and the bulk of the proposed structure oriented toward them.

“We require that the scale and massing of development be compatible with its surroundings and with the General Plan....” General Plan UD-5.10

“Design buildings to be compatible in scale, mass and form with adjacent structures and the pattern of the neighborhood.” Design Guidelines. Relationship to Neighboring Development II.B.3

The pattern of the neighborhood is relatively consistent in terms of scale and mass. As noted above, the adjacent properties are all one-story tall from South El Camino Real. While there are taller commercial buildings in the area, such as the Ralph’s building at 901 South El Camino Real, within the context of this portion of the neighborhood, this proposed structure appears out of scale with the pattern of development. The proposed project is two levels taller than the adjacent two-story residential structure to the west and this difference in scale has the potential to completely overwhelm nearby residences.

“Three-Story Development. In the Pedestrian Overlay and on El Camino Real, three-story commercial and mixed-use developments shall include usable open areas at the ground level to create interest, areas for outdoor dining, seating or

displays and to help reduce the apparent scale and mass of second and third building stories.” General Plan UD-5.02

The project provides a narrow entry courtyard with access from South El Camino Real. However, this courtyard is surrounded by two-story portions of the buildings and is oriented more for internal access than usable open area. Additionally, the rear façade is the most massive section of the structure, and would greatly benefit from additional usable open space to help reduce the apparent mass in that area.

RECOMMENDATIONS:

In addition to the comments included in Attachment 2, staff has the following general recommendations to improve the design of the project:

1. The project should be modified so that the building steps down to follow the natural topography. The building maintains a relatively consistent height from front to back.
2. The project should be modified to reduce the bulk at the rear of the property, the portion that is adjacent to the multifamily residential structure to the west. The building is substantially out of scale with the residential neighborhood. Reducing the impact of the higher floors will minimize this scale difference.
3. The project should incorporate bicycle parking facilities to accommodate a reasonable amount of the building's anticipated users.
4. Public art, and additional ornamental detail, should be incorporated into the project on the building facades facing South El Camino Real and Avenida Santiago.
5. The project should provide more of a sense of openness in terms of providing outdoor spaces. When viewed as a whole, the building consumes the lot. From the street facades, the building provides a landscaped corner and the entry courtyard as the only outdoor spaces. The landscaped corner is not functionally inviting as a space for pedestrians, and the entry courtyard lacks the sun exposure to achieve the same goal. Staff recommends that the entry courtyard be expanded to allow more direct sunlight and to provide additional spaces for pedestrian uses that have a connection to the street. Staff also recommends that the project provide additional usable open area on the rear façade.
6. In conjunction with recommendation #1, the project should provide more roof articulation to break up the monolithic appearance of the building. The roof should be broken up into smaller elements that tend to step down with the original topography of the site.

Staff seeks the DRSC's comments and welcomes any additional recommendations.

Attachments:

- ~~1. Location Map~~
- ~~2. Design Guidelines Consistency Matrix~~
- ~~3. Photos of Existing Conditions~~

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING OF THE
DESIGN REVIEW SUBCOMMITTEE
NOVEMBER 26, 2014**

Subcommittee Members Present: Bart Crandell, Julia Darden and Jim Ruehlin

Staff Present:

1. **MINUTES**

Minutes from the November 12, 2014

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

A. **Zoning Amendment 14-364/Site Plan Permit 14-365/Conditional Use Permit 14-366/Cultural Heritage Permit 14-367, Santiago Mixed Use (Atamian)**

A request to consider amending the zoning designation of a portion of the Neighborhood Commercial (NC 2) zone along South El Camino Real to a new Mixed Use (MU 3.1) zone, and consider a new mixed use development consisting of 7 residential units and 4,244 square feet of commercial space located at 1010 South El Camino Real.

Associate Planner Adam Atamian summarized the staff report.

Subcommittee Chair Crandell asked staff for clarification regarding the usable outdoor area required for each residential unit, referencing the requirements for multi-family residential development. Mr. Atamian responded that the Mixed-Use zoning standards require a certain amount of usable outdoor area, but not a specific amount assigned to each unit.

Subcommittee Member Darden asked staff for clarification on their recommendation regarding the front courtyard. Mr. Atamian responded that the front courtyard is quite narrow and creates a canyon-like effect. Additionally, the courtyard is more like a pathway to and from the parking garage, the street, and the commercial units than as a usable outdoor space as discussed in the General Plan.

Subcommittee Chair Crandell asked for staff clarification of how height is calculated for this property, whether it is based on the original topography of the site, or the existing built-up grade. Mr. Atamian responded that for this part of the City, the height is calculated from the original grade, which would follow the slope of Avenida Santiago. He stated that the existing grade that results from the back-filled retaining wall at the rear of the

property does not provide any opportunity for additional height over the natural topography.

Project architect Michael Luna presented the project, and responded to staff's comments using project illustrations.

Subcommittee Member Ruehlin asked Mr. Luna how high the top of the arches at the rear of the parking garage are from the grade of the alley. Mr. Luna responded that they are approximately 14 feet from the grade of the alley.

Subcommittee Chair Crandell and Subcommittee Member Darden asked about the building setback dimensions. Mr. Luna and the property owner and developer, Nick Buchanan, responded, noting multiple setbacks throughout the project, for multiple stories. Mr. Luna continued, discussing how the project follows the topography, keeping two stories along El Camino Real.

Subcommittee Chair Crandell and Subcommittee Member Ruehlin discussed the General Plan update process and how the goal was to limit development to two stories on the El Camino Real street frontage and to provide an allowance for three stories that is dependent on topography that would allow a third story tucked underneath the two stories situated on the street.

Mr. Buchanan stated that he has familiarized himself with the new General Plan and has reviewed many City Council meeting videos and is unaware of any language that describes a two-story height limit along El Camino Real. He asked if the DRSC was aware of any language, outside of those sections of the General Plan that discuss the Downtown/ T-Zone area, where the mixed-use zones are limited to two stories along El Camino Real. Subcommittee Chair Crandell stated that he was not aware of any, but that the proposed project appears to comply with that understanding.

In response to discussion about staff's comments regarding the number of stories and the massing at the rear portion of the project, Mr. Atamian stated that the project is technically no more than a three-story building at any point in the project. However, the visual impact of the structure is that of a four level building that increases in height toward the rear of the property. Using images of the project, Mr. Atamian demonstrated how the top story of the project is stepped up from the top commercial floor of the project that fronts El Camino Real. Mr. Luna stated that the slight increase in the height of the roof line as it carries back from the El Camino Real frontage is inconsequential as the front of the building will set the ambiance on the street.

The DRSC asked whether this project complies with the minimum Floor Area Ratio (FAR) for the commercial portion of the project. Mr. Atamian stated that the General Plan does not specify a minimum FAR for the new MU 3.2 zone, but that based on the existing MU 3 zone, it does not. The minimum FAR for the commercial portion of a mixed-use project in the existing MU 3 zone is .35, the current project is at .33, approximately 260 square feet short.

The project landscape architect, Richard Price, discussed the site landscaping and courtyard designs. He stated that the north side of buildings tend to be dark because of the reduced amount of sunlight exposure, but that the project is designed in a way to maximize landscaping that will survive while offering usable outdoor areas. Subcommittee Chair Crandell noted that he agrees with staff regarding the functionality of the proposed courtyard in that it does not serve much public purpose, only as a path to the parking area and one commercial unit entrance.

Mr. Buchanan spoke about the history of the site, specifically that it is an abandoned gas station that has sat vacant since 1987. He then proceeded to discuss the project and how it is compatible with the surrounding neighborhood, utilizing a PowerPoint presentation.

Subcommittee Member Darden discussed her impressions of the project and responded to comments made earlier. She stated that she liked much of the architectural treatment, the landscaping and particularly liked the pedestrian engagement in the alley. She also noted that the pedestrian portion of the project fronting El Camino Real could be enhanced to be more inviting at the street. She specifically noted that the courtyard could be opened more to provide more connection to the street, less of a surprise to those walking into it. She is concerned about the shallow second story setback from El Camino Real. For the rear portion of the project, Subcommittee Member Darden agreed with the staff report description of the project and how it "consumes the lot." She stated that the project should incorporate measures that reduce the overall building impact such as increased setbacks. She noted that while there is a difference in scale between mixed-use zones and residential zones, development should be tailored to not overwhelm the abutting residential zone. She also agreed with staff's recommendation to revise the roof line to more closely follow the natural topography of the site.

Subcommittee Member Ruehlin stated that he liked the arches at the rear of the property and how they helped reduce the impact of the rear façade on the adjacent property. Additionally, he noted that the landscaping located along the alley also softens the impact. He asked for clarification from staff regarding the building's impact to adjacent properties. Mr. Atamian stated that staff's concern is mainly about the rear portion of the

structure and its impact to the single-family residential zone to the west. Mr. Atamian noted that staff's main concerns regarding the portion of the project fronting El Camino Real is primarily about the pedestrian orientation. Mr. Luna asked whether this property was located in a Pedestrian Overlay. Mr. Atamian stated that it was not, but that the project is proposed to utilize the reduced parking ratio of the MU 3 zone, which is provided to pedestrian oriented districts.

Subcommittee Member Ruehlin agreed with Subcommittee Member Darden's comments regarding the front portion of the project in terms of the courtyard and the pedestrian orientation. He went on to state that while this is the type of project that the General Plan Advisory Committee intended to promote in this area, this particular project appears to present a potentially looming development. He noted that the project does incorporate measures to reduce the massing impacts of the projects, and he is not sure that additional upper story setbacks would provide the type of relief necessary to really reduce the looming effects of a structure this massive. He stated that he is not supportive of setting a precedent of projects that increase the canyonization along the alley.

Mr. Buchanan discussed the difficulty of building to the maximum allowable development standards while trying to meet the Design Guidelines. Mr. Luna also spoke about the difficulty of trying to hide third stories, and how this project has incorporated sizeable setbacks that the plan elevations do not present adequately.

Subcommittee Chair Crandell commended staff on the job of reviewing a project without the use of clearly established development standards. He thanked the applicants for their honesty regarding the project and their concerns regarding the pedestrian frontage and mass. Subcommittee Chair Crandell asked the other Subcommittee Members if they had any concerns regarding this project's impact to nearby historic resources. Subcommittee Member Darden stated that she finds that the project's mass has the potential to impact the historic resources and that the project's mass should be reduced. Subcommittee Member Ruehlin stated that as part of a commercial area, he does not see the potential for a negative impact. Subcommittee Chair Crandell agreed with Subcommittee Member Ruehlin.

Subcommittee Chair Crandell stated that he was generally supportive of the project as it is representative of the type of development intended for this area. He noted that he agrees with staff's concern about the narrowness and usefulness of the front courtyard as a pedestrian space.

The DRSC and staff discussed the potential process for the proposed Zoning Amendment in terms of how it could affect the design of the project and whether the project would need to be brought back to the DRSC for

additional review. Mr. Atamian stated that based on the proposed development standards and the level of support for them, there are potential design changes that could occur, and in that event, this project would need to be reviewed again by the DRSC to ensure compliance with the Design Guidelines.

Subcommittee Chair Crandell discussed staff's recommendations with the applicants. They were in agreement with most of the comments, which they felt they could incorporate into the project without too much difficulty. However, they were not in agreement regarding the comments to further step the building to follow the natural topography of the site, nor the recommendation to further articulate the roof for the same purpose. All were in agreement that public art was not required, and the DRSC stated that they would rather see good architecture than forced public art.

The DRSC was not unanimous regarding the scale and massing of the project or the suggestions to reduce the scale of the project either through stepping the building down more or increasing the setbacks of the higher stories of the project to improve the building's compatibility with the adjacent residential structure and single-family residential zone. The DRSC did indicate that the project should be reviewed again prior to proceeding to the Planning Commission level.

Mr. Buchanan asked the DRSC for some clarifications on design comments discussed previously. When discussing the massing impacts of project, the DRSC and staff discussed how additional perspective renderings and simulations could help to better illustrate how this project will be perceived within the context of the surrounding neighborhood. The DRSC expressed their appreciation for the proposal to build this type of project in this area, and thanked the applicants for working with staff through this process.

B. Cultural Heritage Permit 14-107, McIlvian Addition (Ciampa)

A request to consider a first and second story addition to a historic house located at 209 Avenida La Cuesta.

Associate Planner John Ciampa summarized the staff report.

Subcommittee Chair Crandell asked if the Minor Exception Permit (MEP) is supported by staff and what are their reasoning's to allow a reduced setback for the side yard of the house. Staff responded stating that the modified project reduced the addition to a single story to improve the compatibility and the massing of the project with the historic house. Staff's position was that this reduction of one foot to the side yard setback was acceptable because it pulls the addition further from the original portion of the house and there was a significant setback and topography change to the adjacent



Design Review Subcommittee (DRSC)

Meeting Date: January 14, 2015

PLANNER: Adam Atamian, Associate Planner

SUBJECT: **Zoning Amendment 14-364/Site Plan Permit 14-365/Conditional Use Permit 14-366/Cultural Heritage Permit 14-367, Santiago Mixed Use**, a request to consider amending the zoning designation of a portion of the Neighborhood Commercial (NC 2) zone along South El Camino Real to a new Mixed Use (MU 3.2) zone, and consider a new mixed use development consisting of 7 residential units and 4,244 square feet of commercial space located at 1010 South El Camino Real.

BACKGROUND:

The DRSC reviewed this project on November 26. At that meeting, the DRSC provided recommendations to improve the project's compliance with the Design Guidelines. The DRSC requested that the project return for additional DRSC review prior to moving forward through the development review process. The staff report and draft minutes from that meeting are included as attachments 2 and 3, respectively.

Project Description

The applicant is proposing to amend the Zoning Ordinance to reflect the Centennial General Plan's new Mixed-Use (MU 3.2) land use designation for the subject zone to allow a new mixed-use development. The applicant proposes to apply the existing Mixed-Use (MU 3) development standards to certain sections of South El Camino Real located between Avenida Presidio and the I-5 freeway that changed General Plan land use designations from Neighborhood Commercial (NC 2) to MU 3.2.

The project consists of a tiered, four level building in the Spanish Colonial Revival style that contains 4,244 square feet of commercial space on the first and second stories with seven residential units that are located throughout the second, third, and fourth stories. Parking is located in a partial-basement level garage. Part of the partial-basement level garage counts as a first story and the other portion is considered a basement because it is more than 60% below grade. Although the building has four levels, for this reason it is three stories tall.

Why is DRSC Review Required?

A Zoning Amendment is required to change the subject zone to MU 3.2 and to apply the existing MU 3 development standards to this zone; a Cultural Heritage Permit is required

because the project is located within 300 feet of a historic property; a Conditional Use Permit is required to allow residential development in a Mixed-Use zone, and a Site Plan Permit is required for all new mixed-use developments. The DRSC is tasked to ensure development in the Architectural Overlay is compatible and harmonious with the surrounding neighborhood, and consistent with the City's Design Guidelines and does not negatively impact nearby historic structures. These applications will be reviewed by the Planning Commission with a recommendation made to the City Council, the final review authority for projects involving a Zoning Amendment.

Site Data

The property is a 12,930 square foot, vacant lot located on the northwest corner of the South El Camino Real and Avenida Santiago intersection. The natural topography of the lot slopes down away from South El Camino Real. The property was previously graded for use as a gas station. To accommodate that use a 10 foot tall retaining wall was installed and the lot was filled to bring the grade of the entire lot to that of South El Camino Real. There is a 20-foot wide, City-owned alley abutting the property on the west side, which runs parallel to South El Camino Real.

The surrounding land uses include a two-story multifamily residential structure to the west, separated from the site by the alley. To the north is a two-story, multi-tenant commercial building which appears as a one-story building from South El Camino Real. Across Avenida Santiago is another two-story commercial building, which also appears as a one-story building from South El Camino Real. To the east, across South El Camino Real, are one-story commercial buildings.

The project is located within 300 feet of two historic properties located at 104 Paseo de Cristobal and 105 Avenida Barcelona. The project will be visible from both historic properties because both have direct lines of sight to the subject lot.

ANALYSIS:

In 2014, the City Council adopted a new General Plan which provided a new land use designation for the subject property, and most others on the west side of North El Camino Real between Avenida Presidio and the I-5 freeway. This re-designation from neighborhood commercial to mixed-use, once codified through the pending Zoning Ordinance update or the applicant's zoning amendment, effectively up-zones this area to increase the floor area ratio (FAR) from .35 to 1.5 for mixed-use projects.

The General Plan contains very basic descriptions of the new development standards that apply to the new MU 3.2 zone, such as those that apply to height limits and story limits. These standards are not specific enough to provide staff with a clear understanding of the final intent of the Zoning Ordinance. To resolve these ambiguities, staff will be requesting clarification from the City Council regarding the appropriate standards for this new land use designation at their January 20, 2015 meeting.

At the outcome of the City Council meeting, staff should have a clearer understanding of the intended Zoning Ordinance development standards that will apply to this project and a better ability to review the appropriateness of the proposed development.

RECOMMENDATION:

Staff recommends that the project design be discussed after the January 20th City Council meeting to determine what, if any, project modifications may be required to comply with the direction provided by the City Council. The applicant requests DRSC input ahead of the January 20th City Council meeting.

Attachments:

- ~~1. Location Map~~
- ~~2. DRSC Staff Report, dated November 26, 2014~~
- ~~3. Draft DRSC Meeting Minutes, dated November 26, 2014~~

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING OF THE
DESIGN REVIEW SUBCOMMITTEE
JANUARY 14, 2015**

Subcommittee Members Present: Bart Crandell, Julia Darden and Jim Ruehlin

Staff Present: Jim Pechous, Cliff Jones, Adam Atamian and John Ciampa

1. MINUTES

Minutes from November 26, 2014 (approved)

Minutes from December 10, 2014 (to be submitted with January 28, 2015 packet)

2. ARCHITECTURAL REVIEW OF THE FOLLOWING ITEM

**A. Zoning Amendment 14-364, Site Plan Permit 14-365, Conditional Use Permit 14-366, Cultural Heritage Permit 14-367, Santiago Mixed Use
(Atamian)**

A request to consider amending the zoning designation of a portion of the Neighborhood Commercial (NC 2) zone along South El Camino Real to a new Mixed Use (MU 3.1) zone, and consider a new mixed use development consisting of 7 residential units and 4,244 square feet of commercial space located at 1010 South El Camino Real.

Associate Planner Adam Atamian summarized the staff report.

Mr. Atamian discussed some concerns raised by the applicants regarding the description of the number of stories in the project. Mr. Atamian stated that the staff report clearly indicates that the building is a three story building, though it consists of four separate levels.

The DRSC, staff, and the applicants discussed the pending Zoning Ordinance update, and the applicant's potential options regarding the proposed zoning amendment application and how they could affect the design of the project should the project's proposed development standards not be approved. The DRSC decided to review the project based on the application and the proposed plans

Nick Buchanan, applicant, stated that he had submitted a letter to Mr. Atamian describing his dissatisfaction with staff's writing of the DRSC meeting minutes of January 14, 2015. He said that the minutes reflected more of the negative aspects of the project, instead of presenting both sides of the discussion that transpired. Mr. Atamian replied, noting that projects are brought to the DRSC because staff determines that particular aspects

of a project may not be consistent with the City's Design Guidelines. He went on to explain that the minutes are a transcription of the relevant discussions of the DRSC relating to how project's may or may not be consistent with these guidelines, and not a verbatim dictation of every comment or response made during the meeting.

Michael Luna, the project's architect, provided an overview of the revisions made to the project using perspective renderings of the project. He discussed how the upper story setbacks have been increased to provide a 10 foot story step-back on the second story (third level), and a 20 foot story step-back for the third story (fourth level). Subcommittee Member Darden asked for clarification of how much additional step-back was being provided in this set of plans over what was originally reviewed. Mr. Luna stated that the second story was stepped back an additional two to three feet, and the third story was stepped back an addition three to four feet. Mr. Luna also noted that the alley frontage includes a three foot wide landscaped planter, instead of placing the building right along the rear property line. Subcommittee Chair Crandell asked if the material of the planter wall would stand up to the alley traffic. Mr. Luna stated that he felt it would, but that there were options to ease maintenance concerns, such as painting the wall a terra cotta color.

Subcommittee Chair Crandell asked about the choice to provide a long, uninterrupted stucco wall along the second story (third level) deck, and if there were opportunities to break up the unrelieved plane. Mr. Luna, stated that the purpose of this wall, on the lower of the two deck levels, was to provide privacy for the residents. Mr. Luna stated that the project could incorporate additional detail along the wall to break up the horizontality of the wall. Subcommittee Chair Crandell asked about the arched openings of the commercial parking area, and whether there would be any architectural value in providing some type of visual screening to block views of the cars. Mr. Luna and Mr. Buchanan stated that the openings are there to provide required ventilation into the parking area, and that the parking level was high enough off the grade of the alley that direct views into the parking garage would not result in much visibility of the vehicles. Additionally, they stated that they would prefer not to obstruct views out of the commercial parking level because they would like to retain the ocean view for their commercial customers and allow as much light into the parking area as possible.

The DRSC members discussed the interior lighting in the commercial parking area, and stated that the lighting plan should direct light away from neighboring properties as much as possible. Mr. Luna discussed the idea of installing a roll-down gate to allow the lights to be turned off at night. Subcommittee Chair Crandell discussed the possibility to use shared

parking to allow the residents to utilize the commercial parking at night, should parking be an issue.

Mr. Luna then discussed the modifications proposed for the front courtyard along South El Camino Real. He stated that the stairs had been moved to open up the entry, the second story walkway had been revised to provide a more open experience, and a portion of the roof had been pulled back to allow more sun light to penetrate the space. The DRSC discussed the changes, noting that the modifications help the project establish a better connection to the pedestrian frontage. Mr. Luna also reviewed the corner patio area, and how it has been enlarged to provide additional area for usable outdoor space. Subcommittee Chair Crandell asked about the potential location of the fire riser, and Mr. Luna stated that it would most likely be located along the Avenida Santiago property line toward the rear of the corner patio area.

Subcommittee Member Darden asked if the project had been able to provide any additional step-back on the second story of the commercial façade along South El Camino Real. Mr. Luna stated that the second story step-back was increased by one foot to 5 feet, five inches.

Subcommittee Member Darden then asked for clarification on the purpose of this review, specifically asking what the applicant hoped to receive. Mr. Luna stated that they are looking to find out if the project is moving in the right direction aesthetically, and what, if any, architectural concerns remain. Mr. Buchanan stated that he is applying for a zoning amendment that will provide the development standards necessary to allow the proposed structure, and is asked the DRSC to review the project's design based on the proposed zoning amendment.

The DRSC then provided individual comments to the applicant and staff. Subcommittee Chair Crandell stated that he appreciates that the applicant did not propose a structure that maximizes the building based on the potential development standards. He went on to ask for clarification about the height of the story with the commercial parking off of Avenida Santiago. Mr. Luna stated that the plate height for that level is about 12 feet, and is due to the floor level being lowered to allow access to that parking area from Avenida Santiago which meets the Engineering division's standards. Subcommittee Chair Crandell stated that he is pleased with the architectural detail shown on the plans. He stated that many of the details are ones that have been incorporated into previous projects and which have worked well. He noted that the project is below the height limits of the existing Mixed-Use zone, and though the building does not terrace down the slope significantly, this is due more to the lower height on the portion of the building fronting South El Camino Real than the height of the building at the rear of the

property. Subcommittee Chair Crandell stated that he is in support of the design of the project.

Subcommittee Member Ruehlin asked for clarification of the applicant's perceived use of the front courtyard. Mr. Buchanan discussed the multiple purposes he envisions for the space as an area for circulation for the residents, and a natural break in the building's façade to create architectural interest without creating a dead space along the pedestrian frontage. Mr. Luna discussed the space as providing pedestrian interest, as well as an enjoyable experience for the residents and commercial customers. He spoke of the proposed fountain and how the courtyard balances architectural interest and relief with the usability of outdoor space. He continued, discussing the corner patio area as a pedestrian space where tables and chairs could be placed creating a connection between the building and the pedestrian frontage at the corner.

Subcommittee Member Ruehlin said that he likes the revised courtyard plans, and is happy that the architect accomplished the modifications without sacrificing interior floor space. He continued, noting that he is cognizant of the short term concerns regarding pedestrian spaces that create areas for unwanted uses. However, he would hope that this type of project will activate the area, allowing the outdoor spaces in this project to attract and engage pedestrians positively. He stated that he likes the modifications made to the project, and noted that he is generally in agreement with Subcommittee Chair Crandell and sees this project as consistent with his memory of the General Plan update process. He continued, saying that while the final design depends on the development standards that will eventually be applied, he thinks that the applicant has done something great with the proposal.

Subcommittee Member Darden relayed her comments on the project in a bullet point fashion, stating the following:

- Like the other DRSC members, the architectural treatment of the project is of high quality.
- The changes in the front setback, opening up the front courtyard, and increasing the corner patio area alleviate her concerns about the pedestrian engagement along the project's street frontage.
- The building reads as three stories, not four stories, and the utilization of basement parking is much appreciated.
- That the treatment along the alley, including the arches, landscaping, and flying buttresses, are very nice and provide some engagement for pedestrians using the alley. She stated that this treatment will help to establish a standard for development adjacent to the alleys.
- While she appreciates that the project is within the envelope of the proposed development standards, she continues to have concerns regarding the massing at the rear of the project. She appreciates the

increase in the setbacks, but remains concerned that the building is consuming the lot, though less than before.

- She continued to agree with staff that the mass could better follow the topography of the descending lot.
- The canopy trees provide some relief to the massing, however the building still sets a standard of development that could overwhelm the adjacent residential zone and the nearby historic resources.
- The second story balcony wall adds massing at the rear of the building that breaks in the wall would help alleviate.
-

Mr. Luna responded to Subcommittee Member Darden's comments about the massing, stating that in order to provide parking access off of Santiago for commercial customers, the building necessarily requires a staggered story design which provides the appearance of a three story element, though the third level along the rear elevation is generally at the level of the first level from El Camino Real. Subcommittee Member Darden stated that she is not concerned with three story elements, per se, but that her concerns in this project are due to the overall massing along the alley side and Santiago side of the building.

There was discussion between the DRSC members, Mr. Buchanan, and Mr. Luna regarding the existing pattern of development along the alley, specifically regarding the highly vertical three story structures on the alley property line. Subcommittee Member Darden stated that while she does not want to make the applicant feel that he is being held to a higher standard, that the previous types of development that exist are what the City is trying to avoid. Mr. Buchanan stated that it should be noted for the record that he understands that concerns, and that his project is significantly better than what has been previously built in the area. He went on to note that the project is not out of character with the neighborhood, and showed photographic examples of projects developed with similar massing along the alley. Subcommittee Member Darden stated that it has been noted how the alley treatment of this project is definitely better than what has been built previously.

The DRSC discussed the difficulty of reviewing designs for projects where there are no established development standards, and how to best support quality development without creating adverse impacts on adjacent areas.

Mr. Buchanan responded to some comments made regarding the nearby historic properties, and using photographs, explained how he believed there would not be any significant impacts to them. There was a question about whether there was a historic structure on the block directly west of the subject site. Mr. Atamian stated that the two nearby historic properties were both one block away from the block directly west.

Mr. Buchanan discussed the investment made in this area, and the substantial amount of work, effort, and time that he has put into developing a project that he believes the new General Plan encourages. The DRSC acknowledged and thanked the applicant for his desire to invest capital into the city.

Subcommittee Member Darden stated that she does not perceive the project to be far away from an acceptable level of massing. Questions were raised about what could be done for her to be satisfied with the massing of the project. Subcommittee Member Darden stated that there is no specific amount of mass reduction that she can recommend, that some small changes could conceivably reduce the mass appropriately.

The DRSC all agreed that the project, in terms of design, is ready to be reviewed at the Planning Commission level. Cliff Jones, Secretary of the DRSC, noted that based on the DRSC review thus far, staff has not developed design recommendations as detailed as would normally be presented because of the concerns over massing. The DRSC asked that the detailed staff review be included in the staff report for the Planning Commission. Subcommittee Member Darden noted that the staff report would reflect the DRSC's individual recommendations.

B. Cultural Heritage Permit 14-396/Minor Exception Permit 14-395, Berardi Duplex (Ciampa)

A request for a second story addition to a legal nonconforming duplex that is adjacent to a historic house. The project site is located at 314 North Ola Vista.

Associate Planner John Ciampa summarized the staff report.

The applicant, Mario Berardi, stated that he has shown the plans to the neighboring property owners and they are supportive of the proposed project.

Subcommittee Member Ruehlin asked staff is the proposed application increased the square footage of the duplex by more than 50 percent. Staff confirmed that the addition was under 50 percent of the existing square footage of the duplex.

The DRSC had concerns with the following aspects of the project:

- As designed, the architectural quality of the design would have a negative visual impact on the adjacent historic houses. DRSC requested an improved fenestration and architectural design.

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
April 22, 2015 @ 7:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA**

1. CALL TO ORDER

Chair Darden called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:02 p.m.

2. PLEDGE OF ALLEGIANCE

Vice Chair Brown led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Vonne Barnes, Barton Crandell, Wayne Eggleston, and Michael Smith; Chair pro tem Jim Ruehlin, Vice Chair Donald Brown, and Chair Julia Darden

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner
Adam Atamian, Associate Planner
Christopher Wright, Associate Planner
Jim Hare, Consultant Planner
Brent Panas, Code Compliance Supervisor
Matthew Richardson, Assistant City Attorney
Eileen White, Recording Secretary

These minutes reflect the order in which items appeared on the meeting agenda and do not necessarily reflect the order in which items were actually considered.

4. SPECIAL ORDERS OF BUSINESS - None

5. MINUTES

A. Minutes from the Planning Commission Regular Study Session of April 8, 2015

IT WAS MOVED BY CHAIR PRO TEM RUEHLIN, SECONDED BY COMMISSIONER BARNES, AND CARRIED 6-0-1, WITH CHAIR

DARDEN ABSTAINING, to approve the minutes of the regular study session of April 8, 2015, as submitted.

B. Minutes from the Planning Commission Regular Meeting of April 8, 2015

IT WAS MOVED BY CHAIR PRO TEM RUEHLIN, SECONDED BY COMMISSIONER SMITH, AND CARRIED 6-0-1, WITH CHAIR DARDEN ABSTAINING, to approve the minutes of the regular meeting of April 8, 2015, with the following revision:

Page 5, second bullet, replace with the following: "Most of the structures in the area provide covered on-site parking, and some include guest parking."

6. ORAL AND WRITTEN COMMUNICATION - None

7. CONSENT CALENDAR

8. PUBLIC HEARING

A. 204 West Paseo De Cristobal – Cultural Heritage Permit 14-496 – Petri Residence (Ciampa)

Public Hearing to consider a request for an addition to a legal nonconforming house that is adjacent to a historic house. The project site is located at 204 West Paseo De Cristobal in the Residential Low (RL) zoning district. The legal description is Lot 2, Block 13, Tract 822, Assessor's Parcel Number 692-242-12.

John Ciampa, Associate Planner, recommended the Commission table this agenda item in response to a request from the applicant for additional time to submit a revised project.

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER EGGLESTON AND UNANIMOUSLY CARRIED TO TABLE 204 WEST PASEO DE CRISTOBAL – CULTURAL HERITAGE PERMIT 14-496 – PETRI RESIDENCE.

[AGENDA ITEM TABLED.]

B. 1010 South El Camino Real – Zoning Amendment 14-364/Site Plan Permit 14-365/Conditional Use Permit 14-366/Cultural Heritage Permit 14-367 – Santiago Mixed-Use (Atamian)

Public Hearing to consider forwarding a recommendation to the City Council a request to amend the Zoning Ordinance and Zoning Map to

designate portions of the Neighborhood Commercial (NC 2) zone along South El Camino Real to a new Mixed Use (MU 3.2) zone, and a request for a mixed use development consisting of seven residential units and 4,416 square feet of commercial space located at 1010 South El Camino Real. The legal description is Lots 3, 4, and 5, of Block 5, of Tract 822, Assessor's Parcel Number 692-152-23.

Adam Atamian, Associate Planner, recommended the Commission continue this item in order to ensure compliance with the Zoning Ordinance with regard to the staking of story poles.

Chair Darden opened the public hearing.

Zachary Gilman, resident, voiced concerns about parking, the impact of the project's height on views of the hillside to the east, and potential environmental concerns regarding development on the site of an old gas station.

Jennifer Massey, resident, requested staff ensure the project for the subject site is designed in compliance with all applicable standards and requirements.

Mike Lawrence, resident, voiced concern regarding increased traffic and decreased parking in the area as a result of development on this property.

Brett Hillyard, resident, expressed concern that a potential massive building on this site would block light and wind to adjacent properties; expressed concern regarding traffic and parking impacts.

Chair Darden suggested the residents discuss their concerns with Associate Planner Atamian.

There being no one else desiring to comment on this item, Chair Darden closed the public hearing.

IT WAS MOVED BY COMMISSIONER BARNES, SECONDED BY COMMISSIONER SMITH AND UNANIMOUSLY CARRIED TO CONTINUE 1010 SOUTH EL CAMINO REAL – ZONING AMENDMENT 14-364/SITE PLAN PERMIT 14-365/CONDITIONAL USE PERMIT 14-366/CULTURAL HERITAGE PERMIT 14-367 – SANTIAGO MIXED-USE TO THE REGULAR MEETING OF MAY 6, 2015.

[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]

- C. Zoning Amendment 14-456 and General Plan Amendment 15-049
(Wright/Hare)

Atamian, Adam

From: Maune, Kimberly
Sent: Monday, April 20, 2015 8:08 AM
To: Planning Commission; Atamian, Adam; Pechous, Jim
Subject: FW: Regarding Zoning Amendment 14-364

From: jimgreenthree@cox.net [mailto:jimgreenthree@cox.net]
Sent: Saturday, April 18, 2015 8:45 AM
To: Planning Mail; CityCouncil Mail
Cc: sanokid@sbcglobal.net
Subject: Regarding Zoning Amendment 14-364



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT ON APRIL 22, 2015 A PUBLIC HEARING WILL BE HELD BY THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA RELATIVE TO THE FOLLOWING:

1010 South El Camino Real – Zoning Amendment 14-364/Site Plan Permit 14-365/Conditional Use Permit 14-366/Cultural Heritage Permit 14-367 – Santiago Mixed-Use

Regarding Zoning Amendment 14-364

As the property owners of 105 West Avenida Santiago, we know that any development at 1010 S. El Camino Real will dramatically impact the parking situation for the entire neighborhood

Currently, the area businesses adjacent to 1010 S. El Camino Real have inadequate on-street overflow parking. Employees and customers are forced to park in front of residences on Avenida Santiago.

Any new development must include sufficient parking on the property.

Seven residences need at least 14 parking spaces plus visitor parking.

Commercial units will need at least 2 spaces per , plus customer parking.

Common sense indicates that approaching 30 parking spaces are needed to support this development.

Additionally, quality of life must be considered for the residents of 102 Avenida Santiago.

If an underground parking structure is constructed, what buffers will be put in place to shield them from the constant pressure of vehicle activity?

See google link below.

Your attention to this will be appreciated.

Christy Drew Anderson

James M. Green

<https://www.google.com/maps/@33.420825,-117.608596,3a,75y,304.12h,62.47t/data=!3m4!1e1!3m2!1s8zDYu3FMdgELgOIXHbvCA!2e0!6m1!1e1>

Atamian, Adam

From: Maune, Kimberly
Sent: Monday, April 20, 2015 8:07 AM
To: Planning Commission; Atamian, Adam; Pechous, Jim
Subject: FW: Project at 1010 South El Camino Real

From: Paul Valle [<mailto:vallep2@cox.net>]
Sent: Sunday, April 19, 2015 2:46 PM
To: Planning Mail
Cc: nbuchanan@proteallc.com
Subject: Project at 1010 South El Camino Real

19-April-2015

San Clemente Planning Commission

cc: Nick Buchanan, Cape Point Development, LLC

Dear Commissioners,

My name is Paul Valle and I am the owner-resident of the home at 101 Esplanade and have been for the last 14 years. I write to express the support of my family and myself for the project at 1010 South El Camino Real. We believe this development benefits us in the following ways:

1. Eliminates the eye sore and safety issues associate with the vacant lots at 1010 South El Camino, lots that have been vacant the entire time we have lived in our home.
2. Adds a buffer to the noise and pollution from I-5, less than 500 feet away. This project and any future projects like it on El Camino offer viable buffering alternatives to the controversial freeway sound barrier efforts.
3. It does much to beatify our block of the alley. The alley, especially in our area in the south, sees considerable use as a pedestrian byway and the proposed development will give our block a park-like, pedestrian friendly feel.
4. We see it as an incremental positive to our property value.

We urge the commission to drive approval of all requirement permits and allow this project to proceed without hindrance.

Thank You and Regards, Paul Valle, vallep2@cox.net, 949-370-3671

Atamian, Adam

From: Kevin Nelson <knelson@web-conferencing-central.com>
Sent: Friday, April 24, 2015 9:25 AM
To: Atamian, Adam
Cc: cmann@pensionadvisors.com; nparryco@gmail.com
Subject: Opposition to south PCH mixed-use zoning and Santiago project

Hello Adam,

A few of us met with you the other evening in regards to the first potential project under the zoning plan you described. We appreciated your time and explanations on this.

The project is called Santiago (for short) and it is a three story mixed used building plus underground parking.

I believe that the zoning and the project bring a level of density to that section of PCH which is inappropriate.

Given the significant change that the over-sized outlet mall is bringing to our community, and the relatively low heights of the small businesses in that area of town, these changes should be "rethink". (how's that for regulation-speak? :)

Regards,

Kevin Nelson
Web Conferencing Central
949-939-9372
knelson@web-conferencing-central.com



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: April 22, 2015

PLANNER: Jim Hare, Planning Consultant

SUBJECT: **AMENDMENTS TO THE ZONING MAP OF THE CITY OF SAN CLEMENTE AND TO AMEND THE SAN CLEMENTE MUNICIPAL CODE AT CHAPTER 17.36 [COMMERCIAL ZONES], CHAPTER 17.40 [MIXED USE ZONES], CHAPTER 17.88 [DEFINITIONS] AND SECTION 17.24.110.B [MEASUREMENT OF HEIGHT]**

INTRODUCTION

At the direction of the City Council, staff has prepared amendments to the Centennial General Plan [CGP] and implementing zoning ordinance changes. The CGP amendments are the subject a separate report on this Planning Commission agenda. This report deals with zoning ordinance amendments for the Commercial and Mixed Use zones. The City Council sought these measures to be expedited ahead of other CGP/Zoning consistency work program elements due to opportunities and development proposals in these zone categories

Staff recommends that the Planning Commission open the public hearing, hear staff's presentation, take public testimony, provide discussion and direction to staff, and continue the public hearing to a date certain.

BACKGROUND

On February 4, 2014, the City Council adopted the Centennial General Plan (CGP), which had a number of effects on the locations and development criteria of land use categories. On February 3, 2015 the City Council gave further direction and initiated amendments to the Centennial General Plan, including some zone boundaries and designations. Particular guidance was given regarding Mixed Use areas designated as MU 3.1 and MU 3.2. The City Council's initiation of the CGP amendments are discussed in a separate staff report on this Planning Commission agenda.

The City Council directions and guidance are to be implemented through amendments to the CGP and the adoption of changes in the zoning map and the uses and development criteria of the Mixed Use zones. Finally, the City Council gave further direction that the zoning amendments be processed expeditiously in light of opportunities presented by pending or possible private development proposals.

On March 18, 2015 the Planning Commission held a Study Session to review matters related to the City Council's February 3, 2015 direction, particularly changes to the development criteria in the MU 3.1 and MU 3.2 zones. At that Study Session, the Planning Commission took testimony and discussed a number of elements of the staff presentation, which are discussed in the Analysis section of this report, below.

DISCUSSION

Amendments to the Zoning Map

Exhibit A of the attached draft City Council Ordinance is a map and description of the areas within the City which are proposed for changes in zoning related to the implementation of mixed use and commercial land uses. These changes are in direct correlation to the land use map changes discussed in the companion item addressing the current adopted CGP and proposed amendments to the CGP initiated by the City Council.

Amendments to the Commercial Zones

Exhibit B of the attached draft City Council Ordinance is the proposed version of Chapter 17.36 [Commercial Zones] of the San Clemente Municipal Code. The changes included in this draft are to:

- Add the zone category NC 1.3 reflecting the locations, purpose and criteria for this category in the CGP;
- Remove the zone category RC and the zones RC 1 and RC 2. The RC Zone is not applied within the City except as the designation of the commercial center within the Marblehead Coastal Specific Plan, and the RC 2 zone site, the hospital, is rezoned to CC 2;
- Reformat the table of commercial zone permitted uses, without substantive change except to add the category of 'Stand Alone Residential' and to show such use as prohibited in all commercial zones;
- Reformat the tables comprising the Commercial Zone Development Standards, making no substantive changes other than those related to the NC 1.3 and RC zones; and,
- Make non-substantive corrections and minor edits.

Amendments to the Mixed Use Zones

Exhibit C of the attached draft City Council Ordinance is the proposed version of Chapter 17.40 [Mixed Use Zones] of the San Clemente Municipal Code. The changes included in this draft are to:

- Add the zone categories MU 2, MU 3.1, and MU 3.2, reflecting the locations, purpose and criteria for this category in the CGP;
- Reformat the table of mixed use zone permitted uses, without substantive change except to add the category of 'Stand Alone Residential' and to show such use as permitted in zones MU 3.1 and MU 5, and prohibited in all other Mixed Use zones;

- Reformat the table comprising the development standards for the mixed use zones, making no changes other than to add a sub tables for the MU 2, MU 3.1, and MU 3.2 zones, containing criteria in accordance with Table LU-1 of the CGP as adopted and with modifications to reflect pending amendments to the CGP;
- In order to fulfill the pending amendments, include in the development standards table for the MU 3.2 zone a separate standard limiting the highest building plate and roof to 30'-0" and 35'-0", respectively, above the center point of the El Camino Real property line. Further, limit actual stories on the forward 25'-0" of lots by restricting the number of floor area planes above street level; and,
- Make non-substantive corrections and minor edits.

Other Zoning Amendments

In support of amendments within the Commercial and Mixed Use zones described above, two additional amendments are proposed:

- Within the zoning definitions, define the term "Stand Alone Residential" to mean, "The use of a lot or joined lots exclusively for residential and residential ancillary purposes;"
- Within the height measurement standards, add the provision that, "Plate Line is defined as the top of the highest horizontal framing member or solid wall of a building or structure or part thereof, upon which roof beams or ceiling rafters rest. Features excluded from measurement under this definition shall include gable ends, sloping roofs, parapet walls and other vertical extensions which are normally controlled by limits on roof height as set forth in this Section".

ANALYSIS

Issues Raised at Study Session

Preliminary drafts of the amended zoning chapters for commercial and mixed use zones were presented at the Planning Commission Study Session of March 13, 2015. Since most of the changes outlined above are format changes and amendments reflecting criteria settled as a part of the CGP process, most of the discussion centered on emergent matter of the MU 3.2 plate height limitation.

Refinement of Plate and Plate Height Definition / Insertion of Mezzanines. Concern was expressed that the definition and measurement techniques related to plate height would be "gamed" to achieve greater interior volumes and make room for additional stories. The objective of the proposed MU 3.2 plate height limitation is to enforce a two-story massing as seen from El Camino Real while allowing greater heights rearward on the downward sloping parcels of the subject area. The proposed standard would codify the method that Planning Division staff have used in measuring plate height as that term – heretofore undefined within the code -- is used throughout the zoning ordinance. One of the reasons this method has worked in the past is that it is always used in conjunction with a limitation of roof height, which greatly limits the volume that can be achieved above the plate height. In addition to limiting absolute height above street grade, a provision has been drafted which would allow only one floor plane above an elevation 2'-0" above the street datum. Between these two

components, a two-story massing is achieved as well as an actual limitation of stories above grade. These provisions serve to implement the City Council's policy aim.

Height Averaging of the Highest Plate. The possibility of allowing some offsetting variance of the building fronts in the MU 3.2 zone was discussed, to address two concerns: (1) allowing a varied height for design flexibility, and, (2) to compensate for changes in grade across the frontage of the parcels. Staff seeks to avoid complication in the regulation. The proposal is already supplemental to the general measurement of height on the properties. Staff's preference would be for variability in the frontage to be achieved through the design review process which will be applied to each new building per the zoning ordinance. In regard to the slope of El Camino Real, a study of relative heights at intersections shows that the average change in elevation block-to-block is slightly more than four feet and no block sloping greater than eight feet, and no block having fewer than two parcels. Thus, greatest likely differential measured from the center point of the lot would be on the order of two feet above and below grade.

Demonstration of Concurrent Height Limits. Staff was requested to demonstrate how the two proposed height limits might work in the MU 3.2 zone. Attachment 3 of this report comprises the two examples of height measurement displayed during the Study Session, showing how both the general height limit and the plate height limit might come into play on a property.

REQUIRED FINDINGS

Prior to approval of the proposed amendments, the following findings shall be made. The draft Resolution adopts findings contained in the draft City Council Ordinance contain proposed findings in supporting of the amendments' compliance with SCMC Section 17.16.040 [Zoning Amendments], that

- a. The proposed amendment is consistent with the General Plan; and,
- b. The proposed amendment will not adversely affect the public health, safety and welfare.

Staff has included the two following findings within the draft City Council ordinance, in support of the approval of the proposed amendments.

- The proposed amendments are consistent with the General Plan, since they are direct implementation of the Centennial General Plan as adopted on February 14, 2014 and subsequent amendments thereto adopted on [date], pursuant to Government Code section 65860(c), by placing zones on parcels mirroring the maps contained in the Land Use Element of the Centennial General Plan as adopted and subsequently amended, and by reflecting use provisions and development criteria from the Centennial General Plan as adopted and subsequently amended, including, particularly, such use provisions and development criteria found in Table LU-1.

- The rezoning of the areas and the adoption of the use provisions and development criteria as proposed will not adversely impact the public health, safety, and welfare since they further the Centennial General Plan objectives of, (1) meeting community values, needs and conditions; (2) guiding long-term public and private land use, transportation, economic development, resource preservation, urban design and other public policy actions; and (3) reflecting the City Council's review, direction and independent judgement regarding land use, circulation and transportation, economic development, environmental protection, recreation, public safety and services, coastal issues, historic preservation, natural resources, urban design, and governance and growth management policies.

ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA):

The Planning Division is conducting an environmental assessment per the California Environmental Quality Act. Prior to the next public hearing, the assessment and any necessary environmental documents will be completed and made available to the public.

CALIFORNIA COASTAL COMMISSION REVIEW

Certain of the commercial and mixed use zones discussed in these amendments occur entirely or in part within the Coastal Zone. For these areas, the zoning amendments discussed in this report will be subject to California Coastal Commission review and an amendment of the City of San Clemente Local Coastal Program.

ALTERNATIVES: IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff and recommend approval by the City Council of the amendments as proposed in the form of the ordinance draft attached.

This action would result in the project moving forward for review and consideration by the City Council.

2. The Planning Commission can, at its discretion, make a recommendation to the City Council that it add, modify or delete provisions of the proposed amendments.

This action would result in any modifications being reviewed and considered by the City Council.

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

This action would result in the Commission's recommendation being forward for review and consideration by the City Council.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission continue this matter to a date certain with the public hearing held open, due to additional staff work required for the CGP amendments and environmental processing.

Attachments:

1. Resolution No.
2. City Council Ordinance Draft, including,
 - a. Exhibit A: Map of Zoning Amendments
 - b. Exhibit B: Amended Chapter 17.36 [Commercial Zones]
 - c. Exhibit C: Amended Chapter 17.40 [Mixed Use Zones]Graphics of the Calculation of Plate Height vs General Height in the MU 3.2 zone

buildings and sites are designed to be compatible in scale, mass, character, and architecture with adjacent buildings and to ensure they follow design standards in this General Plan and in the Design Guidelines for the district or neighborhood in which they are located, including the use of landscaped setbacks, walls, and other appropriate elements to mitigate operational and visual impacts on adjacent land uses.

LINKS TO GENERAL PLAN INFORMATION

- [Land Use Plan \[link to Land Use Plan page\]](#)
- [Land Use Designations \[link to Land Use Summary page\]](#)

ADDITIONAL LINKS

- [Zoning Ordinance, Public Zones and Standards](#)
[http://library.municode.com/HTML/16606/level2/TIT17ZO_CH17.48PUZOST.html#TOPTITLE]

Focus Areas

San Clemente is known as the “Spanish Village by the Sea” and is comprised of various neighborhoods and communities that vary in terms of their uses, types of development and architectural character. When the City began the process of preparing a new General Plan in 2009, the community identified eight Focus Areas considered to have the most potential for change. These areas are identified below and their locations are depicted on the [Focus Area Locations Map \[link to Figure LU-3\]](#).

Focus Area policies provide specific direction above and beyond those policies that are applicable Citywide. Additional direction is provided in the Zoning Code, Design Guidelines and applicable Specific Plans.

GOAL AND POLICY SECTIONS:

9. [Camino de Los Mares](#)
10. [Rancho San Clemente Business Park](#)
11. [Los Molinos](#)
12. [North Beach/North El Camino Real](#)
13. [Del Mar/T-Zone and Downtown Core](#)
14. [Pier Bowl and Pier](#)
15. [South El Camino Real \(West of Interstate 5\)](#)
16. [South El Camino Real \(East of Interstate 5\)](#)

GENERAL PLAN FIGURES

- [Focus Area Locations Map \[link to Figure LU-3\]](#)

ADDITIONAL LINKS

- [Economic Development Strategy*](#)
- [Pier Bowl Specific Plan** \[http://san-clemente.org/sc/standard.aspx?pageid=443\]](http://san-clemente.org/sc/standard.aspx?pageid=443)
- [Design Guidelines \[http://san-clemente.org/sc/standard.aspx?pageid=438\]](http://san-clemente.org/sc/standard.aspx?pageid=438)

**Note: the Economic Development Strategy is one of the priority implementation programs for the Economic Development Element.*

***Note: the Pier Bowl Specific Plan must be amended to ensure consistency with the General Plan and is one of the priority implementation measures for the new General Plan.*

South El Camino Real (West of Interstate 5)

The South El Camino Real Area extends along El Camino Real, west of Interstate 5, from Avenida Rosa to Avenida Valencia and the Interstate 5 overpass. Interstate 5 borders the Area on the east and residential neighborhoods border it on the west.

This portion of the South El Camino Real (SECR-W) Area is envisioned as a transitional corridor from the Del Mar/T-Zone Area to the I-5 freeway that provides employment and residential opportunities anchored by neighborhood-serving retail uses. Unlike the Del Mar/T-Zone, which offers a unique retail experience tailored to both residents and visitors, the SECR-W area caters primarily to residents' retail and commercial service needs. The area is anchored by a grocery store serving this area of San Clemente and a concentration of neighborhood retail uses between Avenida Cadiz and Esplanade, the center of SECR-W. New development, including mixed use and residential uses on the west side of the corridor, are designed to maximize views of the Pacific Ocean.

GOAL:

Create a transitional area between Interstate 5 and the Del Mar/T-Zone, featuring spectacular ocean views, attractive mixed-use housing with local-serving commercial uses, restaurants and hotels. The district strikes a balance between automobile, bicycle and pedestrian orientation and is well connected to adjacent neighborhoods.

POLICIES:

LU-13.01. **Alleys/Paseos.** We consider improvements to our alleyways to provide automobile and electric vehicle access as well as alternative pedestrian and bicycle routes, where appropriate.

LU-13.02. **Bike and Pedestrian Environment.** We provide a high quality bicycle and pedestrian environment with “[living street \[link to Glossary\]](#)” designs, consistent landscaping, lighting, sidewalks, traffic calming measures, bikeways and trails,

consistent with the Bicycle and Pedestrian Master Plan, Tree Ordinance and Design Guidelines.

LU-13.03. **Corridor Residential Development.** We require that sites developed exclusively for residential use are designed to convey a high level of quality in accordance with the Urban Design Element, Zoning Ordinance and Design Guidelines and incorporate features to ensure compatibility with adjacent commercial uses and adjacent neighborhoods, including the following:

- a. buffer residential use from abutting commercial uses;
- b. mitigate the noise, traffic (automobile and truck), and lighting impacts of abutting commercial uses;
- c. locate and design dwellings to provide adequate security and privacy for tenants; and
- d. preserve the economic viability and continuity of nearby commercial uses through consideration of residential and business needs, hours of operation, delivery and parking requirements in reviewing development requests.

LU-13.04. **Automobile-Related Uses.** We support the conversion of automobile-related uses [\[link to glossary\]](#) in the area to legal, conforming uses. We prohibit new automobile-related uses and proactively work with property owners of existing automobile-related uses to improve their properties' appearance and compatibility.

LU-13.05. **Views.** New development shall be designed to minimize obstructions of ocean views from the I-5 freeway.

LU-13.06. **Screening buildings.** We require new development to provide visual screening and/or architectural treatments on rear building facades and rooftops to buffer views from adjacent and hillside neighborhoods.

LU-13.07. **Gateways.** We enhance and maintain gateways that are designed to be safe for pedestrians, bicyclists and motorists, well-landscaped and litter-free. These gateways signify arrival to the Area at the following locations along South El Camino Real: 1) the southern entrance at the I-5 freeway off-ramp and Avenida Valencia, 2) Avenida Presidio, the gateway between South El Camino Real and the Del Mar/T-Zone, and 3) the intersection of South El Camino Real and Esplanade, signifying the core neighborhood commercial area.

LU-13.08. **Art in Public and Private Places.** We encourage the incorporation of art in public and private spaces that reflects the City's heritage and small town beach character.

LU-13.09. **Outdoor Areas/Public Space.** We work with property owners and developers to identify opportunities for providing usable outdoor areas and public spaces for visual relief from the built environment and areas for gathering.

LINKS TO OTHER GENERAL PLAN INFORMATION

- [Urban Design Element \[link to UDE Homepage\]](#)
- [Urban Design Element, Architecture and Landscaping \[link to Architecture and Landscaping section\]](#)
- [Gateways \[link to UDE, Gateways page\]](#)

ADDITIONAL LINKS

- [Bicycle and Pedestrian Master Plan \[staff to provide link to pdf\]](#)
- [Design Guidelines \[http://san-clemente.org/sc/standard.aspx?pageid=438\]](http://san-clemente.org/sc/standard.aspx?pageid=438)

South El Camino Real Focus Area (East of Interstate 5)

This Area, along South El Camino Real, is located east of the southernmost I-5 overpass and extends to the southern City limits near Avenida Santa Margarita. It is characterized by a mix of restaurants, small hotels, offices and residential uses. Areas furthest south have a more residential character, with larger multi-family buildings lining El Camino Real and small, mostly detached houses on streets to the east. Overall, its proximity to prime surfing locations and the presence of various surf-related businesses give the Area a decidedly casual and eclectic atmosphere.

The South El Camino Real, East of Interstate 5 (SECR-E) area is envisioned as a visitor and local-serving corridor that serves as a hub to a wealth of outdoor recreation (e.g. San Clemente State Park and San Onofre State Beach, world-class surf spots, San Luis Rey Park, San Clemente Golf Course, San Mateo Campgrounds, the old PCH bikeway and other attractions).

GOAL:

Create a coastal visitor- and community-serving corridor that welcomes travelers and celebrates the City's surf history and culture and a vibrant, mix of shops, dwellings, services and public spaces easily accessed by pedestrians and bicyclists.

POLICIES:

LU-14.01. **Gateways.** We maintain attractive gateways signifying arrival and reflecting the eclectic character of the Area at the following locations along the corridor: 1) the northbound I-5 freeway off-ramp near Avenida San Juan, 2) the I-5 freeway on/off ramp midway between Avenida San Gabriel and Avenida Magdalena, and 3) the southern entrance to the area between the City boundary and Avenida Santa Margarita.