



# STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: November 18, 2015

---

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

**SUBJECT:** Variance 14-474/Conditional Use Permit 14-475 – Capistrano Shores Wall and Landscaping a request to consider a Variance for a decorative block wall in excess of six feet in height between the railroad tracks and the Capistrano Shores Mobile Homes Park with 11'1" accent columns at the main entrance, along with a Conditional Use Permit to allow accessory structures, landscaping, and utility improvements in an Open Space zone. The project is located at 1880 N. El Camino Real within the Open Space zoning district and Coastal Zone Overlay (OS2-S2-CZ).

## REQUIRED FINDINGS

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

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

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

### ***Variance***

- A. Due to special circumstances applicable to the subject property including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zone classifications.
- B. The granting of the variance is necessary for the preservation of a substantial property right possessed by other property in the same vicinity and zone and otherwise denied the subject property.

- C. The required conditions of approval assure that the adjustment authorized will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity subject to the same zoning regulations.
- D. The granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- E. The granting of a variance is consistent with the General Plan and the intent of this title.

**BACKGROUND**

Capistrano Shores Inc., the applicant and owner of the Capistrano Shores Mobile Home Park, desires to complete utility upgrades and aesthetic enhancements. Capistrano Shores Inc. established a new land lease with the Orange County Transit Authority (OCTA) to encroach seven feet farther into the railroad right-of-way. On February 4, 2015, the Planning Commission reviewed two agenda items concerning the Capistrano Shores Mobile Home Park. The requests included: locating seven transformers on the east side of the existing fence line and enclosing them with temporary fencing, and the construction of a permanent decorative wall, eight feet in height, and other accessory and landscaping improvements. At the meeting, the Planning Commission did not support the Variance request and directed staff to draft a resolution for denial. At the following meeting (February 18, 2015) the applicant requested the item be tabled to allow additional time to work with staff to design a wall that addressed the Planning Commission's concerns; the item was tabled to a date uncertain.

Since then, the applicant has withdrawn their application for the temporary fencing and locating the transformers east of the fence. They are moving forward with the request for the permanent decorative wall, accessory structures, and landscaping improvements. The decorative permanent wall has been modified to address Planning Commission's concerns and a sound study has been completed to answer questions about sound differences between a six and an eight foot wall.

***Development Management Team Meeting***

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

***Noticing***

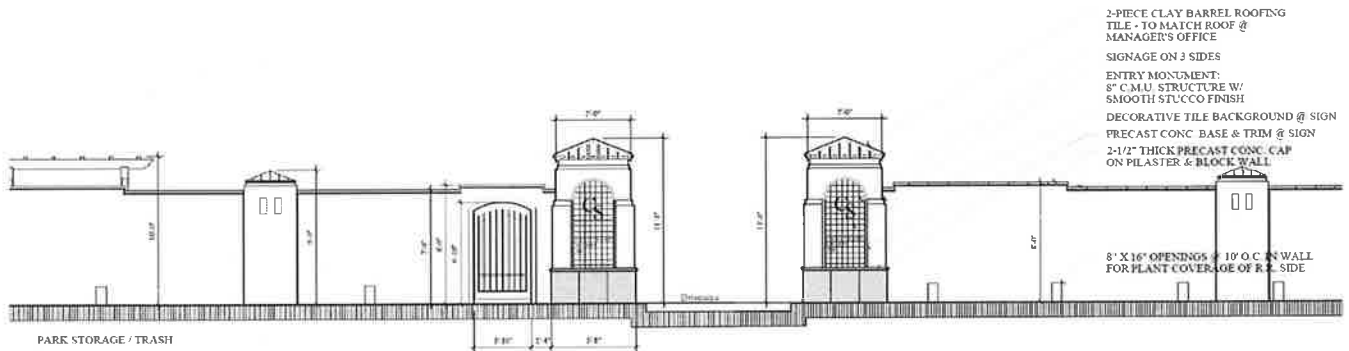
Public notices were distributed and posted per City and State requirements. No public comments have been received to date.

**PROJECT DESCRIPTION**

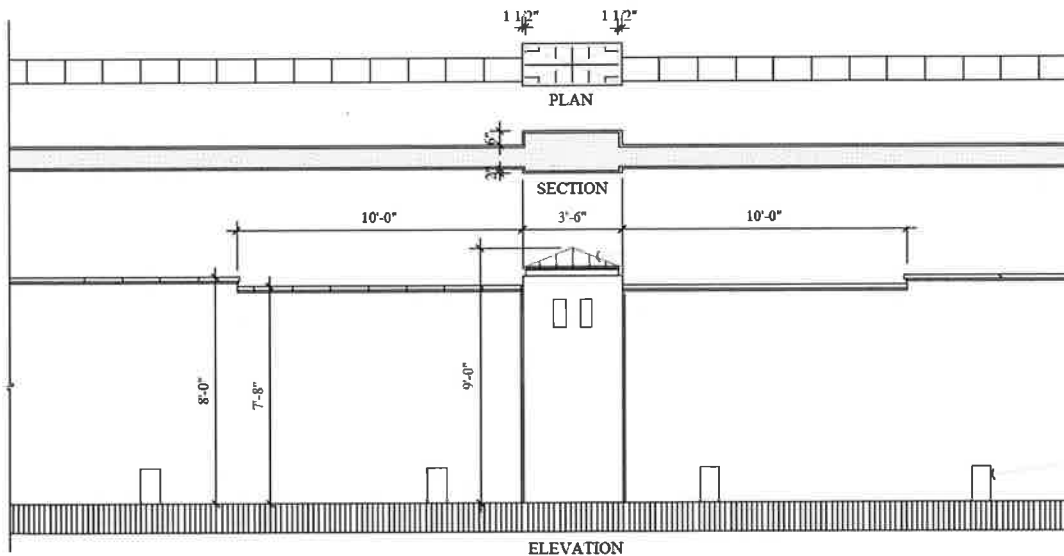
The applicant is requesting to construct a wall along the railroad right-of-way in excess of six feet in height, as well as to allow accessory structures which include decorative trash and transformer enclosures, lighting, decorative hardscape, pedestrian pathways, and new landscaping.

The wall is eight feet in height. Decorative columns break up the expansive wall which are nine feet in height adding articulation. At the main entry are two columns that flank the drive isle that are proposed to be approximately 11 feet height. The following exhibits show the main entry, wall details, and trash and transformer enclosures. For additional detail please refer to the enclosed plans.

**Exhibit 1- Entry Area**

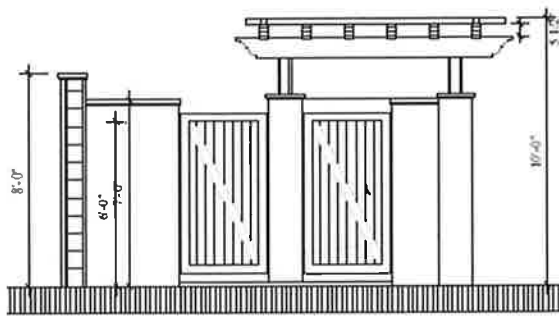


**Exhibit 2- Wall Detail**

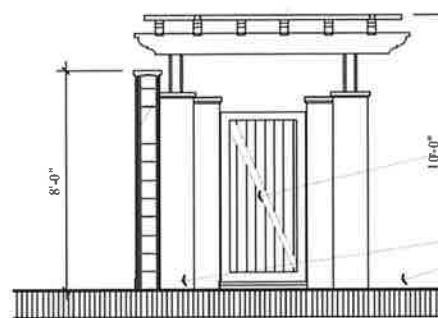


**Exhibit 3- Trash Enclosure With and Without Transformers**

With Transformer area



Without Transformer Area

**PROJECT ANALYSIS*****Conditional Use Permit***

The Capistrano Shores Mobile Home Park is located in an Open Space zoning district. Per Zoning Ordinance Section 17.44.020, a Conditional Use Permit (CUP) is required for the development of accessory structures in an Open Space zone. The CUP is required for the permanent decorative wall and accessory structures.

The aesthetics of the wall are in the Spanish Colonial Revival style as required by the gateway location of the development. The walls are treated in a smooth white stucco finish with a Creeping Fig vine on the east side of the wall to provide landscaping when viewed from El Camino Real. The vine will not only provide aesthetic relief but it will also provide a deterrent for potential graffiti. A row of trees will be planted along the west side of the wall making the canopy of the trees visible from the east side of the wall.

To provide plane breaks, the wall includes columns or pilasters approximately every 55-60 feet. Trellises that cover the trash and transformer enclosures are also visible above the wall providing aesthetic variation. In addition, the height of the wall varies several inches between the decorative features creating a stepping effect (see Exhibit 2 above for details.)

The architectural style of the wall conforms to the General Plan and City Design Guidelines.

***Variance***

The project requires a variance because the maximum permitted height for a wall is six feet. The applicant is proposing a wall eight feet in height with decorative columns along the wall that are nine feet tall, and entry columns that are 11'-1" tall.

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

The project site is unique to the City as it is the only mobile home park that resides on the west side of the railroad tracks. Bound between the ocean and the railroad right-of-way the mobile home units are approximately 70 feet from the railroad tracks. The LOSSAN railroad corridor is a main connection between metropolitan Los Angeles, Orange, and San Diego Counties, and is one of the busiest corridors in the U.S. Traffic volume for this stretch of the corridor has increased in recent years to an average of 50 trains per day.

The applicant desires the wall to reduce noise for the residents of the mobile home park, and they believe it will also increase the safety as the proposed wall is a more secure barrier than the existing chain link fence.

Sound Studies

The applicant completed two sound studies, 1) Impacts of sound attenuation on surrounding properties from the wall dated April 20, 2015, and 2) A sound study analyzing the impact of an eight foot wall versus a six foot wall on the Capistrano Shores community. To help analyze the impact of an alteration in decibel level, the below table depicts standard sound awareness based on a change in decibel levels.

**Table 1- Sound Awareness**

<b><i>Sound Awareness</i></b>	<b><i>Change (dB)</i></b>
Insignificant	1
Just perceptible	3
Clearly noticeable	5
Twice or half as loud	10
Significant	15
Much louder or quieter (4x as loud)	20

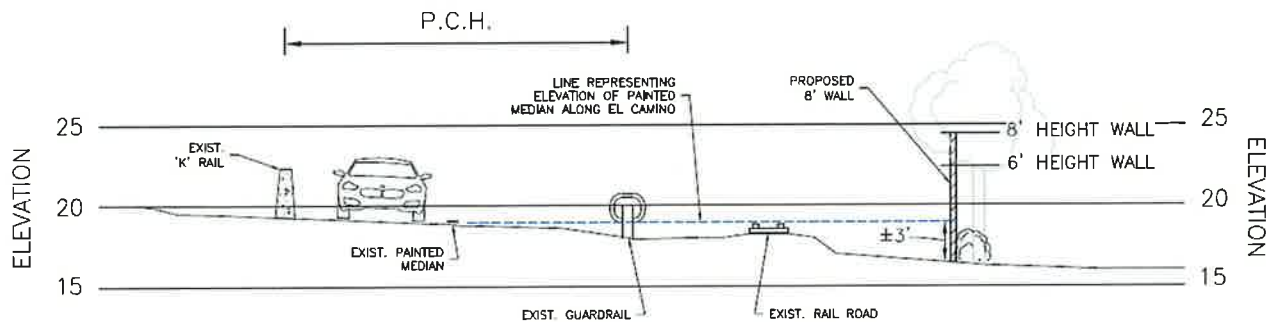
The first study (impacts of sound attenuation caused from the construction of the eight foot wall) concluded that the wall will not significantly increase the existing or future noise levels beyond that of the direct traffic or train noise. The increase in noise is 1.5 dBA which based on the above table is not a noticeable change in sound; a change of 3 dBA is required to have a perceptible increase in sound. This means that the Colony Cove or Marblehead Coastal residents would not be adversely affected by sound bouncing off the wall.

The second sound study (difference between a six foot and eight foot wall on the mobilehome community) concluded that the addition of the eight foot wall will significantly benefit the homes toward the southern end of the Capistrano Shores mobile home park by attenuating break noise and wheel squeal as the trains stop at the station. Since the higher noise sources are considerably above the wall and relatively close to it, the engine and exhaust noises would be significantly attenuated. The acoustical engineer states the eight foot wall reduces the decibel level by seven, compared to a six foot wall which reduced the noise impacts by two. A reduction of seven decibels is equivalent to cutting the noise impacts by nearly half per the above sound awareness table.

Visual Analysis

Staff also reviewed the visual impacts of the wall when viewed from El Camino Real. There is a one to three foot difference in grade between El Camino Real and the proposed wall. This grade difference reduces the visual impact of the wall height. El Camino Real is approximately 1-3 feet higher than the bottom of the wall, resulting in a perceived lower wall height. For a six foot wall, the wall height above El Camino Real will be three to five feet in height, and for an eight foot wall, it will be five to seven feet in height. Please see Exhibit 4 for details.

**Exhibit 4- El Camino Real Cross Section**



NOTE:

ALONG EL CAMINO REAL THERE IS A DIFFERENCE IN ELEVATION THAT AVERAGES APPROXIMATELY TWO FEET AND RANGES FROM 1'-3' THROUGHOUT THE ENTIRE STRETCH OF THE PROPOSED SCREEN WALL.

GIVEN THE PROJECTION OF THE CURRENT ELEVATION OF THE PAINTED MEDIAN AT EL CAMINO REAL, IT IS ANTICIPATED THAT AT MOST, THE PERCEIVED HEIGHT OF SUCH WALL WILL BE:

- FOR AN 8' WALL 5'
- FOR A 6' WALL 3'

Potential view impacts from the new coastal trails in Marblehead were also analyzed. Because the wall heights are lower than the height of the mobile homes, there will be no impact on the existing views due to the wall. The below exhibit illustrates this.

**Exhibit 5- Views from Marblehead Coastal Trails**



Dash line shows elevation of El Camino Real

### Findings

Staff believes the findings for the Variance can be made because the project's unique coastal location and proximity to the railroad tracks. The project site is unique to the City as it is the only mobile home park that resides on the west side of the railroad tracks. Bound between the ocean and the railroad right-of-way the mobile home units are approximately 70 feet from the railroad tracks. The wall will provide sound mitigation for the residents from the trains.

Sound studies concluded that sound attenuation caused from the construction of the eight foot wall, would not result in a noticeable difference in existing or future noise levels beyond that of the direct traffic or train noise. However, the addition of the eight foot wall will significantly benefit the mobile homes toward the southern end of the community by attenuating break noise and wheel squeal as the trains stop at the station and reducing noise levels by 5 dBA more than a six foot wall resulting in a clearly noticeable difference.

The variance for the wall will be in keeping with the General Plan as it will develop an attractive Spanish Colonial Revival style wall at a gateway location. For a more detailed analysis on how the project meets the findings please refer to the resolution provided under Attachment 1.

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

The Design Review Subcommittee (DRSC) reviewed the project on June 10 and July 29, 2015. At the meeting concerns about landscaping regarding tree height and species were raised, as well as the scale of the architectural details being in proportion to the length of the overall wall. With DRSC's support to move the project forward to Planning Commission for review, the project was referred to the City's contract Landscape Architect, Pat Murphy, who was also present at the last DRSC meeting. The proposed plans incorporate the landscape modifications addressing the DRSC's concerns.

For additional information a copy of the staff report and minutes for each meeting are provided under Attachments 8-11.

### **GENERAL PLAN CONSISTENCY**

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

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

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

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

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

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

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

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

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

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

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

The proposed project complies with the above noted policies and guidelines. The decorative wall is a quality Spanish Colonial Revival style will help enhance the North Beach gateway area.



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

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

**CALIFORNIA COASTAL COMMISSION REVIEW**

The proposed project is not exempt and requires California Coastal Commission approval.

**ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES**

1. The Planning Commission can approve the proposed projects.

*This action would result in the approval of the project and the applicant would move forward to obtain the other necessary agency permits including, but not limited to, the Californian Coastal Commission.*

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

*This action would result in any modifications being incorporated into the design of the project and may included, but not be limited to: only the decorative features of the wall may exceed the six foot height requirement, such as tower elements and column details; or that the wall, including any decorative features, shall not exceed six feet in height.*

3. The Planning Commission can deny the proposed project.

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

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission approve Variance 14-474 and Conditional Use Permit 14-475, Capistrano Shores Decorative Wall and Landscaping, subject to the attached Resolutions and Conditions of Approval.

**Attachments:**

1. Resolution No. 15-003, Capistrano Shores Permanent Wall and Landscaping  
Exhibit A - Conditions of Approval
  2. Location Map
  3. Photographs and Visual Simulations
  4. Staff Report from February 4, 2015
  5. Minutes from February 4, 2015
  6. Staff Report from February 18, 2015
  7. Minutes from February 18, 2015
  8. DRSC Report from June 10, 2015
  9. DRSC Minutes from June 10, 2015
  10. DRSC Report from July 29, 2015
  11. DRSC Minutes from July 29, 2015
- Acoustical Engineering Analysis (April 20 and May 9, 2015)  
Reduced Plans  
Full Size Plans

## RESOLUTION NO. PC 15-003

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

**WHEREAS**, on November 20, 2014, an application was submitted by Eric Anderson and Eric Wills, 1880 N. El Camino Real, CA 92672, a request to consider an eight foot tall decorative block wall between the railroad tracks and the Capistrano Shores Mobile Homes Park with accent columns up to 11'1" in height, along with accessory structures, landscaping, hardscape, and utility improvements, located in the Capistrano Shores Mobile Homes Park leased portion of the railroad right-of-way. The project is located at 1880 N. El Camino Real within the Open Space zoning district and Coastal Zone Overlay (OS2-S2-CZ), the legal description being a strip of land 27.55 feet wide in the City of San Clemente, County of Orange, State of California, being a portion of Section 32, Township 8 South, Range 7 west, and Assessor's Parcel Number 691-432-02; and

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

**WHEREAS**, on October 9, and December 11, 2014, the Development Management Team considered the application and provided conditions of approval to ensure the project was compliant with applicable codes; and

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

**WHEREAS**, on February 18, 2015, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties and table the item to a date uncertain at the applicants request; and

**WHEREAS**, on November 18, 2015, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

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

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

**Section 2:** In regard to Variance No. 14-474, the Planning Commission finds as follows:

- A. Due to special circumstances applicable to the subject property including size, shape, topography, location and surroundings, the strict application of the Zoning Ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zone classifications in that the project site is unique to the City as it is the only community that resides on the west side of the railroad tracks. Bound between the ocean and the railroad right-of-way the mobile home units are approximately 70 feet from the railroad tracks. The applicant and OCTA would like to see safety improved in this area and believe the proposed wall will help accomplish that. In addition, the wall will provide sound mitigation for the residents from the trains. Sound studies were completed that concluded that sound attenuation caused from the construction of the eight foot wall, concluded that the wall will not significantly increase the existing or future noise levels beyond that of the direct traffic or train noise, and that the addition of the eight foot wall rather than an six foot wall will significantly benefit the homes toward the southern end of the community by attenuating break noise and wheel squeal as the trains stop at the station and reducing noise levels by 7 dBA. Since the higher noise sources are considerably above the wall and relatively close to it, the engine and exhaust noises would be significantly attenuated. The LOSSAN railroad corridor is a main connection between metropolitan Los Angeles, Orange, and San Diego Counties, and is one of the busiest corridors in the U.S. Traffic volume for this stretch of the corridor has increased in recent years to an average of 50 trains per day.
- B. The granting of the variance is necessary for the preservation of a substantial property right possessed by other property owners which include safety and noise. There is no other residential community in the City of San Clemente whose main drive aisle and parking are located within the railroad right of way, meaning that all daily access is taking place within the railroad right of way. The development being in such close proximity to a heavily utilized mass transit system poses unique safety concerns for the residents and visitors to the development. Constructing a perimeter wall will enhance the safety of the residents and visitors of the mobile home park by installing a secure barrier between the train and the development. This close proximity to the railroad along with the increased train volume in the last several years also impacts noise on the subject property. The sound study for the project concluded that the installation of the eight foot wall, rather than a six foot wall, significantly reduces noise impacts to the Capistrano Shores Mobile Home Park community.

- C. The required conditions of approval assure that the adjustment authorized will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity subject to the same zoning regulations in that there are no other mobile home developments in the same Open Space zone or that reside west of the railroad tracks.
- D. The granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity in that the perimeter wall will enhance the safety of the residences and visitors of the mobile home park as it will be a permanent and secure barrier between the community and railroad right-of-way.
- E. The granting of a variance is consistent with the General Plan and the intent of this title in that the wall will be designed in the Spanish Colonial Revival architectural style, as required by the General Plan, and will serve as an improved gateway streetscape by replacing the existing aluminum fence that is not consistent with the General Plan with a safer and aesthetically attractive wall that meets the goals and policies of the General Plan for the subject area.

**Section 3:** In regard to Conditional Use Permit No. 14-475, the Planning Commission finds as follows:

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

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

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of San Clemente on November 18, 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 November 18, 2015, and carried by the following roll call vote:

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

\_\_\_\_\_  
Secretary of the Planning Commission

## EXHIBIT A

**CONDITIONS OF APPROVAL FOR VAR 14-474 AND CUP 14-475  
Capistrano Shores Permanent Wall and Accessory Improvements**

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

4. A use shall be deemed to have lapsed, and VAR 14-474 and CUP 14-475, shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the California Building Code, as amended. *[Citation - Section 17.12.150.C.1 of the SMC]* (PIng.)\_\_\_\_\_
  
5. The owner or designee shall have the right to request an extension of CUP 14-475, if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall be subject to review and approval by the final decision making authority that ultimately approved or conditionally approved the original application. *[Citation - Section 17.12.160 of the SMC]* (PIng.)\_\_\_\_\_
  
6. Signage is not part of this review. Any signage for this proposed development shall require the owner or designee to submit for review and obtain approval of a Sign Permit or Master Sign Program in accordance with the City's Sign Ordinance. *[Citation - Section 17.16.240.D & 17.16.250.D of the SMC]* (PIng.)\_\_\_\_\_
  
7. Prior to the issuance of building permits, the owner or designee shall include within the first four pages of the working drawings a list of all conditions of approval imposed by the final approval for the project. *[Citation - City Quality Insurance Program]* (PIng.)\_\_\_\_\_ (Bldg.)\_\_\_\_\_
  
8. Prior to issuance of final inspection sign off, the project shall be develop in conformance with the site plan, elevations, details, and any other applicable submittals approved by the Planning Commission on February 18, 2015, subject to the Conditions of Approval, or subsequent approval by the City Planner or designee.  
  
Any deviation from the approved site plan, elevations, details, or other approved submittal shall require that the owner or designee submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Planning Commission. ■ (PIng.)\_\_\_\_\_
  
9. Maintenance of the wall including landscaping shall be the requirement of the Capistrano Shores Mobile Home Park and must be maintained in good keeping. ■■ (PIng.)\_\_\_\_\_



10. The wall shall be in the Spanish Colonial Revival Style and the stucco shall be applied with a 'steel, hand trowel' (no machine application), and shall be a smooth Mission finish with slight undulations (applied during brown coat) and bull-nosed corners and edges, including archways (applied during lathe), with limited control/expansion joints to be preapproved by the City Planner or designee. *[Citation – City of San Clemente Design Guidelines, November 1991]*  
(PInG.)\_\_\_\_\_
11. If roof tiles are used as part of the design the tiles shall be two-piece clay tile roofing with booster tiles on the edges and ridges and random mortar packing. The mortar shall be packed on 100 percent of the tiles in the first two rows of tiles and along any rake and ridgeline, and shall be packed on 25 percent of the tiles on the remaining field. Mortar packing shall serve as bird stops at the roof edges. The volume of mortar pack to achieve the appropriate thickness shall be equivalent to a 6 inch diameter sphere of mortar applied to each tile. *[Citation – City of San Clemente Design Guidelines, November 1991]*  
PInG.)\_\_\_\_\_
12. The east side of the wall, facing the railroad tracks, shall provide landscaping in the form of vines or other plant material to help soften the look of the wall and deter vandalism. The landscape plan shall be approved by the City prior to building permit issuance for the wall. If at any point in time landscaping is prohibited by the Orange County Transit Authority (OCTA) on the east side of the wall, the applicant shall install architectural details that shall be approved by the Design Review Subcommittee and the City Planner or designee to provide architectural interest as well as help deter vandalism of the wall. The wall shall be setback to accommodate for the area required to incorporate said landscaping or architectural projections.  
■■ (PInG.)\_\_\_\_\_
13. Prior to permit issuance of the permanent decorative perimeter wall, accessory structures, and any other improvements associated with these applications, the applicant shall demonstrate to the satisfaction of the City Planner or designee that approval by the California Coastal Commission has been obtained. ■ (PInG.)\_\_\_\_\_
14. 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 SMC]*  
(PInG.)\_\_\_\_\_

15. The applicant shall maintain canopy trees in a manner that they provide coverage and encourages the canopy to grow to provide shade. The applicant shall avoid pruning the trees to the point where they do not grow into a canopy tree.  
■■ (PIng.)\_\_\_\_\_
16. Should for any reason the width of the planter area adjacent to the permanent decorative wall need to be widened to ensure the vitality of the landscaping and trees, the plans shall be modified to the satisfaction of the City Planner or designee.  
■■ (PIng.)\_\_\_\_\_

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

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

19. Prior to the issuance of any permits, in the event that Grading Permits are required, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for, a soils and geologic report prepared by a registered geologist and/or geotechnical engineer which conforms to City standards and all other applicable codes, ordinances and regulations. *[Citation – Section 15.36 of the SCMC]*  
(Eng.)\_\_\_\_\_
20. Prior to the issuance of any permits, in the event that Grading Permits are required, the City Engineer shall determine that development of the site shall conform to general recommendations presented in the geotechnical studies, including specifications for site preparation, treatment of cut and fill, soils engineering, and surface and subsurface drainage. *[Citation – Section 15.36 of the SCMC]*  
(Eng.)\_\_\_\_\_

#### ***Grading***

21. Prior to the issuance of any permits, in the event that Grading Permits are required, the owner or designee shall submit for review, and obtain the approval of the City Engineer, a precise grading plan, prepared by a registered civil engineer, showing all applicable frontage improvements and onsite improvements, including but not limited to, grading, building pad grades, storm drains, sewer system, retaining walls, water system, etc., as required by the City Grading Manual and Ordinance. *[Citation – Section 15.36 of the SCMC]*  
(Eng.)\_\_\_\_\_

**Improvement Plans**

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

**NPDES**

24. Prior to issuance of any permit, the owner shall demonstrate to the satisfaction of the City Engineer that the project meets all requirements of the Orange County National Pollutant Discharge Elimination System (NPDES) Storm Drain Program, and Federal, State, County and City guidelines and regulations, in order to control pollutant run-off. The owner shall submit for review, and shall obtain approval of the City Engineer plans for regulation and control of pollutant run-off by using Best Management Practices (BMP's). *[Citation – Section 13.40 of the SCMC]* (Eng.)\_\_\_\_\_
25. Prior to issuance of any permit, the owner or designee shall submit for review a project binder containing the following documents: *[Citation – Section 13.40 of the SCMC]* ■ ■ (Eng.)\_\_\_\_\_
- A. If the project is greater than 1 acre, a Notice of Intent (NOI) for coverage under the General Construction Storm Water Permit must be filed with the State Water Resources Control Board (<http://www.waterboards.ca.gov/stormwtr/construction.html>) and a copy of the NOI, a WDID number and a copy of the Storm Water Pollution Prevention Plan (SWPPP) must be filed with the City;

- B. If the site is determined to be a "Priority Project" (as defined by the Orange County's MS4 Permit for the South Orange County Model WQMP, [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/stormwater/](http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/) ) a final Water Quality Management Plan (WQMP) must be approved by the City prior to issuance of any permits. The final WQMP shall be recorded with the Orange County Recorder's Office and filed with the City prior to Certificate of Occupancy or finalization of permits. Site design plans shall incorporate all necessary WQMP requirements, including but not limited to covered trash enclosures.
- C. Since a portion of the proposed project is located on City property, prior to the issuance of any permits for work in this area, the applicant and the City shall enter into a recorded agreement for maintenance for any WQMP features or any other improvements on City property. Any such agreement shall be to the satisfaction of the City Attorney. Unless approved otherwise by the City Manager, the Agreement shall place all maintenance responsibilities on the project applicant.
26. 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.)\_\_\_\_\_

**Financial Security**

27. 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.)\_\_\_\_\_

**Landscape Plans**

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

service. The owner or designee shall install reclaimed water service lines to the meter locations for future connection when reclaimed water is available.

(BP&R.)\_\_\_\_\_

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

(BP&R.)\_\_\_\_\_

### **Building**

31. Separate Building Permit(s) required. Plans to construct new structures, add or alter the existing structure configuration(s), change in use, add or alter structural, mechanical, electrical or plumbing features of the project must be reviewed and approved through a separate building plan check / permit process. (Bldg.)\_\_\_\_\_
- [S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]*
32. Project has not been reviewed for Building Code compliance. Prior to issuance of building permits, code compliance will be reviewed during building plan check. (Bldg.)\_\_\_\_\_
- [S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]*
33. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to, the Zoning Ordinance, Grading Code, Security Ordinance, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 and Title 25 of the California Code of Regulations as adopted by the City including, but not limited to the California Administrative, Building, Electrical, Plumbing, Mechanical, Energy, Green, and Fire Codes.*[S.C.M.C – Title 8 – Chapter 8.16 – Fire Code, Title 15 Building and Construction Chapters 15.08, 15.12, 15.16, 15.20, 15.21, Title 16 Subdivisions, Title 17 Zoning ]*
- (Bldg.)\_\_\_\_\_
34. Prior to the Building Division's approval of the framing inspection, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer that is licensed to do surveying or land surveyor has certified that the height of all structures are in conformance to the approved plans. *S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24*
- (Bldg.)\_\_\_\_\_

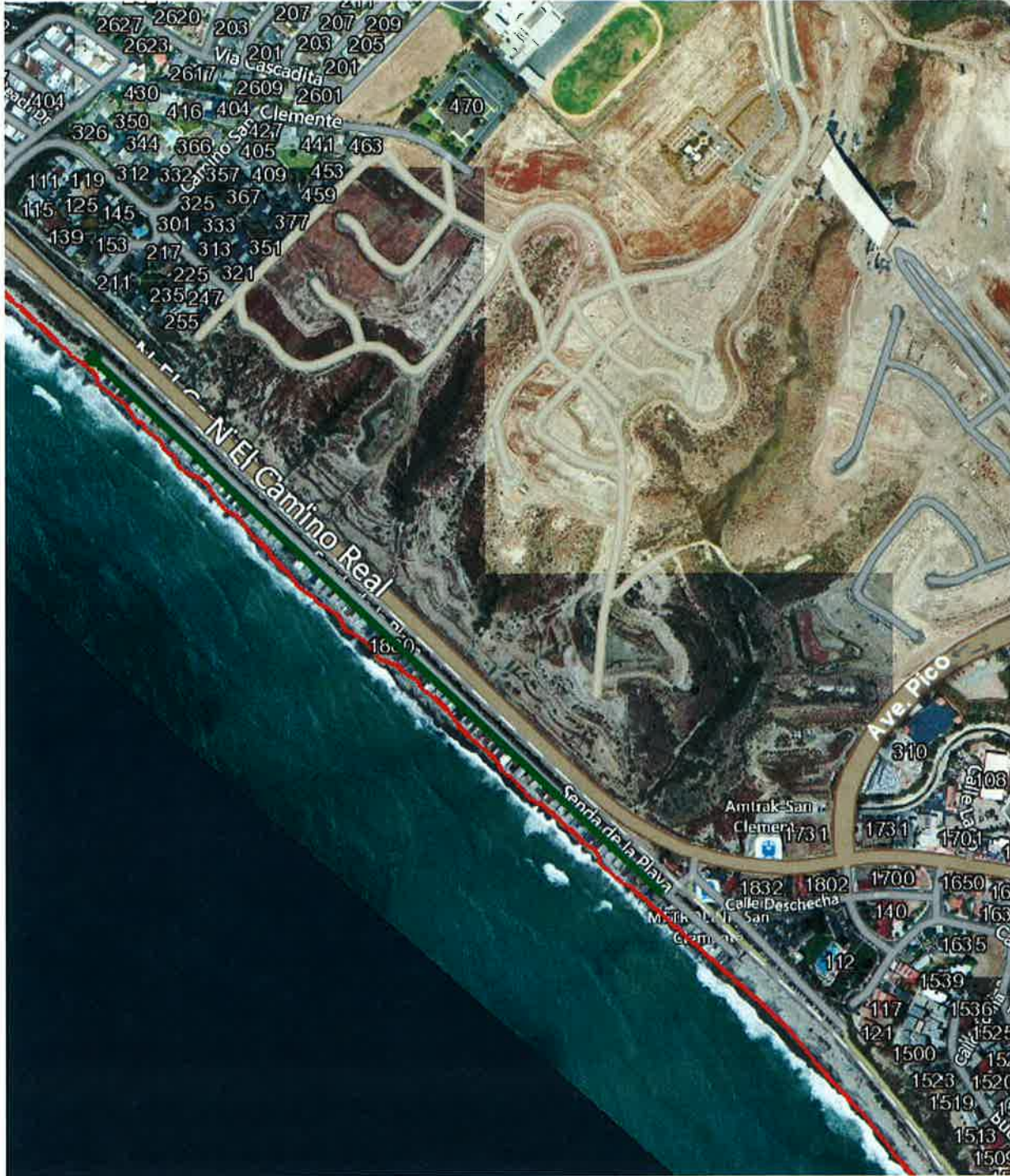
All Conditions of Approval are standard, unless indicated as follows:


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



# LOCATION MAP

Capistrano Shores Wall, landscaping, and Accessory Structures  
1880 N. El Camino Real



No scale 

Photographs



Inside the Park





**Simulation Viewed from Marblehead Trails**





## STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: February 4, 2015

---

**PLANNER:** Amber Gregg, Associate Planner

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

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

### **REQUIRED FINDINGS**

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

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

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

***Architectural Permit***

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

***Variance***

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

**BACKGROUND**

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

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

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

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

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

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

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

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

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

### ***Noticing***

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

**PROJECT DESCRIPTION**

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

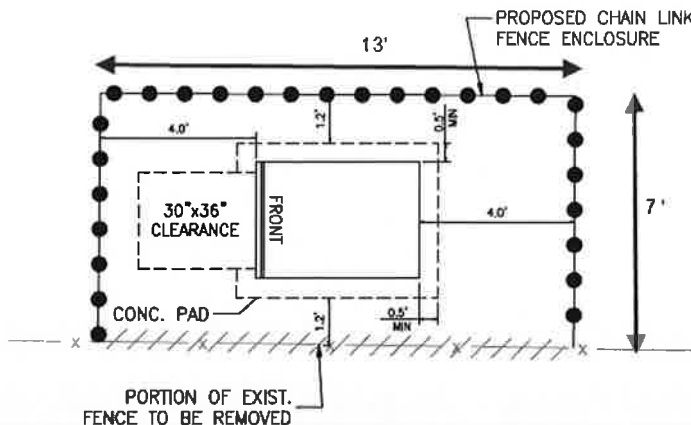
**Phase One**

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

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



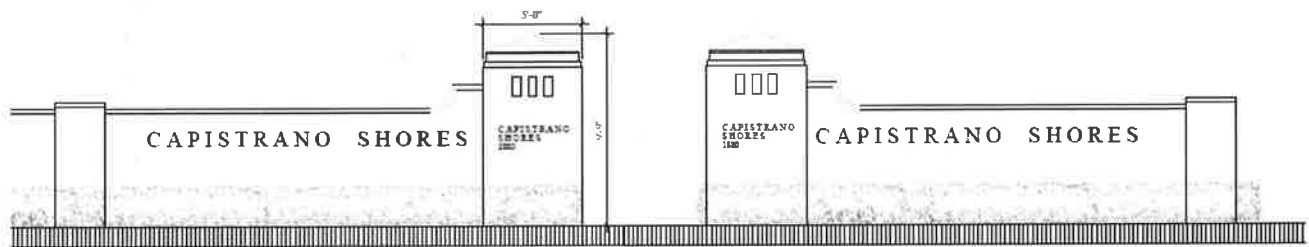
**Exhibit 2 – Detail of Electrical Transformer and Fence**



Phase Two

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

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



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

**Architecture**

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

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

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

- *The wall shall be in the Spanish Colonial Revival style and the stucco shall be applied with a 'steel, hand trowel' (no machine application), and shall be a smooth Mission finish with slight undulations (applied during brown coat) and bull-nosed corners and edges, including archways (applied during lathe), with limited control/expansion joints to be approved by the City Planner or designee. (PIng.)\_\_\_\_\_*
- *If roof tiles are used as part of the design the tiles shall be two-piece clay tile roofing with booster tiles on the edges and ridges and random mortar packing. The mortar shall be packed on 100 percent of the tiles in the first two rows of tiles and along any rake and ridgeline, and shall be packed on 25 percent of the tiles on the remaining field. Mortar packing shall serve as bird stops at the roof edges. The volume of mortar pack to achieve the appropriate thickness shall be equivalent to a 6 inch diameter sphere of mortar applied to each tile. (PIng.)\_\_\_\_\_*

### **Landscaping**

The project currently proposes landscaping on the Park side of the wall and not on the east, or railroad, side of the wall which faces the public right-of-way. The reason for that is the applicant's lease agreement with OCTA states that landscaping is not permitted on the railroad side of the wall. Staff and public officials are currently working with OCTA to discuss leniency on the landscape restriction to allow for vines on the east side of the wall. The vines will help soften the visual appearance of the  $\frac{3}{4}$  of a mile long wall, as well as deter vandalism.

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

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

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

**PROJECT ANALYSIS**

***Conditional Use Permit***

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

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

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

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

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



### ***Architectural Permit***

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

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

### ***Variance***

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

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

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

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

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

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

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

### **GENERAL PLAN CONSISTENCY**

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

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

##### **POLICIES:**

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

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

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

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

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

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

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

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

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

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

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

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

**CALIFORNIA COASTAL COMMISSION REVIEW**

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

**ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES**

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

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

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

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

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

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

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

**RECOMMENDATION**

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

**Attachments:**

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

Plans

**MINUTES OF THE REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
February 4, 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 7:04 p.m.

**2. PLEDGE OF ALLEGIANCE**

Chair pro tem Ruehlin 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  
Amber Gregg, Associate Planner  
Michael Jorgensen, Building Official  
Zachary Ponsen, Senior Civil Engineer  
Ajit Thind, Assistant City Attorney  
Eileen White, Recording Secretary

**4. SPECIAL ORDERS OF BUSINESS**

**A. Closed Session Report - City Attorney**

Ajit Thind, Assistant City Attorney, announced no reportable action was taken during the Closed Session.

**B. Selection of Design Review Subcommittee Alternate**

Select one member to serve as the alternate on the Design Review Subcommittee which meets the second and fourth Wednesday of each month at 3:00 p.m. in the Community Development Department, Conference Room A.

HERITAGE PERMIT 14-107/MINOR EXCEPTION PERMIT 14-471 –  
MCILVAIN RESIDENCE.

[ITEM TABLED.]

**B. 1880 N. El Camino Real – Variance 14-474/Conditional Use Permit 14-475 – Capistrano Shores Wall and Landscaping (Gregg)**

A request to consider an eight foot tall decorative block wall between the railroad tracks and the Capistrano Shores Mobile Homes Park with 9'9" accent columns at the main entrance, along with accessory structures, landscaping, and utility improvements within the park. The project is located at 1880 N. El Camino Real within the Open Space zoning district and Coastal Zone Overlay (OS2-S2-CZ), the legal description being a strip of land 27.55 feet wide in the City of San Clemente, County of Orange, State of California, being a portion of Section 32, Township 8 South, Range 7 West, and Assessor's Parcel Number 691-432-02.

**C. 1880 N. El Camino Real – Conditional Use Permit 14-389/Architectural Permit 14-378 – Capistrano Shores Transformers and Fence (Gregg)**

A request to consider seven new transformers, enclosed by temporary chain link fencing, located in the Capistrano Shores Mobile Homes Park leased portion of the railroad right-of-way. The project is located at 1880 N. El Camino Real within the Open Space zoning district and Coastal Zone Overlay (OS2-S2-CZ), the legal description being a strip of land 27.55 feet wide in the City of San Clemente, County of Orange, State of California, being a portion of Section 32, Township 8 South, Range 7 West, and Assessor's Parcel Number 691-432-02.

Amber Gregg, Associate Planner, combined presentation for items B & C for a comprehensive analysis of corresponding projects. She narrated a PowerPoint Presentation entitled, "Capistrano Shores Mobile Home Park Applications, dated February 4, 2015;" provided background information, summary of project Phases, before and after photographs, and analyses for each project. In addition, she summarized unique conditions of approval; reviewed necessary findings that must be made in order for the Commission to approve the project; provided staff's analysis of the findings. Staff recommended the Commission approve the request as conditioned.

In response to questions from the Commission, Associate Planner Gregg advised staff elected not to require a sound study based on regulations and information provided on the Federal Railroad Administration website; illustrated how noise will travel/affect the Marblehead Coastal Project; noted the project's landscaping plan will be reviewed in subsequent

submissions. This project is being presented in an unusual order due to the applicants' time frame. Subsequent plans will be reviewed and approved by the Design Review Subcommittee (DRSC) and City Planner. Landscaping plans will be reviewed and approved by the City's Landscape Consultant Pat Murphy. A standard condition of approval will require the project to be ready for recycled water in the event it becomes available to the site. She noted that none of the homes in the immediate vicinity have variances for fence heights and noted that there are no projects with similar circumstances with the same zoning designation as the subject property, and additionally there are differences and circumstances unique to this property that make it unlikely to set precedent with subsequent requests.

Ajit Thind, Assistant City Attorney, advised that this variance, if approved, is based on unique specifications and factors specific to this property. It would be extremely unlikely that the exact same circumstances would be present on other properties requesting variances, and therefore it would be doubtful that this approval could be used to set precedence for other variances. In addition, he noted that upon analysis of the existing lease with OCTA, his office has determined that City approval of the project will allow the applicant to access OCTA property.

Associate Planner Gregg referred to a letter dated February 2, 2015, from Bill Mock, Senior Real Property Agent for the Orange County Transportation Authority, indicating approval to allow vegetation to grow on the east side of the proposed wall. In response to questions, she advised that the vegetation on the wall will help deter graffiti, provide visual relief, and attenuate sound; noted staff did not require a study to measure the difference between noise impacts between an 8-foot and 6-foot wall; stated the wall and other accessory improvements requires both City and California Coastal Commission (CCC) approvals before construction.

Michael Jorgensen, Building Official, stated that he is unaware of any regulations that would be relevant to sound issues for mobile homes; advised the applicant currently has an approved plan to replace antiquated utilities including the transformers, but with this application are requesting an alternative location and "pop outs" for the transformers.

Zachary Ponsen, Senior Civil Engineer, advised the storm drains associated with the project are privately owned and maintained.

Chair Darden opened the public hearing.

Eric Anderson, Park Manager, advised that a corporation owns the entire site. There are 90 sites for mobile homes, and 90 shares held in the corporation. He noted the letter from the attorneys for Capistrano Shores included with the meeting packet is almost verbatim to a letter presented

to the Commission at its December 17, 2014, meeting by Mr. Eric Wills. He noted the February 4, 2015, letter was presented late because applicants do not receive the staff report until the week before the meeting.

Eric Wills, resident, noted that the corporation is not willing to set aside money so the City can build the proposed wall in the event the corporation elects not to do it. If the City does not approve the proposed wall, the applicant would prefer the transformers are located on the other side, in the originally approved location. The City is making the applicant install the wall if the applicant wants to put the transformers in the alternative location. The applicant would prefer to install the transformers in the alternative location before the wall is constructed; in the odd chance that the applicant decides not to install a wall, the City can relocate the transformers to the other side of the fence and return it to its original condition. He requested the Commission approve language submitted in the letter dated February 4, 2015, from The Loftin Firm, P.C., Attorneys at Law representing Capistrano Shores Mobilehome Park, rather than the language recommended by staff. The revised conditions relate to the financial security conditions and reduce the bond amount to reflect the cost of removal. The new language would allow the applicant to locate the transformers in the temporary pop outs without the wall requirement. Additionally, the letter compares the City's requirement for costs to construct a permanent wall to a case where the California Court of Appeals found a bond to be "an illegal forfeiture." He noted the project is not acceptable to the applicant as proposed by staff. The applicant would like to have the wall approved so it can be combined with other issues and presented to the CCC. He referred to a legal settlement with the City before being reminded by Assistant City Attorney Thind that settlement plans are confidential and should not be discussed at a public meeting. He submitted photos of temporary fencing installations throughout town, including some on City-owned properties.

Associate Planner Gregg noted that staff does not believe the findings necessary to permit the architectural permit for the temporary pop-outs can be approved without conditions included to ensure the wall is built. In order to approve the project as presented, the permanent fence has to be part of the application. Approval of the project would only be a conceptual approval of the wall, the final design is subject to DRSC and City Planner approval. Ms. Gregg also clarified that approval of the applications does not count as an official "In-concept" approval as required by the California Coastal Commission (CCC) for the wall, they would need to obtain the DRSC and City Planner approval of the wall for it to meet CCC's requirements. They can however inform the CCC that they have a preliminary approval and provide them with the approved Resolution.

Chair Darden closed the public hearing.



Commission Comment:

Chair pro tem Ruehlin does not agree that the required findings to allow the wall height variance have been met and is concerned that precedence would be set for other applicants desiring same. He endorsed staff's requirement that the applicant be required to create a cash deposit or line of credit to ensure the permanent wall is constructed to protect the City from risk and finds it problematic that the applicants' and their attorneys are opposed to the requirement. He believes the DRSC made it clear to the applicants that the proposed pop outs do not comply with the General Plan, and could not be approved as they are proposed. He also questioned the CEQA exemption. Although the CEQA specifically allows exemptions for walls and other accessory structures, because the proposed wall is 2/3 of a mile long, it's possible that its size would disqualify it as an exemption. Additionally he has questions due to sound attenuation, graffiti issues, and issues related to the approved bike and pedestrian path adjacent to the subject property. He established from staff that a permit for the wall is still required whether or not the variance is granted. Although he acknowledged it would be more costly for the applicant, he would prefer the applicant install the transformers in the currently approved location and have to incur relocation costs when/if the permanent wall is constructed rather than the City take risk by allowing the pop out construction and potential the wall will not be constructed.

Commissioner Barnes felt the CEQA concerns expressed by Chair pro tem Ruehlin were warranted, and would like more information on what potential CEQA mitigations would be. She does not believe some of the findings have been met, specifically with regard to whether denial of the request would result in a hardship (SCMC 17.16.080), and questioned whether construction of a solid wall allows the public access in compliance with Coastal Act provisions in the General Plan (GP C-3,C-4) Coastal Element (SCCE), Resolution 95-91, A-2—A-4, and City code (SCMC 17.56.050) CCC guidelines and the City's General Plan guidelines. She noted that if a permanent wall is built, it will block views of the ocean that have been enjoyed by the public for many years. Additionally, the block wall may negatively affect the expanded bike and pedestrian lanes. She questioned whether allowing this wall might negatively affect/set precedence in the City of Dana Point as well as the State of California.

Vice Chair Brown commented that staff has worked diligently with the applicants to create a compromise situation that would allow Capistrano Shores to move ahead with its improvements and at the same time give the City some protection and assurance that the project would comply with its General Plan. He agreed the variance findings have not been met to his satisfaction, and commented that if the variance request is

removed, in his opinion, the need for CEQA review would be eliminated. He commented that it was unnecessary and unwarranted for the applicants' attorney to submit a threatening letter at 5:00 p.m. on the day of the meeting. He encouraged the applicant to continue working with staff to come to an appropriate compromise. He supported findings for the Conditional Use Permit and Architectural Permit, and recognized that the project phases are out of sequence due to timing concerns.

Commissioner Crandell agreed that staff has worked diligently with the applicant for a solution. He commented that the documents submitted by the applicants feature several different designs and dimensions for the proposed wall making it very difficult for the Commission to imagine its appearance. Additionally, necessary information and designs for other required elements are missing from the proposed plans. He is unable to support the project without being provided with this information and cohesive plans. He would support the temporary fencing as long as the project remains conditioned to require construction of the wall. He suggested several different methods for them to install the transformers so it would be easy and less expensive to install them in their current approved location and move them to their desired location at a later date. The wall should also include recesses to support mature plantings, design details, and other mitigation to ensure it does not appear as a long, blank white wall.

Commissioner Eggleston felt that all the necessary findings could not be met for the variance, and suggested it was unreasonable for the applicant to suggest the Commission could go against the staff recommendation and approve language suggested by his counsel in a letter received at 5:00 p.m. today. He recommended the project go back through the staff review process once more to review findings and allow for thorough review of the applicant's letter.

Commissioner Smith commented that although the project concept was good on its face, the project details are very uncertain at this point. He agreed proper design review of the wall is necessary, and all issues, such as the City's Local Coastal Plan, potential impacts on the new bike/pedestrian path, coastal access conflicts with the Marblehead Coastal project, etc., must be considered or conditioned for consideration before the plan can be approved. Making the wall 8-feet instead of the 6-foot maximum is just another obstacle to streamlining the approval process. He is encouraged to see the letter from the OCTA to allow vegetation, and commented that a long white wall without undulation, interesting screening, shading, design, vegetation, etc. would be an eyesore, especially as it is a gateway to the City and may offset the nature of a beach town. He opposed changing to language suggested by the applicants' attorney at the last minute.

Chair Darden also questioned whether the proposed project would have negative impacts on the adjacent community and new Marblehead Coastal project located on the cliffs above the subject property. She noted in DRSC meetings, DRSC members and staff displayed willingness to work with the applicant to find solutions and connect the applications so that the applicants get what they needed and the City is assured they have a plan that complies with regulations. She expressed concern that approval of the variance might generate similar arguments from others living along the coast and create precedence. She is comfortable with the conditions attached to the project to require the wall design review and construction, and in favor of the project as proposed with removal of the proposed variance. In addition, she thanked the entire Commission for the detailed discussion of such a complex issue, and for coming to a resolution on the motion in the spirit of moving the project along.

Discussion ensued regarding how to move forward with this application, with staff providing guidance, and the Commission coming to consensus on key issues. The majority decided that removal of the variance request eliminated need to question whether the project is exempt from CEQA review, and the Commission unanimously decided to deny the request for the variance, revise language for clarification, and add a condition encouraging beach access for the public. The requests were continued with direction for staff to return with revised resolutions.

Eric Wills, applicant, thanked the Commissioners for their time and effort.

IT WAS MOVED BY CHAIR PRO TEM RUEHLIN, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED TO CONTINUE AGENDA ITEM 8.B. 1880 N. EL CAMINO REAL – VARIANCE 14-474/CONDITIONAL USE PERMIT 14-475 – CAPISTRANO SHORES WALL AND LANDSCAPING AND AGENDA ITEM 8.C. 1880 N. EL CAMINO REAL – CONDITIONAL USE PERMIT 14-389/ARCHITECTURAL PERMIT 14-378 – CAPISTRANO SHORES TRANSFORMERS AND FENCE, TO THE REGULAR MEETING OF FEBRUARY 18, 2015, WITH THE FOLLOWING DIRECTION:

Staff directed to provide resolution for denial for Variance 14-474.

Resolution no. PC 15-002, Page 2, Section 2.B., 2<sup>nd</sup> sentence, strike “from the existing three to seven”

Resolution no. PC 15-002, Page 7, no. 11, 1<sup>st</sup> sentence, after “commence” insert the word “within”

Resolution no. PC 15-002, Page 8, no. 19, 3<sup>rd</sup> sentence, strike “If landscaping...of the wall.” 4<sup>th</sup> sentence, after “include” insert “other types of”

Resolution no. PC 15-003, Page 7, no. 13, 3<sup>rd</sup> sentence, strike "If landscaping...of the wall." 4<sup>th</sup> sentence, after "include" insert "other types of"

Staff to add Condition of Approval encouraging the applicant and CCC work together to satisfy beach access requirement and mitigate the long wall design.

**[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]**

**9. NEW BUSINESS - None**

**10. OLD BUSINESS - None**

**11. REPORTS OF COMMISSIONERS/STAFF**

- A. Tentative Future Agenda
- B. Minutes from the Zoning Administrator meeting of January 21, 2015
- C. Staff Waiver 15-022, 908 S. Ola Vista
- D. Staff Waiver 15-026, 402 Pasadena Court
- E. Staff Waiver 15-029, 120 Trafalgar Lane
- F. Staff Waiver 15-031, 235 La Paloma

Vice Chair Brown reported that at their next meeting, the Coastal Advisory Committee will discuss Poche Beach, the Capital Improvement Program, and potentially hear an update on the Sand Replenishment project. He agreed to provide detailed updates on the status of Poche Beach improvements in response to a request from Commissioner Smith. In addition, he announced he will not be able to attend the Commission's next meeting.

City Planner Pechous provided direction regarding quorum discussion and noticing of DRSC meetings when a quorum is planning on attending.

Chair Darden encouraged the Commissioners to forward requests for sessions at the upcoming Planners Institute meeting to staff; the Commission can discuss coordination of sessions at their next Study Session or Regular Meeting.

Chair pro tem Ruehlin announced that the Transportation Ad-hoc Committee meeting has been rescheduled to next week due to noticing issue; agreed to update the Commission on the progress of the Ad-hoc Committee at each Regular Meeting.

Commissioner Smith announced that he resigned from the position of DRSC Alternative due to an increase in demand for his services as an independent consultant.



## STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: February 18, 2015

---

**PLANNER:** Amber Gregg, Associate Planner

**SUBJECT:** Appeal of Building Permit B14-1374, a request to appeal comments rendered by Planning Staff for a building permit to install a new double wide mobile home in the Capistrano Shores Mobile Home Park.

### **BACKGROUND**

On January 7, 2015, the Planning Commission, acting as the Board of Appeals for Building Permits, reviewed an appeal of a building permit for a mobile home located in the Capistrano Shores Mobile Home Park. The Planning Commission continued the item to the February 18, 2015 regularly scheduled meeting to allow for an amendment to the Zoning Ordinance concerning mobilehome and mobile home park uses to go into effect. For additional background information please review the Staff Report of January 7, 2015, provided under Attachment 2.

At the time the applicant filed the appeal, City Staff could not approve the building permit requested because it was not consistent with Zoning Ordinance. Since that time however, the City Council has reviewed and approved an amendment to the Zoning Ordinance which went into effect on February 6, 2015. The added text is as follows:

*Add Municipal Code section 17.72.060(E):*

***E. Nonconforming mobile home and mobile home park uses. Nonconforming mobile homes may be replaced, renovated, remodeled, expanded or repaired. New mobile home accessory structures and utility improvements are permitted. Mobile home park common areas, roadways, and utility improvements may also be added, repaired, renovated, remodeled, expanded or replaced. All mobile home and mobile home park improvements shall comply with California Code of Regulations, Title 25, Division 1, Chapter 2. Mobile Home Parks and Installations.***

The adoption and enactment of the above text now allows the applicant to obtain the desired permit after Coastal Permits are obtained and the building permit process is complete.

On February 10, 2015, staff sent the applicant a letter informing him of the Ordinance's enactment letting him know he could submit for in-concept review and proceed with the permitting process (Attachment 3).

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission dismiss the appeal as moot.

**Attachments:**

1. Location Map
2. January 7, 2015, Staff Report
3. Letter to applicant dated February 10, 2015

**MINUTES OF THE REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
February 18, 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 7:05 p.m.

**2. PLEDGE OF ALLEGIANCE**

Commissioner Crandell led the Pledge of Allegiance.

**3. ROLL CALL**

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

Commissioners Absent: Vice Chair Donald Brown

Staff Present: Jim Pechous, City Planner  
Adam Atamian, Associate Planner  
Amber Gregg, Associate Planner  
Sean Nicholas, Associate Planner  
Michael Jorgensen, Building Official  
Ajit Thind, Assistant City Attorney  
Eileen White, Recording Secretary

**4. SPECIAL ORDERS OF BUSINESS - None**

**5. MINUTES**

**A. Minutes from the Planning Commission Regular Study Session of February 4, 2015**

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY CHAIR PRO TEM RUEHLIN, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Study Session of February 4, 2015, as submitted.

DENYING AMENDMENT TO CONDITIONAL USE PERMIT (CUP) 80-11, PICO U-HAUL LEFT TURN LANE, A REQUEST TO CREATE A LEFT TURN LANE IN AND OUT OF THE U-HAUL FACILITY LOCATED AT 310 EAST AVENIDA PICO.

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

**D. 1880 N. El Camino Real – Variance 14-474/Conditional Use Permit 14-475 – Capistrano Shores Wall and Landscaping (Gregg) (continued from 02-04-15)**

A request to consider an eight foot tall decorative block wall between the railroad tracks and the Capistrano Shores Mobile Homes Park with 9'9" accent columns at the main entrance, along with accessory structures, landscaping, and utility improvements within the park. The project is located at 1880 N. El Camino Real within the Open Space zoning district and Coastal Zone Overlay (OS2-S2-CZ), the legal description being a strip of land 27.55 feet wide in the City of San Clemente, County of Orange, State of California, being a portion of Section 32, Township 8 South, Range 7 West, and Assessor's Parcel Number 691-432-02.

**E. 1880 N. El Camino Real – Conditional Use Permit 14-389/Architectural Permit 14-378 – Capistrano Shores Transformers and Fence (Gregg) (continued from 02-04-15)**

A request to consider seven new transformers, enclosed by temporary chain link fencing, located in the Capistrano Shores Mobile Homes Park leased portion of the railroad right-of-way. The project is located at 1880 N. El Camino Real within the Open Space zoning district and Coastal Zone Overlay (OS2-S2-CZ), the legal description being a strip of land 27.55 feet wide in the City of San Clemente, County of Orange, State of California, being a portion of Section 32, Township 8 South, Range 7 West, and Assessor's Parcel Number 691-432-02.

Chair Darden announced for the record that she and the other Commissioners had received letters and packets of information from The Loftin Firm, attorneys representing Capistrano Shores Mobilehome Park.

Amber Gregg, Associate Planner, combined presentation for items D & E for a comprehensive analysis of corresponding projects. She narrated a PowerPoint Presentation entitled, "Capistrano Shores Mobile Home Park Applications, dated February 18, 2015," and reviewed direction given to staff by the Planning Commission at their last meeting. She read into the record two new conditions regarding graffiti removal and beach access recommended by staff for inclusion. Staff recommended approval of the three resolutions included for Commission consideration. Commission approval of Resolution No. 15-002 will allow the seven new transformers and temporary fencing; Resolution No. 15-003 will approve construction of



the permanent wall and other ancillary improvements. In response to direction given at the Commission's last meeting, staff has included Resolution no. 15-006, which would deny the applicant's request for a variance to construct a wall in excess of six feet. Staff has determined that the required findings cannot be made to approve Resolutions 15-002 and 15-003 if the projects are separated as they rely on each other.

Eric Wills, applicant, was available for questions. He requested the Commission approve Resolution No. 15-002 and continue Resolution No. 15-003.

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

Chair pro tem Ruehlin questioned why the letter from The Loftin Firm accuses the City of acting in an underhanded manner, when the City linked the applications due to time considerations expressed by the applicant. Staff has invested time and effort to try and make the project work for the applicant's sake, and it is unfortunate that the result is not supported by the applicant. He agreed the two applications cannot be separated, and supported continuing the applications to give the applicant additional time to meet with the Design Review Subcommittee (DRSC) and work things out.

City Planner Pechous commented that the Commission can support Resolution No. 15-003, which would allow construction of the permanent wall, without supporting Resolution No. 15-002, which allows construction of the temporary fencing and transformer location, but Resolution No. 15-002 cannot be separately approved based on the findings. Approval of the Resolution denying the request for the variance will result in the applicant not being able to add any height to the six foot wall, including a slight height increase for the columns for aesthetic purposes.

Commissioner Crandell established from Ajit Thind, Assistant City Attorney, that if the Commission elects to continue the applications, it would not be construed as agreeing with any of the objections set forth in correspondence received from The Loftin Firm. He suggested the Commission consider continuing the request for the variance as well to allow it to go through the DRSC review process.

IT WAS MOVED BY CHAIR PRO TEM RUEHLIN, SECONDED BY COMMISSIONER BARNES, AND UNANIMOUSLY CARRIED TO CONTINUE AGENDA ITEM 8.D. 1880 N. EL CAMINO REAL – VARIANCE 14-474/CONDITIONAL USE PERMIT 14-475 – CAPISTRANO SHORES WALL AND LANDSCAPING AND AGENDA ITEM 8.E. 1880 N. EL CAMINO REAL – CONDITIONAL USE PERMIT 14-389/ARCHITECTURAL PERMIT 14-378 – CAPISTRANO SHORES

TRANSFORMERS AND FENCE TO DATE UNCERTAIN FOR PURPOSE OF MORE CONCRETE TIME AND REVIEW.

**[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]**

**9. NEW BUSINESS - None**

**10. OLD BUSINESS**

**A. 1880 N. El Camino Real Space 22, Appeal of Building Permit B14-1374 (Gregg) (continued from 01-07-15)**

A request to appeal comments rendered by Planning staff for a Building permit to install a new double wide mobile home in the Capistrano Shores Mobile Home Park.

Amber Gregg, Associate Planner, summarized the staff report, a recommendation that the Commission find the appeal moot because although the original request for a building permit was not approved by City staff because it was not consistent with the Zoning Ordinance, subsequent City Council review and approval of a Zoning Amendment, which went into effect on February 6, 2015, allows the applicant to obtain the desired permit after Coastal Permits are obtained and the building permit process is complete.

Eric Wills, appellant, appealed the comments because he believes the City does not have the authority to deny or review the building permit because it is for a mobilehome unit and is therefore regulated under the Mobilehome Parks Act, Cal Health and Safety Code § 18200 et seq. In his opinion, the City has no standing in this issue. If the Commission renders the appeal moot, he intends to go to City Council and continue the appeal. If Council denies his appeal, he intends to pursue litigation. Additionally, he does not believe the City has the authority to send this application to California Coastal Commission for their review.

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

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY CHAIR PRO TEM RUEHLIN, AND UNANIMOUSLY CARRIED TO DISMISS APPEAL OF BUILDING PERMIT B14-1374 AS MOOT.

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

**11. REPORTS OF COMMISSIONERS/STAFF**

**A. Tentative Future Agenda**



## Design Review Subcommittee (DRSC)

Meeting Date: June 10, 2015

**PLANNER:** Amber Gregg, Associate Planner

**SUBJECT:** **Architectural Permit 14-389/Variance 14-474/Conditional Use Permit 14-475 – Capistrano Shores Wall and Landscaping** a request to consider a variance for a decorative block wall with accent columns in excess of six feet in height between the railroad tracks and the Capistrano Shores Mobile Homes Park, along with a Conditional Use Permit to allow the accessory structures, landscaping, and utility improvements in an open space zone at 1880 N. El Camino Real within the Open Space zoning district and Coastal Zone Overlay (OS2-S2-CZ).

### **BACKGROUND:**

#### *Project Description*

Capistrano Shores is a mobile home park with 90 units. The applicant is requesting to construct a wall along the railroad right-of-way in excess of six feet in height, as well as to allow accessory structures, landscaping, and utility improvements.

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

The project is located in the Privately Owned Shoreline zoning district and the Coastal Zone Overlay (OS2-S2-CZ.) Per Zoning Ordinance Section 17.44.020, a Conditional Use Permit (CUP) is required for unclassified uses, which include accessory buildings. Per Zoning Ordinance Section 17.16.100, an Architectural Permit (AP) is required for new accessory buildings on a non-residential site; the proposed site is within the railroad right-of-way. The purpose and intent of the AP is to provide for architectural review of certain development to ensure compliance with the General Plan and the City's Design Guidelines. The purpose of DRSC review is to ensure that new structures comply with the General Plan Urban Design Element and the City's Design Guidelines. Determination of the appropriateness of the requested variance is not within the purview of the DRSC. However, the site design and architecture are.

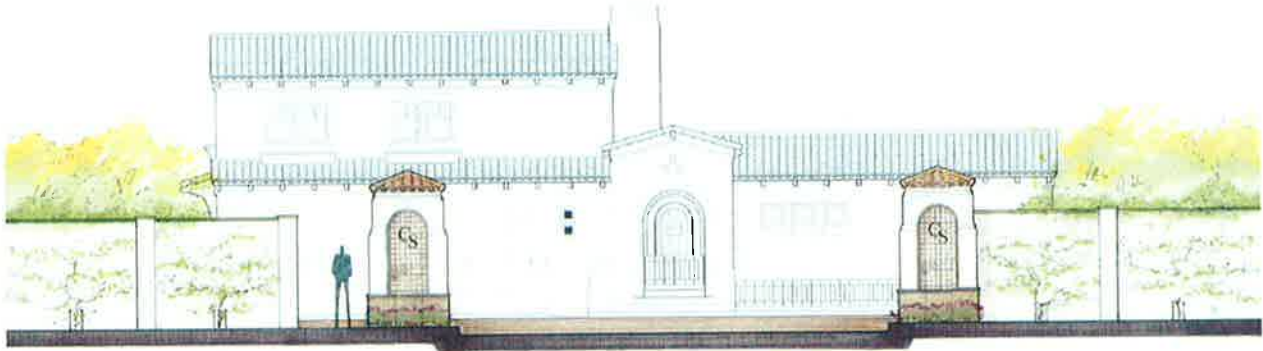
#### *Site Data*

The proposed project site is a portion of railroad right-of-way that the applicant, Capistrano Shores Inc., has leased from the Orange County Transportation Authority (OCTA).

**ANALYSIS:**

The project includes the construction of an eight-foot tall decorative smooth white stucco wall spanning the length of the Park; approximately 3,615 feet according to the City's GIS. At the main entrance the applicant is proposing to have two entry monuments flanking the drive aisle (See Exhibit 1.) Although signage is shown on the plans, it is not part of this application and will be reviewed at a later date.

**Exhibit 1: Main Entry**



The applicant also proposes 16 trash enclosures, decorative lighting along the drive aisle, landscaping on the interior side of the wall and at the main entry. Decorative hardscape is also proposed, interlocking pavers will be installed at: the main entry, crossings in front of all trash enclosures, and a pedestrian walkway on the side of the drive aisle. For additional information please refer to the plans.

***Architecture***

The elevations include an eight-foot tall smooth white stucco wall with decorative cap, columns, and vines. At the main entry, the applicant proposes two accent columns taller than the wall standing 11'1" tall and five-feet wide. The entry columns propose a two-piece red tile cap. Arched insets with tile inlay will house future signs.

Articulation in the wall will be provided by a set of two columns visible from El Camino Real with a trellis on top that covers the trash enclosure located on the mobile home side of the wall. The element occurs every 185-300 feet. In the larger spans the applicant is proposing an additional single column for additional articulation. See Exhibit 2 for details.

**Exhibit 2: Columns and Trellis**



*\*The columns are shown in the renderings but need to be added to the plans prior to Planning Commission.*

***Landscaping***

The applicant proposes landscaping on the Park side of the wall with vine pockets installed every 10 feet on center. The vine pockets will span the width of the wall allowing the vine to grow on the railroad side of the wall facing El Camino Real.

On the interior of the park the applicant is proposing a landscape planter, approximately three feet wide, along the entire length of the wall. The planter area will include contiguous plantings of ground cover and trees. The trees along the wall are particularly important as they will grow tall and will add greenery to the railroad side of the wall as the canopies fill in.

**RECOMMENDATIONS:**

Staff is looking for direction on the proposed wall. Previous discussions concerning the aesthetics of the wall have been centered on architectural articulation or additional landscaping to breakup the massing of the wall. Initially the applicant indicated landscaping could not be supported by the Orange County Transportation Authority

(OCTA.) Since then, the applicant has received permission for landscaping on the railroad side of the wall and has worked with OCTA to develop the proposed application. The applicant purposes a smooth white stucco wall with vine pockets ten feet on center, with articulation provided in the form of columns and trellises. The frequency of the vine pockets will allow the landscaping to grow in quickly, covering a majority of the wall. Additional columns between the long spaces also provides visual breaks in the structure.

Staff is supportive of the proposed plan and believes that the vines every ten feet will help with the establishment and growth of the landscaping of the wall. The landscaped wall also helps mitigate previous DRSC and Planning Commission concerns regarding the white mass of the wall. Staff seeks DRSC comments and welcomes any feedback.

***Attachments:***

1. Location Map  
Colored Elevations and View Simulation  
Full Size Plans

**CITY OF SAN CLEMENTE  
MINUTES OF THE REGULAR MEETING OF THE  
DESIGN REVIEW SUBCOMMITTEE  
June 10, 2015**

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

Staff Present: Cliff Jones, Sean Nicholas and John Ciampa

**1. MINUTES**

Minutes from May 27, 2015 meeting.

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

**A. Conditional Use Permit 15-171, Southern Extension to the San Clemente Beach Trail (Jones)**

A request by the City to allow the extension of the San Clemente Beach Trail approximately 1,400 feet from Avenida Calafia to the State Campground railroad underpass.

Associate Planner Cliff Jones requested that the item be continued to a date uncertain to allow staff to look at alternative designs.

The Subcommittee agreed to continue the item to a date uncertain.

**B. Variance 14-474/Conditional Use Permit 14-475, Capo Shores Walls and Landscaping (Gregg)**

A request to consider a variance for a decorative block wall with accent columns in excess of six feet in height between the railroad tracks and the Capistrano Shores Mobile Home Park, along with a Conditional Use Permit to allow the accessory structures, landscaping, and utility improvements in an open space zone at 1880 N. El Camino Real within the Open Space zoning district and Coastal Zone Overlay (OS2-S2-CZ).

Associate Planner Amber Gregg summarized the staff report.

The Design Review Subcommittee either individually or as a group discussed the following items:

- Concern about the species of trees selected may be too tall. Recommended the applicant have their landscape architect work with the City's landscape architect to review species and work

together to come up with an acceptable species that would not block views and would thrive close to the ocean.

- Expressed support for the basic design of the column but to bring the height down to 10 feet and make them more integrated with the wall.
- Expressed support for the basic design of the project but noted that proportions were a concern. They recommended the applicant look at proportions and spacing of the columns on the wall, and make sure there is the right rhythmic pattern to the columns for variation.
- Recommended that the project match the pavers in the area.

The Subcommittee recommended the project return to the Design Review Subcommittee for final review.

**C. Conditional Use Permit 15-107, Verizon Madrigal Cell Site (Nicholas)**

A request to consider a new Verizon Wireless Cell Site installation at 629 Camino De Los Mares within the Community Commercial (CC2) zoning district.

Associate Sean Nicholas summarized the staff report.

The Design Review Subcommittee either individually or as a group discussed the following items:

- The improvements should be lowered to be consistent with the existing height of the building.
- Expressed agreement with staff that the features need to be better incorporated into the building.

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

**3. NEW BUSINESS**

None

**4. OLD BUSINESS**

**A. Aesthetic Design of the I-5 Pico Bridge (Bonigut)**

A presentation by staff to consider review of the design of the column finials on the proposed I-5 bridge over Avenida Pico.

Assistant City Engineer Tom Bonigut presented the proposed design.





## Design Review Subcommittee (DRSC)

Meeting Date: July 29, 2015

**PLANNER:** Amber Gregg, Associate Planner

**SUBJECT:** **Architectural Permit 14-389/Variance 14-474/Conditional Use Permit 14-475 – Capistrano Shores Wall and Landscaping,** a request to consider a variance for a decorative block wall with accent columns in excess of six feet in height between the railroad tracks and the Capistrano Shores Mobile Homes Park, along with a Conditional Use Permit to allow the accessory structures, landscaping, and utility improvements in an open space zone at 1880 N. El Camino Real within the Open Space zoning district and Coastal Zone Overlay (OS2-S2-CZ).

### **BACKGROUND:**

#### *Project Description*

Capistrano Shores is a mobile home park with 90 units. The applicant is requesting to construct a wall along the railroad right-of-way in excess of six feet in height, as well as to allow accessory structures which include decorative trash and transformer enclosures, decorative hardscape for point of entry and pedestrian pathways, and new landscaping.

#### *DRSC Review*

The project was previously reviewed by the Design Review Subcommittee (DRSC) on June 10, 2015. A copy of the staff report is provided under Attachment 2. Comments were provided to the applicant and the applicant has submitted the revised plans to address the stated concerns. A more detailed account of DRSC's review and their comments are provided later in this report.

#### *Site Data*

The proposed improvements are all within the railroad right-of-way. The applicant, Capistrano Shores Inc., has completed a lease agreement with the Orange County Transportation Authority (OCTA) to allow the encroachment and construct the requested improvements.

**ANALYSIS:**

The following is a list of DRSC’s previous concerns and the applicant’s response. A letter from the applicant on how they modified the plans to address DRSC’s concerns is provided under Attachment 3.

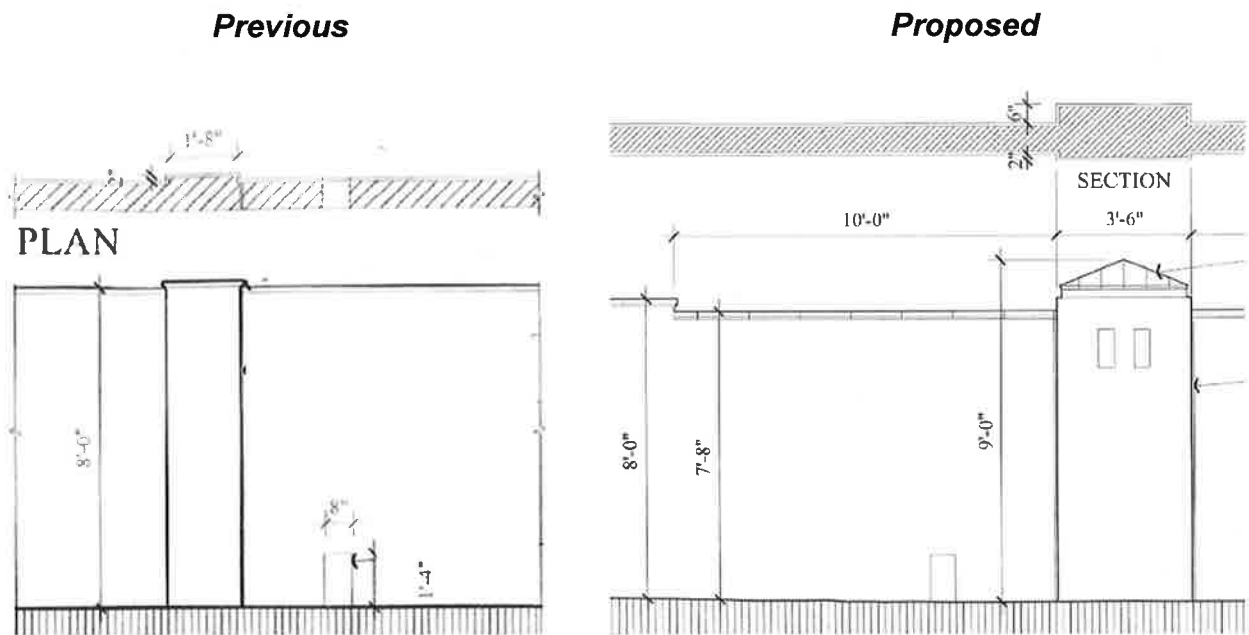
**Table 2 - DRSC concerns and project modifications**

<b><i>DRSC Concerns</i></b>	<b><i>Project modifications</i></b>
<p>Concerned about tree species and the potential for the trees to grow up to 75 feet in height (in the case of the New Zealand Christmas Tree). Asked the applicant to revisit plant pallet and look at more variation of trees with canopies that would top out at 15-20 feet in height, and to create groupings of trees so there are several of the same species in a row.</p>	<p><b><i>Modified.</i></b> The applicant has modified the tree pallet and grouped trees in sets of two to three. The tree pallet still calls for the New Zealand Christmas Tree, Marina Strawberry Tree and Carrotwood, and now incorporates the Black Peppermint Willow and Pink Melaleuca. The applicant’s landscape architect will be attending the meeting and will specifically address the concerns about tree height, and will make a quick presentation at the DRSC meeting.</p>
<p>Concerned about the lack of variation of the wall and the lack of elements to help break up the long mass. There are long segments without variation and there is no rhythmic pattern to the trellis or column element.</p>	<p><b><i>Modified.</i></b> In addition to the trellis structures, the applicant has incorporated a column with a flat roof tile cap in a rhythmic pattern as well as modified the wall height. The architectural elements will be spaced so there is an architectural element every 50-75 feet, and the wall is broken up into section varying from 7.5’-8 fee in height. In addition the trellis structure has been raised from eight feet to ten feet so it is more visible when viewed from El Camino Real. A detail of the column is provided later in this report.</p>
<p>Ensure that in all respects the wall is in proportion and to scale with proposed heights and massing. Also asked applicant to review wall cap width and suggesting increasing it to be in scale with eight-foot wall.</p>	<p><b><i>Portions Modified.</i></b> The proposed width of the columns have been increased from 1’-8” to 3’-6”, but have been raised to nine feet in height. The applicant discussed increasing the wall cap from 2” to 3.5” and their architect believed that the 2” cap is a preferred aesthetic choice.</p>
<p>Please provide a full elevation of the wall.</p>	<p><b><i>Provided.</i></b> See architectural plans.</p>
<p>Modify entry columns so they are incorporated with the wall.</p>	<p><b><i>Modified as requested.</i></b> The columns are now incorporated and a pedestrian entrance is provided via an archway.</p>

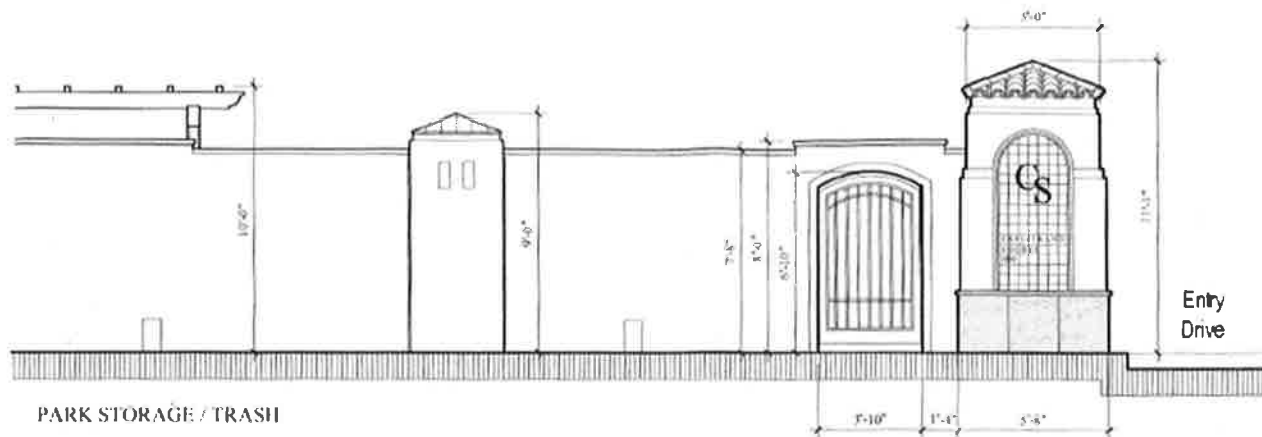
<b>DRSC Concerns</b>	<b>Project modifications</b>
Consider revising the entry paver design to reflect a softer blend. Suggested looking at pavers in the surrounding area to blend with North Beach entry by Avenida Estation.	<b>Modified.</b> The applicant is proposing a mix of colors (50% terra cotta/brown and 50% buff/charcoal) in a herringbone design.

The following exhibits show the dimensions of the proposed and previous column as well as the entry column. Please refer to plans for additional details.

**Exhibit 1 - Previous and Proposed Details**



**Exhibit 2 – Proposed Entry Colum with Trellis and Accent Column Detail**



**RECOMMENDATIONS:**

The proposed modifications have improved the overall aesthetics and massing of the wall. The modified pavers is a softer design then the previously proposed geometric pattern. Staff has concerns about the landscaping, but the landscape architect will be present to address concerns.

Staff is also concerned with the flat tiles proposed for the columns of the wall, and would want to see a detail of the proposed application. Staff recommends a traditional single barrel roof tile with mortar packing cap to match the entry columns, or a flat column cap to help reduce the height of the detail. Staff seeks DRSC's comments on the modifications and welcomes any feedback.

***Attachments:***

1. Location Map
2. DRSC Report June 5, 2015
3. Letter from applicant, response to comments

Plans

- The applicant should provide a full color rendering of the mural for the Zoning Administrator's review. Staff should verify that the final colors are consistent with the color swath provided in the rendering shown at the meeting.
- Appreciated the applicant's design alterations to the mural since the previous DRSC meeting.

The Subcommittee recommended the project move forward to Planning Commission once the rendering is finalized.

**B. Architectural Permit 14-389/Variance 14-474/Conditional Use Permit 14-475, Capistrano Shores Wall and Landscaping (Gregg)**

A request to consider a variance for a decorative block wall with accent columns in excess of six feet in height between the railroad tracks and the Capistrano Shores Mobile Homes Park, along with a Conditional Use Permit to allow the accessory structures, landscaping, and utility improvements in an open space zone at 1880 N. El Camino Real within the Open Space zoning district and Coastal Zone Overlay (OS2-S2-CZ).

Associate Planner Amber Gregg summarized the staff report. The applicant's landscape architect provided additional information on tree species and heights.

The Design Review Subcommittee either individually or as a group discussed the following items:

- The architecture and massing of the wall has greatly improved.
- Concerned about the height of the trees if they have an impact on white water views from the Marblehead Coastal Trails.
- Believed that City contract landscape architect, Pat Murphy, and the applicant's landscape architect had great ideas and understood the Subcommittees concerns and were glad they were going to work together.
- Indicated that they were discussing the architecture and design of the wall only and their comments were not regarding the requested variance for the increased wall height.
- Appreciated the applicant's modifications to the project.

The Subcommittee recommended the project should move forward to the Planning Commission for consideration once the landscape plans are finalized.