



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: October 19, 2016

PLANNER: John Ciampa, Associate Planner *JC*

SUBJECT: Amendment to Site Plan Permit 98-63 and Tentative Tract Map 15718, Reserve Landscape Amendment, a request to consider the modification of the Reserve Community's common area slope planting pallet, new tree locations on the previously landscaped common area slopes, and amendments to the CC&Rs and conditions of approval for Tentative Tract Map 15718 to memorialize the proposed landscape modifications. of Avenida Vista Hermosa and Avenida Vera Cruz.

REQUIRED FINDINGS

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

Site Plan Permit, Section 17.16.050 to allow modifications to the approved landscape plan, and conditions of approval and CC&Rs that restrict tree removals.

- A. The proposed development is permitted within the subject zone pursuant to the approval of a Site Plan Permit and complies with all the applicable provisions of this title (or the specific plan as appropriate), the goals, and objectives of the San Clemente General Plan, and the purpose and intent of the zone in which the development is being proposed.
- B. The site is suitable for the type and intensity of development that is proposed.
- C. The proposed development will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity.
- D. The proposed development will not be unsightly or create disharmony with its locale and surroundings.
- E. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or location. The proposed development is permitted within the subject zone pursuant to the approval of a Site Plan Permit and complies with all the applicable provisions of this title (or the specific plan as appropriate), the goals, and objectives of the San Clemente General Plan, and the purpose and intent of the zone in which the development is being proposed.

AMSPP 98-63/TTM15718, Reserve Landscape Amendment

BACKGROUND

In the 1980s when Rancho San Clemente was under construction, concern was raised when house rooftops projected above the primary ridgeline silhouette. Concern was also raised that the development was clearly visible from Avenida Pico. To address these issues, the City required the developer to re-grade the pads for houses near the top of the ridge and add landscaping on the common area slopes to preserve the view of the ridgeline and screen the view of the development from Avenida Pico and other public vantage points. As a result of this issue, the Hillside Development Ordinance (HDO) (Attachment 4) was created. The HDO has a number of design options to address the issues created by Rancho San Clemente development to ensure future developments blend in with the natural environment.

Exhibit 1: Hillside Photos



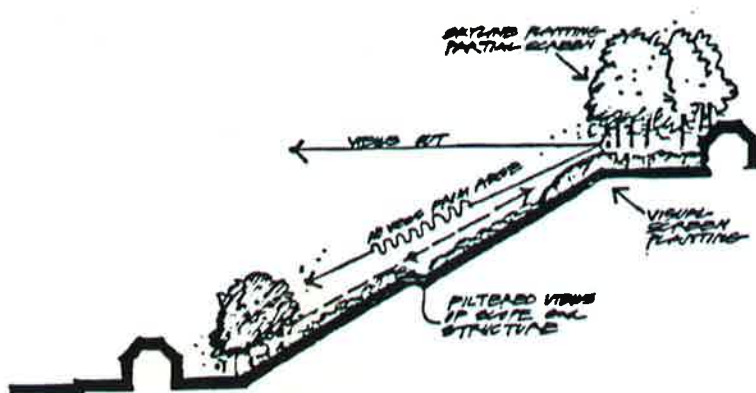
San Clemente



Another Jurisdiction

Design examples are shown in the HDO Exhibits A, G, X, Z, AA and BB that are similar to the landscape plan approved for the Reserve (Attachment 5). These exhibits provide requirements for hillside developers to make projects visually pleasing and blend them in with the natural environment.

Exhibit 2: HDO Exhibit AA



AMSPP 98-63/TTM15718, Reserve Landscape Amendment

The intent is to create the arrangement of informal masses of landscaping to selectively allow views from housing while partially screening buildings and reducing the scale of overpowering, long, steep slopes.

Exhibit 3: HDO Exhibit Y



The Reserve community was originally proposed in another location in the Forster Ranch; however, there were environmental issues with the site so the City and the developer identified the current location (which was zoned open space) as an alternative. While processing the application for the Reserve development, the City had difficulty finding the project in conformance with the HDO. The City Council ultimately approved the development in 1999, with conditions of approval imposed to preserve the landscaping that is required to screen the development from public views, to comply with the HDO. The conditions required the developer to create a detailed landscape plan that located trees at the top of the common area slopes to screen the development from public view but still provide view corridors for the property owners to the ocean (Attachment 5). To ensure the community stayed in compliance with the requirement, the City Council required the developer include the same landscape preservation requirements in the CC&Rs to ensure the landscape design was not altered. Below are the original conditions of approval related to the landscape requirements for the Reserve (Attachment 4).

Condition 2(a) - A detailed landscaping and irrigation plan illustrating the landscape mitigation concept along Avenida Vista Hermosa, as discussed at the January 19, 1999 Planning Commission and February 17, 1999 City Council meetings (i.e. screening adverse view of the project while maintain important public views), shall be submitted to and approved by the Community Development Director prior to the issuance of any permit. Prior to approval of the landscape plan the applicant shall install a "mock-up" of the landscape installation for the consideration of the Community Development Director. The "mock-up" shall consist of a series of poles, stakes, or other identifying elements, installed in the precise, proposed location of trees. The height of the elements shall be representative of the height of the proposed tree at 3 years after installation.

Condition 14(j) - A statement indicating that trees, installed as part of the development approval, shall not be removed or altered beyond that which is required or necessary for normal maintenance.

AMSPP 98-63/TTM15718, Reserve Landscape Amendment

During the initial sell of the houses, trees were young and had not fully matured which gave some property owners 180° panoramic views of the ocean. In recent years, those trees began to mature and the original panoramic views enjoyed by some homeowners were narrowed. Property owners who paid a premium for their view began pushing the Home Owner Association's (HOA) board to top, alter, and even remove these same trees from the common areas of the development. The alteration and the removal of the trees violated the Association's tree maintenance obligations, CC&Rs, and the conditions of approval discussed above. The alteration and removal of trees made the Reserve community more visible from Avenida Vista Hermosa and Avenida Pico and as a result the community is no longer in compliance with the HDO and General Plan.

In 2012, the City began receiving complaints regarding the removal, altering, and damaging of trees and other landscape on the common area slopes. Since 2012, the City and the Reserve HOA have worked to resolve the violation. In settlement discussions following a Code Enforcement Administrative Hearing in 2015, the City and the HOA agreed the HOA would submit an amendment to the Site Plan Permit to modify the landscaping design, amend the Conditions of Approval and CC&Rs to allow for tree removals and replacements, where warranted. This application implements the City's agreement with the Reserve HOA to address the violation.

Development Management Team Meeting

The City's Development Management Team (DMT) reviewed the project and supports the request, subject to the proposed conditions of approval.

Noticing

Public notification was completed in accordance with State Law and Municipal Code regulations. To date, staff has received no input from the public on this request.

PROJECT DESCRIPTION

The applicant is requesting an amendment to the Reserve's Site Plan Permit to accomplish the following: 1) modify the common area slope planting pallet, 2) propose new locations for trees on the common area slopes that were incorrectly placed, 3) amend the CC&Rs and conditions of approval to allow the Association to remove and replace trees that were incorrectly placed or topped, 4) establish a criteria for when topped or inappropriately placed trees should be replaced, and 5) develop a Conceptual Landscape Plan to identify where trees should be located in typical common area slopes to ensure the Reserve complies with the HDO.

Since the project was originally approved by the City Council and the proposal includes modifications to the CC&Rs and conditions of approval, the project is required to return to the City Council for approval.

AMSP 98-63/TTM15718, Reserve Landscape Amendment

PROJECT ANALYSIS

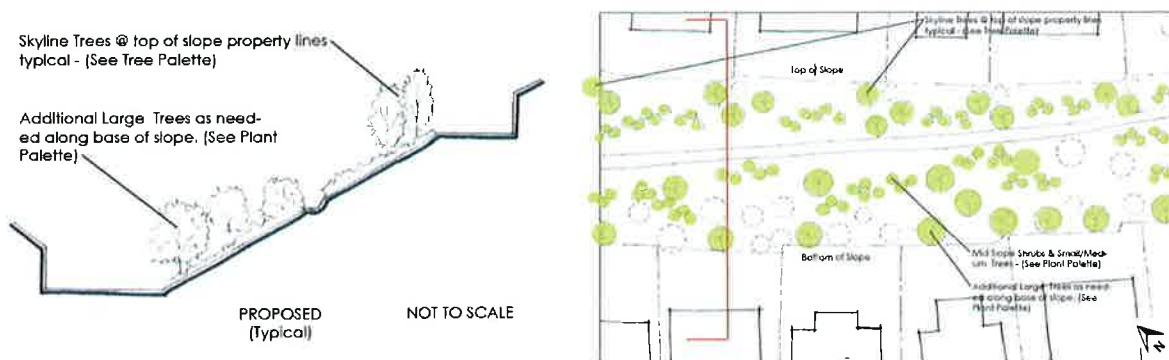
Hillside Development Ordinance/General Plan Consistency

The Reserve community developed a Concept Landscape Plan for the common area slopes to identify how the slope planting should be designed to comply with the HDO and General Plan. The proposed Concept Landscape Plan locates trees in strategic areas to provide the necessary screening of houses from public viewpoints, to be consistent with the approved landscape plan. The cross-sections (example below) depict typical hillside sections of the Reserve community and the tree grouping that will be added to the common area hillside. This shows how skyline trees (trees at the top of the slope) screen the development and accomplish the requirements of the HDO, General Plan, and the original approval of the development.

Skyline trees are proposed along the side property lines and at the top of the slope to screen the houses from public areas but still provide corridor ocean views for the homeowners. The placement of skyline trees at the top of the common area slopes in informal groupings of two and three trees, blends the hillside development in with the landscaping. Lower/mid slope trees would break-up the slope, provide stability, and screen the houses that are down slope from the houses above. The proposed Concept Landscape Plan would achieve the intent of the HDO, and General Plan requirements for hillside development with the strategic placement and grouping of trees depicted in the Concept Landscape Plan.

The proposed amendment also modifies the slope trees from Pine Trees to Strawberry Trees, Fernleaf Acacia, Crape Myrtle, Toyon, Willow Myrtle and African Sumac (see Attachment 8). The proposed trees improve the community's water usage and are safer trees that are more fire resistant. The tree pallet was reviewed by Orange County Fire Authority (OCFA) to ensure they are on their approved list of trees. The trees were also reviewed by the City's Landscape Architect, Pat Murphy, to confirm the trees are a appropriate size to provide the necessary screening, are compatible with the soil conditions for the area, and the design of the community.

Exhibit 4: Proposed Landscape Concept Plan Design



AMSP 98-63/TTM15718, Reserve Landscape Amendment

Tree Maintenance Plan

The Tree Maintenance Plan was developed in partnership with the City and the Reserve's landscape maintenance company, Monarch Environmental, to establish a list of steps and coordination efforts that must be followed to allow the removal of topped, dangerous, dead, or inappropriately placed trees. The Plan establishes the framework for when trees can be replaced. The applicant is proposing a Tree Maintenance Plan that would only require City approval if a tree removal/replacement does not comply with the identified criteria for the removal of skyline trees (dead/dying, diseased, dangerous, destructive, inappropriately placed trees, and topped trees that cannot be crown restored). Since the low/mid slope trees do not screen the homes from public areas the DRSC did not deem City oversight necessary. The DRSC did not agree with the applicants request and recommended that the removal of skyline trees should have City oversight to ensure the community is in compliance with the HDO. Staff's recommendation to have City oversight is included in the conditions of approval.

Amendment to Conditions of Approval for Tentative Tract Map 15718

The approval of the Reserve in 1999, had specific conditions, previously stated in the report, that restricted the removal of trees on the common area slopes to only apply when they are dead, dying, or dangerous. The approved landscape plan from 1999, placed groupings of the trees along the side property lines to provide corridor ocean views for homeowners. However, some trees were incorrectly planted in the intended ocean view corridors. The proposed amendment would allow the removal of trees that were incorrectly planted in the ocean view corridor area or topped trees that cannot be crown restored. The proposed amendment would allow the removal and replacement of trees with new skyline trees in areas identified in the Concept Landscape Plan to meet the screening and design requirements of the original approval. Staff's proposed modification to the tree preservation condition, from Resolution 99-13, is provided as conditions of approval 7 and 8 in the Attachment 1 and shown below.

Condition 7: As part of the consideration for the removal of a tree, an arborist shall be involved in evaluating the condition of the tree with the standards recognized and practiced by the International Society of Arboriculture. The arborist along with the landscape maintenance company shall evaluate the condition and location of the tree to determine if it meets the criteria identified below to consider removal. The removal of a tree is authorized only when it meets at least one of the following criteria:

- *Dead/dying*
- *Diseased*
- *Dangerous*
- *Destructive*
- *Tree is inappropriately centered in the intended view corridor area for a home (as identified in the Plan View graphic below)*
- *Topped trees that cannot be crown restored*

Condition 8: Tree removal requests reviewed and supported by an arborist and the landscape maintenance company that qualify for removal for skyline trees (as stated above)

AMSP 98-63/TTM15718, Reserve Landscape Amendment

shall provide a submittal package to the City that includes the following information for review:

- Map identifying the tree location
- Description and condition of the tree, including photographs
- Criteria justifying the removal of the tree
- Proposal for replacement tree including location, type, and size. If a replacement is not proposed then the justification shall be provided

Tree removal requests shall be reviewed by City Planning Division and the City's Landscape Architect to ensure the request complies with the removal criteria and the replacement is in compliance with the approved landscape concept plan to ensure the landscape design remains in compliance with the HDO. Tree removal requests that do not meet the criteria may be subject to City Planner review. The City Planner has the discretion to elevate the tree removal decision to the Planning Commission.

Covenants Conditions & Restrictions (CC&R)

City Council Resolution 99-13 required the tree preservation condition (14.j) be incorporated into the CC&Rs to limit the removal of trees only for circumstances when the tree is dead, dying, and dangerous. If the proposed amendment to the Site Plan Permit is approved to allow the expanded tree removal/replacement criteria (as stated in the Tree Maintenance Plan and Condition of Approval #7) then the CC&Rs must also be amended to be consistent with all of the regulatory documents for the Reserve. City Council must approved the amendment to the CC&Rs because Resolution 99-13 requires all CC&R amendments be approved by the City Council. If the project is approved, the CC&Rs must then be approved by the Reserve Association and recorded at the County.

DESIGN REVIEW SUBCOMMITTEE

The Design Review Subcommittee (DRSC) reviewed the project on June 9, and August 24, 2016, and provided the following recommendations.

Table 2 – DRSC Comments

DRSC Concerns	Project Modifications
Install 33 percent of trees each year (completed in three years) across all quadrants of the development (where needed) to improve the aesthetics and have varied growth and get all issue locations address quickly.	Modified as requested. The proposal is to complete the tree installations in three years and is conditioned accordingly. New trees will be 24 inch box, as recommended by the City's Landscape Architect.

AMSPP 98-63/TTM15718, Reserve Landscape Amendment

DRSC Concerns	Project Modifications
<p>The placement of trees in areas where they are missing should be strategic. Trees should screen the development while allowing ocean view corridors to comply with the HDO.</p>	<p>Modified as requested. Skyline trees are placed along the top of the common area slopes along the side property lines in groupings of twos and threes to provided corridor ocean views and screen the development from public views.</p>
<p>A Concept Landscape Plan is required to identify typical common area slopes for the Reserve community to identify where trees should be planted to replace missing trees to ensure the proposal is in compliance with the HDO so the design is at least as effective as the approved plan for the development.</p>	<p>Modified as requested. A Concept Landscape Plan was submitted as part of the proposal to identify the planting locations for trees in typical common area slope locations which will be incorporated through the community. The community was approved with approximately 3,500 trees and the project would result in the installation of approximately 500 trees that are missing or were topped.</p>
<p>Skyline trees need to be incorporated into the plan to screen the development to bring it into conformance with the HDO and the intent of the approved landscape plan.</p>	<p>Modified as requested. Skyline trees are incorporated into the plan to ensure the development is screened and complies with the General Plan and the HDO.</p>
<p>A Tree Maintenance Plan that establishes criteria for the requested removal of trees should be developed with the project.</p>	<p>Partially Addressed. The proposed Tree Maintenance Plan is included in the application. Staff recommends the criteria for City oversight be for the removal of all skyline trees and not just trees that do not meet the pre-approved criteria.</p>
<p>The HOA needs to improve the education to the owners to avoid owners cutting down trees to improve their views.</p>	<p>Addressed as requested. The HOA is reaching out to the Association members to educate them about the landscape preservation requirements for the community.</p>
<p>Incorporate into the Tree Maintenance Plan that City oversight is required for the removal of skyline trees to ensure there is administrative review and compliance with the Guidelines and the Hillside Development Ordinance is maintained</p>	<p>Request not addressed. The HOA is requesting that City oversight only apply when a tree removal does not meet the tree removal criteria established in the Tree Maintenance Plan and the proposed modified CC&Rs.</p>

AMSP 98-63/TTM15718, Reserve Landscape Amendment

GENERAL PLAN CONSISTENCY

Table 2 summarizes how the proposed use is consistent with adopted policies outlined in the City of San Clemente General Plan.

Table 2 - General Plan Consistency

Policies and Objectives	Consistency Finding
UD-5.19. Landscaping Plans. We require that development projects subject to discretionary review submit and implement a landscaping and irrigation plan.	Consistent. Landscape plans are included as part of the project to ensure the landscape design complies with the General Plan and the HDO and is consistent with the previously approved landscape plan.
UD-5.20. Landscape Maintenance. We require property owners to properly maintain vegetation on developed sites, remove and abate weeds, and replace unhealthy or dead landscape plants.	The applicant has submitted a Tree Maintenance Plan that complies with this policy. However, the applicant is requesting the City only review skyline tree removals that are not part of the criteria for tree removal and are unique situations. The DRSC recommends the City review all skyline tree removals to ensure there is City oversight and compliance with the General Plan and the HDO.
M-1.30. Protection of Scenic Corridors. We ensure that development is sited and designed to protect scenic corridors and open space/landscape areas by blending man-made and man-introduced features with the natural environment.	Consistent. The proposed landscape plans are included as part of the project to ensure the landscape design complies with the General Plan and the HDO to screen the development from public areas and the Avenida Vista Hermosa Scenic Corridor.

ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA):

The Planning Division processed and completed an initial environmental assessment for this project in accordance with the California Environmental Quality Act (CEQA). The Planning Division has determined the project scope was adequately addressed under the previously prepared Environmental Impact Reports (EIR) for the Forster Ranch Specific Plan EIR (1986), Forster Ranch Specific Plan Supplemental EIR (1991), and Forster Ranch Specific Plan Amendment Subsequent Program EIR (1998) because the project scope will only result in minor modifications to the landscape plan for the common area slopes of the community and will still be in conformance with the HDO, landscape design requirements, and City standards. All of the environmental documents are available for review in the Community Development Department Office.

AMSPP 98-63/TTM15718, Reserve Landscape Amendment

The project also qualifies as categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15304 Class 4, because the proposal is to replace and install new landscaping that is fire resistant and low water usage landscaping.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff and recommend approval of the proposed project to the City Council.

This action would allow an amendment to the conditions of approval, CC&Rs, and amend landscape plan to comply with the General Plan and the Hillside Development Ordinance with specific conditions to establish criteria of when trees are permitted for removal/replacement.

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

The Planning Commission can require design modifications to the Concept Landscape Plan and/or the Maintenance Plan to require more strict oversight for the removal of common area slope trees. This action would result in any modifications being incorporated accordingly.

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

This action would result in a recommendation of denial to the City Council.

RECOMMENDATION

Based on the information in the staff report and subject to the required Findings and conditions of approval, staff recommends that the Planning Commission:

1. Determine the project scope was adequately addressed under the previously prepared Environmental Impact Reports (EIR) for the Forster Ranch Specific Plan EIR (1986), Forster Ranch Specific Plan Supplemental EIR (1991), and Forster Ranch Specific Plan Amendment Subsequent Program EIR (1998) because the project scope will only result in minor modifications to the landscape plan for the common area slopes of the community and will still be in conformance with the HDO, landscape design requirements, and City standards. All of the environmental documents are available for review in the Community Development Department Office. The project also qualifies as *categorically* exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15304 Class 4, because the proposal is to replace and install new landscaping that is fire resistant and low water usage landscaping.

AMSPP 98-63/TTM15718, Reserve Landscape Amendment

2. Recommend to the City Council approval of Amendment to Site Plan Permit 98-63 and Tentative Tract Map 15718, Reserve Landscape Amendment, a request to allow for the modification of the Reserve Community's common area slope planting pallet, new tree locations on the previously landscaped common area slopes, and amendments to the CC&Rs and conditions of approval for Tentative Tract Map 15718 to memorialize the proposed landscape modifications, with staffs recommendation that should be incorporated into the CC&Rs and Condition of Approval to have City oversight of all skyline tree removal requests.

Attachments:

1. Resolution No. PC 16-028
Exhibit 1 – Conditions of Approval
2. 1999 Reserve Development Staff Reports
3. Resolution 99-13 for the Reserve Development
4. Hillside Development Ordinance
5. Approved Landscape Plans excerpted
6. DRSC Reports and Minutes from June 9 & August 24, 2016
7. Proposed Reserve Maintenance Plan
8. Reserve CC&R Edits *Excerpted*
9. Concept Landscape Plans
10. Photos