

RESOLUTION NO. PC 16-028

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE AMENDMENT TO SITE PLAN PERMIT 98-63 and TENTATIVE TRACT MAP 15718, RESERVE LANDSCAPE AMENDMENT, A REQUEST TO ALLOW THE MODIFICATION OF THE APPROVED LANDSCAPE PLAN AND THE REQUIREMENTS LIMITING THE REMOVAL OF TREES FOR THE RESERVE COMMUNITY, LOCATED AT THE INTERSECTION OF CAMINO VERA CRUZ AND AVENIDA HERMOSA**

**WHEREAS**, on August 7, 2015, an application was submitted, and completed on October 1, 2016, by Matt Davenport, 34237 Via Santa Rosa, San Juan Capistrano, CA 92674, for an amendment to Site Plan Permit 98-63 to allow the modification of the approved landscape plan and the requirements limiting the removal of trees for the Reserve community. The project is located in the Residential Low zoning district of the Forster Ranch Specific Plan, at the intersection of Camino Vera Cruz and Avenida Vista Hermosa; and

**WHEREAS**, the Planning Division completed an initial environmental assessment of the above matter in accordance with California Environmental Quality Act (CEQA) and recommends the Planning Commission determine this 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; and

The project also qualifies as categorical exemption 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; and

**WHEREAS**, on August 20, 2015, the City's Development Management Team reviewed the proposed project for compliance with the General Plan, Zoning Ordinance, and other applicable City ordinances and codes; and

**WHEREAS**, on June 9, and August 24, 2016, the City's Design Review Subcommittee considered the project and supported it with some recommended modifications to the Maintenance Plan to ensure adequate City oversight is provide for the removal of skyline trees; and

**WHEREAS**, on October 19, 2016, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by the applicant, City staff, and other interested parties.

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

**Section 1.** Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Planning Commission, and the facts outlined below, the Planning Commission hereby finds and determines that the proposed 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: Minor Alterations to Land), because the proposal is to replace and install new landscaping that is fire resistant and low water usage landscaping.

**Section 2:** With respect to Amendment to Site Plan Permit 98-63, the Planning Commission finds as follows:

- A. The proposed development is permitted within the subject zone pursuant to the approval of an Amendment to the Site Plan Permit and complies with the San Clemente General Plan and the purpose and intent of the zone in which the project is being proposed in that the project is for a modification to the approved landscape plan and the conditions of approval and the CC&R requirements to remove trees on the common area slopes of the Reserve Community. The amendment to the landscape plan and the tree pallet is an improvement to the existing plan because the trees selected are more fire resistance and require less water than the previously approved trees. The landscape design and the specific placement of the trees comply with the Hillside Development Ordinance (HDO) which requires the trees screen the development. The revisions to the conditions of approval and the CC&Rs will allow the removal and replacement of trees that are dead/dying, diseased, dangerous, and destructive, inappropriately placed trees, and topped trees that cannot be crown restored. The City will have oversight for the removal of skyline trees that are critical in ensuring the development is screened from public areas to comply with the HDO. The project is compatible with Urban Design Policy UD-5.20 Landscape Maintenance because the proposed amendment will ensure that the Reserve community's landscape plan is developed in conformance with the HDO and continually maintained. The project is also in compliance with General Plan Policy M-1.30 Protection of Scenic Corridors since the landscape design will ensure the proposed

landscape design screens the hillside development of the Reserve community and protects the integrity of the Avenida Vista Hermosa Scenic Corridor.

- B. The site is suitable for the type and intensity of development that is proposed in that the proposed amendment does not increase the density of the development, traffic, noise or pollution. The proposed amendment to the site plan improves the landscape design of the Reserve community and brings it into compliance with the HDO that requires hillside developments screen the development from public view. The proposal will result in new landscaping that will be established in three years that will screen the community from public areas. This City is also requiring oversight for the removal and replacement of skyline trees to ensure the Reserve community is in compliance with the HDO by screening the development from public views.
- 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 in that the development will improve the safety of the community and the surrounding improvements given the new tree pallet for the common area slopes will be more fire resistant from the existing trees and the new tree pallet will also use less water then the existing trees in the community.
- D. The proposed development will not be unsightly or create disharmony with its locale and surroundings in that the plan pallet was reviewed by the City's Landscape Architect to ensure the landscape design for the proposed placement of the trees and the plant pallet was compatible with the community and the adjacent communities. The placement and type of new trees will ensure the community is in compliance with the HDO with the requirement that skyline trees be placed at the tope of the slope in groupings of twos and threes to screen the development and still provide property owners with corridor ocean views.
- E. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or location in that the plant pallet was reviewed by the City's Landscape Architect to ensure the landscape design for the proposed placement of the trees and the plant pallet was compatible with the community and the adjacent communities. The placement and type of new trees will ensure the community is in compliance with the HDO with the placement of skyline trees at the tope of the slope in groupings of twos and threes to screen the development and still provide property owners with corridor ocean views. This City is also requiring oversight for the removal and replacement of skyline trees to

ensure the Reserve community is in compliance with the HDO by screening the development from public views.

**Section 3:** With respect to Amendment to Tentative Tract Map 15718, the Planning Commission finds as follows:

- a. The proposed modification to the conditions of approval for the Tentative Tract Map still keep the development compatible with the objectives, policies, general land uses and programs specified in the General Plan of the City of San Clemente. The project complies with all the applicable provisions of this 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. The modified conditions ensure City oversight to ensure the landscape design for the community is in compliance with the HDO and the General Plan requirements to maintain the landscaping and screen the development from the public areas.
- b. The site is physically suitable for the proposed subdivision in that the site in not modified with the amendment to the conditions. The modified conditions ensure City oversight to ensure the landscape design for the community is in compliance with the HDO and the General Plan requirements to maintain the landscaping and screen the development from the public areas as the development was originally designed..
- c. The site is physically suitable for the proposed density of the subdivision given that the proposed amendment will not modify the side or condition of the subdivision.
- d. The subdivision will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that the site has already been developed and the conditions are associated with the landscape design of the developed area. The landscape design will still maintain the aesthetic design of the community and the screen the development from public areas.
- e. The design of the subdivision and the types of improvements are not likely to cause serious public health problems given the site has already been developed and the modifications to the conditions of approval will not change the design of the development. The revised conditions of approval will improve the safety of the community and the surrounding improvements given the new tree pallet for the common area slopes will be more fire resistant from the existing trees and the new tree pallet will also use less water then the existing trees in the community.

- f. The design of the subdivision and the type of improvements will not conflict with easements for use of property within the proposed subdivision given there are not easements on the site that would impact the design of the project or the Reserve community.
- g. The proposed amendment to the Tentative Tract Map is consistent with the Subdivision Map Act and the City of San Clemente Subdivision Ordinance given the amended conditions will not change the site and it will still comply with all of the required development standards and all requirements from the Subdivision Map Act.

**Section 4:** The Planning Commission of the City of San Clemente hereby recommends approval of AMSPP 98-63 and TTM 15718, Reserve Landscape Amendment, to allow the modification of the approved landscape plan and the requirements limiting the removal of trees for the Reserve community, 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 October 19, 2016.

\_\_\_\_\_  
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 October 19, 2016, and carried by the following roll call vote:

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

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

## EXHIBIT A

**CONDITIONS OF APPROVAL  
Reserve Landscape Amendment  
AMSPP 98-63**

1. Conditions associated with Resolution 99-13 for TTM 15718 and SPP 98-63 for the original approval of the Reserve community are still applicable and in effect with the exception to the new landscape design and tree removal conditions associated with the project that are identified in condition of approval 6 through 8 below. (PIng.)\_\_\_\_\_

2. The owner or designee shall develop the approved project in conformance with the site plan, elevations, and any other applicable submittals approved by the Planning Commission on October 19, 2016, subject to these Conditions of Approval. (PIng.)\_\_\_\_\_

Any deviation from approved submittals shall require that, prior to the issuance of building permits, the owner or designee shall 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, as appropriate. (PIng.)\_\_\_\_\_

3. 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.)\_\_\_\_\_

4. AMSPP 98-63 shall become null and void if the landscape installation and amendment to the CC&Rs are not commenced within three (3) year 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.)\_\_\_\_\_

A use shall be deemed to have lapsed, and AMSPP 98-63 shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the California Building Code, as amended. [Citation - Section 17.12.150.C.1 of the SCMC] (PIng.)\_\_\_\_\_

5. The owner or designee shall have the right to request an extension AMSPP 98-63 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 in accordance with Section 17.16.160 of the Zoning Ordinance. [Citation - Section 17.12.160 of the SCMC] (PIng.)\_\_\_\_\_

6. Resolution 99-13, Condition 14.j shall be revised to allow the removal of trees if they comply with the criteria identified in the Tree Maintenance Plan and in condition of approval 7 and 8 below or if the removal request is approved by the City Planner or the designated public hearing review body, as stated in condition of approval 8 below. ■■(PIng.)\_\_\_\_\_

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 ■■(PIng.)\_\_\_\_\_

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) 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. ■■(PIng.)\_\_\_\_\_

9. The Reserve HOA shall install 33 percent of trees each year, over the course of three years, across all quadrants of the development (where needed) to improve the aesthetics and have varied growth to bring the development into compliance with the HDO and the General Plan requirements for the development. ■■(PIng.)\_\_\_\_\_

10. The tree installations on the slopes and the replacement of inappropriately placed trees or topped trees that cannot be crown restored must be completed within three years from the City Council approval date to avoid citations for being out of compliance with their approved landscape plans and conditions of approval. An extension to the three year installation timeline would be subject to Community Development Director approval. ■■(PIng.)\_\_\_\_\_

11. Prior to the City approval for the removal of any trees the Reserve Association shall vote and obtain formal approval of the amended CC&Rs and provide a copy of the recorded CC&Rs to the City. ■■(PIng.)\_\_\_\_\_

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

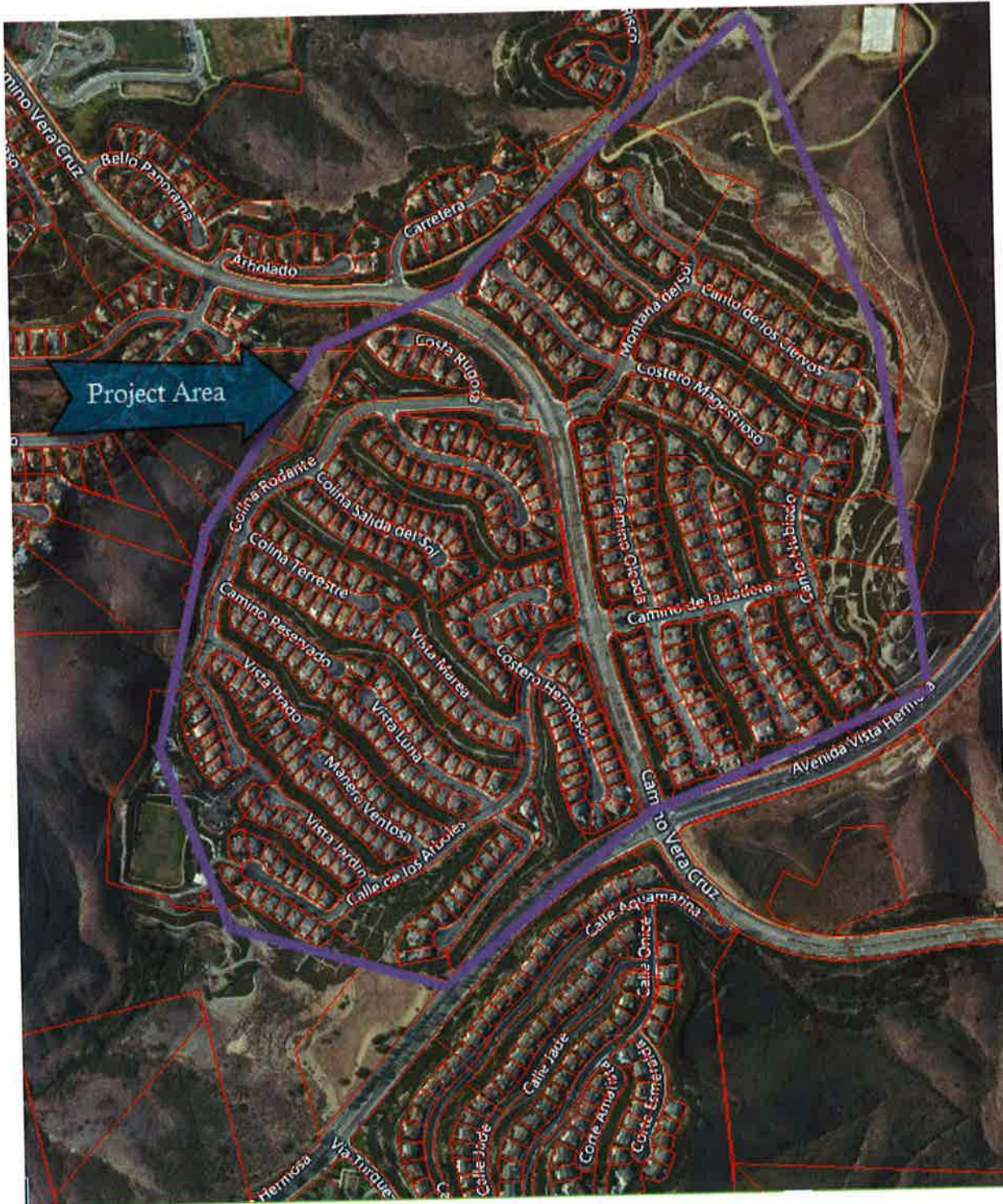
- Denotes a modified standard Condition of Approval.
- Denotes a project specific Condition of Approval





### LOCATION MAP

AM SPP 98-63, Reserve Landscape Amendment  
Intersection of Camino Vera Cruz and Avenida Vista Hermosa





**AGENDA REPORT**  
**SAN CLEMENTE CITY COUNCIL MEETING**  
 Meeting Date: March 3, 1999

City Manager \_\_\_\_\_  
 Dept. Head \_\_\_\_\_  
 Attorney \_\_\_\_\_  
 Accounting \_\_\_\_\_  
 Other \_\_\_\_\_

**Department:** Community Development Department  
**Prepared By:** Jason Martin, Associate Planner

**Subject:** TENTATIVE TRACT MAP (TTM) 15718/SITE PLAN PERMIT (SPP) 98-63.

**Summary:** The proposed project is a request by John Laing Homes/Forster Ranch to allow the subdivision of 187 acres of land for the construction of 419 single family homes. The project site, commonly referred to as Planning Area (PA) 4 of the Forster Ranch Specific Plan, is located NE and SW of the planned extension of Camino Vera Cruz.

The City Council considered the project at their February 17, 1999 meeting. At the meeting the City Council focused discussion a issues relating to the project's physical design, the Forster Ranch generally, and the geotechnical conditions of the site. Ultimately the Council voted to continue the item to their next meeting in order to receive additional information on geotechnical issues. The City's Engineering Geologist, Dr Peter Borella, will be at the meeting to comment on the applicant's geotechnical report which was submitted to the City on January 25, 1999 and to respond to any questions.

Also at the meeting, changes to proposed Conditional of Approval 2c were discussed. Pursuant to those discussions the City Council resolution with Conditions of Approval has been modified. The Resolution is included as Attachment 1. One additional piece of correspondence has been received regarding the project since the February 17<sup>th</sup> meeting. That correspondence has been included with other correspondence as Attachment 5.

The initially prepared agenda report, and its attachments, are also included with this report as noted below.

**Recommended Action:** THE PLANNING COMMISSION RECOMMENDS THAT the City Council approve TTM 15718 and SPP 98-63 subject to the Resolution and Conditions of Approval included as Attachment 1.

**Fiscal Impact:** Yes:  No:

**Attachments:**

1. City Council Resolution with Conditions of Approval
2. City Council Agenda Report (dated February 17, 1999)
3. Planning Commission Meeting minutes (dated December 15, 1998 and January 19, 1999)
4. Planning Division Staff Report w/o referenced attachments (dated January 19, 1999)
5. Correspondence

5. ORAL COMMUNICATIONS

None.

MEETING RECESSED

Council recessed at 8:15 p.m. and reconvened at 8:25 p.m., with all members present.

6. UNFINISHED BUSINESS

A. Tentative Tract Map (TTM) 15718/Site Plan Permit (SPP) 98-63 -  
Laing Forster Ranch

Report from the Community Development Department concerning a request by Hunsaker and Associates, on behalf of Laing Homes, for approval of TTM 15718 and SPP 98-63 which consists of a 187-acre parcel subdivided into 465 lots (419 numbered, 46 lettered) for purposes to construct 419 detached, single-family residences. The subject site is located in Forster Ranch, Planning Area 4, which is generally located north and south of the planned extension of Camino Vera Cruz. The legal description of the site is that portion of Tract 11959 as shown on the map filed in Book 522 Pages 42 - 48 of miscellaneous maps, together with a portion of Parcel 1 of Lot Line Adjustment No. LL-96-53 recorded February 13, 1996 as Instrument No. 19970066818 of official records of Orange County, California.

**Note: The City Council conducted and closed the Public Hearing on this item at its meeting of February 17, 1999, but deferred action to this meeting.**

Associate Planner Martin reviewed the contents of the Administrative Report, noting that Council continued this issue from its meeting of February 17, 1999 to allow Dr. Peter Borella, the City's Engineering Geologist, time to complete his review of the geo-technical report and enable him to be present at this meeting to personally address Council relative to the results of his analysis.

City Engineer Cameron summarized the review process that Staff utilizes to assess projects at the Tentative Map and Final Map stages; stated that geology work is generally not detailed at the Tentative Map stage and

pointed out that the geology presentation made at the last Council meeting on the subject application surpasses the level of work normally available at that point in the review process; referenced Conditions of Approval that are proposed to be imposed on the project in question which relate to geotechnical criteria that must be met prior to Final Map approval; introduced Dr. Peter Borella, the City's Engineering Geologist, and reviewed his qualifications.

Dr. Peter Borella confirmed that a large landslide exists on the subject property, noting that the landslide occurred approximately 17,000 to 20,000 years ago; commented that the purpose of the geotechnical investigation, and backup reviews by two independent geotechnical firms, is to convince Council that an acceptable factor of safety can be achieved; commented that the purpose behind any geotechnical investigation is to define the problem, analyze the situation and then develop a solution; stated that he has reviewed the geotechnical report and related that his geotechnical engineers are currently in the process of reviewing the proposed stabilization designs; noted that when landslides can be properly recognized and identified, they can be stabilized through the use of modern techniques; stated that many large landslides in San Clemente have been stabilized in recent years; commented that he has reviewed, and has questions, concerning the borings, and related that he intends to meet with the primary and back-up geotechnical consultants on the project to address his questions; responded to Council inquiries, noting that he has not encountered any problem thus far that cannot be mitigated if done properly.

Steven Swartz reiterated his belief that the 3.3 acre park (with the exception of the clubhouse and pool components) should be open to the community.

Rick Anderson, San Clemente, urged Council to support the project since it will 1) guarantee that the Forster Ranch Community Park will be developed and 2) facilitate the completion of Camino Vera Cruz.

Marty McPhee, San Clemente, questioned and received clarification that Camino Vera Cruz will not proceed if the Laing development does not come to fruition, unless the City obtains funding in the future; commented on the importance of completing Camino Vera Cruz to accommodate an emergency evacuation; questioned and received clarification that the Forster Ranch Development Agreement requires Laing to provide funds for the Forster Ranch Community Park before developing Planning Area 4; conveyed support for the project.

Ken Nishikawa, Applicant, stated that one of the requirements for a PUD (Planned Unit Development) is the inclusion of a private park facility; explained that the park would be funded by Laing but maintained by the Homeowners Association; asserted that the private park's existence will help ensure that adjacent facilities, such as the Forster Ranch Community Park and Marblehead Inland Park, do not become overburdened; stated that concern has been expressed that development of the private 3.3 acre park will precede the development of the community park, but noted that the Forster Ranch Community Park has been established as the City's top priority; referenced park fees that Laing has paid to date, noting that another \$1.5 million in park fees will be paid to fund the Forster Ranch Community Park.

In response to Council inquiry, Mr. Nishikawa reviewed measures that will be undertaken by Laing to ensure that the three homes that were identified as possibly being visible above the revised ridgeline as viewed from Avenida Pico will, in fact, not be visible (i.e., berming, single-story homes or a combination thereof); commented on visual mitigations being taken to alleviate the appearance of a stair-stepped development, e.g., home design, landscaping, varying setbacks, as well as single and double-loaded streets; stressed that Laing is willing to install the trees at this time to ensure that substantial growth has occurred prior to development of the project, which is projected to occur in late 2001 or 2002.

City Clerk Erway referenced receipt of a letter from Forster Ranch Master Association I which indicated support for the project.

MOTION BY COUNCILMEMBER DIEHL, SECOND BY MAYOR PRO TEM RITSCHER, CARRIED 5-0, to adopt Resolution No 99-13 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AN ENVIRONMENTAL DETERMINATION AND APPROVING TENTATIVE TRACT MAP 15718 AND SITE PLAN PERMIT 98-63, LAING FORSTER RANCH, TO ALLOW THE DEVELOPMENT OF 419 SINGLE FAMILY DWELLING UNITS IN PLANNING AREA 4 OF FORSTER RANCH.



**AGENDA REPORT**  
**SAN CLEMENTE CITY COUNCIL MEETING**  
 Meeting Date: February 17, 1999

Agenda Item 3.F.  
 Approver: \_\_\_\_\_  
 City Manager \_\_\_\_\_  
 Dept. Head \_\_\_\_\_  
 Attorney \_\_\_\_\_  
 Accounting \_\_\_\_\_  
 Other \_\_\_\_\_

Department: Community Development Department  
 Prepared By: Jason Martin, Associate Planner

Subject: **TENTATIVE TRACT MAP (TTM) 15718/SITE PLAN PERMIT (SPP) 98-63.**

**Summary:** The proposed project is a request by John Laing Homes/Forster Ranch to allow the subdivision of 187 acres of land for the construction of 419 single family homes. The project site, commonly referred to as Planning Area (PA) 4 of the Forster Ranch Specific Plan, is located NE and SW of the planned extension of Camino Vera Cruz.

The Planning Commission considered the project on December 15, 1998 and January 19, 1999. At the January meeting the Planning Commission voted 4-2 to forward the project with a recommendation of approval with conditions, to a public hearing before the City Council. The minutes from those meeting are included as Attachment 2. At the meetings, the Planning Commission considered a number of issues but focused attention on geo-technical conditions of the site, the City's Hillside Development Ordinance (HDO), and the Camino Vera Cruz connection through the project. (The Camino Vera Cruz connection is a major responsibility of Forster Ranch established in the executed Development Agreement between the City and Forster Ranch). A more detailed project description and discussion of issues is provided in the Planning Commission Staff Report which has been included, without its referenced attachments, as Attachment 3. Correspondence received regarding project, including correspondence from the applicant, is included as Attachment 4.

Geotechnical. PA 4 is near entirely on the site of an ancient landslide. Any development, including the Camino Vera Cruz connection or home construction, would require an extensive amount of remedial grading to stabilize this geo-technical condition. At the Planning Commission meetings stabilization methods and the applicant's proposed grading program were identified and discussed. At the January meeting the applicant's, and the City's, geo-technical consultants were present to respond to questions. Staff and the applicant added that detailed geo-technical information is being developed and will be submitted for review and approval after tentative map approval and prior to Final Map approval, in accordance with normal procedures and the standards of the Subdivision Map Act. (Standard Conditions of Approval relating to this requirement are included in the draft Resolution). At the conclusion of the discussions, a minority of Commissioners felt that more detailed information on the proposed grading program should be submitted for review prior to potential tentative map approval, rather than after.

Hillside Development. At the meetings, concern was raised regarding the project's non-compliance with the HDO. Specific areas of non-compliance relate to 1) the project's "stair-stepped" appearance as viewed from a General Plan designated Scenic Corridor (Avenida Vista Hermosa) and a public park (Marblehead Inland Park) and 2) obstruction of a General Plan designated Primary Ridgeline, when viewed from Avenida Pico. Enhanced, and strategically sited, landscaping has been forwarded by the applicant as mitigation. Conceptual landscape plans and grading plans indicating this proposed mitigation have been included among the plans with this report. Visual analysis has been prepared to demonstrate the concept and will be at the February 17<sup>th</sup> City Council meeting. Staff believes that the landscape mitigation along Avenida Vista Hermosa, with refinement, will satisfactorily screen the project from public view.

Agenda Report

The view from Avenida Pico and ridgeline obstruction is an outstanding issue which is proposed to be addressed through a Condition of Approval. Pursuant to discussions at the Planning Commission meetings, staff recommends that an additional Condition of Approval be included with potential project approval to address the outstanding issue. (See Condition of Approval No. 2c). The applicant concurs with this and all of the recommended Conditions of Approval.

It should be noted, however, that the project is not in technical compliance with the HDO.

Camino Vera Cruz. In their deliberation of the project the Planning Commission balanced competing General Plan and City policy relating to hillside development with those relating to circulation improvement, and economic development. The Planning Commission considered the Camino Vera Cruz connection that will be provided through the project and its importance to city-wide circulation improvement and economic development. The connection is anticipated to alleviate traffic congestion in existing residential neighborhoods (i.e. The Coast development) and along Avenida Pico and Camino de los Mares as the Vista Hermosa interchange is constructed. Connection of Forster Ranch, and the surrounding residential areas, with existing and planned commercial uses on Avenida Pico, via Camino Vera Cruz, is also anticipated to capture sales tax leakages going north to neighboring, currently more easily accessible, communities.

The Planning Commission considered testimony from the applicant where it was indicated that the Camino Vera Cruz connection and site development costs are extraordinarily high due to the geotechnical condition of the site and that those high costs are off-set by the project as currently designed. The applicant also indicated that should the project be delayed and/or redesigned they would be forced to consider a re-evaluation of the executed Development Agreement between the City and Forster Ranch concerning responsibilities of Camino Vera Cruz completion.

The Development Agreement, in fact, requires that Forster Ranch submit plans for Camino Vera Cruz grading, drainage, and erosion control by October 15, 1999; with final plans submitted by October 15, 2000; and with completion of the road on or before October 15, 2001. This requirement is guaranteed by a total of \$5.4 million in securities. The Development Agreement does not in any way relinquish the City's discretionary approval rights within Forster Ranch, including PA 4.

**Recommended Action:** THE PLANNING COMMISSION RECOMMENDS THAT the City Council approve TTM 15718 and SPP 98-63 subject to the Resolution and Conditions of Approval included as Attachment 1.

**Fiscal Impact:** Yes:  No:

**Attachments:**

- 1 City Council Resolution with Conditions of Approval
- 2 Planning Commission Meeting minutes (December 15, 1998 and January 19, 1999)
- 3 Planning Division Staff Report w/o referenced attachments (dated January 19, 1999)
- 4 Correspondence

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F. Tentative Tract Map (TTM) 15718/Site Plan Permit (SPP) 98-63

Public Hearing to consider a request by Hunsaker and Associates, on behalf of Laing Homes, for approval of TTM 15718 and SPP 98-63, which consists of a 187-acre parcel subdivided into 465 lots (419 numbered, 46 lettered) for purposes to construct 419 detached, single-family residences. The subject site is located in Forster Ranch, Planning Area 4, which is generally located north and south of the planned extension of Camino Vera Cruz. The legal description of the site is that portion of Tract 11959 as shown on the map filed in Book 522 Pages 42-48 of miscellaneous maps, together with a portion of Parcel 1 of Lot Line Adjustment No. LL-96-53 recorded February 13, 1996 as Instrument No. 19970066818 of official records of Orange County, California.

Associate Planner Martin reviewed the contents of the Administrative Report; distributed a memorandum, dated February 17, 1999, which proposed modified verbiage for Condition 2C.

During the ensuing discussion, Staff responded to Council inquiries relative to the following: 1) Major components of the Hillside Development Ordinance, 2) visual impact of the development as viewed from various public places, 3) mitigation measures identified in the Hillside Development Ordinance, 4) details of the landscape mitigation being proposed by Laing Forster Ranch to partially screen the development, 5) possibility of requiring berming if it is determined that the lights of vehicles traveling along Camino Vera Cruz will reflect into the rear windows of homes located on Carreter, 6) extent of the proposed grading operation, and 7) previous instances in the City where significant grading and recompaction occurred.

Mayor Berg opened the Public Hearing.

Ken Nishikawa, representing Laing Forster Ranch, displayed an aerial photograph of the property in question; stated that two issues were identified in the Administrative Report, i.e., geotechnical issues and compliance with the Hillside Development Ordinance; conveyed his commitment to ensure that the proposed development is safe; explained that Laing Forster Ranch has retained one of the top geotechnical firms (i.e., Leighton & Associates) and one of the top civil engineering firms (Hunsaker & Associates) to assist with the project; noted that Horst Schor has been retained to review both soils and civil engineering aspects of the development and further noted that



the subject work will be reviewed by the City's consultant, Dr. Peter Borella; stated that Laing Forster Ranch has also retained the services of Geo-Soils, who served as the previous soils consultant for Centex, to review the work of Leighton & Associates; advised that Sid Neblett has also been retained to drill Planning Area 4 so as to corroborate the information obtained from the geologists; commented on the benefits (e.g., fire response times) associated with the Camino Vera Cruz extension; contended that the development complies with the Hillside Development Ordinance and quoted sections from that Ordinance as well as the Environmental Impact Report; noted that the entire landslide plain would need to be remediated in order to accommodate the Camino Vera Cruz extension, irrespective of whether homes are developed on Planning Area 4; displayed cross-sections of the site and explained the proposal to unload the driving force on the landslide and to help stabilize the lower portion by filling in the bottom; explained that buttress keys will be built that will penetrate the landslide plain in order to stabilize the entire section; provided an overview of the design of Planning Area 4 and commented on the resulting view impact on the ridgeline; stated that he does not believe the intent of revised Condition 2C is to require Laing to provide 40 story poles and requested that the wording be changed to reference "various lots in that range to the satisfaction of the Community Development Director".

**Meeting Recessed**

Council recessed at 9:08 p.m. and reconvened at 9:20 p.m., with all members present.

In response to Council inquiry, Mr. Nishikawa explained that the price of the homes will be determined by the market and will not be influenced by the costs incurred by the developer.

Steven Swartz, President of the Flora Vista Homeowners Association and Vice-President of the Rancho Del Rio Master Association, stated that many meetings have taken place with Mr. Nishikawa and they are looking forward to Laing joining the neighborhood; noted that the Forster Ranch Community Park has been pending for a lengthy period of time and opined that no other park, either public or private, should be constructed prior to the Forster Ranch Community Park; suggested that the Forster Ranch Community Park should receive precedence over any new parks.

Jim Tinker, Board Member with the El Encanto Homeowners Association, voiced concern with the proposed growth in Forster Ranch; conveyed concern with the proposal to construct a 3.3 acre park within the subject

development and expressed frustration that the Forster Ranch Community Park has been promised for 11 years; speculated that the 3.3 acre park is being proposed because the developer does not believe that the Forster Ranch Community Park will ever be built.

Dorothy Prohaska, San Clemente, urged that Council consider what a development will look like in 30 or 40 years whenever it is considering a project of the magnitude that is being proposed; opined that the project is well-designed and urged Council support.

Bill Hart, San Clemente, opined that the fact that the development requires screening from a distance indicates that a problem exists; suggested that the current plan will compromise the Hillside Development Ordinance; stated that the City's role is to protect the community's aesthetic standards and that the role of the developer is to maximize its return on investment; stated the proposal maximizes the developer's economic return, but voiced concern that only one lay-out, which involves a stair-stepped development, has been discussed.

Michele Gillen, San Clemente, spoke in opposition to the proposed private park and urged that Council consider the impact of the proposed development on San Clemente High School.

Lonnie Curtis, San Clemente, related that Forster Ranch needs a community park; questioned the visual impacts of the project from other public locations, such as the ridgeline trail, Bernice Ayer Middle School and Forster Ranch Community Park.

Mary Dunlap, San Clemente, stressed the importance of researching the area, and scrutinizing the proposed mitigation efforts, to ensure that the homes and road will be safe.

There being no others desiring to speak to this issue, the Public Hearing was closed.

Discussion ensued relative to the difference of opinion between Staff and the developer as to whether the project complies with the Hillside Development Ordinance.

Council invited the Applicant's geo-technical consultant to address the Council. Iraj Poorman, Executive Vice President with Leighton & Associates, stated that all landslides in which he has been involved occurred

on ancient landslides that had not been recognized; stated that many identified landslide areas in Southern California have been mitigated and developed; commented that a margin of safety that is several times more than needed to stop a landslide is being used in this case; stated that a preliminary soils report was submitted to Dr. Borella, but because the report was inadvertently presented to Dr. Borella late, he has not yet concluded his review; explained that a conservative approach is being taken and expressed confidence that a proper design is being developed.

In response to Council inquiry, Mr. Poorman explained that the thickness of the landslide would probably rate an 8 (on a scale of 1 to 10), while the area of the landslide would rate a 10; commented that the landslide is very severe and, although it has not been age dated, some of the landslides in the vicinity appear to be approximately 15,000 to 16,000 years old; explained the approaches that are being proposed to stabilize the area; indicated that an analysis could be compiled which includes data on other comparable ancient landslide areas (e.g., a differentiation as to whether the landslide plain was identified before or after the land was developed, success level of the remediation effort, location of buttressing, and the size, depth and age of the slide).

Public Works/Economic Development Director Lund explained that Dr. Borella (the City's consulting geologist) is not present this evening because he has not yet completed his review of the preliminary soils report; estimated that Dr. Borella will complete his review in approximately two weeks.

In response to Council inquiry, City Attorney Oderman advised that Council may defer action until Dr. Borella's review is completed, provided the continuance is within the required timeframe for City action as contained in the Subdivision Map Act.

City Engineer Cameron pointed out safeguards that are contained within the proposed Conditions of Approval, noting that neither the Final Map nor a grading plan will be approved until the soils report has been approved by the City.

MOTION BY COUNCILMEMBER EGGLESTON, SECOND BY COUNCILMEMBER DAHL, to continue Tentative Tract Map (TTM) 15718 and Site Plan Permit (SPP) 98-63 to the Council Meeting of March 3, 1999 to allow Dr. Borella additional time to review the geologic report.

In assessing the time period during which Council needs to act upon the subject Tentative Tract Map, City Attorney Oderman noted that the time limitation issue can be avoided if Mr. Nishikawa would agree to a continuance of the matter.

Mr. Nishikawa responded that Dr. Borella will likely have questions of Laing's consultants which may require additional studies or calculations; stated that the Applicant has provided a substantial amount of geotechnical information, noting that the extent of that information surpasses any other project for which he has been involved; commented that assurances are in place to ensure that no work is commenced until Dr. Borella is completely satisfied; concurred with a continuance of the matter to the next Council meeting, but voiced objection to any additional delay.


City Attorney Oderman verified that the proposed continuance is within the time limitations contained within the Subdivision Map Act.

THE MOTION CARRIED 5-0.

Council and Staff explained that the subject development is being processed as a planned unit development because some of the lots within the proposed subdivision are less than the conventional standard; explained that one of the requirements of a planned unit development is that adequate recreational facilities be included within the project.

City Attorney Oderman added that the Forster Ranch Development Agreement requires the payment of \$2 million in park fees, which will enable the City to complete the Forster Ranch Community Park; explained that \$500,000 of this amount has already been paid and that the remaining \$1.5 million is required to be paid as the development progresses; commented that a large portion of the remaining sum is required to be paid prior to issuance of the first residential building permit within the project site.

AGENDA ITEM: 9-E  
MEETING DATE: 1/19/99

TO: PLANNING COMMISSION  
FROM: Jason Martin, Associate Planner   
SUBJECT: Tentative Tract Map 15718/Site Plan Permit 98-63,  
Planning Area 4 of Forster Ranch

**ISSUE**

Should the Planning Commission recommend that the City Council approve Laing Forster Ranch's request to allow the subdivision of Planning Area (PA) 4 for the construction of 419 detached, single family homes in Forster Ranch.

**ENVIRONMENTAL REVIEW**

The Planning Division completed an initial environmental assessment for the above matter in accordance with the California Environmental Quality Act (CEQA). It has been determined by staff that the applications have been adequately addressed under previously prepared Environmental Impact Reports (EIR). The Forster Ranch Specific Plan EIR (1986), Forster Ranch Specific Plan Supplemental EIR (1991), and Forster Ranch Specific Plan Amendment Subsequent Program EIR (1998) are available for review in the Community Development Department office. The required 30 day environmental determination public notice has been conducted. As of this date, no comments from the public have been received regarding the project.

**BACKGROUND**

In the spring of 1998 the City Council approved the Forster Ranch Specific Plan (FRSP) amendment, the Forster Ranch Development Agreement (FRDA), and certified the FRSP Amendment Subsequent Program EIR.

The amended FRSP focused on the remaining undeveloped portions of the FRSP area: Planning Areas (PA) 1, 3, and 4 (those areas located on the west side of the major north/south primary ridgeline which bisects the Forster Ranch), and all undeveloped areas on the east side of the ridge. Basically the FRSP amendment shifted most "Low" density residential uses from the east side of the ridge to the west side, eliminated "Medium High" density residential uses on the east side of the ridge, and redesignated all property on the east side to either institutional, commercial, or open space.

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More specifically the amendment shifted 343 Low density dwelling units (of the 387 allowable) from the east side of the ridge to the west side and into the Low density areas of PAs 1, 3 and primarily PA 4. (As part of the 1998 amendment the remaining 44 Low density units, as well as 372 allowable Medium High density dwelling units, were forfeited by Laing Forster Ranch).

The dwelling units were shifted and distributed within developable PAs on the west side of the ridge as follows:

Planning Area	Former FRSP Dwelling Units	Current FRSP Dwelling Units
1	118	158
3	400	464
4	176	415

The FRSP amendment also provided for the enlargement and reconfiguration of PA 4 by approximately 65 acres accomplished through a lot line adjustment and transfer of property from the Marblehead Inland Specific Plan area into the FRSP boundary.

Concurrent with the approval of the FRSP amendment, a statutory Development Agreement was entered into between the City and Laing Forster Ranch. The FRDA also focused on the undeveloped portions of Forster Ranch. The FRDA gives Laing the right to build 1037 market rate single family homes in PAs 1, 3, and 4; and to develop 199 acres of institutional, and 7 acres of commercial, on the east side of the ridge. The major responsibilities under the FRDA include the extension of Camino Vera Cruz to Avenida Vista Hermosa and contributions to park, school, and other circulation-related improvements.

Since adoption of the FRSP amendment and execution of the FRDA the applicant has made substantial efforts toward fulfillment of the terms of the agreement. The applicant has made an advance payment of \$500,000 to the City in connection with Forster Ranch Community Park construction and has advanced \$2.7 million to the Capistrano Unified School District to enable Bernice Ayer Middle School to be constructed. They have completed installation of the traffic signal at Sarmientoso and Camino Vera Cruz (at Bernice Ayer Middle School) and will be participating in finance for signalization improvements at 3 other intersections in Forster Ranch.

In March of 1998 the City Council approved development projects in PAs 1 and 3 under Tentative Tract Map (TTM) 15561 and TTM 15562. The TTMs involve a

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combined total of 622 single family detached homes. Pursuant to the TTM approvals, Final Maps are being prepared for the sites. Based on a conversation with the applicant, a combined total of 618 single family home sites will be shown on the Final Maps. Reduction of units was necessitated by grade constraints discovered through the design of the detailed grading program for the site. It is the intent of the applicant to transfer 4 units to PA 4 which is provided for in the FRSP and FRDA.

In July 1998 Hunsaker and Associates, the representative for Laing Forster Ranch, submitted portions of the application package for proposed development of PA 4. TTM 15718 and SPP 98-63 involves a proposal for 419 detached single family homes. By mid-August a complete package was received, which initiated a review by the City's Development Management Team (DMT) on September 3, 1998. At the DMT meeting, and at a subsequent meeting between staff and the applicant, issues relating to the project's potential conflict with the City General Plan (i.e. the Natural Resources and Scenic Highways Elements), the Hillside Development Ordinance (HDO), and the FRSP were identified.

The project was forwarded to the Design Review Sub-Committee (DRSC) on September 10, 1998. At the meeting, DRSC members concurred that the project's proposed architecture was of an acceptable quality but indicated that additional information was needed to adequately address issues relating to the project's compliance with the General Plan and HDO. They indicated a desire to consider the issue further with additional information at a future meeting.

Based on the concerns identified by staff and to assist the DRSC in their consideration of the issue, staff requested that visual analysis of the proposed project be conducted. Staff worked with the applicant in identifying locations from which the visual analysis should be conducted. In the requested analysis special attention was to be given to the views of the project from highly traveled public rights-of-way, such as Avenida Vista Hermosa, and other public areas, such as the Marblehead Inland Park.

The requested visual analysis was submitted, more detailed information on grading was distributed, and the project was brought back to DRSC on October 15, 1998. At the meeting the DRSC expressed general concern but deferred to the DMT for a determination regarding the project's compliance with the General Plan and HDO.

The Executive DMT considered the submitted visual analysis on October 22, 1998 and determined that the project, as currently designed, conflicts with the requirements of the General Plan and HDO. In follow-up to the Executive DMT

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determination, staff met with the applicant and their design team to explain staff's determination and position.

The applicant explored design alternatives, conducted additional visual analysis, and met with the Executive DMT on November 19, 1998. At that meeting the applicant provided staff with redesign sketches comprising portions of the project and explained their opinion that the redesigned portions did not improve the project substantially. Staff agreed that the redesigned portions did not appear to meet City objectives and suggested that a more comprehensive approach might be more effective.

The applicant has indicated that such a redesign would result in substantial additional project costs/decreased profits resulting from processing delays, the addition of retaining walls, elimination of ocean views, and/or the loss of lots. They highlighted the very large financial expenditure involved in remediating geotechnical conditions of the site and in designing and constructing the Camino Vera Cruz link. They added that the projected sales, in terms of unit number and price, was necessary to balance the large site development and infrastructure improvement costs connected with the project.

Additional visual analysis was submitted that focused on the views of the project from Avenida Vista Hermosa. In addition to the views from Marblehead Inland Park, the views from Avenida Vista Hermosa have been identified as the primary area of concern given the prominence of the site from that important street. The submitted visual analysis superimposed an enhanced tree-scape along Avenida Vista Hermosa for screening. Staff had concerns regarding this method of mitigation due to the potential for the undesirable side effect of canyon, ocean, and Catalina Island view obstruction and indicated that detailed analysis would need to be conducted to adequately assess the level of potential impact.

The project was brought before the Planning Commission on December 15, 1998, where staff recommended a one month continuance, and sought input and direction from the Planning Commission. At the meeting, Commissioners' discussion focused on issues relating to hillside development, the underlying landslide and geotechnical conditions, and City liability. The minutes from that meeting are included with this report as Attachment C. The Commission continued the item to the January 19, 1999 meeting to allow staff to continue working with the applicant to more fully exploring the concerns and to get additional information of geotechnical issues.

In follow-up to the Planning Commission meeting, Executive DMT and staff met with the applicant on December 23, 1998, and on January 12, 1999 met the

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applicant and their landscape design team at the site. At those meetings previously discussed concepts of landscape mitigation were analyzed further. The applicant's proposed landscape mitigation concept is discussed in more detail in the Analysis Section of this report. The applicant indicated that additional visual analysis was being developed based on the proposed landscape mitigation concept.

The original visual analysis is in the Community Development Department office and will be available at the meeting for Planning Commission consideration. The applicant has indicated that the additional visual analysis showing the proposed landscape mitigation concept will be available at the Planning Commission meeting.

The required public hearing notice has been conducted for the project. Correspondence received regarding the project, including correspondence from the applicant, is included as Attachment D.

#### PROJECT LOCATION AND PHYSICAL SETTING

The project concerns approximately 187 acres of undeveloped land located in Forster Ranch. The site is located southeast of the existing terminus of Camino Vera Cruz and northwest of the existing terminus of Avenida Vista Hermosa. (As part of the project and pursuant to the terms of the FRDA, the Camino Vera Cruz extension would bisect the project to link up with the connection to Avenida Pico, which is currently under construction). In the north/northwest, the site abuts a portion of PA 3 (approved for the construction of homes) and existing residences. Beyond the existing residences, northwest of the site, lies Bernice Ayer Middle School and the Forster Ranch Community Park site. A developed Marblehead Inland neighborhood, The Crest, is located to the southeast of the site, which is adjacent to Marblehead Inland Park. A primary ridgeline, as designated in the City General Plan, bounds the northern portion the site in the east and an inland canyon/open space area bounds it in the west and southwest. Beyond the canyon to the west, are residential neighborhoods within The Coast development. (See Attachment E - Location Map).

The site is located along the south/southwest facing slope of an inland canyon. The existing grade of the site varies and is estimated to be generally in the range of 20% to 40% and at 60% in some areas. The site is prone to, and has historically experienced, landslide activity. Any development of the site (i.e. home or road construction) will require a significant degree of remedial grading to stabilize geo-technical conditions. The relationship between the City's objective of completing Avenida Vera Cruz through this unstable section and the commitment of the applicant to construct the road segment per the development agreement drives the extent of grading necessary to carry out the proposed project.

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The site drains in a south/southwesterly direction into an area considered a wetland by the Army Corps of Engineers. The site is primarily undisturbed grassland but does contain significant communities of coastal sage scrub and Thread-Leafed Brodiaea. The loss of these biological resources was considered in the FRSP amendment subsequent Program EIR and mitigation measures developed accordingly. The applicant is currently in the process of obtaining the required clearances through the Army Corps of Engineers, the California Department of Fish and Game, and the U.S. Fish and Wildlife Service.

#### PROJECT DESCRIPTION

The project is proposed within the Low Density zone, as designated in the FRSP, which allows residential development at a maximum density of 4.5 units to the acre. The proposal of 419 units on 187 acres yields a density of 2.25 units to the gross acre. The zone provides for both conventional and non-conventional residential subdivisions and a variety of housing types. A conventional subdivision would strictly adhere to specified site development standards such as the minimum lot size of 6,000 square feet and minimum lot frontages of 60 feet. Non-conventional subdivisions would be considered under a Planned Unit Development proposal where flexibility in meeting standards would be provided in exchange for an overall higher quality end product. The project, although resembling a conventional subdivision in most respects, proposes some lots with a size and frontage less than the conventional subdivision standard. Therefore, the project is being processed as a Planned Unit Development.

The project would create 4 distinct single family neighborhoods, referred to as planning sub-areas 4A - 4D. All are gated and take access from the planned extension of Camino Vera Cruz. The 2 neighborhoods on the northeast side of the planned extension of Camino Vera Cruz, 4A and 4B, have a combined total of 165 homes. Those on the southwest side, 4C and 4D, have a combined total of 254 homes. Overall, the project design can be characterized as a series of parallel cul-de-sacs that step down the hillside affording a substantial portion of the homesites an ocean view. Staff estimates 250 individual homesites, or nearly 60% of the total, would have some degree of a distant ocean view. A mix of double- and single-loaded, cul-de-sacs are proposed (16 double-loaded and 10 single-loaded).

All lots are proposed to accommodate 2 story detached homes with a 2- or 3-car, attached garage on lots ranging in size from approximately 3,800 to 13,600 square feet. Typical minimum setbacks proposed would be 18 feet from the front property line for the garage door, 10 feet from the front property line for any habitable portion of the dwelling, 5 feet from an interior side property line, and 15 feet from the rear property line. Sidewalks are proposed on both sides of double loaded streets and on

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one side of single loaded streets. A 3.5 foot parkway is provided between the sidewalk and the curb. A variety of architectural styles are proposed including Spanish Colonial, Craftsman, Monterey and Mediterranean. A summary of lot and home characteristics by individual neighborhood is contained in the following table.

**Planning Area 4  
Lot and Home Characteristics By Neighborhood**

	Neighborhood 4A	Neighborhood 4B	Neighborhood 4C	Neighborhood 4D
Number of Lots	68	97	110	144
Minimum Lot Size	7,060	5,945	4,775	3,775
Average Lot Size	8,475	7,760	6,690	5,120
Maximum Lot Size	13,600	12,915	14,480	10,705
Typical Bldg. Footprint Dimension	70 X 100	60 X 100	50 X 100	50 X 80
Home Size (range)	3,670 - 4,060	3,240 - 3,725	2,480 - 2,750	1,975 - 2,435

Other significant project components are outlined as follows:

- Camino Vera Cruz Connection**  
An important component of the project involves the provision of the Camino Vera Cruz link through the project. The link would complete a major transportation improvement identified in the General Plan Circulation Element and would provide a critical circulation link between the Forster Ranch area and existing and planned commercial and business areas along Avenida Pico. The Camino Vera Cruz link is vital to economic development in the City. The Camino Vera Cruz link was a primary component of the FRDA, and under the FRDA provisions, must be operational by October 2001. All costs associated with its design and improvement are the responsibility of Forster Ranch, which are currently estimated at \$16.4 million.
- Park Site**  
A 3.3 acre private park site is provided at the southwest corner of the project. The park would provide a pool and clubhouse, passive and active recreation areas including a tot lot and ball field, and a parking area for 14 vehicles. The ball field portion would also function as a storm water run off detention area.

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- **First Flush Basins**

The applicant is proposing provision of a 1.5 acre flush basin at the southern most portion of the project. The area is intended as a component of an overall mitigation program being required by the Army Corps of Engineers for the issuance of 404 permits for any development in PA 1, 3, and/or 4.

- **Pedestrian and Ridgeline Trail Linkages**

The project would provide Ridgeline Trail offers of dedication and improvements which provide project resident, as well as community-wide, benefits and internal project pedestrian linkages which would benefit the residents of the project

### **ANALYSIS**

Staff analysis of the project has focused attention on potential conflicts with the Hillside Development Ordinance and related General Plan references. Staffs analysis herein has been, however, balanced against competing General Plan goals and City policy relating to circulation improvement and economic development.

#### ***General Plan and Hillside Development Ordinance (HDO) Compliance***

A primary issue relating to the project involves its potential non-compliance with the City's General Plan and HDO. Two aspects of non-compliance relate to the project's stair stepped appearance from Avenida Vista Hermosa and the Marblehead Inland Park, and ridgeline obstruction from Avenida Pico.

The proposed project is located on the sloping hillsides along the side of a prominent ridgeline, which is designated as a primary ridgeline in the City's General Plan. The ridgeline is one of several ridgelines bisecting the City which, in combination with the hillsides, provides a valuable and unique natural, aesthetic, and recreational resource to the City and its residents. The City Council has adopted the Grading and Hillside Development Ordinance. The HDO seeks to provide for hillside development only if it blends in with natural landforms and does not obstruct public views of the ridgelines. The HDO contains standards relating to design considerations such as distances from the apex of ridgelines, the placement of buildings, building and roofing materials/color, orientation of roof lines, and the orientation of streets.

As indicated in the Background Section of this report, since September the DMT has expressed concerns regarding the project's conflict with the General Plan and HDO. Initially identified concerns related to the design of streets and building pad placement within the proposed subdivision and the appearance it would create when viewed from a designated scenic highway and a public park. A primary

objective of the project design, as stated by the applicant, was to create the maximum number of individual homesites with an ocean view. This resulted in a design where streets and homesite pads cut into the grade, perpendicular to the slope, at uniform intervals of +/- 30 feet. The resultant effect is an un-natural appearance of rows of homes stepping uniformly up the hill.

The design of PA 4 is very similar to the approved designs for PAs 1 and 3. The stair stepping and potential visual impact of that project was identified as an issue during the public hearings on those projects. Based on field surveys and the results of the visual analysis, however, it became evident the project would not be highly visible to the general public. Topographical characteristics of the surrounding area, and the built environment would do much to obscure the majority of those earlier projects from the general public view (i.e. from well traveled public rights of way, public areas such as the school and future Forster Community park site). Conditions of Approval for special landscaping treatments were required to mitigate the potential for minimal impact in specified areas.

In response to concerns identified regarding the potential for ridgeline obstruction, the applicant submitted a section drawing to illustrate the development relative to Avenida Pico. The section drawing has been included with the set of plans, which have been circulated with this report. The section indicates that homes would obstruct a portion of the General Plan designated primary ridgeline, with about 5 homes being visible to Avenida Pico, a General Plan designated Scenic Highway.

#### *Enhanced Landscape Mitigation*

Enhanced landscaping has been discussed and conceptually forwarded by the applicant as potential mitigation. Initially, staff had concerns regarding this method of mitigation given the potential for public view obstruction.

Avenida Vista Hermosa is planned as the next major thoroughfare providing access to the City's urbanizing Ranch areas, and is designated as a scenic corridor in the City General Plan. The City's Master Landscape Plan for Scenic Corridors further highlights its importance and potential by calling out special design and landscape treatments intended to promote the concept or theme of the "Vista Corridor". (In fact, the English translation of Avenida Vista Hermosa is the avenue of beautiful, or spectacular, view).

Initially submitted visual analysis superimposed an enhanced tree-scape along Avenida Vista Hermosa, intended to assist in screening the project from public view. Staff expressed concerns that the City is, in large part, defined by its expansive views of natural open areas, the ocean, and Catalina Island and that

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installing a screening mechanism along the "Vista Corridor" could potentially obstruct those views and would not be desirable. Further, staff had additional concerns regarding the appropriateness of foreground screening/mitigation as a means of gaining compliance with the requirements of the HDO, as opposed to a physical project redesign.

In response to staff concerns regarding the potential for public view obstruction the applicant's landscape design team has developed a revised, more detailed plan. The plan attempts, by strategic placement of trees, to screen adverse views of the project from Avenida Vista Hermosa and Marblehead Inland Park while ensuring that substantial views of the ocean, Catalina Island and portions of the canyon are maintained. Those plans have also been included with this report. The landscape design team will be available at the meeting to explain in more detail the concept and to respond to questions. The applicant has also indicated that, should the City desire, additional trees could be installed in Marblehead Inland Park at strategic locations (i.e. adjacent to activity centers) to further assist in screening the project from public view from points within the park.

With regard to the ridgeline obstruction as viewed from Avenida Pico, the applicant is forwarding a similar mitigation concept. In this case, however, a combination of landscaping and earth berming is proposed. Plans illustrating the proposal have also been included with the report.

Staff has concerns regarding the proposal in that it appears, from the submitted plans, that 2 homes would still be visible from Avenida Pico. The applicant has indicated that the submitted plans may not accurately illustrate the level of impact and that additional visual analysis is being prepared. That analysis will not be ready until the Planning Commission meeting on the 19<sup>th</sup>. Until the visual analysis is submitted, staff is unable to adequately assess the issue.

Since the analysis will not be available until the 19<sup>th</sup>, the issue will need to be resolved at the meeting. Staff has forwarded two alternative solutions should the visual analysis show that homes would be visible from Avenida Pico. The first would involve scaling down those units, which are visible, from two-story to one-story units. This solution may or may not be adequate depending on the degree of visibility and what can be assessed from the visual analysis. The other solution would involve elimination of, or reconfiguration to eliminate, those units which are visible. Staff has had discussions with the applicant regarding the potential solutions.

Both concepts rely on the installation of the proposed landscape or berming off-site. In both cases the property is owned by the Marblehead Inland Home Owners

Association. The applicant has met with the management company and with the Home Owners Association to discuss the potential of acquiring a landscape easement on those properties or the possibility of Forster Ranch taking title to the land. According to the applicant, the HOA and the management company have both indicated a high level of interest in pursuing one of the two scenarios. It should also be noted that the applicant has indicated a willingness to install trees in advance of construction to allow early establishment of the landscape.

#### *Geotechnical Concerns*

Staff and the applicant were, as indicated above, asked to overview the issue raised by the geotechnical remediation proposed by the project, in the following contexts:

- The City's confidence in the methods of landslide stabilization proposed by the applicant
- The general method of handling landslide risk in Southern California, and how the project's approach to the landslide on site compares to some prominent earthwork failures
- The necessity of grading in this particular landslide area
- The City's liability exposure in approving a project in a known landslide site.

San Clemente is clearly a challenging geologic environment. Because of the number of landslide areas in the community, the City has for many years maintained the services of Dr. Peter Borrella as an independent geotechnical consultant to review the soils engineering reports and mitigation proposals produced by project applicants. As the most concise means of responding to the Commission's questions on this matter, Dr. Borrella will attend the hearing on this item. Similarly, the City Attorney will be prepared to discuss the matter of liability. In addition, the applicant will also be prepared to respond.

In general terms, as staff understands, a review of historical earth movements conducted subsequent to the winter storms of 1993 indicate that slides have occurred on custom home sites and smaller graded areas which were produced prior to the 1980's. Large, mass graded and engineered sites of recent vintage sustained little or no damage during the storms. Similar success has been enjoyed at other locations. As a mass-graded site with a substantial, state-of-the-art engineering response specifically devised for the geology and soils types at this site, staff through its consultant -- and equally importantly the applicant -- is confident of the ultimate long term stability of the proposed project. Staff offers

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that denial of the project on the basis of geotechnical risk is not supported by evidence in the record.

The need to embark on grading within a landslide area in the first place is explained by a combination of factors, some of which, including the alignment of Vera Cruz and the antecedent of the FRDA, are discussed under other headings in this report. However, the currently approved alignment relocated the road from its earlier proposed penetration of the Forster Ranch ridgeline, thereby avoiding great cost of structures and earthwork and the need to remediate landslide areas which also exist on the east side of the ridge. Thus the combination of dwelling units and the road alignment makes a project mass which in turn makes the combination of the residential project, the road and the landslide remediation feasible, in a manner which would not have been achievable in the former configuration of units and the roadway.

#### *Camino Vera Cruz*

The other primary issue relating to the project concerns Camino Vera Cruz and the Camino Vera Cruz link that will be provided through the project. The link will connect the existing terminus of Camino Vera Cruz in Forster Ranch with the Camino Vera Cruz connection with Avenida Pico, which is under construction and nearing completion. Upon full completion, Camino Vera Cruz will provide the major, and only, north/south arterial connecting Forster Ranch and other areas northeast of the freeway with institutional, retail, and business uses and other neighborhoods in the east/central area of the City.

Completion of Camino Vera Cruz is anticipated to substantially improve traffic circulation and mobility in the northeast and central areas of the City. For example, an immediate benefit resulting from the completion of Camino Vera Cruz would be decreases in thru-traffic volumes on residential streets in The Coast development (i.e. Calle Frontera and Calle Juarez). These streets are currently used as a route from Forster Ranch and other residential areas in the northeast section of the City to the Gateway shopping area, San Clemente High School and services and jobs in Rancho San Clemente Business Park. Longer term benefits relate to further improved mobility along Camino de los Mares and Avenida Pico as the Vista Hermosa interchange is built.

Costs associated with the Camino Vera Cruz link through the project area were initially projected as substantial and continue to grow ever higher. According to the applicant, costs associated with the Camino Vera Cruz link have tripled since execution of the FRDA. Initial cost estimates of 5.3 million have increased to over



16.4 million. Increased costs are associated with the geotechnical conditions of the site, the extent of which were not fully known until recent months.

The importance of Camino Vera Cruz from a circulation and mobility standpoint is underscored by its importance in economic development. The Plaza Pacific shopping center is located at the intersections of Avenida Pico with Camino Vera Cruz and Avenida La Pata. Plaza Pacifica is the City's largest, approved community/sub-regional-serving commercial center. The construction of a 100,000 square foot Wal-Mart is underway and site plans for the easterly portion of the project and individual freestanding pad developments have been submitted to the City. Plaza Pacifica represents a major source of sales tax and business license revenue. Part of its success is dependent on its convenient access to the residents in Forster Ranch and surrounding residential areas. Plaza Pacifica is seen as a means of re-capturing sales tax revenue leakages currently going north to neighboring jurisdictions, which are more conveniently accessed from the Forster Ranch area.

According to the applicant and based on the fiscal impact model run conducted by the City as part of the FRSP amendment, 10% (or between \$70,000 - \$100,000 per year) of the sales tax revenue for Plaza Pacifica can be attributable to the completion of Camino Vera Cruz.

#### **CONCLUSION AND RECOMMENDATION**

The Executive DMT and staff have balanced the analysis and evaluation of the Forster Ranch Planning Area 4 project against competing goals and objectives relating to hillside preservation, improved traffic circulation, and economic development.

The completion of Camino Vera Cruz through the project boundary is critical to maintaining good circulation in the northeast and central areas of the City and the promotion of the City's fiscal health. The Executive DMT believes that, in this case, landscaping will mitigate concerns regarding the Hillside Development Ordinance and General Plan. Staff has reviewed the submitted conceptual landscape mitigation plans and believes they need further refinement. If approved, detailed landscape mitigation plans should be submitted for the final review and approval of the Community Development Director prior to the issuance of any permit. Also in order to ensure the success of the proposed mitigation the applicant should demonstrate, to the satisfaction of the Community Development Director, that either a landscape easement will be obtained or title to property will be transferred to Forster Ranch from Marblehead Inland. Conditions of Approval have been developed accordingly.

The above notwithstanding, staff does not believe that compelling evidence has been submitted which clearly convinces staff that a redesigned project could not achieve better compliance with the Hillside Development Ordinance and at the same time remains economically viable. Therefore, staff is compelled from a technical standpoint to recommend continuance, with direction to redesign the project. However, staff also understands that a variety of goals must be weighed and considered by the discretionary reviewing bodies, in this case the Planning Commission and the City Council. Because broader policy implications are appropriately considered by the Planning Commission, additional alternatives are discussed below.

Forwarded with this report is a letter by the applicant. (See Attachment D). It makes the applicant's case regarding feasibility, and the relationship of the project to the broader aims of the Forster Ranch Specific Plan and the FRDA. Some of the facts contained in this letter are acknowledged in the analysis and discussion above. In large measure, however, the letter underscores the concerns of the applicant in meeting its obligations under the development agreement if the project must be radically redesigned.

#### ALTERNATIVES/IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff and continue the project with recommendation to the applicant that a redesigned project be submitted which more closely conforms to the criteria of the Hillside Development Ordinance.

This action would result in the requirement for a resubmittal of the project. If continued to a date certain, further notice would not be required. While not related to the particular action findings for the project, it should be noted that the creation of a substantially redesigned project, together with necessary DRSC and DMT review periods, may mean that the proposed project would not meet the deadline for qualification for consideration of residential allocations ("RDEB's") for the 1998 application year and that building permits would not be obtainable until the following year RDEB cycle.

2. The Planning Commission can recommend that the City Council conditionally approve TTM 15718 and SPP 98-64 subject to the findings and Draft Conditions of Approval in the Resolution included as Attachment A.

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This action would result in the project being forwarded to a public hearing before the City Council with a favorable Planning Commission recommendation. The proposed Conditions of Approval are draft and staff may introduce and recommend additional or modified Conditions of Approval at the meeting.

3. The Planning Commission, at its discretion, can recommend that the City Council deny TTM 15718 and SPP 98-64 subject to the findings contained in the Resolution included as Attachment B.

This action will result in the project being forwarded to a public hearing before the City Council with an unfavorable Planning Commission recommendation.

Attachments:

- A. Resolution recommending conditional approval
- B. Resolution recommending denial
- C. Minutes from the 12/15/98 Planning Commission Meeting
- D. Correspondence
- E. Location Map

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Page 7, condition 9.B. shall be modified to require that the side and rear building elevations are sent back to the Design Review Sub-committee for their approval before the issuance of building permits.

→ E. Tentative Tract Map (TTM) 15718/Site Plan Permit (SPP) 98-63, Forster Ranch Planning Area 4 (Continued from 12-15-98)

A request by Hunsaker and Associates, on behalf of Laing Homes, for approval of TTM 15718 and SPP 98-63 which consists of a 187 acre parcel subdivided into 463 lots (419 numbered, 46 lettered) for purposes to construct 419 detached, single-family residences. The subject site is located in the Forster Ranch, Planning Area 4, which is generally located north and south of the planned extension of Camino Vera Cruz. The legal description of the site is that portion of Tract 11959 as shown on the map filed in Book 522 Pages 42 - 48 of miscellaneous maps, together with a portion of Parcel 1 of Lot Line Adjustment No. LL-96-53 recorded February 13, 1996 as instrument No. 19970066818 of official records of Orange County, California.

Jason Martin presented the staff report. A copy of revised conditions #4 and #34.a. and b. was distributed. The Design Review Sub-committee (DRSC) and the City's Development Management Team (DMT) have reviewed this project. As a result of these meetings and concerns raised by staff, the applicant submitted visual analyses. The Planning Commission reviewed the project at their December 15, 1998, meeting and continued the project to this meeting to allow staff to continue working with the applicant to address their concerns and to gather additional information regarding the geotechnical issues associated with the site. The project as designed conflicts with both the General Plan and the Hillside Development Ordinance. In an attempt to address these conflicts, the applicant has submitted a detailed landscaping plan illustrating his plans to mitigate the visual impacts of the project with strategically placed trees. Additional visual analyses have been prepared and are displayed at tonight's meeting. In response to issues raised at the last meeting regarding the geotechnical remediation measures, staff asked the City's consultant, Dr. Peter Borrella, to appear at tonight's meeting and answer questions relating to the landslide stabilization methods proposed by the applicant.

Dr. Peter Borrella displayed a map indicating other areas in the City that have been stabilized, using modern engineering stabilizing techniques, within the last 10 years. He described the methods commonly used to stabilize landslide areas, indicated areas in the City where these methods have been employed, and described the soil composition commonly found in the City. He explained the techniques that will be used to mitigate the landslide area of the project.

ATTACHMENT 3  
6A 34

Commissioner Leyden was disappointed that the Commission was not presented with a comprehensive written report, complete with evidence and analysis, that looked at projects all across Southern California. Although she is delighted with Dr. Borrella's attendance and impressed with his level of expertise, she is disappointed that additional information was not presented. She has seen projects that utilized the methods described by Dr. Borrella that have not been successful.

Commissioner Papillon agreed that the staff report did not provide the amount of information and technical data he was seeking. Although he is impressed with the number of experienced consultants working on the project, he would like an opportunity to review the evidence to ensure that the remediation plans proposed by the applicant will mitigate the geotechnical issues associated with the site. He asked Dr. Borrella if the landscaping and irrigation plans proposed for the slopes would negatively affect stabilizing measures. If so, this may identify another potential conflict. The aesthetic value of slope plantings vs. the extensive draining necessary to stabilize the slope.

Dr. Borrella responded that with prudent care, proper drain design and control, and the use of drought tolerant plantings, the slope will remain stabilized. In addition, he noted that he has many reports on file that detail the massive amount of calculations used to determine which methods to use. He can provide these reports for the Commissioners' consideration. In response to questions regarding a recent slide in San Juan Capistrano, he explained that the site was originally graded in 1983; that improper care and maintenance may have been a contributing factor in the slide; that the slide was shallow and did not impact any homes; and that additional tests are necessary before any conclusions can be made.

Ted Simon explained that the geotechnical report must be submitted prior to Final Map approval.

Commissioner Leyden believes that the geotechnical issues should be resolved before the Tentative Tract Map is considered. She is not confident that the area can be stabilized and is concerned for public safety. Because the EIR identified this area as a significant landslide area, she is not sure whether homes should be built there at all. The report also stated that this area should be approached with great caution. She feels obligated to be certain that the ground is safe and can be effectively stabilized before approving the Tract Map. She is concerned that the City can be held legally liable if the slope is not properly stabilized.

Attorney Goldfarb summarized pertinent sections of the Subdivision Map Act, which regulates the conditions under which cities can deny or approve Tract Maps. A number of listed findings must be made in order to support approval or denial of the project. If the City's decision is challenged, there must be substantial evidence in the record to support

the City's action. The "reasonable person standard" will be applied to determine if a reasonable person, after considering all the evidence presented, would reach the same conclusion as the designated governing body. Although the City is immune from certain types of lawsuits, there is no way to guarantee that the City would not be found liable if a slide occurred. Negligence issues cannot be pre-judged to determine liability without knowledge of all the material facts.

Planner Hare explained that the level of reporting required to detail the entire slope stabilization process would not normally appear at this point in the approval process. Engineering staff will review the geotechnical reports when they are submitted and make such design changes as are warranted.

Ken Nishikawa, representing Laing Forster Ranch, assured the Commissioners that he wants to make sure building is feasible before going ahead with the approval process. He explained that the reason why the cost of building Camino Vera Cruz has tripled is that the original estimates did not fully consider the unique terrain. He is prepared to go forward with the project and is confident that the cost estimates are reasonably correct.

Tim Lawson, representing the applicant, is one of the geotechnical civil engineers hired as a consultant to the project. He recited the history of the site and detailed the drilling process he has undertaken in his study of the property. The ancient landslide site has been well studied and documented. He described the stabilization plans, which will require drilling, massive excavation, and huge buttressing. Two other independent engineering firms will review the plans before moving forward. Many homes and buildings, including the Council Chambers, have been built on ancient slide sites. With regard to the recent San Juan Capistrano landslide, he noted that the slide did not affect any homes. The slide occurred on the perimeter of the development will probably be remediated. In the past there has been hundreds of landslides in the City of San Clemente. Most sites have been remediated and perform well. He has prepared a preliminary report and expects to be required to provide more information, and possibly perform more drilling, once Dr. Borrella reviews the report. Once all the information is in, it is possible that a determination will be made that the site cannot be developed, or the amount of homes originally planned for the site may have to be reduced. In response to concerns raised regarding the safety of the site after remediation, he compared landslides to airplane crashes. Although air travel is the safest mode of travel today, reports of plane crashes make the public afraid of air travel. It is the same with landslides. Reports of landslides make the public afraid. The public is not made aware of all the landslide areas that have been safely remediated.

Attorney Goldfarb read aloud portions of the Subdivision Map Act that deal with soil reports. He summarized the language indicating how the Act envisions the soil reports approval process.

Ken Nishikawa presented the visual analyses. On the aerial photographs and site plan, he indicated the proposed tree planting areas. He is working with Marblehead representatives to work out an arrangement for tree plantings along Avenida Hermosa. The trees will be strategically placed so that they will screen the view to the project but maintain public views of the ocean and Catalina Island. He will select fast-growing trees, and plant them two years before the homes are built to ensure that the visual impacts are mitigated. He plans to stake the locations of the trees and will adjust if necessary. If needed, he will reduce some homes to single levels. He has gone to great lengths to address staff's concerns and believes the project should be approved as presented. In response to comments regarding the Downtown 2000 plan, he noted that he has worked hard to make Forster Ranch residents feel like they are part of the community. He has distributed coupons and advertised the Thursday night downtown shopping promotion. He is in the process of developing a Welcome Home Package for new residents and will continue to market San Clemente to existing Forster Ranch residents. In addressing the comments made by Commissioner Nicol in his letter to the Commission, he noted that many minor issues can be resolved after the Tentative Tract Map is approved. According to the Talega Development Agreement, he must submit grading plans for the extension of Camino Vera Cruz by October of 1999.

**Public Testimony:**

Marty McPhee, Forster Ranch resident, has noticed a real difference in the Forster Ranch community since Laing acquired the property. Laing Homes has shown its commitment to the City in its support of the High School Dance Team, the advancement of funds to construct the community park and junior high, and the crossing signal installed in front of Truman Benedict Elementary School. It is time for the City to show its support of Laing Homes. He has visited other Laing Homes developments and noted the quality design and construction of the homes. He urged the Commission to work with Laing Homes to develop a plan that will enhance the quality of life for Forster Ranch residents.

Commissioner Leyden pointed out that the approval process allows the City Engineer to deny recordation of the Tract Map if the parcels do not meet criteria. She asked if the City had ever acted in the last few years to deny recordation of a Map or lots, or deny a building permit if the criteria was not met.

Ted Simon responded that he has no knowledge of denials in the last few years. Approximately 20% of building pads have geotechnical issues that need to be resolved before being built. Although some of the solutions are tedious and/or difficult, in all cases, the owners persevere to come up with a solution.

Commissioner Leyden recounted a situation that occurred in Palos Verdes Estates. An unsuitable building pad was created and the City denied approval. The owner sued and the City was forced to approve it. After the house slid down the slope, the City was sued again and lost. She is concerned with the liability risks involved with building homes on landslide areas.

Ken Nishikawa does not see liability as a problem. His plans call for the stabilization of the entire area, not individual lots. He is confident that the entire area can be stabilized.

Commissioner Papillon thanked Dr. Borrella for his appearance before the Commission this evening. With the number of engineering firms the applicant has employed to study the site, he is confident that the geotechnical concerns have been addressed as much as possible at this point in the process. However, he has some concerns with the project's non-compliance with the HDO. Mr. Nishikawa's offer to eliminate homes and/or mitigate the view encroachments with placement of landscaping must be included in the conditions of approval.

Commissioner Runolfson is comfortable with the City's approach and is confident the process will ensure that the geotechnical concerns are addressed. He has seen examples of the City's commitment to slide mitigation and trusts the process. He is impressed with the commitment demonstrated by Laing Homes in the past and believes Laing Homes will continue to be a responsible participant in the community.

Commissioner Prohaska is impressed with the City's level of caution in dealing with these geotechnical issues and also with the applicant's willingness to resolve them. She visited the site and hiked up to the water tower in order to consider the issues detailed in the staff report. She is impressed with the technological advancements in the last 10 years and believes the site can be remediated.

Commissioner Leyden also hiked to the site. She wants to be able to view actual evidence that the site can be remediated, not just receive information regarding the process of review used by staff. The information she requested at the December 15 meeting was not provided this evening. She is concerned that the earth may soften beneath the homes, causing major problems for residents and liability issues with the City. In addition, she is concerned with the project's non-compliance with the HDO and does not believe other alternatives were seriously considered. She is not pleased with the aesthetic appearance of the project and would like to see it redesigned. The information regarding the geotechnical issues should have been made available to the Commission after it was requested.

Commissioner Papillon does not want to delay approval of the project and would like to see it move forward to the RDEB process. On the other hand, he would like the opportunity



to review the geotechnical reports and consider alternatives. With costs mounting up as quickly as they have, he is concerned that the project may not be economically viable.

Mr. Nishikawa said that the development agreement lists this area as single family detached housing with the offer of dedication for other areas good until March of 1999. If the first deadline is not met, the development agreement would have to be reopened and issues regarding the construction of Camino Vera Cruz will be renegotiated.

Commissioner Bonner suggested that the Planning Commission approve the Tract Map as presented this evening. Staff has indicated that the preliminary reports on the geotechnical mitigation measures will be available when this item is heard by the City Council. Any issues to address can be considered at that time.

Commissioner Montesinos pointed out that all projects are required to submit soil reports. He does not believe it is the Commissioner's responsibility to examine all the soil reports or traffic and air quality studies, etc. attached to each project.

IT WAS MOVED BY COMMISSIONER RUNOLFSON, SECONDED BY COMMISSIONER PROHASKA AND CARRIED 4-2 (WITH LEYDEN AND PAPILION AGAINST) to adopt Resolution no. PC 99-05, recommending that the City Council adopt an Environmental Determination and approve Tentative Tract Map 15718 and Site Plan Permit 98-63, Laing Forster Ranch, to allow the development of 419 single family dwelling units in Planning Area 4 of Forster Ranch with the following revisions:

Conditions #4 and #34 a. and b. will be revised according to the memo distributed at the meeting of January 19, 1999.

Staff will add a condition of approval as follows: "Prior to approval of the landscaping plan, applicant shall install stakes or similar identifying elements that indicate placement of proposed trees for the consideration of the Community Development Director or his designee."

10. NEW BUSINESS - None

11. OLD BUSINESS - None

12. REPORTS OF COMMISSIONERS/STAFF

A. Planning Commission Representation at Next City Council Meeting  
January 20, 1999.

The Commissioners decided there was no need to send a representative to the City Council meeting of January 20, 1999.

**B. Planning Commission Representation to serve on the Wall of Recognition Committee**

Commissioner Bonner volunteered and was unanimously elected to serve on the Wall of Recognition Committee.

**C. Minutes of the Zoning Administrator Meeting of January 12, 1999.**

Included in the packet for the Commissioners' review.

**D. Long Range Tentative Agenda**

Included in the packet for the Commissioners' consideration. Commissioner Papillon requested that the Commission discuss the fund transfer component of the Downtown 2000 Plan at a future meeting. Staff will include this item on the February 16, 1999, meeting agenda.


**13. ADJOURNMENT**

IT WAS MOVED BY COMMISSIONER BONNER, SECONDED BY COMMISSIONER PROHASKA AND UNANIMOUSLY CARRIED to adjourn at 11:20 p.m. to the study session scheduled for Tuesday, February 2, 1999, at 3:00 p.m. in the Community Development Department.

Respectfully submitted,

\_\_\_\_\_  
Frank Montesinos, Chair

Attest:

  
\_\_\_\_\_  
Jim Hare, Secretary

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ATTACHMENT 4

RESOLUTION NO. 99-13

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AN ENVIRONMENTAL DETERMINATION AND APPROVING TENTATIVE TRACT MAP 15718 AND SITE PLAN PERMIT 98-63; LAING FORSTER RANCH, TO ALLOW THE DEVELOPMENT OF 419 SINGLE FAMILY DWELLING UNITS IN PLANNING AREA 4 OF FORSTER RANCH**

WHEREAS, on July 23, 1998 applications were submitted by Hunsaker and Associates, 3 Hughes, Irvine, CA 92618, on behalf of Laing Forster Ranch, 915 Calle Amanecer, San Clemente, CA 92673; and deemed complete on August 23, 1998; for a tentative tract map and site plan permit to allow the development of 419 single family dwelling units on 187 acres in Planning Area 4 of the Forster Ranch Specific Plan located generally north and south of the planned extension of Camino Vera Cruz; the legal description being that portion of Tract 11959 as shown on the Map filed in Book 522 Pages 42-48 of miscellaneous maps, together with a portion of Parcel 1 of Lot Line Adjustment No. LL 96-53; recorded February 13, 1997, instrument No. 19970066818, in the official records of Orange County California; and

WHEREAS, on September 3, 1998, October 22, 1998 and January 7, 1999 the City's Development Management Team reviewed the applications for compliance with the General Plan, Zoning Ordinance, Forster Ranch Specific Plan, Master Landscape Plan for Scenic Corridors, Subdivision Map Act, Hillside Development Ordinance and other applicable requirements; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), having determined that the project has been adequately addressed under previously prepared environmental impact reports; and

WHEREAS, an environmental determination reflecting the independent judgment of the City of San Clemente was prepared, and was advertised for public review and comment for the required thirty (30) days; and

WHEREAS, on September 10, 1998 and October 15, 1998 the Design Review Sub-Committee reviewed the proposed project and provided comments to the applicant; and

WHEREAS, on December 15, 1998 and January 19, 1999 the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by the applicant, City Staff, and other interested parties and at the January 19, 1999 meeting voted 4-2-1 to recommend that the City Council conditionally approve the project.

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

Section 1: Pursuant to California Environmental Quality Act (CEQA), the City Council has reviewed and considered the Forster Ranch Specific Plan Amendment Subsequent Environmental Impact Report (1998) in conjunction with this project. Furthermore, the City Council finds that this project is part of the project examined in the above referenced Program EIR. The City Council also finds that pursuant to Section 15612, no new effects could occur and no new mitigation measures would be required, therefore the project can be approved as being within the scope of the project covered by the Program EIR and no new environmental document would be required. All feasible mitigation measures and alternatives developed in the Program EIR have been incorporated into this project.

Section 2: The proposed tract map and site plan, together with the provisions for design and improvements as supplemented by the conditions attached hereto as Exhibit 1, are compatible with the objectives, policies, general land uses and programs specified in the General Plan of the City of San Clemente and the Forster Ranch Specific Plan in that:

- A. The map is consistent with the Land Use Element of the General Plan and the Forster Ranch Specific in that the proposal of 419 dwelling units on 187 acres does not exceed the maximum density allowed in the Low Density Residential land use designation of the General Plan and the Low Density Residential land use designation of the Forster Ranch Specific Plan.
- B. The tract map, as conditioned, is consistent with all other aspects of the General Plan with respect to drainage and sanitary facilities and utilities, including all alignments and grades thereof; location and size of all required easements and rights-of-way; lot size and configuration; traffic access; grading; and such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to ensure conformity to, or implementation of, the General Plan.

Section 3: The site is physically suitable for the proposed type of development in that 419 lots for single family residential development complies with the improvement and land use requirements of the City of San Clemente General Plan land use designation, Forster Ranch Specific Plan land use designation, and the Forster Ranch Specific Plan PUD standards.

Section 4: The site is physically suitable for the proposed density of development in that the 419 single family residential lots on 187 acres results in a density of 2.2 dwelling

units per acre which complies with the maximum units per acre density requirements of both the General Plan and the Forster Ranch Specific Plan.

**Section 5:** The design of the subdivision and the proposed improvements are not likely to cause significant environmental damage or substantially and avoidably injure fish or wildlife or other habitat in that required clearances through the California Department of Fish and Game, United States Department of Fish and Wildlife, United States Army Corps of Engineers shall be obtained prior to the issuance of any permits.

**Section 6:** The design of the subdivision and the types of improvements are not likely to cause serious public health problems in that the environmental impact reports prepared for the Forster Ranch Specific Plan indicate that the project will not have an adverse impact on public health.

**Section 7:** The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision in that the proposed subdivision has been designed with the Camino Vera Cruz extension within the project boundary.

**Section 8:** The proposed map, together with the provisions for design and improvements, is consistent with the Subdivision Map Act and the City of San Clemente Subdivision Ordinance in that:

- A. The proposal is for a tentative tract map to subdivide the property into five or more lots.
- B. The proposal has been designed as a Planned Unit Development (PUD) and meets the PUD standards identified in the Forster Ranch Specific Plan.

**Section 9:** The proposed map is consistent with the Subdivision Map Act in that it has, to the extent feasible, taken into consideration future passive or natural heating or cooling opportunities.

**Section 10:** The proposed map is consistent with the Subdivision Map Act in that it has taken into consideration the housing needs of the region balanced with the need for public services.

**Section 11:** The proposed development is permitted within the subject zone pursuant to the approval of a Site Plan Permit and complies with all of the applicable provisions of the Forster Ranch Specific Plan, 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.

Section 12: The proposed development, as conditioned, will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity, in that:

- A. The project's site design is compatible with other existing developments in the vicinity.
- B. The project will be required to reimburse the City for the project's "fair share" of traffic signal improvements as determined by the City Engineer and implement other traffic mitigation measures identified in the Forster Ranch Specific Plan-Environmental Impact Reports.
- C. The project will comply with the City's Affordable Housing requirements through the payment of a percentage in-lieu fee based on the construction value of the homes.

Section 13: The proposed development will not be unsightly or create disharmony with its locale and surroundings in that:

- A. The project will install and maintain landscape at the perimeter of the development, increasing the visual quality of the site and the visual link between the subject site and adjacent developments.
- B. Perimeter walls will be designed and installed around the project which are compatible with adjacent developments.
- C. Substantial open space will be and maintained in its natural state adjacent to the project and primary ridgeline which abuts the site.

Section 14: The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or location in that:

- A. Adequate yard separations between residences are provided.
- B. The project integrates pockets of open space within the project.
- C. Adequate perimeter landscaping and building setbacks are provided along the Avenida Vista Hermosa and Camino Vera Cruz street frontages.

**Section 15:** The City Council hereby approves Tentative Tract Map 15718 and Site Plan Permit 98-63 providing for the development of 419 single family dwelling units in Planning Area 4 of the Forster Ranch Specific Plan area, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit 1.

**PASSED AND ADOPTED** this 3rd day of March, 1999.

*Louis R. Berg*  
Mayor of the City of  
San Clemente, California

ATTEST:

*Myrna Erway*  
CITY CLERK of the City of  
San Clemente, California

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

I, MYRNA ERWAY, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 99-13 was adopted at a regular meeting of the City Council of the City of San Clemente held on the 3rd day of March, 1999, by the following vote:

AYES: DAHL, DIEHL, EGGLESTON, RITSCHEL, MAYOR BERG

NOES: NONE

ABSENT: NONE

*Myrna Erway*  
CITY CLERK of the City of  
San Clemente, California

Approved as to form:

*John M. Oden*  
City Attorney

EXHIBIT 1

CONDITIONS OF APPROVAL\*  
TTM 15718 and SPP 98-63

1. Within two (2) years after the approval date of Tentative Tract Map 15718, unless an extension is granted as provided in Chapter 35 of the Code of the City of San Clemente and Section 66452.6 of the Government Code of the State of California (Subdivision Map Act), the owner or designee shall submit for review, and shall obtain the approval of the City Council for, a final map prepared by a Registered Civil Engineer or Land Surveyor. The final map(s) shall be subject to all pertinent requirements of the Subdivision Map Act and shall conform to the approved tentative tract map, City standards, and all other applicable approved plans, codes, ordinances, statutes and regulations. (Eng.) \_\_\_\_\_
2. The owner or designee shall develop the approved project in conformance with the site plan, floor plans, elevations, landscape plans, sample and materials boards, and any other applicable submittals recommended for approval, subject to modifications by these conditions of approval.

Any deviation from the approved site plan, floor plans, elevations, landscape plan, materials, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall 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 City Council. (Plng.) \_\_\_\_\_

- 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 views of the project while maintaining 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. ■■ (Plng.)



- B. A detailed landscaping, irrigation, and grading plan illustrating the landscape mitigation concept along Avenida Pico, as discussed at the January 19, 1999 Planning Commission and February 17, 1999 City Council meetings (i.e. screening homes which would be visible to Ave. Pico), shall be submitted to and approved by the Community Development Director prior to the issuance of any permit. ■■ (Png.)
- C. No dwelling unit rooftop shall obstruct, or project above, the General Plan designated Primary Ridge line silhouette, as viewed from Avenida Pico. Prior to the issuance of any permit, the applicant shall submit for review and approval plans, exhibits, and/or other evidence that clearly illustrates that the rooftop projections/obstructions identified at the City Council meeting of February 17, 1999 have been mitigated. (Additional visual analysis may be required at the discretion of the Community Development Director). Potential methods of mitigation may include any of those highlighted at the meeting: such as earth berming, lowering the dwelling unit building pad elevations, scaling down two-story dwelling units to single story, the elimination of dwelling units, and/or any combination thereof. Other effective alternatives may be considered. The final method of mitigation is subject to the final review and approval of the Community Development Director. Additionally and prior to the issuance of any building permit for dwelling units proposed on lots 122 - 165, story poles (for those lots deemed necessary by the Community Development Director) shall be installed to indicate the approved dwelling unit locations and heights. ■■ (Png.)
3. The applicant shall demonstrate to the satisfaction of the Community Development Director that either a landscape easement has been obtained along pertinent areas of Marblehead Inland properties or that title has been transferred to Forster Ranch from Marblehead Inland for the purpose of landscape installation prior to the issuance of any permit. ■■ (Png.)
4. Site Plan Permit (SPP) 98-63 shall become null and void if the use is not commenced within three (3) years from the date of the approval thereof. Pursuant to Section 17.12.150(B) of the Zoning Ordinance of the City of San Clemente, 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.
- Pursuant to Section 17.12.150(C) of the Zoning Ordinance, a use shall be deemed to have lapsed, and SPP 98-63 shall be deemed to have expired, when a building permit has been issued, construction has not been completed and the building permit has expired in accordance with applicable with the Uniform Building Code, as amended.
- Pursuant to Section 17.12.160, the owner or designee shall have the right to request an extension of SPP 98-63 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 City Council. (Png.)

5. The owner or designee shall not pave any street under which Cable TV conduit is to be placed without actual notice to Cox Communications or their successor in interest, for the installation of cable conduit. Notice shall be sent to the following address: Cox Communications, General Manager, 26181 Aeropuerto, San Juan Capistrano, CA 92675.
6. The owner or designee shall defend, indemnify and hold harmless the City of San Clemente, its agents, officers and employees from any claim, action or proceeding against the City of San Clemente, its agents, officers or employees to attack, set aside, void or annul an approval of the City of San Clemente concerning Tentative Tract Map 15718 when such claim, action or proceeding is brought within the time period provided under Government Code Section 66499.37. The City shall notify the owner or designee of any claim, action or proceeding and the City shall cooperate fully in the defense of the above. (Plng.) \_\_\_\_\_
7. Prior to submittal of improvement and/or grading plans, the owner or designee shall submit written consent to all of these imposed conditions to the Community Development Director or designee. The owner or designee understands that the resolution will be of no force or effect unless such written consent is submitted to the City. (Plng.) \_\_\_\_\_
8. Prior to Final Map approval the owner or designee shall submit a deposit for the design of the pump station improvements, in accordance with the City-approved Utilities Master Plan, by a Registered Civil Engineer that is selected by the City Engineer. ■ ■ (Eng.) \_\_\_\_\_
9. Prior to final tract map approval, the owner or designee shall submit for review, and shall obtain the approval of the City Attorney or designee for, a buyer's notification disclosure form, to be given to all potential buyers, which indicates the existence, operations, characteristics, and/or hazards of the following: (Plng.) \_\_\_\_\_
- A. Prima Deshecha Landfill
  - B. United States Marine Corps, Camp Pendleton
  - C. San Onofre Nuclear Generating Station
  - D. Fire hazard due to wildland exposure
  - E. The Forster Ranch ridgeline trail and connections
  - F. Orange County Flood Control Channel

A place for the buyers' written acknowledgment of these factors shall be provided on the disclosure forms. Copies of forms signed by the buyer shall be provided to the City Planner or designee within 30 days of the closure of escrow.

10. Prior to any Final Map approval, the owner or designee shall indicate on the final map, the location of all easements for trails. All trail easements shall be a minimum of 16 feet wide. Improvements may not be constructed within any easements to be accepted by the City, without approval of an Encroachment permit. A Hold Harmless agreement approved by the City Attorney shall be required for all encroachments into the public ROW. (Eng.) \_\_\_\_\_ (B,P&R) \_\_\_\_\_
11. Prior to any Final Map approval, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee, in consultation with the Beaches, Parks, and Recreation Director or designee, for a grading plan, prepared by a registered civil engineer, which shows grading, drainage, trails, and street improvements. (Eng.) \_\_\_\_\_ (B,P&R) \_\_\_\_\_
12. Prior to Final Map approval, the owner shall irrevocably offer easements to the City for the ultimate widening and improvement of Avenida Vista Hermosa on the Final Map, in a manner meeting the approval of the City Attorney: ■■ (Eng.) \_\_\_\_\_
13. Prior to any Final Map approval, the owner or designee shall enter into an agreement with the City to provide an irrevocable offer of dedication of a public trail easement, and/or grading, improvement, and maintenance of a recreation trail located along the north-south and east-west ridgelines, in a manner acceptable to the City Engineer and Director of Beaches, Parks, and Recreation or designees. The City shall maintain the trails when and if dedication is completed. (Eng.) \_\_\_\_\_ (B,P&R) \_\_\_\_\_
14. Prior to any Final Map approval, the owner or designee shall submit for review to the Community Development and Public Works Departments, and shall obtain the approval of the City Attorney or designee for: Covenants, Conditions and Restrictions (CC&R's) that are prepared by an authorized professional and provide for the following: (Png.) \_\_\_\_\_
  - a) Creation of a Master Association or a Sub-association for the purpose of providing for control over the uniformity of boundary fencing and the perpetual maintenance responsibility of areas including, but not limited to, all common areas, open space, slopes, fuel modification zones, private medians and greenbelts, arterial highway parkway landscaping, irrigation systems, landscaped areas, walls, driveways, parking areas, trash areas, structures, private streets, sidewalks, curbs and gutters, storm drain lines, catch basins, slope drains and appurtenances, sewer laterals, landscaping, street lights, street signage and striping improvements drainage. All streets,

sidewalks, curbs and gutters, storm drain lines, catch basins, slope drains and appurtenances, sewer laterals, landscaping, street lights, street signage and striping improvements within the interior of the subdivision designated as private shall remain private and shall be maintained by the Master Association or Sub-association, or such other provision for maintenance which may be subsequently approved by the City Council. In addition, the CC&R's shall indicate all other areas to be owned and maintained by the Master Association or Sub-association and that maintenance of all private drainage facilities shall be in conformance with NPDES requirements.

(Png.) \_\_\_\_\_ (Fire-FP17) \_\_\_\_\_

- b) Within 15 days of the establishment of the Association, the owner or designee is required to furnish the Board of the Association a copy of each recorded Final Map, a copy of the approved site and fencing plan, copies of all approved landscaping plans, a complete set of construction plans for the various residential model types, and approved plans indicating the locations and characteristics of all major project components, utilities, and related data.
- c) Following recordation of each Final Map, the Association of this subdivision shall submit to the Community Development Department, for distribution to the Fire and Beaches, Parks and Recreation Departments, and shall re-submit annually, a list of all current Officers of the Association.
- d) A statement indicating that open space as provided in Lot A shall be retained by deed restriction as designated open space in perpetuity and maintained by a Master Association or the Sub-association, or other appropriate agency, and that no structures, development or encroachment shall be permitted within the designated open space except as shown on the Tentative Map. (Png.) \_\_\_\_\_
- e) A statement indicating that proposed amendments to any of the CC&R's shall be submitted for review to the Community Development Director or designee, and shall be approved by the City Attorney and the City Council prior to the amendments being valid. (Png.) \_\_\_\_\_
- f) A statement indicating that the City has the right, but not the obligation, to enforce any of the provisions of the CC&R's. (Png.) \_\_\_\_\_
- g) Agreement by and between the owner or designee and the Association, that storm drain facilities shall be inspected regularly as follows: (Eng.) \_\_\_\_\_

- i) Open channels and catch basins inspected annually before storm season and removal of debris as necessary.
  - ii) Underground drainage facilities 39" and larger in diameter shall be inspected every two years.
  - iii) All facilities shall have debris and sediment removed either manually or by mechanical methods. Flushing shall be used in emergency situations only.
- h) Agreement by the owner or designee and the Association that on an annual basis by October 1st, fiscal year reports will be furnished to the City in compliance with the reporting requirements of codes and ordinances adopted by the City with respect to the NPDES program. (Eng.)\_\_\_\_\_
- i) The CC&R's shall contain fire prevention and defense provisions including:  
a) a fire lane map; b) provisions which prohibit parking in fire lanes and a method of enforcement; and c) provisions for maintenance of fuel modification zones including the removal of all dead and dying vegetation and the inspection and correction of any deficiencies in the irrigation system three times a year. Also, a method for keeping fire protection access easements unobstructed shall be included. The approval of the Chief of Fire Protection Services shall be required for any modifications such as speed bumps, control gates, or parking changes. (Fire-PP12, FP14, FP17)\_\_\_\_\_
- 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. (Plng.)\_\_\_\_\_
15. Prior to any Final Map approval, the owner or designee shall pay all applicable development and Final Map fees, which may include, but are not limited to, City Attorney CC&R review, map and plan check, water and sewer connection, sewer assessment reapportionment, stormwater drainage fee per Municipal Code Chapter 13.32, water acreage, and construction inspection. (Eng.)\_\_\_\_\_
16. Prior to any Final Map approval, 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 Geotechnical Engineer which conforms to City standards and all other applicable codes, ordinances, statutes and regulations. (Eng.)\_\_\_\_\_

## ATTACHMENT 5

### Chapter 15.40 - HILLSIDE DEVELOPMENT

#### Sections:

#### 15.40.010 - Chapter 70 of the Uniform Building Code amended—Hillside development.

Chapter 70 of the Uniform Building Code is further amended by adding the Hillside Development Regulations (to be known and cited as the "City of San Clemente Hillside Development Ordinance") to read as follows in Sections 15.40.020 through 15.40.080 of this chapter.

(Prior code § 27A-42)

#### 15.40.020 - Purpose and Intent.

The purpose and intent of the Hillside Development Regulations is to implement the goals, objectives and policies of the general plan, including the Land Use Element, the Conservation and Open Space Element, and the Seismic Safety Element relating to the preservation and maintenance of the natural character and amenities of hillsides as a scenic resource of the City and relating to protection from geologic hazards regarding unstable soils, prevention of erosion and the like.

(Prior code § 27A-43)

#### 15.40.030 - Applicability.

- A. ....The provisions of the Hillside Development Regulations shall apply to all areas located within the development (D-D) district as established by the City Zoning Ordinance, and to all areas within the D-D district for which specific plans have been approved, except these regulations do not apply to that portion of the D-D district which is designated as the development district coastal (D-C) on the General Plan Land Use Element Map.
- B. ....The Hillside Development Regulations are primarily intended for application in connection with the site plan review process. However, certain regulations are identified for application in connection with the specific plan process or the tentative subdivision map process. Refer to Sections 4.29—6.3 and 4.29—8.3.1.2.4 of the Zoning Ordinance for applicability to the Hillside Development Ordinance<sup>1</sup> regarding specific plans and site plan review, respectively. Approval of a specific plan, tentative subdivision map, or site plan, in accordance with all applicable laws, rules and regulations, shall constitute a final approval of the development's conformity to the requirements of the Hillside Development Ordinance relating to such approval.

(Prior code § 27A-44)

#### 15.40.040 - Definitions.

- A. ....Primary ridgelines are those natural preservation ridgelines designated as such on the City General Plan Open Space/Conservation Map. These ridgelines possess the greatest prominent public visibility from existing and undeveloped portions of the City. These ridgelines shall be preserved in their natural state as a means of maintaining community character. Exceptions shall be granted only to accommodate General Plan designated trails, General Plan designated circulation components, viewpoints, fuel modification measures, or other requirements needed to implement the goals and objectives of the general plan, or to meet the provisions of public health, safety and welfare.

- B. ....Secondary ridgelines are those ridgelines designated as such on the City General Plan Open Space/Conservation Map. These ridgelines possess a significant amount of public visibility, but are less prominent than primary ridgelines.

(Prior code § 27A-45)

15.40.050 - Considerations.

- A. View and the Viewer.
1. Hillside development is more visible than flatland (level terrain) development. Therefore, the Hillside Development Regulations are designed to make hillside development as visually pleasing as possible.
  2. Panoramic views from hillside roads and public places are as important to the character and amenities of the community as views facing the hillside development. The provision for view opportunities for all residents and visitors plays an important role in creating a positive character for hillside communities.
- B. Camouflage.
1. Quality hillside development blends manmade and man-introduced factors with the natural environment. Therefore, architecture and landscape shall be harmoniously integrated into the natural environment. (See Exhibit A in appendix to this chapter.)
  2. Compatible architecture responds to the natural environment, incorporating sloped terrain into development rather than eliminating such terrain. Therefore, the scale, form and surface expression of architecture shall either blend with or complement the character and textures of the hillside.
  3. Compatible landscape, like architecture, responds to the natural environment. Vegetation shall be compatible with and responsive to the environmental conditions of the development site. Therefore, vegetation planted within a developed area creates the theme and character of the community and shall blend and unify the architecture.
- C. Compression. ....Conforming to the gradient of a slope forces development into a more vertical living environment. Such compression limits the utilization of many flatland development concepts. Compact development shall be maintained through methods such as clustering and minimizing setbacks, thereby minimizing grading and making development less obtrusive.
- D. Diversity.
1. Diversity in design solutions adds the characteristic of variety to hillside development. Meandering streets conforming to the topography, varied setbacks of homes, and individual solutions to traversing slopes, qualities not found in most flatland development, shall be incorporated in hillside development.
  2. Uniform stair-stepping of building pads shall be prohibited. (See Exhibit B in appendix to this chapter.)
- E. Accent and Image. ....Attention shall be concentrated on significant visual and environment elements, including but not limited to primary and secondary ridgelines, significant vegetation and wildlife habitat, ravines, steep slopes, and important historical or cultural manmade features. Such elements collectively express hillside character. Therefore, preservation or restoration of these elements shall be comprehensively integrated with the hillside development plan.

(Prior code § 27A-46)

15.40.060 - Goals.

- A. ....The natural topographic character of hillsides as exhibited in ridgeline silhouette and backdrop for development, rounded hill form and angled hillside slopes shall be maintained and/or reinforced. (See Exhibit C in appendix to this chapter.)
- B. ....Significant natural systems and resources associated with hillside environments, including but not limited to primary and secondary ridgelines, significant vegetation and wildlife habitat, special geological features, natural drainage swales and canyons, steep slopes, and important historic or cultural manmade features, shall be maintained and/or restored.
- C. ....The visual character of hillsides shall be maintained, recognizing both the importance of the exposure of hillside development to off-site public views and the importance of providing panoramic views from the hillside.

(Prior code § 27A-47)

15.40.070 - Development requirements.

A. Site Planning.

1. Project Layout.

- a. Generally, minimizing required setbacks, especially front and rear setbacks, may reduce grading requirements by reducing the overall width of road and structure arrangements. Reduced setbacks also help to give the streetscape a more human scale. (See Exhibit D in appendix to this chapter.) However, before applying reduced setbacks to a structure, it shall be demonstrated that grading will be reduced, while still providing for useful private space as part of the site. (See Exhibit E in appendix to this chapter.) Varying the use of reduced and standard setbacks will allow the flexibility to adapt to hillside features and avoid monotonous application of a consistent standard. (See Exhibit F in appendix to this chapter.)
- b. Lot lines shall be placed at the top of major slope areas within public view corridors to help ensure that the slope will not be neglected by the uphill owner. (See Exhibit G in appendix to this chapter.)
- c. No tentative subdivision map shall be approved unless said map provides for the minimization of grading impacts and flexibility in siting structures and circulation, such as providing for low density and large lots or for higher density and clustered development.
- d. No tentative subdivision map shall be approved unless said map provides for documentation (including, but not limited to, photographs, sketches, and renderings) relating to ridgeline preservation and recontouring (pursuant to subsections (A)(3)(a) and (A)(3)(b) of this section) through visual analysis as deemed necessary by the City.

2. Land Controls.

- a. An approved tentative subdivision map shall require that all areas of open space exposed to public view or major sloped area shall be developed and maintained in a consistent manner, and that such lands be owned in common by a homeowner's association and developed and maintained as set forth in a declaration of covenants, conditions and restrictions. (See Exhibit H in appendix to this chapter.)
- b. Before a tentative subdivision map is approved, major open spaces and natural features of City-wide significance shall be considered for public ownership. Any such land acquired shall allow access for maintenance and emergency purposes.

3. Resource Preservation.

- a. The specific plan for a hillside development shall provide for the natural preservation of primary ridgelines, protecting them from development impacts, and maintaining a backdrop for development. Significant views of the natural ridge silhouette shall be maintained from elements of the general circulation plan and other public open spaces, especially scenic



highways. Proposed structures shall not project above the ridge silhouette as visible from City-designated viewpoints. The ridge's natural contours and vegetation shall remain intact with development maintaining an undisturbed minimum horizontal setback of four hundred (400) feet in width with a minimum of two hundred (200) feet in width from the center of the ridgeline to the undisturbed setback line. Lesser setback distances may be authorized at the discretion of the City Council if it can be demonstrated that the objectives of this setback will be achieved, and that in any case no units would be located in that setback. (See Exhibit I in appendix to this chapter.)

- b. The specific plan for a hillside development shall further provide for the conditional preservation of secondary ridgelines. Permitted recontouring of a ridgeline shall result in a rounded appearance so as to resemble natural terrain, providing a backdrop for development. Recontouring shall be permitted in order to accommodate grading operations, circulation impacts, public health and safety, and the like; however, no excessive, flat-planed reconstruction of roads, structures or landforms shall be allowed. (See Exhibit J in appendix to this chapter.) Proposed structures shall not project above the ridge silhouette as visible from City-designated viewpoints. The ridge's natural or manufactured contours and vegetation shall be separated from structures by a minimum horizontal setback of one hundred (100) feet in width with a minimum of fifty (50) feet in width from the center of the ridgeline to the setback line. (See Exhibit K in appendix to this chapter.)
- c. The specific plan for a hillside development shall further provide for the protection of rock outcrops or geologic features as natural amenities when such outcrops or features are identified on the City General Plan Open Space/Conservation Map. Said resources shall be incorporated into development and public views of them shall be maintained.
- d. Development setback in drainage swales. All watersheds exceeding ten (10) acres shall be considered major watersheds and shall be reviewed on a case-by-case basis to determine development setback requirements. When the applicable specific plan requires the retention of natural or recontoured drainage swales, no tentative subdivision map shall be approved without a hydrologic analysis to determine an adequate setback for preservation of natural or recontoured swales, public safety and riparian vegetation and wildlife (if any).

#### 4. Slope Placement.

- a. Design and placement of structures shall respond to both the cross-sectional slope and the silhouette contour of the hillsides. A majority of the roof pitches shall generally be placed to angle with the slope. However, variation shall be provided to avoid a consistently monotonous application. Collective mass roof lines shall reflect the naturally occurring ridgeline silhouettes and topographical variation, or create an overall variety, that blends with the hillside. (See Exhibit L in appendix to this chapter.)
- b. On ridgelines not designated as primary or secondary, and used for continuous development along the ridge top, collective roof lines shall be kept low in profile, and the natural silhouette of the ridge shall be repeated with smooth transitions in height from building to building. Consideration of this ridgeline treatment may take landscape features into account. (See Exhibit M in appendix to this chapter.)
- c. Taller structures which better utilize an uphill placement, because of the setback from the downslope edge provided by the road right-of-way, shall be considered. (See Exhibit N in appendix to this chapter.)
- d. Downhill placement shall minimize front yard setback to reduce building mass hanging over the slope. Private rear yard space can be provided with a small yard, terrace or deck. Architecture shall step back with the slope. (See Exhibit O in appendix to this chapter.)

#### 5. Slope Maintenance.

- a. No tentative subdivision map shall be approved unless conditioned upon the preparation and recordation of a declaration of covenants, conditions and restrictions providing for the

development and maintenance of slopes as required by the Hillside Development Regulations.

- b. No tentative subdivision map shall be approved unless conditioned upon the subdivider's supplying a program and/or staff for preventative maintenance of major manufactured slope areas. Such program shall be approved prior to approval of a final map and shall include homeowner slope maintenance requirements and guidelines to be incorporated into the declaration of covenants, conditions and restrictions. Every grading permit issued shall be conditioned upon the owner's ten (10) year warranty of all manufactured slopes.

#### 6. Grading Standards.

- a. The following factors shall be taken into consideration prior to the approval of a tentative subdivision map:
  - i. When space and proper drainage requirements can be met with approval by the City Engineer, rounding of slope tops and bottoms shall be accomplished.
  - ii. When slopes cannot be rounded, vegetation shall be used to alleviate the sharp, angular appearance.
  - iii. A rounded and smooth transition shall be made when the planes of man-made and natural slopes intersect. (See Exhibit P in appendix to this chapter.)
  - iv. When significant landforms are sliced for construction, the landforms shall be rounded as much as possible to blend into natural grade. (See Exhibit P in appendix to this chapter.)
  - v. When the established alignment of a road does not conform to the natural contours of slopes, excessively long stretches of manufactured straight embankments shall not be permitted; rather the undulation of embankment slopes shall be provided. (See Exhibit Q in appendix to this chapter.) Manufactured slope faces shall be varied to avoid excessive flat-planed surfaces. (See Exhibit Q in appendix to this chapter.)
- b. No tentative subdivision map shall be approved unless said map provides that grading operations which affect secondary ridgelines shall leave a portion of the landform intact and shall achieve a smooth, rounded appearance after recontouring. The natural rounded form and silhouette shall be recognizable from both sides of the ridge, providing a backdrop, and remain visible above any structures placed adjacent to the ridge. Use of plant materials to enhance a silhouette is optional depending on natural vegetative cover. (See Exhibit R in appendix to this chapter.)

#### B. Circulation.

##### 1. General Layout.

- a. The following factors shall be taken into consideration prior to the approval of a tentative subdivision map:
  - i. Circulation shall be aligned to conform to the natural grades as much as possible. Long stretches of straight road shall be avoided by utilizing gentle horizontal and vertical curves.
  - ii. Roads that run either directly parallel or perpendicular to the slope shall be avoided in order to reduce grading and to aid in drainage.
  - iii. Bridges shall be considered for roads crossing drainage ways and ravines of exceptional environmental setting to eliminate excess fill when structural requirements do not negate the intent of environmental preservation.
  - iv. Proper sight distances shall be maintained; and, with approval by the City Engineer, three (3) way intersections at angles at less than ninety (90) degrees shall be considered to reduce grading requirements.

- b. Pedestrian circulation traversing manmade slopes can be provided in the benches; on low slopes, vertical shortcuts can be developed with steps.
- c. Opportunities shall be created for public views from roadways and public open space by selective placement of structures at key locations. (See Exhibit S in appendix to this chapter.)
- d. Offstreet parking shall be provided for in a flexible way. Parallel parking can be eliminated to reduce road width in critical areas and then provided for in offstreet bays at more suitable locations. (See Exhibit T in appendix to this chapter.)
- e. Common drives in single-family developments shall be considered if grading is reduced by their use.

2. Roadway Sections.

- a. When provided, parallel parking shall be located on one (1) side only and be limited to eight (8) feet in width.
- b. The following factors shall be taken into consideration prior to the approval of a tentative subdivision map:
  - i. Road sections shall meet appropriate standards for hillside roads as found in the City Subdivision Ordinance or adopted specific plans, subject to the approval of the City Engineer.
  - ii. Four (4) foot walkways shall be located directly adjacent to the curb on one (1) or both sides as needed for adequate pedestrian circulation.
  - iii. All utilities shall be located underground, when possible in a common trench in the parkway or under the sidewalk.
  - iv. When placement of roads near ridges and on slopes is proposed, acceptable placements shall include a split roadway section to accommodate grade, knob removal to accommodate views from the road, and the rounding off of cut slopes to enhance appearance. (See Exhibit U in appendix to this chapter.)

C. Architectural Standards.

1. Building Form.

- a. Structures shall be designed to minimize creation of flat pads. Single-family units shall be compact and split-level if possible. Multifamily units can be designed with two (2) stories upslope and three (3) stories downslope.
- b. Building forms shall be scaled to the particular environmental setting so as to complement the hillside character and to avoid excessively massive forms that fail to enhance the hillside character. Building facades shall change plans or use overhangs as a means to create changing shadow lines to further break up massive forms.
- c. Roof lines shall relate to the slope and topography. Totally flat roof lines shall be avoided.

2. Building Exteriors.

- a. Colors of the building shall be selected to blend with the natural colors and hues of the surrounding hillsides. A color palette shall include white, browns, greens or other earth tones.
- b. Reflective coatings such as chrome or glass and bright colors shall be used only if demonstrated that structures will not become distracting features in the hillside environment.
- c. Surface materials shall be rough-textured to blend with the coarseness of landscaping and natural vegetation. Textured stucco, wood, earth tone brick and coarse block are appropriate.
- d. A harmonious mixture of materials, color, and forms combined to achieve a mottled effect shall be used to blend with the natural hillsides.

- e. Roof materials shall be of rough-textured, fire-retardant material. Roof colors shall be darker tones, including browns, black, greens and terra cotta. Bright color shall be avoided. Special attention to coordinating roof design is important because of the dominant appearance of roofs in the landscape.

3. Architectural Elements.

- a. Free-standing walls integral to a structure shall be of the same material and design as the structure. The height of such walls shall not exceed six (6) feet.
- b. Free-standing wall setbacks along front yards shall be varied to avoid creating an unbroken, uniform streetscape. The height of such walls shall not exceed six (6) feet.
- c. Where fences and walls occur on privately owned property within slope areas, fence/wall designs shall be as uniform as possible.
- d. Continuous rear yard fences and walls across the tops of slopes shall be coordinated in design and use of materials. (See Exhibit V in appendix to this chapter.)
- e. Wall setbacks on slopes shall not allow more than four (4) feet of solid wall or fence to show above the height line projected along the slope angle.
- f. Retaining walls shall be designed with smooth, continuous lines that conform to the topography. Maximum wall height at the base of slopes along roadways shall not exceed five (5) feet in order to avoid a contained, channel-like effect. (See Exhibits W and X in appendix to this chapter.)
- g. Retaining wall structures holding back grade to accommodate a patio or terrace shall conform to the natural hillside profile as much as possible. Excessively high retaining walls shall be avoided.
- h. In deck construction, the distance between structure and grade shall conform to the natural hillside profile as much as possible. Excessively high distances between structure and grade shall be prohibited.

D. Landscape Treatment.

1. Design Regulations Relating to Slopes.

- a. No tentative subdivision map shall be approved unless said map provides that all cut and fill slopes within street rights-of-way, on public or common land held by a homeowner's association, and all slopes over five (5) feet in height on other private land, shall be landscaped with a combination of ground cover, shrubs, and trees by the developer prior to completion of the project.
- b. Turf that requires mowing shall not be used on slopes in excess of four to one (4:1).
- c. Plant materials used in slope planting shall be drought-tolerant introduced species or native plants adapted to and suitable for providing vigorous rooted growth. In this regard, site plan review shall consider the City Guidelines and Specifications for Landscape Development for a list of approved slope plant materials.
- d. In cases of severe soil problems, shrubs and tree pits can trap water leading to slope failure, and the use of hydroseed mixes or smaller plant materials may be necessary.
- e. Shrubs shall be arranged in broad, informal masses of the same plant materials. These masses shall be combined to produce a mounding, textured slope surface, similar to the natural chaparral vegetation.
- f. Trees shall be arranged in informal masses and shall be placed to selectively allow views from housing while partially screening buildings and reducing the scale of overpowering, long, steep slopes. (See Exhibit Y in appendix to this chapter.)

- g. Plant materials shall be placed in informal masses to help alleviate the impact of uniform, graded benches. (See Exhibit Z in appendix to this chapter.)
  - h. Shrubs shall be randomly spaced in masses in overall quantities to provide a minimum of one (1) shrub per seventy-five (75) square feet. Trees shall be provided in overall quantities to provide a minimum of one per five hundred (500) square feet.
2. Design Regulations Relating to Skylines.
- a. Skyline planting shall be used along recontoured secondary ridgelines to recreate the linear silhouette and to act as a backdrop for structures. Trees shall be planted to create a continuous linear silhouette since gaps in the planting will not give the desired effect.
  - b. Trees that grow close to the height of structures shall be planted between buildings to eliminate the open gap and blend the roof lines into one (1) continuous silhouette. (See Exhibit AA in appendix to this chapter.)
3. Design Regulations Relating to Street Trees.
- a. Street trees shall be selected which create an intimate scale along the streetscape. Streets will be narrower in hillside development and large trees will overpower the space.
  - b. Arrangement of street trees shall be carefully planned to create an informal character and to not block potential views.
  - c. Street trees along roads without adjacent development shall be selectively located to provide an edge to the road. They shall not be uniformly spaced, but used in groups to enhance and frame views. It may be appropriate to eliminate trees along roads through natural open space areas.
  - d. Street tree quantities and types shall be provided as required by the City Guidelines and Specifications for Landscape Development.
4. Landscape Edge Conditions.
- a. The interface between developments and open space and internally between structures on slopes is critical to blending architecture and landscape and shall be given special attention.
  - b. Edges shall be designed to provide either partial or complete visual buffering and provide a transition from architecture to grade. (See Exhibit BB in appendix to this chapter.)
  - c. Planting along the slope side of development shall be designed to allow controlled views out, yet partially screen and soften the architecture. In general, fifty percent (50%) screening with plant materials shall be accomplished.
  - d. In situations where edge planting at lower levels of slope development may block views from above, height restrictions on plant materials shall be applied.
  - e. Between natural open space and development, a fire break or fuel modification line shall be provided. This zone shall consist of at least one hundred (100) feet and must have native ground covers removed, larger trees and shrubs pruned and a fire-resistive ground cover added. (See Exhibit CC in appendix to this chapter.)

(Prior code § 27A-48)

15.40.080 - Variances.

- A. ....At the specific plan, tentative subdivision map, or site plan review stage of development, the applicant may also apply for a variance from the requirements of the Hillside Development Regulations if any or all of the following circumstances exist:

1. There is an internal conflict within the Hillside Development Regulations such that the attainment of one objective or requirement can only be achieved by permitting nonattainment of another objective or requirement.
  2. There is a conflict between the Hillside Development Regulations and other City regulations or ordinances applicable to development of the property.
  3. Compliance with the Hillside Development Regulations may endanger the public health or safety. In cases where such a conflict exists between this chapter and the provisions of the Grading Ordinance, the Grading Ordinance shall control over the Hillside Development Regulations.
  4. Due to special conditions or exceptional characteristics of the property or its location, the strict application of the development requirements (Section 15.40.070) would not achieve the goals and objectives of this chapter.
- B. ....The application for a variance shall be accompanied by a written statement setting forth the following information, in addition to the information submitted with the specific plan, tentative subdivision map, or site plan (as applicable):
1. The location of the proposed variance;
  2. The provision of the Hillside Development Regulations from which the applicant proposes to vary;
  3. The nature and extent of the proposed variance;
  4. An explanation of the efforts made to design the development without the need for a variance and the justification for the variance in relationship to the standards set forth in this section.
- C. ....The application for a variance and any appeals thereof shall be heard and determined in accordance with the procedures applicable to the specific plan, tentative subdivision map, or site plan application of which the variance is a part.
- D. ....No variance shall be granted unless the approving body makes a determination that at least one (1) of the four (4) circumstances in this section exists, and then only if and to the extent that the need for a variance cannot practicably be eliminated by means other than a variance. In acting upon any application for variance, the approving body shall set forth factual findings in support of its determination, stating why particular provisions of this chapter cannot be met. The determination as to whether a variance shall be granted is discretionary.

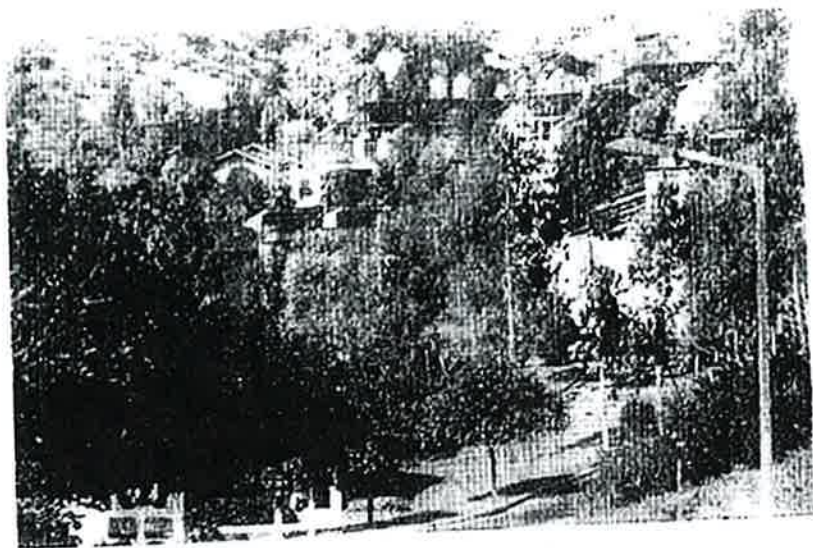
(Prior code § 27A-49)

APPENDIX

Appendix of Chapter 15.40 of the Code of the City of San Clemente\*

(Adopted by Ordinance No. 841, August 4, 1981.)

"BLEND MAN-MADE AND MAN-INTRODUCED FACTORS WITH THE NATURAL ENVIRONMENT"  
EXHIBIT "A"

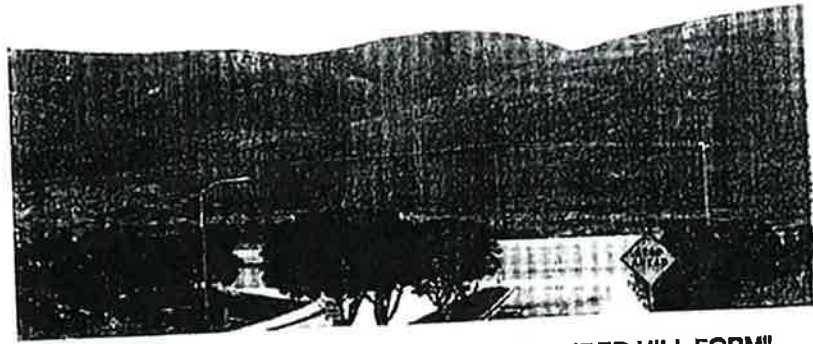


\* The originals of the photographs shown in this Appendix are on file in the office of the City Clerk.





"UNIFORM STAIR-STEPPING"  
EXHIBIT "B"



"NATURAL ROUNDED HILL FORM"  
EXHIBIT "C"  
SETBACKS

"REDUCED  
REDUCE GRADING"

CAN

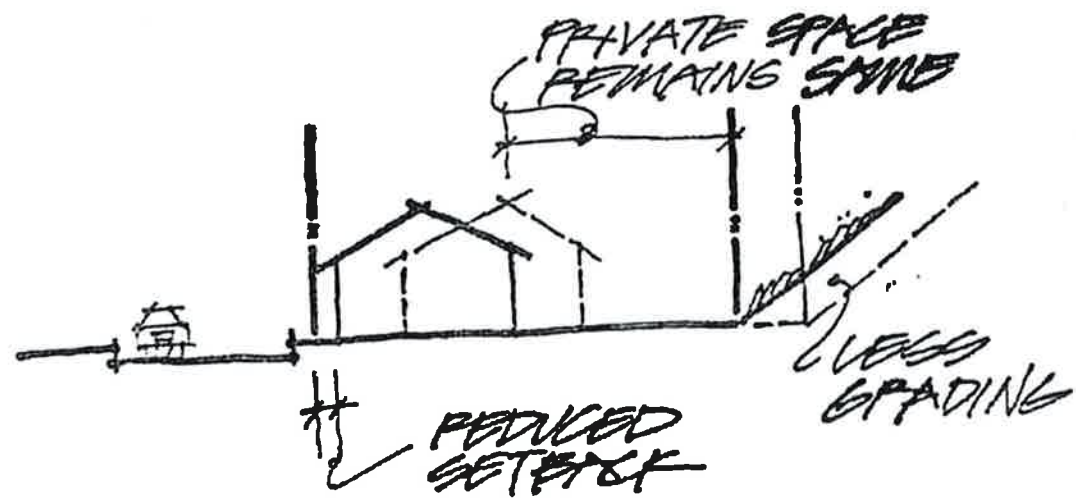




EXHIBIT "D"

"REDUCED SETBACKS CAN STILL BE USED TO PROVIDE USEABLE PRIVATE SPACE"

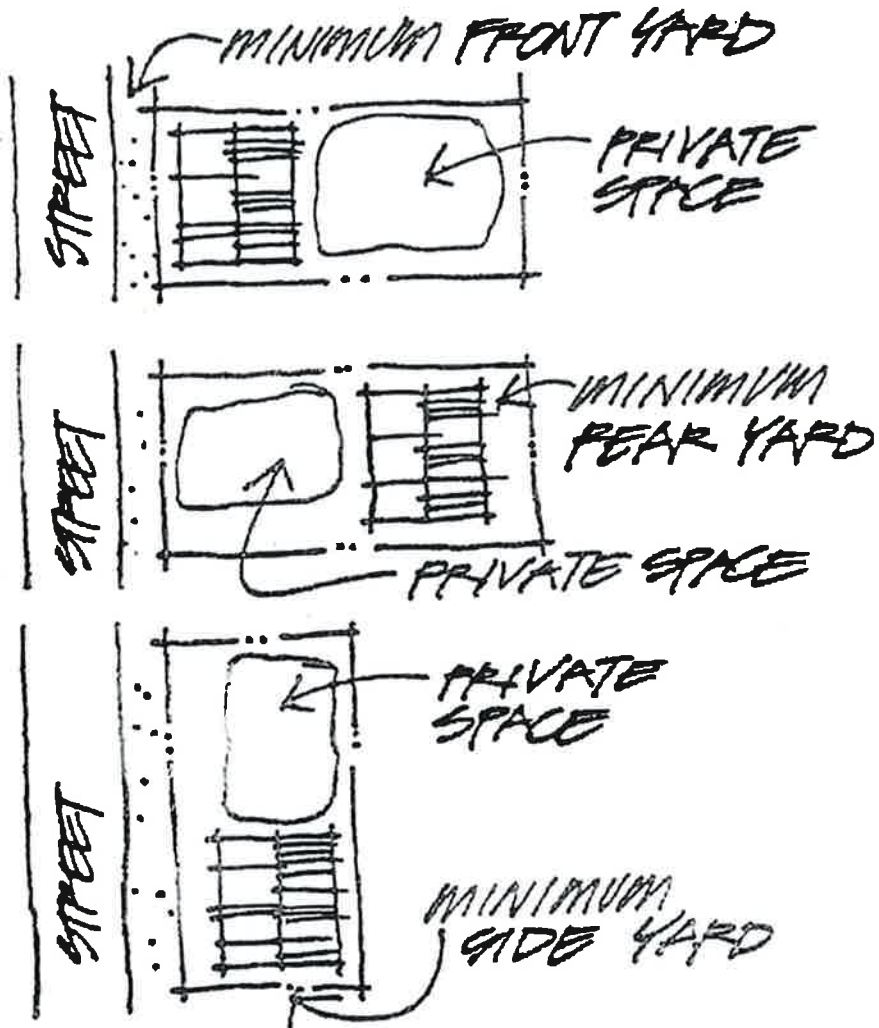


EXHIBIT "E" VARY SETBACKS TO CREATE INTERESTING STREET SCAPE AND ADAPT TO HILLSIDE FORM.

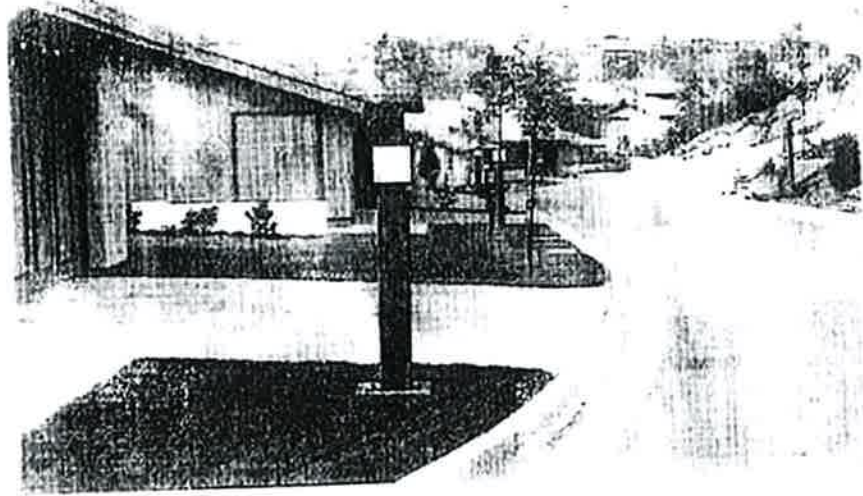
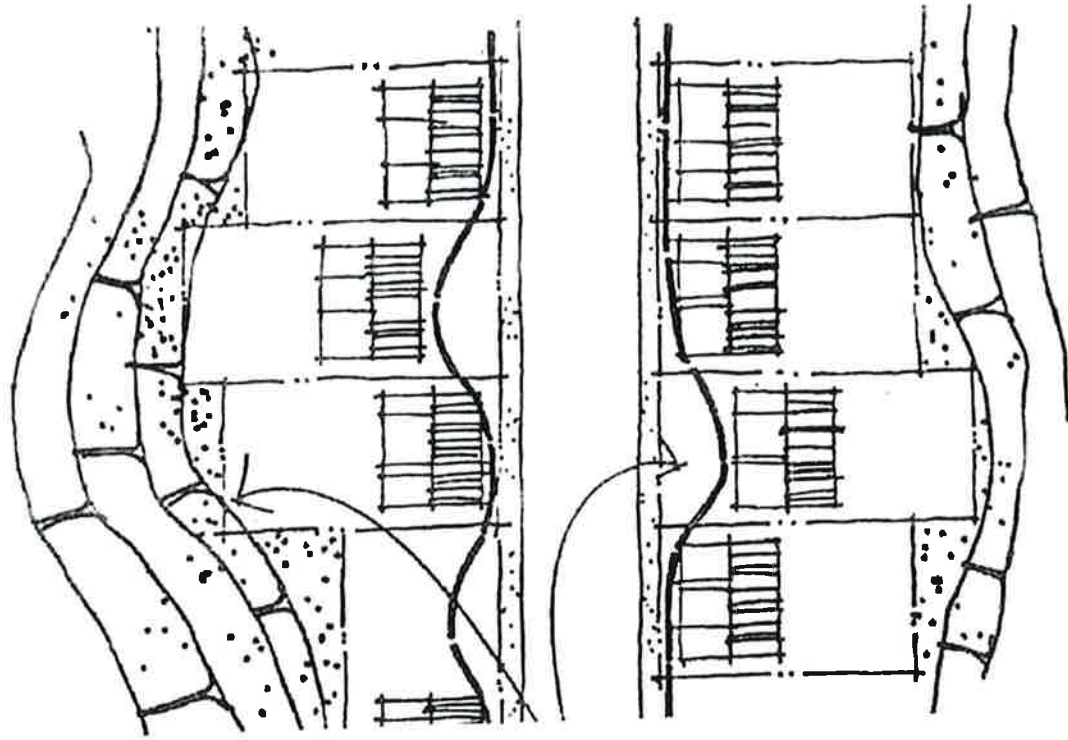
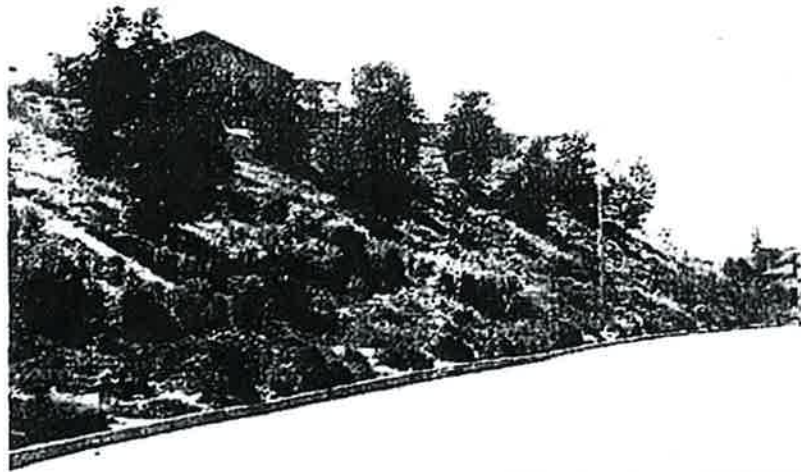
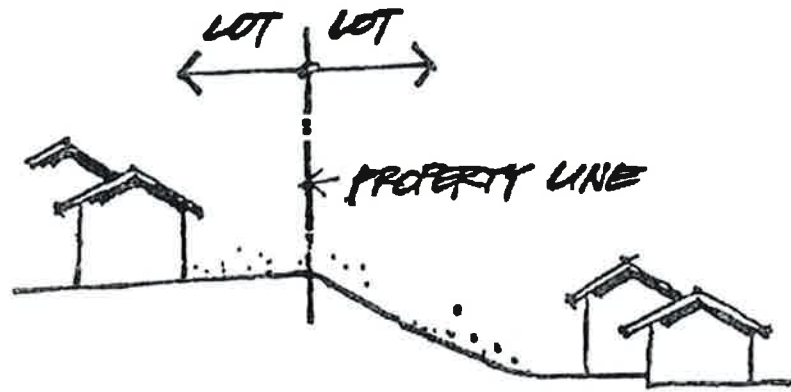


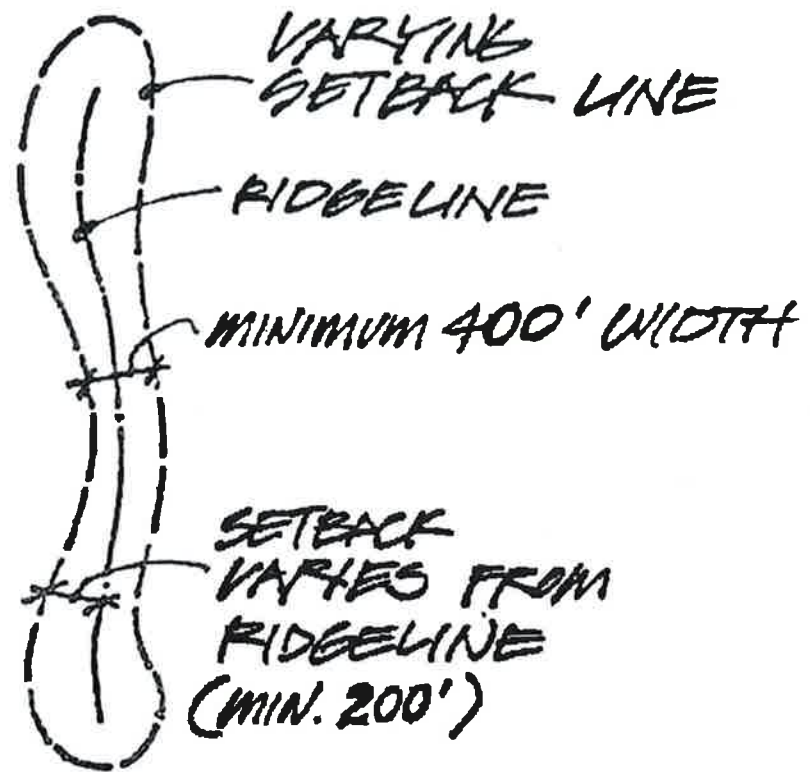
EXHIBIT "F"  
"LOT LINE PLACEMENT WHEN SLOPES ARE HOMEOWNER MAINTAINED"  
EXHIBIT "G"



"DEVELOP SLOPES IN A CONSISTENT MANNER WITH REGARD TO PLANTING, GRADING, AND MAINTENANCE."

EXHIBIT "H"





"ILLUSTRATION OF VARIABLE SWATH OF UNDISTURBED PRIMARY RIDGELINE"  
EXHIBIT "I"

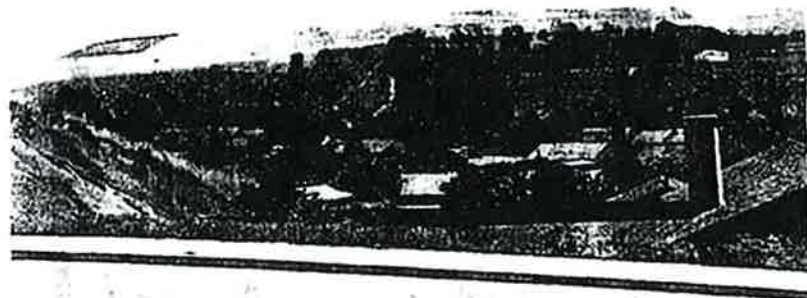


EXHIBIT "J"



SECONDARY  
PIEDMONT

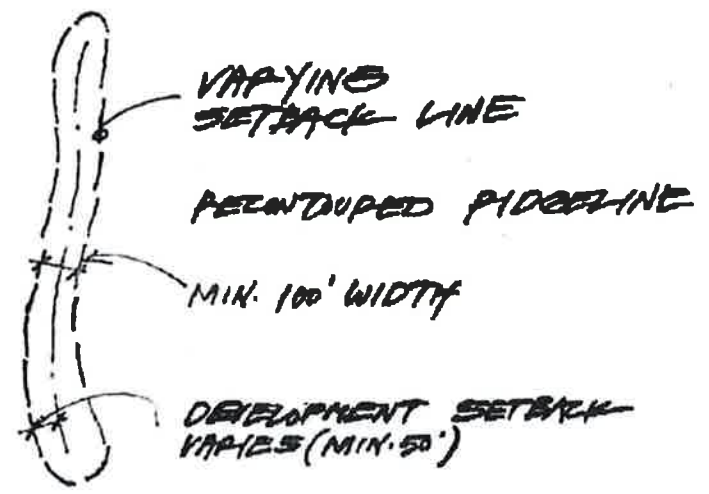
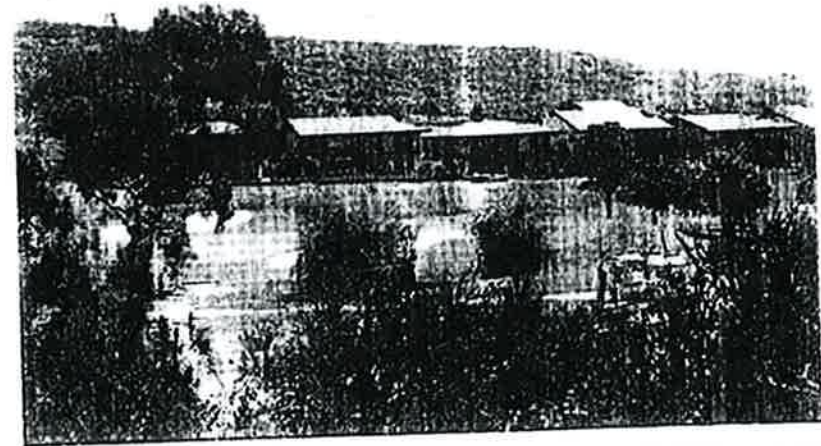
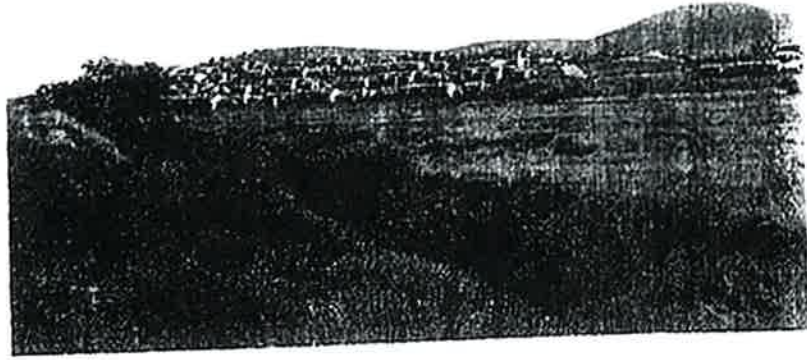


EXHIBIT "K"



"ROOFLINES COMPLEMENT RIDGELINES"  
EXHIBIT "L"

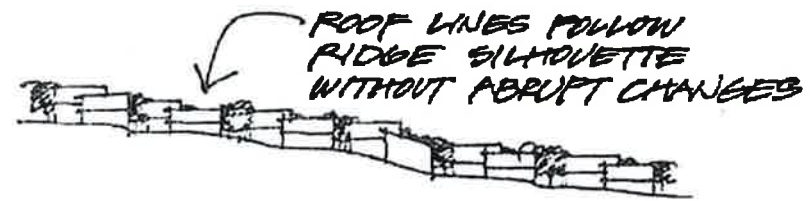
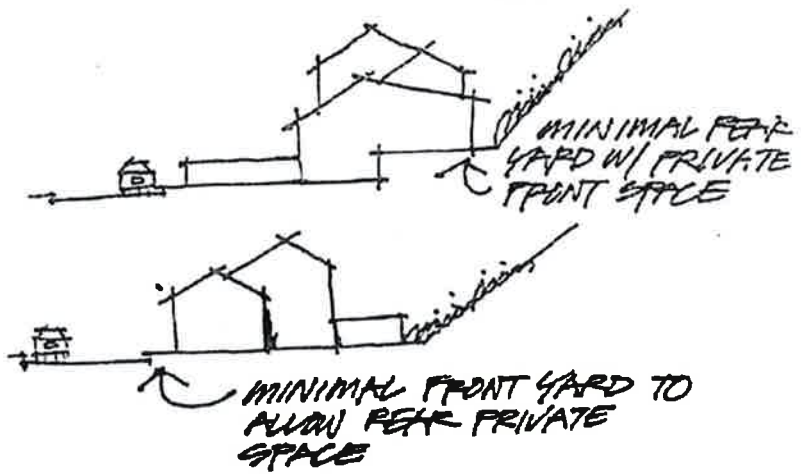
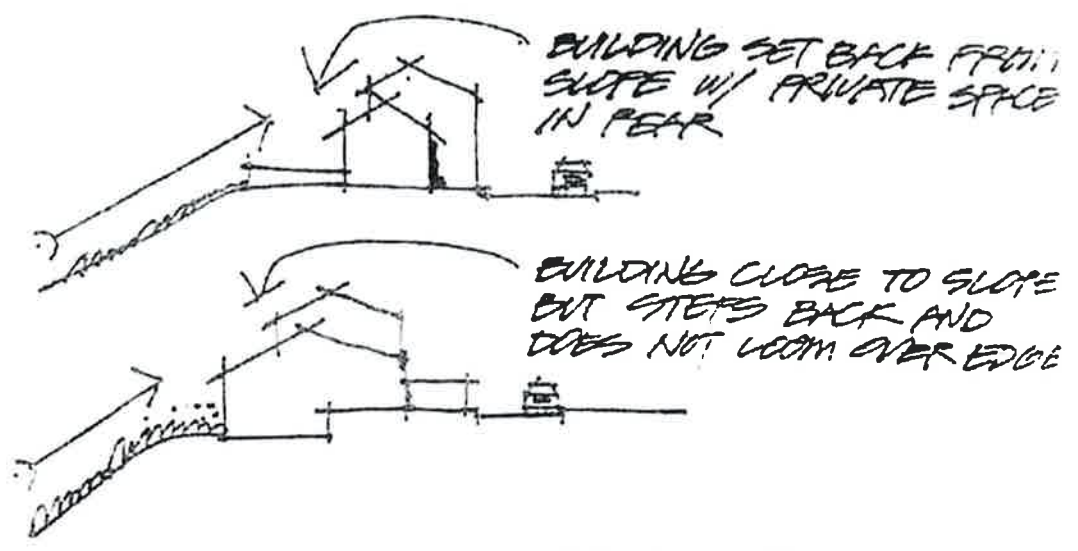


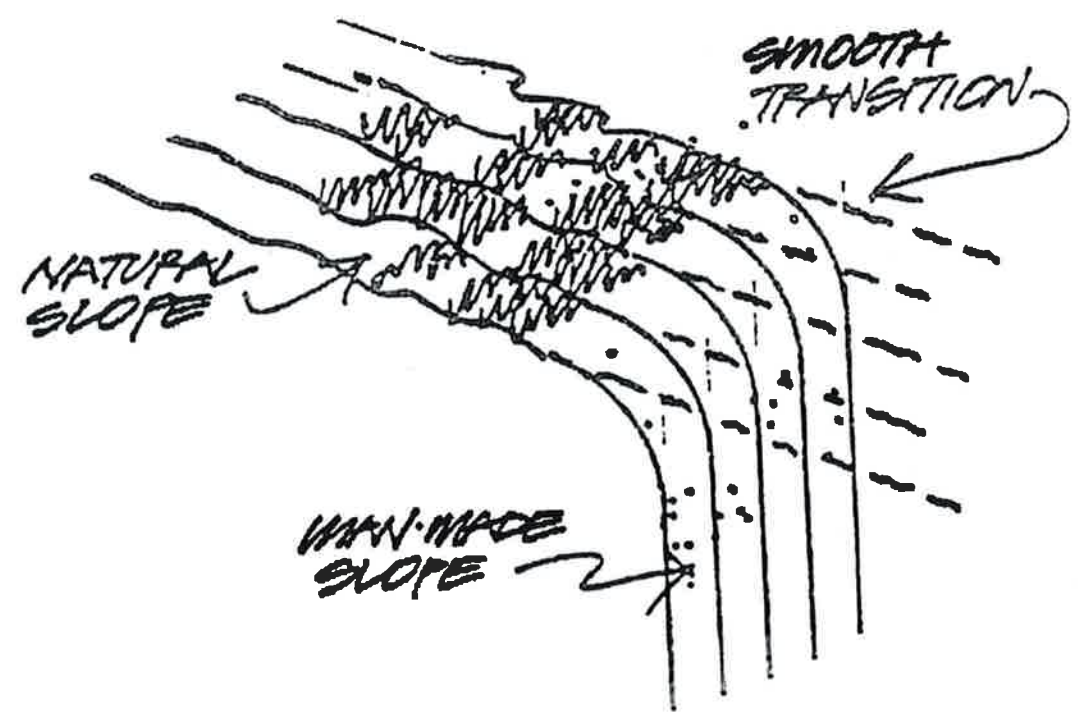
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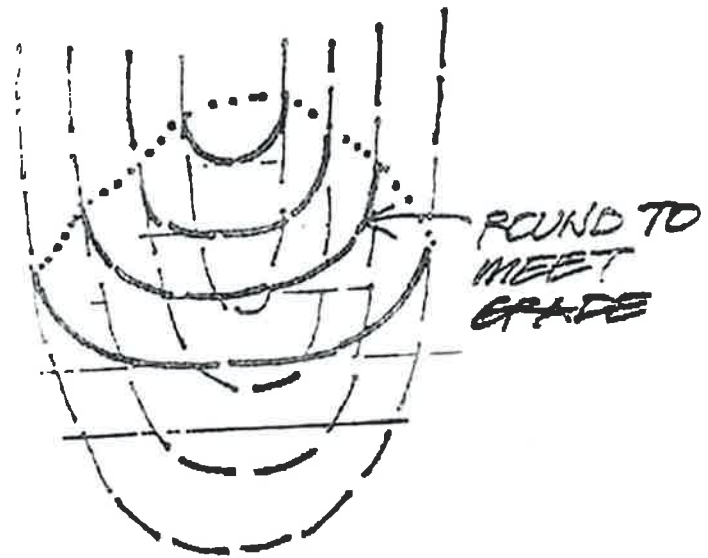
"EXAMPLES OF UPHILL PLACEMENT"  
EXHIBIT "N"



"EXAMPLES OF DOWNHILL PLACEMENT"  
EXHIBIT "O"







ROUND TO  
MEET  
GRADE

EXHIBIT "P"

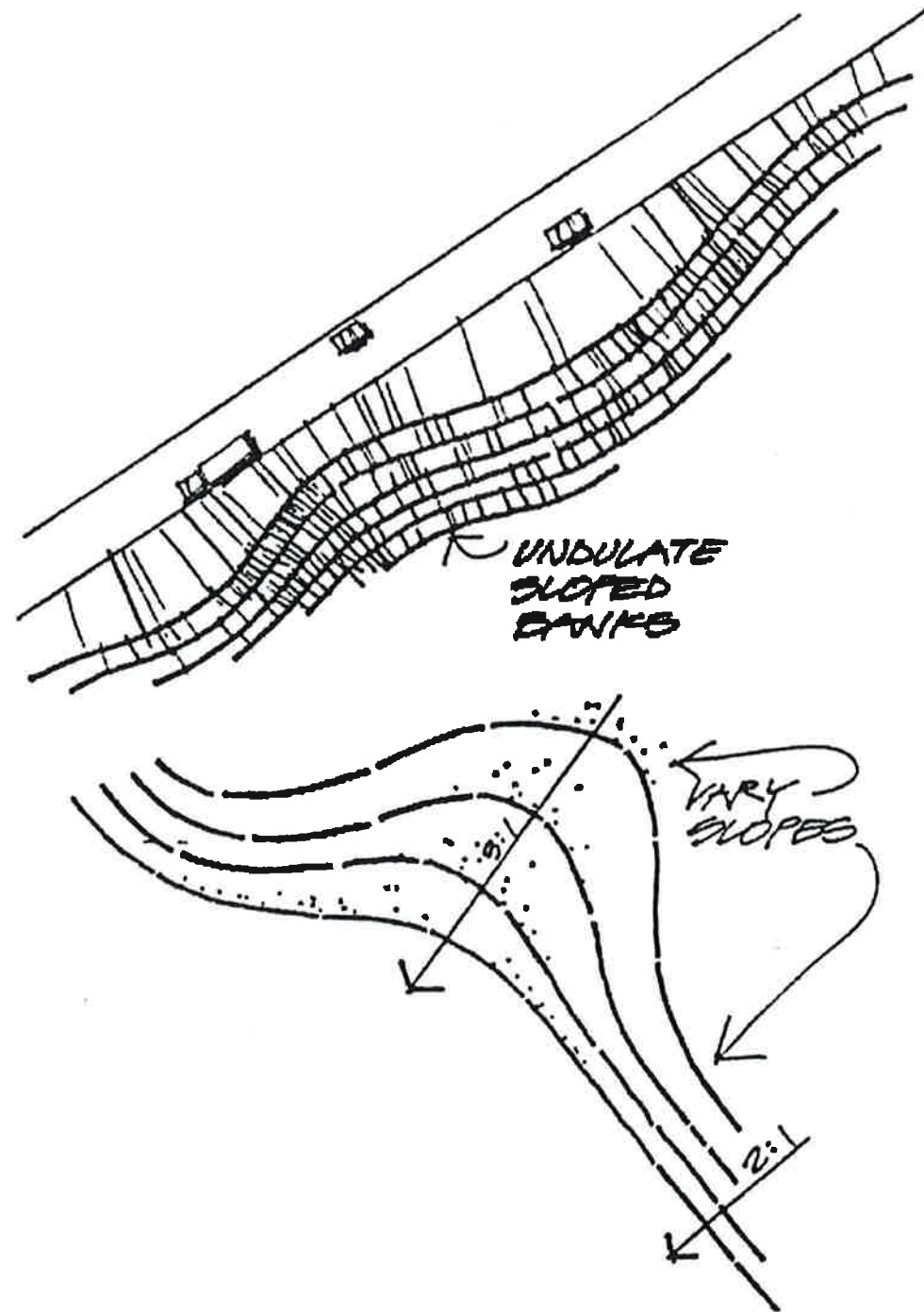


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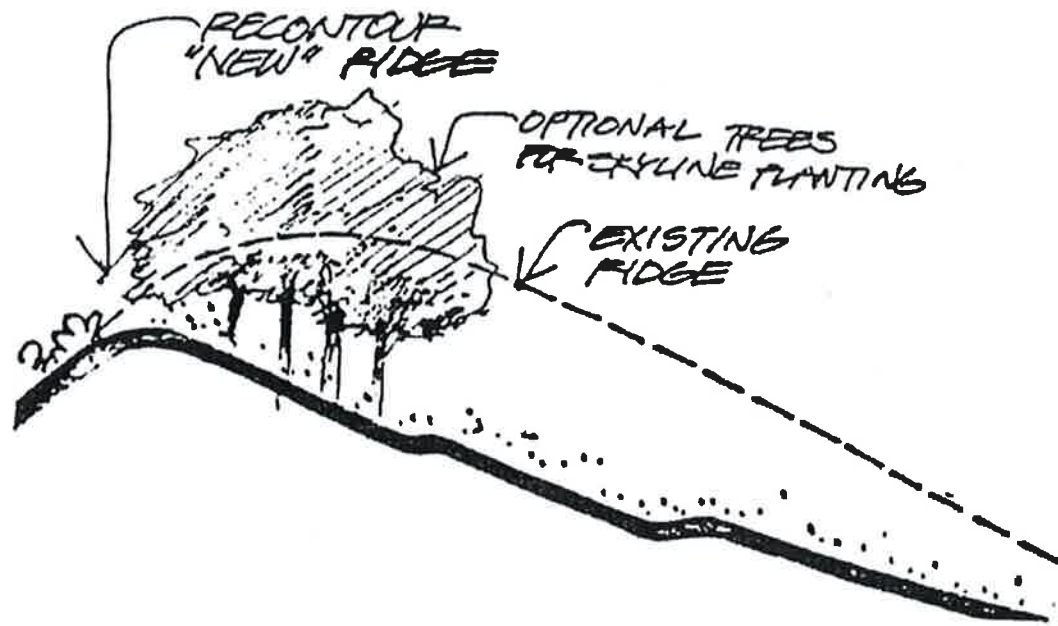


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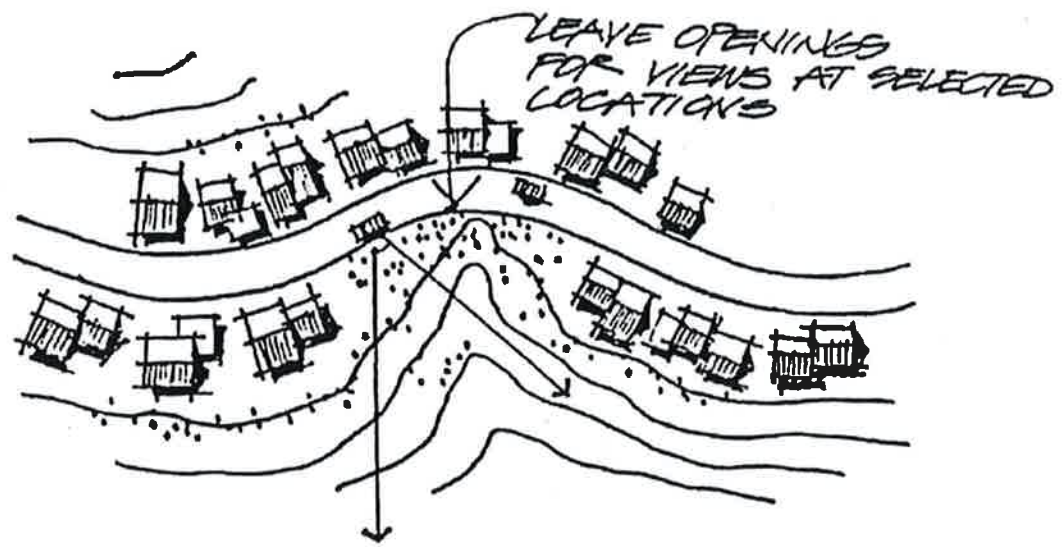
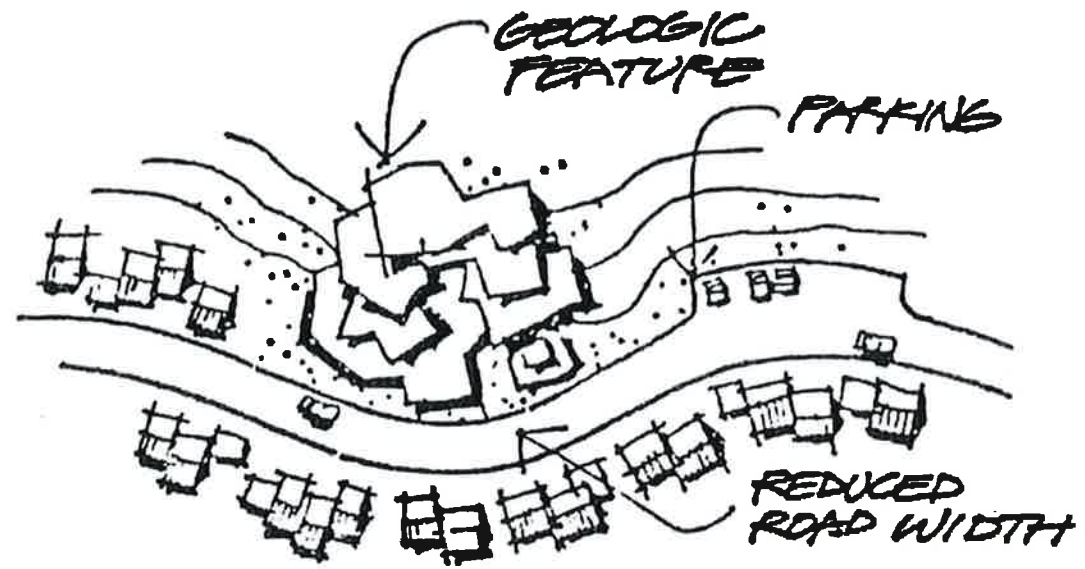


EXHIBIT "S"



"REDUCED ROAD WIDTH BY ELIMINATING PARALLEL PARKING AND PROVIDING IT ELSEWHERE  
CAN HELP SAVE NATURAL FEATURES"

EXHIBIT "T"

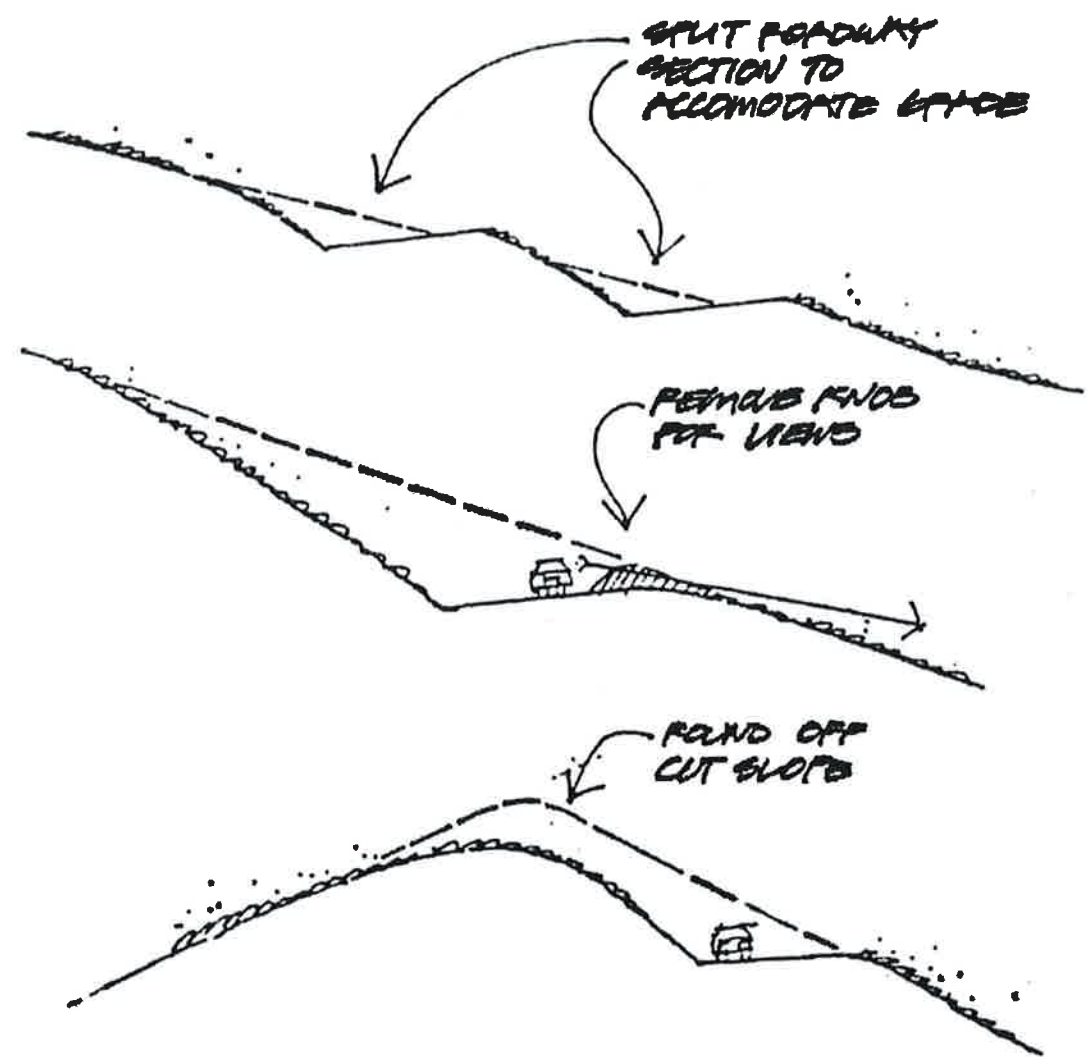
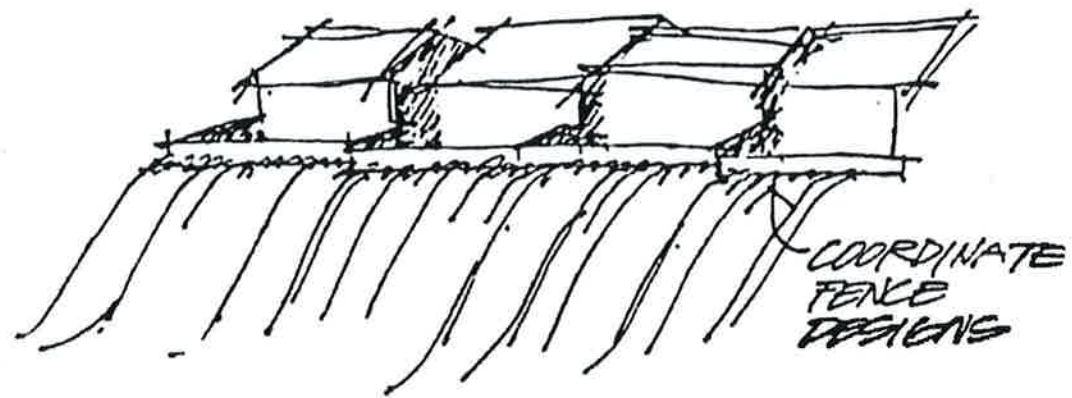
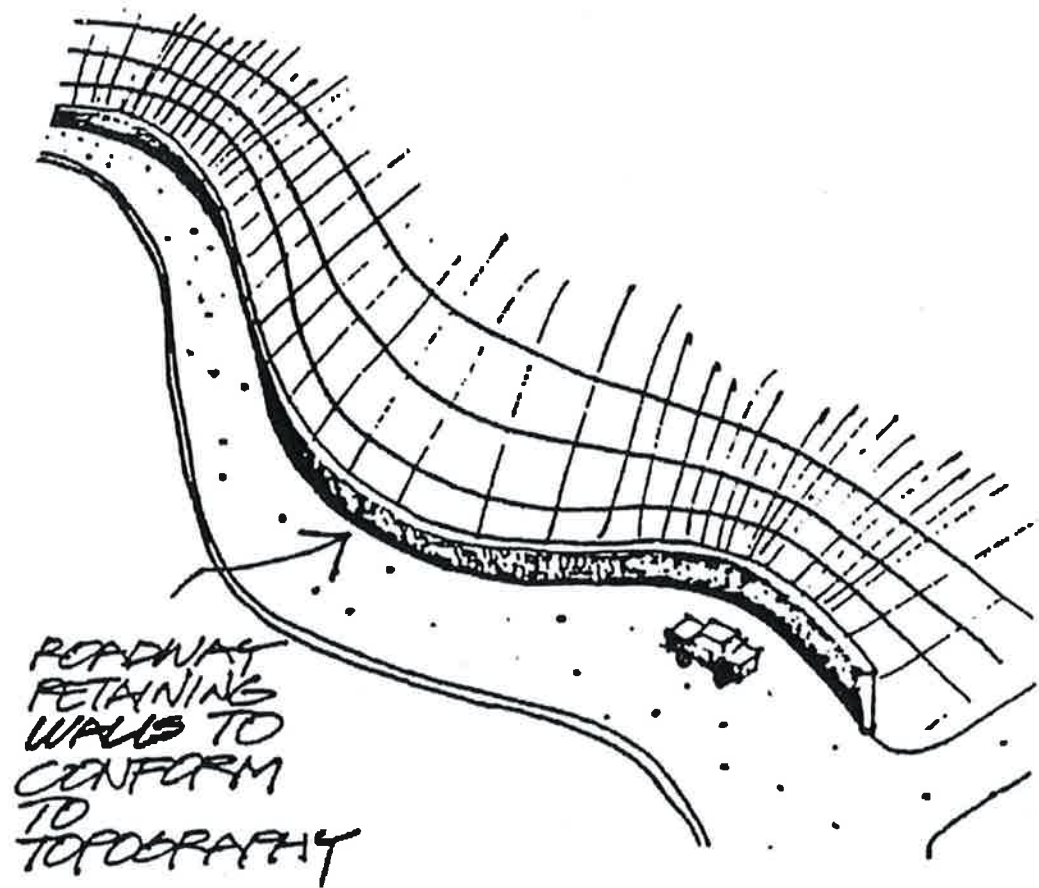


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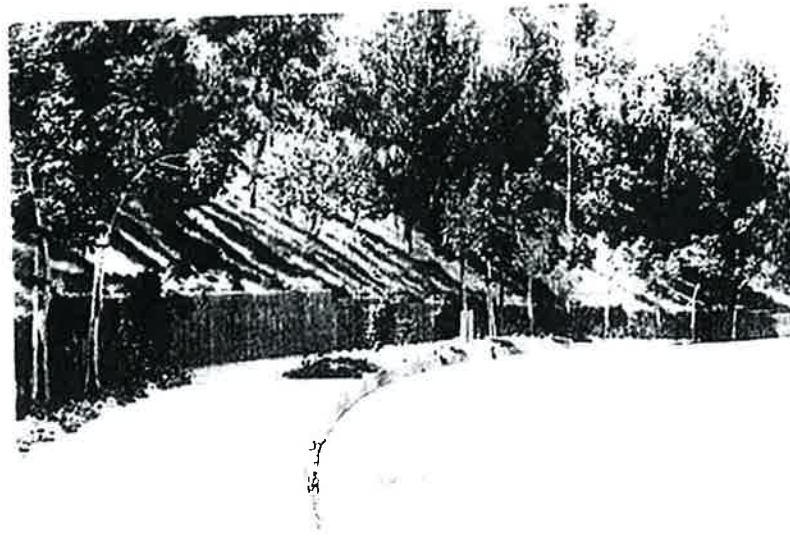
COORDINATE  
FENCE  
DESIGNS

EXHIBIT "V"



ROADWAY  
RETAINING  
WALLS TO  
CONFORM  
TO  
TOPOGRAPHY

EXHIBIT "W"



"AVOID A CHANNEL-LIKE EFFECT WITH MINIMUM WALL HEIGHTS AT THE BASE OF SLOPES  
ALONG ROADWAYS"

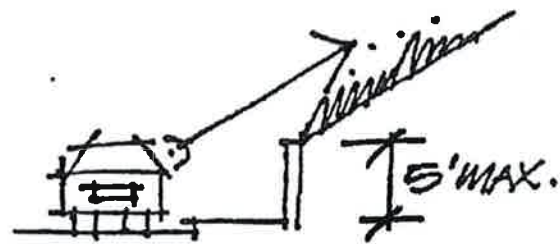


EXHIBIT "X"



EXHIBIT "Y"

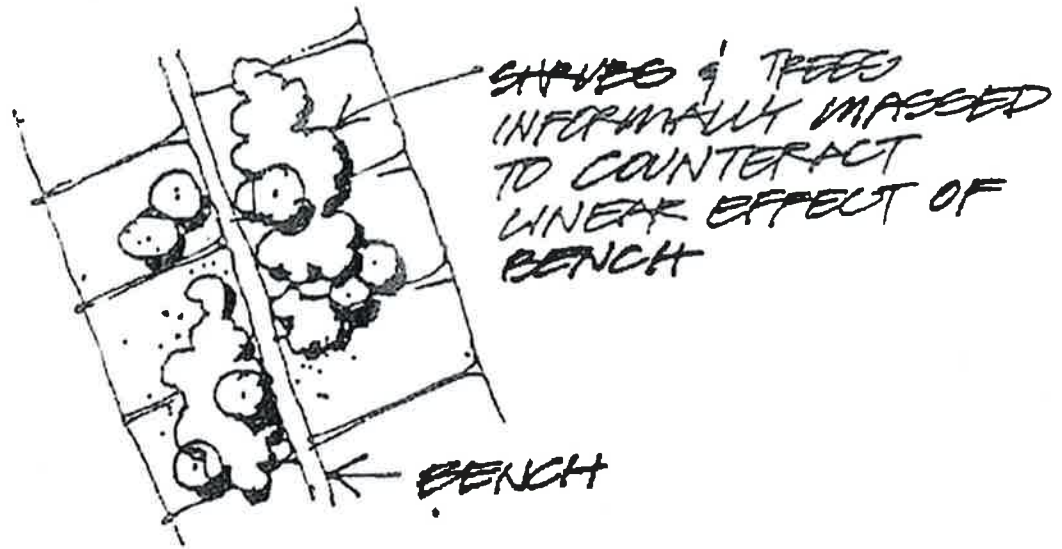


EXHIBIT "Z"







"USING SKYLINE PLANTING TO ELIMINATE GAPS BETWEEN STRUCTURES"  
EXHIBIT "AA"

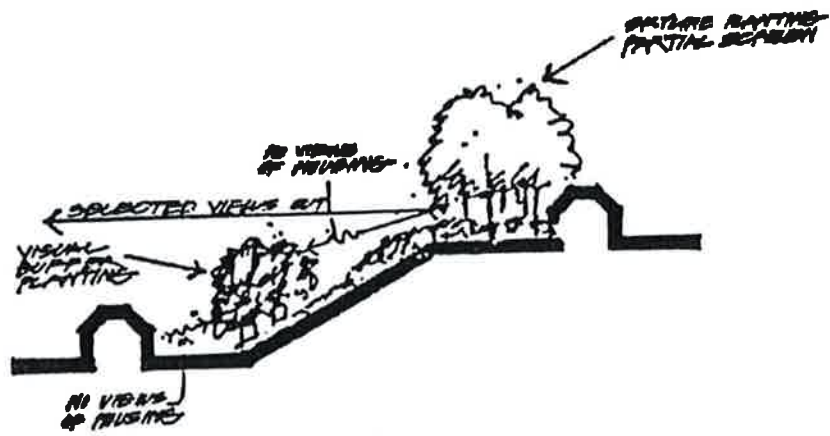
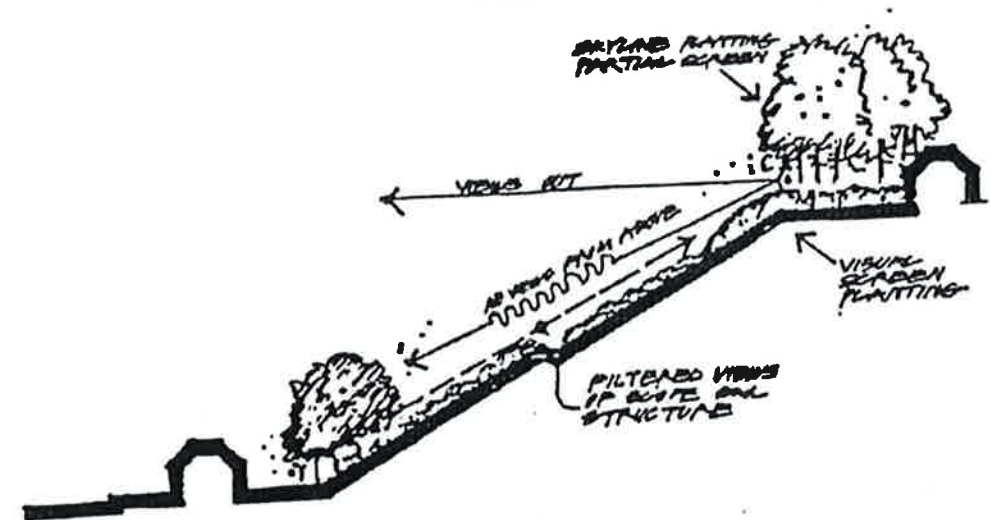


EXHIBIT "BB"

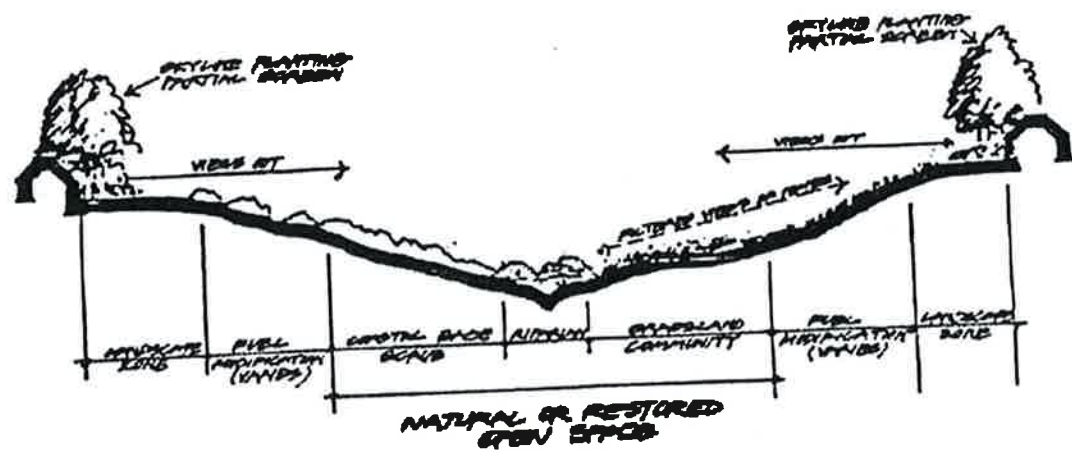
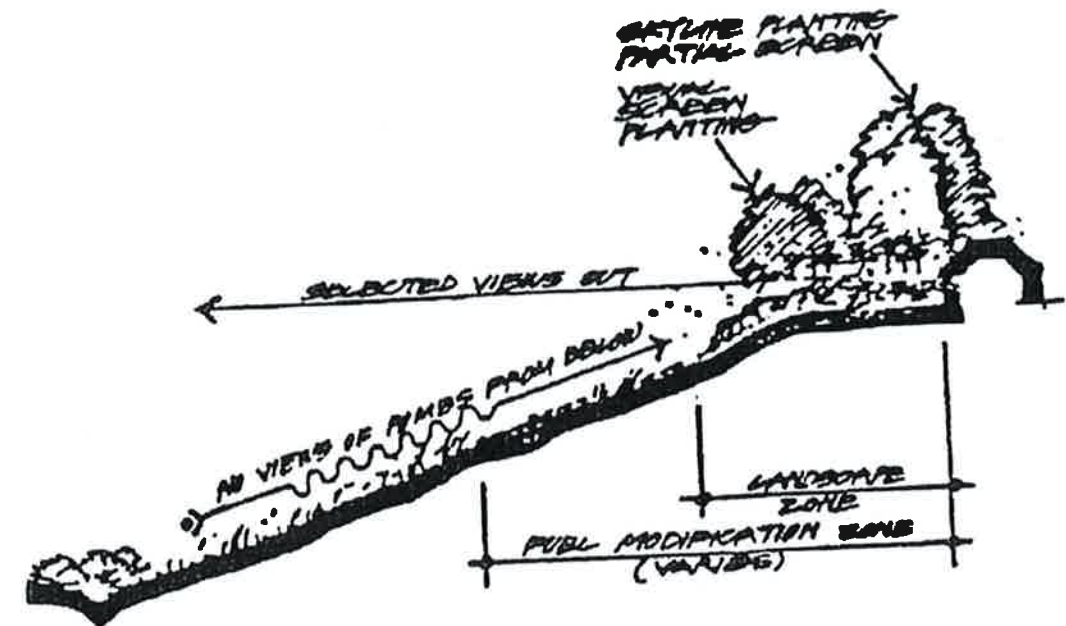
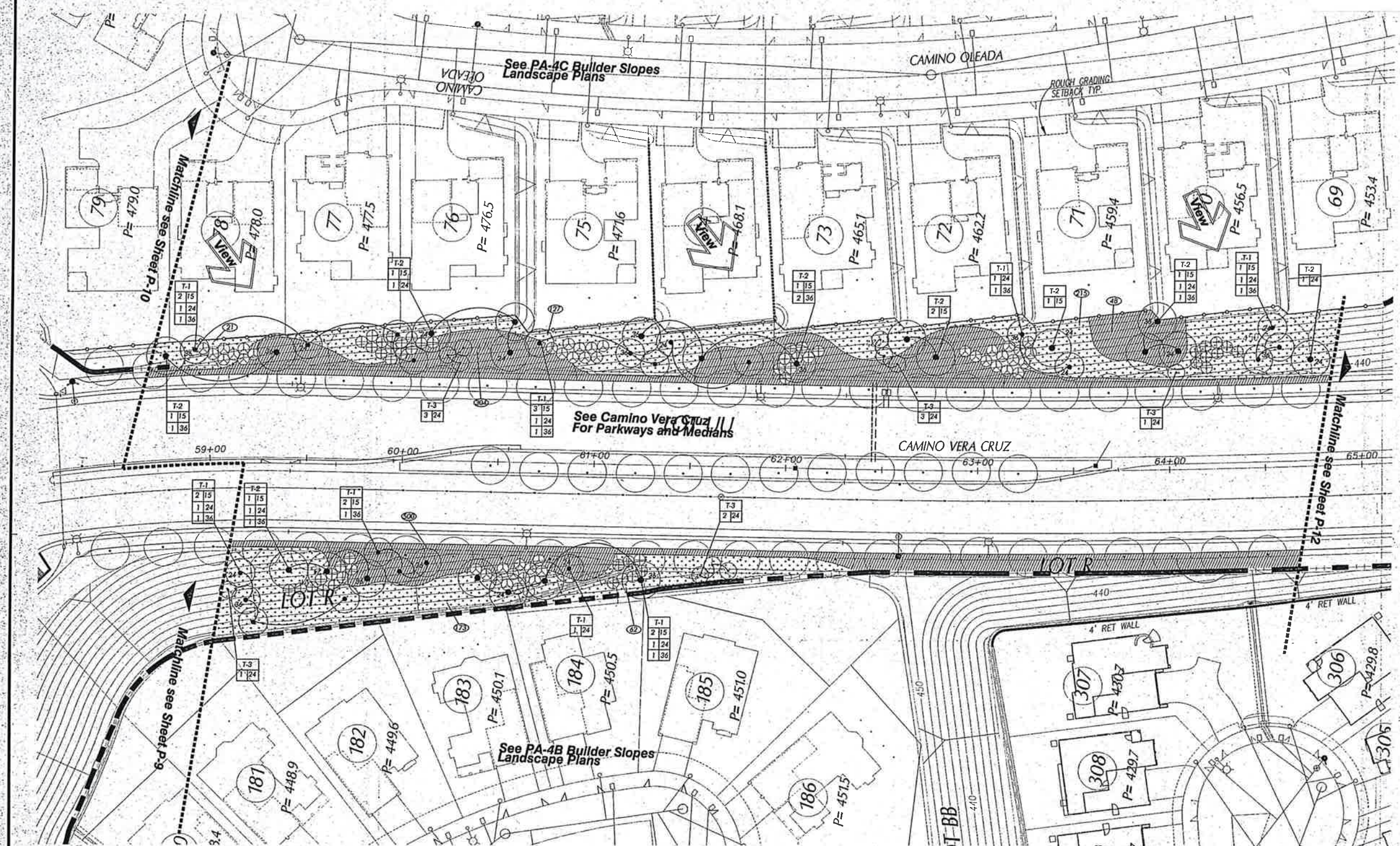


EXHIBIT "CC"



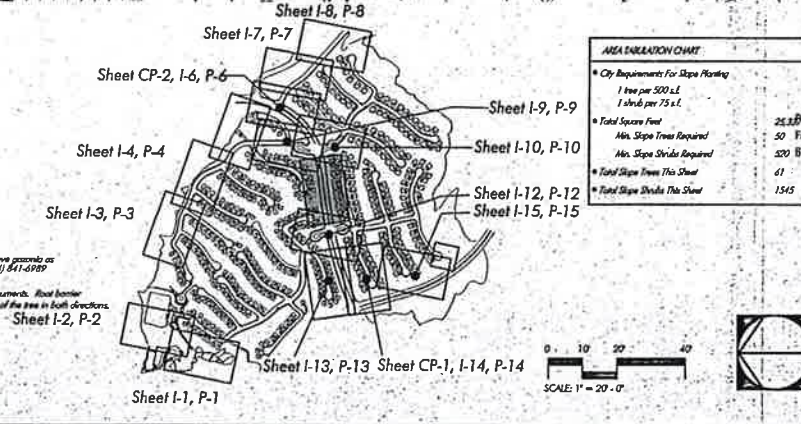
**Planting Legend**

Symbol	Botanical Name	Common Name	Size & Comments
T-1	<i>Melaleuca eucalyptoides</i>	Casual Tree	30' 24" box, 15 gal
T-2	<i>Ficus hirsuta</i>	Alagoa Pine	30' 24" box, 15 gal
T-3	<i>Populus nigra 'Italica'</i>	Lombardy Poplar	24' 30" box Standard P.O. C.
T-4	<i>Schinus molle</i>	Chilensis Pepper Tree	48' 60' 48' 36" box Standard
T-5	<i>Rhus typhina</i>	Date Palm	20' 8 1/2" @ 18" O.C.
T-6	<i>Erythraea carnea</i>	Carrot Tree	8' 6" box Multi
T-7	<i>Erythraea carnea</i>	Carrot Tree	48" box
T-8	<i>Olea europaea</i>	Olive	84' 48' 36" field green
T-9	<i>Rhus typhina</i>	Sanguol Date Palm	Multi; To be selected by LA
T-10	<i>Platanus orientalis 'Yanwood'</i>	London Plane Tree	48' 24" box Standard
T-11	<i>Quercus rubra</i>	Curt Oak	30' 24" box, 15 gal
T-12	<i>Ulmus parviflorus</i>	Colonnade Laurel	30' 24" box, 15 gal
T-13	<i>Tabebuia chrysantha</i>	Golden Trumpet Tree	48' 36" box Standard
T-14	<i>Ulmus parviflorus 'Tree Green'</i>	Chinese Elm Tree	48" box
T-15	<i>Olea sativa Mill</i>	Fraxinus Olive	48" box

Symbol	Botanical Name	Common Name	Size & Comments
G-1	<i>Agave attenuata</i>	Agave	5 gal @ 36" O.C.
G-2	<i>Bougainvillea 'Dobler'</i>	Dobler Bougainvillea	5 gal @ 36" O.C.
G-3	<i>Cordia macrocarpa 'Green Carpet'</i>	Green Carpet	5 gal @ 36" O.C.
G-4	<i>Clusia s. carolinensis</i>	White Rockrose	5 gal @ 36" O.C.
G-5	<i>Melaleuca neopelta</i>	Pink Melaleuca	5 gal @ 36" O.C.
G-6	<i>Phormium tenax</i>	Fourcain Grass	1 gal @ 36" O.C.
G-7	<i>Phormium tenax (s. coloratus)</i>	Mountain Flax	5 gal @ 36" O.C.
G-8	<i>Phormium tenax 'Sole'</i>	Brown Edge Flax	5 gal @ 36" O.C.
G-9	<i>Phoradendron 'Indica Enchanted'</i>	Indian Hawthorn	5 gal @ 36" O.C.
G-10	<i>Rosa 'Iceberg'</i>	Lemonade Berry	5 gal @ 36" O.C.
G-11	<i>Rosa 'Iceberg'</i>	Rose	5 gal @ 36" O.C.
G-12	<i>Rosemaria officinalis 'Prostrata'</i>	Rosemary	1 gal @ 36" O.C.
G-13	<i>Stellaria media</i>	Bird of Paradise	5 gal @ 36" O.C.

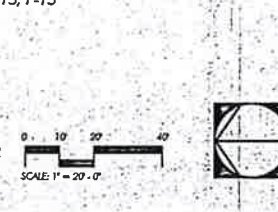
**NOTES:**

- Contractor is responsible to provide all plant material required to conform to specified plant spacing.
- Indicates quantity
- Indicates tree type
- Indicates tree size
- Best A Board: Install Best A Board where symbol is shown. Contact: O'Connor Sales, Inc. Box 161 714/523-9433 See Details G-10/11
- Backfill: The contractor is to provide 2" deep medium grade redwood chips in all shrub and ground cover areas except in areas to receive plants as indicated on the plans. Select a sample for L.A. approval prior to installation. Available from: Roughed Wood Products (714) 611-0389
- Road Barriers: The Contractor is to provide road barriers for all trees planted within 5'-0" of any landscape including 1'-diameter and every monument. Road barrier depth to be min. 24" and run continuous along curb, sidewalk, vehicle and/or monument at a minimum of 10' from the center of the tree in both directions.
- Arbor Guards: Install "Deep Root" arbor guards to all trees planted in full areas installed per manufacturer recommendations.
- Allow for mulch ground cover (Grass or Mulch) Yellow) planted at 12" o.c. on all slope areas.
- Refer to Forster Ranch-The Reserve Walk Fence and Guard Entry Plans for Construction Legend and Details.



**AREA EXHAUSTION CHART**

Category	Quantity
City Requirements For Slope Planting	1 tree per 5000 L.F.
1 inch per 75 L.F.	
Total Square Feet	261,000
Min. Slope Trees Required	52
Min. Slope Shrubs Required	250
Total Slope Trees This Sheet	61
Total Slope Shrubs This Sheet	1545



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Landscape Architecture  
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100 Avenida Miramar  
San Clemente  
California 92672  
Phone 949.366.6624  
Fax 949.366.6626  
www.thecollaborative.com

**The Reserve Developer Slopes**

Laing Forster Ranch II LLC

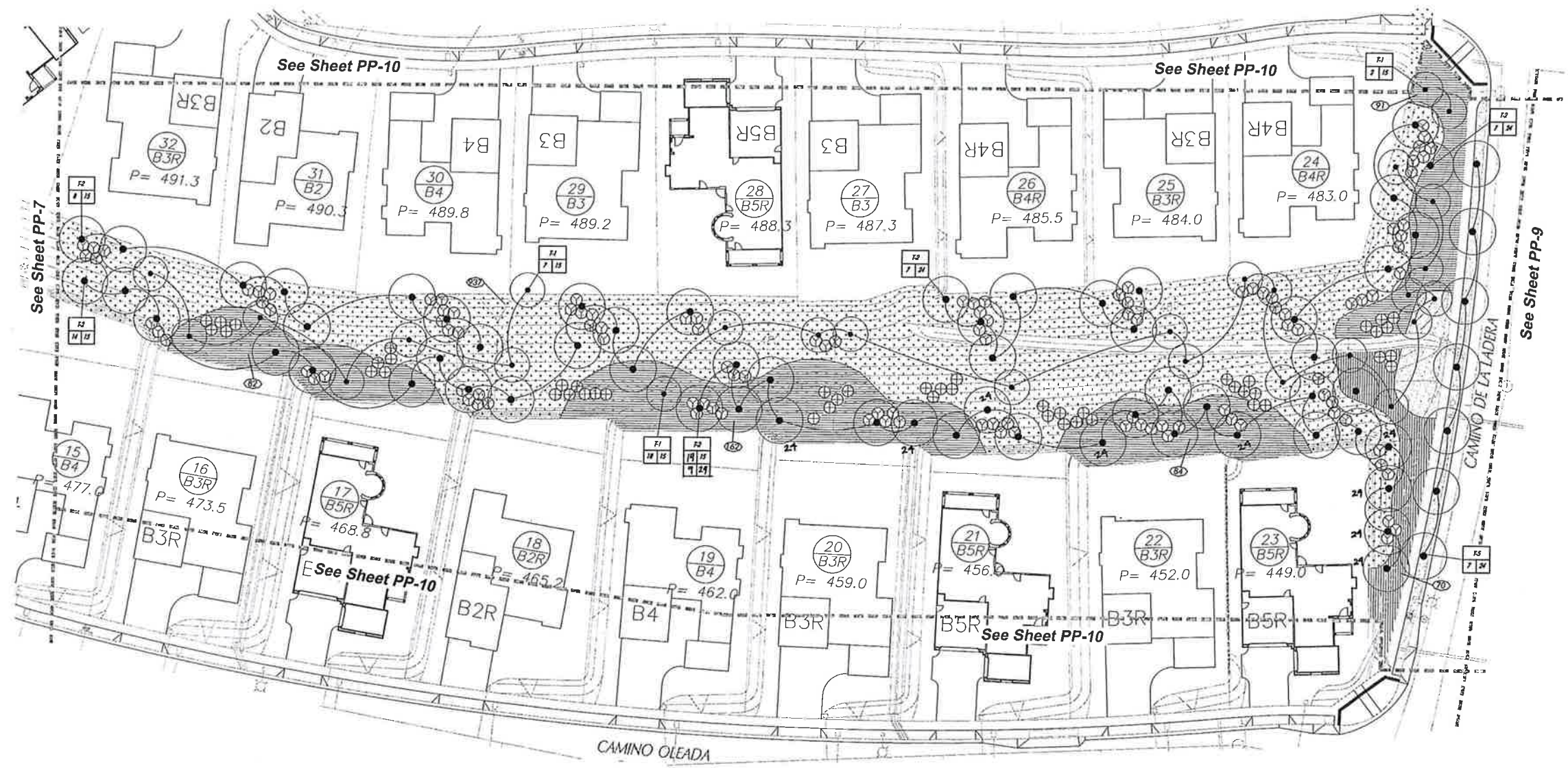
REQUIRED LANDSCAPE MITIGATION PLAN  
APPROVED DATED DATE  
261 PRELIMINARY PLANS  
50 FINAL PLANS  
250 FINAL PLANS

Sheet Title: **Planting Plan**  
Job No.: L105-05  
Drawn: S.B.S.C.  
Date: 10/22/01  
Scale: As Shown  
Checked: D.S.S.

Sheet Reference: **P-11**

Sheet 36 of 42

The Reserve - Developer Slopes Plan - L105-05



**KEYMAP**  
N.T.S.



**Planting Legend**

Symbol	Botanical Name	Common Name	Size & Comments
F1	<i>Melaleuca quinquenervia</i>	Cajuput Tree	30" 24" box, 15 gal
F2	<i>Pinus halepensis</i>	Mexican Pine	30" 24" box, 15 gal
F3	<i>Quercus agrifolia</i>	Cork Oak	30" 24" box, 15 gal
F4	<i>Lophospermum (Tritaria) confertum</i>	Strabane Box	24" box
F5	<i>Podocarpus gracilior</i>	Fern Pine	24" box, Standard rounded form
F6	<i>Pinus californiana</i>	Bradford Pear	24" box

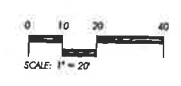
Symbol	Botanical Name	Common Name	Size & Comments	Quantity
S1	<i>Melaleuca neesolala</i>	Pink Melaleuca	5 gal @ 30" O.C.	49
S2	<i>Rhus integrifolia</i>	Lemonade Berry	5 gal @ 30" O.C.	115
GROUNDCOVERS				
G1	<i>Arctostaphylos Desert Carpet</i>	Arctost	1 gal @ 5" a.c.	
G2	<i>Marathon II</i>	Turfgrass	Sod	
G3	<i>Myoporum laetifolium</i>	Myoporum	1 gal @ 5" a.c.	

- Contractor is responsible to provide all plant material required to conform to specified plant spacing.
- Indicates quantity: [ ] indicates tree type, [ ] indicates tree size
- **NOTES:**  
 - **Back Mark:** The contractor is to provide 2" deep medium grade rebar/rod clips in all shrub and ground cover areas except in areas to receive geotextile as indicated on the plans. Submit a sample for L.A. approval prior to installation. Available from: Recycled Wood Products (714) 641-8797  
**Root Barriers:**  
 The Contractor is to provide root barriers for all trees planted within 5' of any hardscape including 'vulcher' and entry monuments. Root barrier depth to be min. 24" and run continuous along curbs, sidewalks, vehicle and/or monument of a minimum of 10' from the center of the tree in both directions.  
 Install 'Temp Root' arbor guards to all trees planted in turf areas installed per manufacturer recommendations.  
 - Allow for hatched ground cover (*Crocodylus - Yellow Yellow*) planted at 12" o.c. on all slope areas.  
 - Refer to Foster Ranch: The Reserve Wall, Fence and Guard Entry Plans for Construction Layout and Details.

**AREA TABULATION CHART**

* City Requirements For Slope Planting	
1 tree per 500 s.f.	
1 shrub per 25 s.f.	
* Total Square Feet	32,415
Min. Slope Trees Required	75
Min. Slope Shrubs Required	501
* Total Slope Trees This Sheet	87
* Total Slope Shrubs This Sheet	1,590

LANDSCAPE PLANS  
 APPROVED [ ] DENIED [ ]  
 PRELIMINARY [ ]  
 BT: [Signature]



Date: \_\_\_\_\_ Description: \_\_\_\_\_

---

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 Fax 949.366.6026  
 www.thecollaborative.com

**The Reserve East  
 Internal Slopes &  
 Parkways  
 (Tract # 16212)**

Laing Forster  
 Ranch II LLC



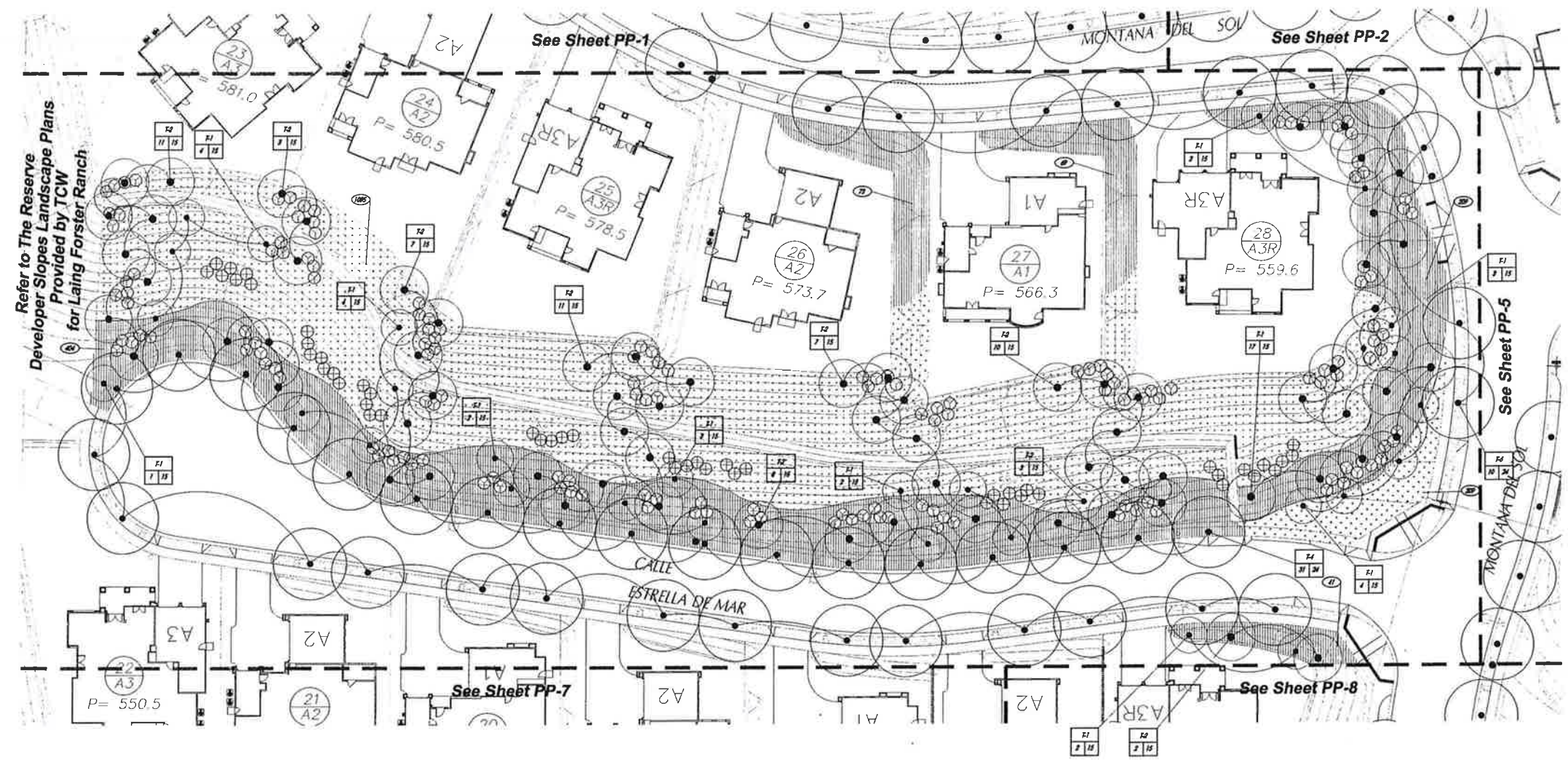
Planting  
 Plan

Job No.: LH05-48  
 Drawn: X  
 Scale: As Shown  
 Checked: SS,SC

**PP-8**  
 Sheet 23 of 28

The Reserve East Internal Slopes & Parkways - LH05-48

Date	Description
4-25-02	First submittal
7-01-02	Submitted for Approval



**AREA DETERMINATION CHART**

# City Requirements For Slope Planting  
 1 tree per 500 s.f.  
 1 shrub per 75 s.f.

# Total Square Feet	41,305
Min. Slope Trees Required	83
Min. Slope Shrubs Required	550
# Total Slope Trees This Sheet	101
# Total Slope Shrubs This Sheet	1,850

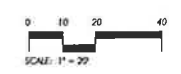
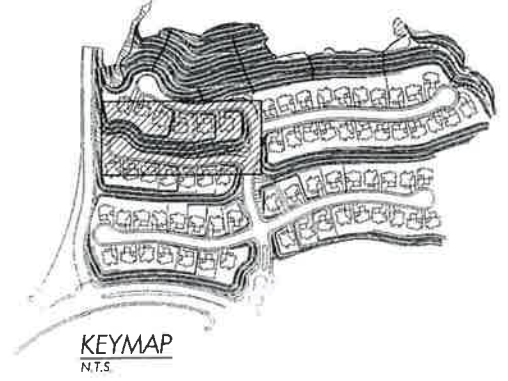
**Planting Legend**

Symbol	Botanical Name	Common Name	Size & Comments
<b>TREES</b>			
T-1	Melaleuca quinquenervia	Callitrus Tree	36" 24" box, 15 gal
T-2	Pinus halepensis	Allegro Pine	36" 24" box, 15 gal
T-3	Quercus suber	Cork Oak	36" 24" box, 15 gal
T-4	Platanus chinensis	Chinese Platanus	24" box, Standard
T-5	Podocarpus grandis	Fern Pine	24" box, Standard rounded form
T-6	Ulmus parvifolia 'Tree Green'	Chinese Elm Tree	24" box

Symbol	Botanical Name	Common Name	Size & Comments	Quantity
<b>SHRUBS</b>				
S-1	Melaleuca nesophila	Pink Melaleuca	5 gal.	49
S-2	Rhus integrifolia	Lemonade Berry	5 gal.	157

Symbol	Botanical Name	Common Name	Size & Comments
<b>GROUNDCOVERS</b>			
G-1	Arctostaphylos uva-ursi	Arctostaphylos	1 gal @ 5' o.c.
G-2	Horsetail	Horsetail	Sod
G-3	Mimulus lewisii	Mimulus	1 gal @ 5' o.c.

- Contractor is responsible to provide all plant material required to conform to specified plant spacing.
  - Indicates quantity
  - Indicates tree type
  - Indicates tree size
  - Shovel cut
- NOTES:**
- Plant Mark: The contractor is to provide 2" deep medium grade redwood chips in all shrub and ground cover areas except in areas to receive grasses as indicated on the plans. Submit a sample for L.A. approval prior to installation. Available from: Recycled Wood Products (714) 941-0189
  - Root Barriers: The Contractor is to provide root barriers for all trees planted within 5'-0" of any landscape including walkways and entry monuments. Root barrier depth to be min. 24" and run continuous along curb, sidewalk, 1/8" inch sand for minimum of 10' from the center of the tree in both directions.
  - After Clients: Install "Deep Root" order guards to all trees planted in turf areas installed per manufacturer recommendations.
  - Allow for Rotted ground cover (Grass) - Mimulus Yellow planted at 12" o.c. on all slope areas.



APPROVED DENIED DATE  
 PRELIMINARY PLANS    
 FINAL PLANS    
 BY: [Signature]

Laing Forster  
 Ranch II LLC



Sheet Title:  
 Planting Plan

Job No: LH05-4A  
 Drawn: [DRAWN\_BY]  
 Date: X  
 Scale: As Shown  
 Checked: [CHECKED\_BY]

Sheet Reference:  
 PP-6

Sheet: 19 of 24

The Reserve North Internal Slopes & Parkways - LH05-4A  
 City Plan Number 02-008



## Design Review Subcommittee (DRSC)

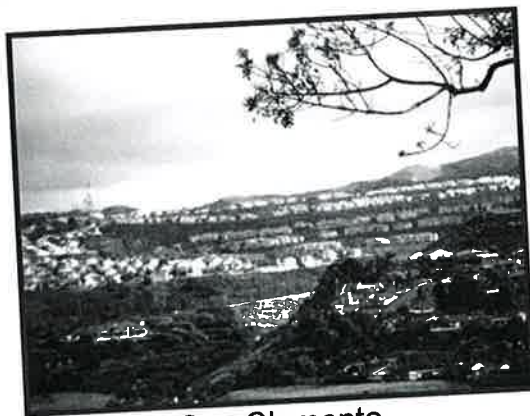
Meeting Date: June 9, 2016

**PLANNER:** John Ciampa, Associate Planner

**SUBJECT:** Amendment to Site Plan Permit 98-63, Reserve Landscaping a request to modify the approved landscape plan for the Reserve community in the Residential Low (RL) zoning designation of the Forster Ranch Specific Plan. The project site is located at the corner of Avenida Vista Hermosa and Avenida Vera Cruz.

### BACKGROUND:

In the 1980s when Rancho San Clemente was under construction concern was raised when house rooftops projected above the primary ridgeline silhouette. There was also concern that the development was clearly visible from Avenida Pico. To address these issues the City required the developer to regrade 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 3) was created. The HDO has a number of design requirements to address the issues created by Rancho San Clemente development to ensure future developments blend in with the natural environment.



San Clemente



Another Jurisdiction

The Reserve community was originally proposed in another location in the Foster 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 City's HDO. The City Council ultimately approved the development in 1999, with conditions of approval imposed to screen the development from public views as required by the City's HDO. The

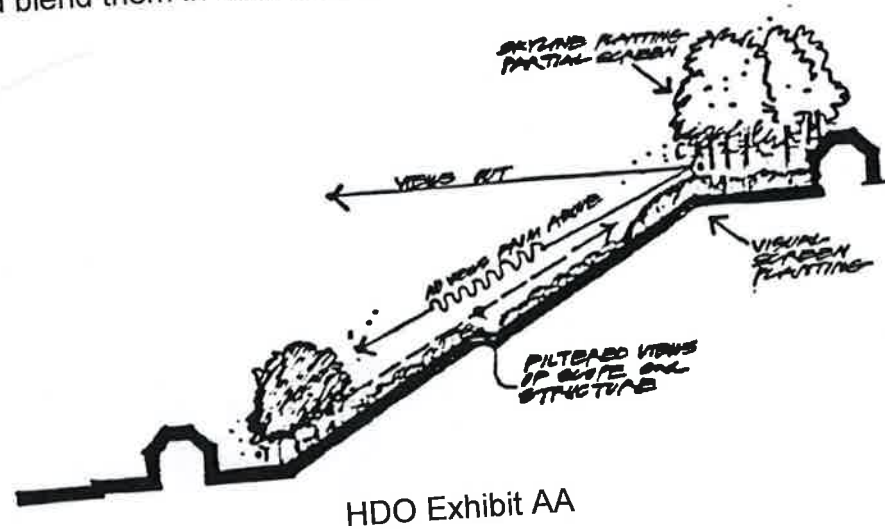
AM SPP 98-63, Reserve Landscaping Amendment

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 corridors but still allow view corridors for the property owners to the ocean (Attachment 5). The developer agreed to the requirement ensuring the project complies with the HDO and included a covenant in its CC&Rs to ensure the landscape mitigation was achieved. Below are the conditions of approval that relate to the landscape requirements from the Reserve developments approved Resolution (Attachment 4).

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.

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.

The approved plan complied with the HDO standards by placing taller trees at the top of the slope parallel to the houses' side property lines, to screen the development from public views and still provide an ocean view corridor for the property owners. Design examples are shown in HDO Exhibits A, G, X, Z, AA and BB that are similar to the approved landscape plan approved for the Reserve. These exhibits provide requirements for hillside developers to make projects visually pleasing and blend them in with the natural environment.



## AM SPP 98-63, Reserve Landscaping 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.



HDO Exhibit Y

During the initial sell of the homes, 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 Associations' tree maintenance obligations, and the conditions of approval discussed above. The alteration and removal of trees has 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 from residents in the community regarding the removal, altering, and damaging of trees and other landscape on the common area slopes. Since 2012, the City and the Reserve HOA are working together to resolve the violation. In settlement discussions following a Code Enforcement Administrative Hearing in 2015, the City and the HOA agreed that the HOA would submit an amendment to the original Site Plan Permit to modify the landscaping.

### **Project**

The applicant, Reserve HOA and landscape maintenance company, are requesting an amendment to the approved landscape plans for the Reserve Community. The proposed landscape plan would modify the common area slope planting pallet, propose new locations for trees on the common area slopes, amend the CC&Rs to allow the Association to remove trees at their discretion without City approval, and establish a criteria for when topped trees should be replaced. The project includes a conceptual landscape plan for the replacement of trees that were illegally removed and topped. Since the revised plan is not in substantial conformance with the City Council approved landscape plan an amendment to the Site Plan Permit is required.



*Why DRSC Review is Required*

An Amendment to the Site Plan Permit is required because the project would amend the Site Plan Permit for a new conceptual landscape plan for the common area slopes of the Reserve community. The DRSC is tasked to ensure the proposed landscaping design is consistent with the HDO requirements.

**ANALYSIS:**

***Hillside Development Ordinance/General Plan Consistency***

The policies of the General Plan and standards identified in the Hillside Development Ordinance, Section 15.40 of the municipal code, require development projects to blend in with the natural environment by incorporating site design, grading, and landscape designs. The proposed amendment should incorporate design elements that address the original concerns of the City Council, comply with the HDO, and General Plan. HDO standards and General Plan Policies applicable to the project are provided below:

*15.40.050.A.2. Panoramic views from hillside roads and public places are as important to the character and amenities of the community as views facing the hillside development. The provision for view opportunities for all residents and visitors plays an important role in creating a positive character for hillside communities.*

*15.40.050.B.1 Quality hillside development blends manmade and man-introduced factors with the natural environment. Therefore, architecture and landscape shall be harmoniously integrated into the natural environment. (See Exhibit A in Attachment 2)*

*15.40.060.C. The visual character of hillsides shall be maintained, recognizing both the importance of the exposure of hillside development to off-site public views and the importance of providing panoramic views from the hillside.*

*15.40.070.5.a. No tentative subdivision map shall be approved unless conditioned upon the preparation and recordation of a declaration of covenants, conditions and restrictions providing for the development and maintenance of slopes as required by the Hillside Development Regulations.*

*15.40.070.D.1.f. Trees shall be arranged in informal masses and shall be placed to selectively allow views from housing while partially screening buildings and reducing the scale of overpowering, long, steep slopes. (See Exhibit Y in appendix to this chapter.)*

***General Plan Policies Related to Maintenance of Landscape Area***

*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.*

AM SPP 98-63, Reserve Landscaping Amendment

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.

The slope landscaping was a critical component of the City Council's approval of the development. The amended landscape plan should accomplish the same aesthetic requirements as the original landscape plan that located trees near the top of the slope, parallel to the side property lines. Some trees still remain on the common area slopes where landscaping provides the intended screening of the community, while in other areas some or all of the trees have been removed or topped, leaving the houses complete visible.

The proposal is not consistent with the HDO or General Plan, which calls for placing trees at the top of common area slopes to screen the development from public view areas along Avenida Hermosa and Avenida Pico. The proposal locates trees at the bottom of the slope and will not provide any screening of the development, which would result in the public to having a clear line of sight to the houses from Avenida Vista Hermosa and Avenida Pico. The trees and shrubs selected for the common area slopes do not have the potential vertical growth to provide the necessary screening of the community.



Areas Missing Trees

To bring the development into compliance with the HDO landscaping should be provided at the top of the slopes to blend the community in with the natural environment. The trees proposed are shrubs and smaller trees like Fearnleaf Acacia, Peppermint Tree, and the Strawberry Tree that do not provide the vertical growth needed to screen the development. The proposed trees should be replaced with taller trees to accomplish the required screening. The City's Landscape Architect, Pat Murphy, provide a list of trees that would provide the required vertical growth need to screen the community and comply with the OCFA's allowed planting list (Attachment 6).

## AM SPP 98-63, Reserve Landscaping Amendment

### RECOMMENDATIONS:

The following recommendations would bring the amendment in compliance with the HDO, General Plan:

1. Page one of the report identifies tree removal requirements. It should state that the City is the final authority for the removal of all trees. Trees that are proposed to be removed because they were topped or damaged beyond repair will be approved by the City.
2. The topped trees that require removal and replacement should be identified on a map. If the mapping of these trees cannot be completed, a process and timeline should be developed to evaluate all of the topped trees and prioritize when the trees will be replaced.
3. Page five of the report identifies the slope planting palette. The trees selected for the slope need to provide the vertical growth necessary to soften the development. The trees proposed do not have the necessary vertical growth to blend the development in with the natural environment.
4. The proposal for the California Sycamore tree as a street tree seems too large and out of character with the community.
5. The visual analysis provided on sheet 12 of the proposal is inadequate to show a clear representation of how the proposed landscape amendment for the common area slopes would comply with the HDO design requirements. The visual analysis needs to be provided from the perspective of Avenida Vista Hermosa to determine if the proposed landscape concept would comply with the HDO and be consistent with the previous approved landscape plan. The graphic on page 12 only shows a small area of the slope in the community and should be expanded to show the views of the community from the public areas along Avenida Vista Hermosa.
6. A mock-up of the proposed landscape should be provided like in the original conditions of approval to ensure the proposal is in compliance with the HDO.
7. To be consistent with the City Council approved landscape plan, General Plan, and the HDO the section cut shown on page 11 should be modified to have the vertical trees placed at the top of the slope.
8. The proposed four year Plan for planting trees shown on sheet 14 does not seem to accurately identify all of the trees missing and the required new trees.
9. Staff is not in support of the proposed amendments to the CC&Rs related to the restrictions on the removal of slope trees because of current compliance issues and to ensure the continued protection of the required landscaping.

### CONCLUSION

Staff seeks DRSC concurrence with the above recommendations and welcomes additional input. Staff recommends the revised conceptual landscape plan return to the DRSC for review once changes are made.

**Attachments:**

1. Location Map
2. Reserve Development Staff Reports
3. Hillside Development Ordinance
4. Approved Resolution for the Reserve Development
5. Approved Landscape Plans excerpted
6. City's Recommended Common Area Slope Tree Pallet
7. Photos
8. Proposed Amendment Concept

These minutes will be considered for approval at the DRSC meeting of June 29, 2016.

**CITY OF SAN CLEMENTE  
MINUTES OF THE REGULAR MEETING OF THE  
DESIGN REVIEW SUBCOMMITTEE  
June 09, 2016**

Subcommittee Members Present: Bart Crandell, Wayne Eggleston, Jim Ruehlin

Staff Present: Cliff Jones, John Ciampa, Jim Pechous

1. **MINUTES**

The minutes of the Design Review Subcommittee meeting of May 25, 2016 were approved.

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

**Amendment to Site Plan Permit 98-63 – Reserve Landscaping**  
(Ciampa)

A request to modify the approved landscape plan for the Reserve community in the Residential Low (RL) zoning designation of the Forster Ranch Specific Plan. The project site is located at the corner of Avenida Vista Hermosa and Avenida Vera Cruz.

Associate Planner John Ciampa summarized the staff report.

The representatives of the Reserve community provided the following comments on the proposed Site Plan Permit Amendment for the modified landscaping for the Reserve community:

- Concern was raised as to whether all of the trees were ever planted and if they were placed in the correct location identified in the landscape plan.
- Some of the existing conditions do not meet the original plan and those issues need to be corrected.
- Slope trees should be planted with more appropriate species of trees and should be located to create corridor views and have trees at the bottom of the slope to provide privacy to homes down the slope.
- Past requests for the individual removal of trees were too time consuming and a new process needs to be established for requests for tree removals.

The City's Landscape Architect, Pat Murphy, provided the following comments or recommendations on the proposed amendment:

- The development should look like it was cut out of the forest.
- The Landscape Architect of record for the original project design is responsible for ensuring the landscaping is installed per plan.
- There is room for improvement on the approved landscaping plan because more is known now about landscaping and there are better known options for slope trees than what was installed.
- A three year plan for the installation of the planting is recommended. A technical approach should be taken for the tree installation locations based on the analysis of the views and how best to screen the development from public view. The installation of trees should not be divided up into quadrants installed at different times but percentages over the entire community.
- Locations of existing trees that were improperly placed need to be added into the new proposal and new trees should be added to appropriate areas to comply with the Hillside Development Ordinance (HDO).
- Evaluations need to be on an as needed basis to address future issues.
- An established process should be developed to review future requests for the removal of trees that were improperly placed or are dangerous.

After reviewing the revised plans the Design Review Subcommittee made the following comments either individually or as a group:

- The landscape requirement for the Reserve was created to avoid past issues of residential tracts that were poorly arranged on the hillside and created a stair step design on the hillside. The landscape requirement was added to the project to enhance the community and avoid the stair step design of the development to comply with the General Plan and the HDO.
- The Reserve development was originally proposed in another location and the current location was to be open space and that is one reason why the landscape condition was applied to the approval of the development. The intent of the condition was to make the area appear more like natural open space.
- The purview of the DRSC is not to preserve private views but ensure the proposed amendment is consistent with the General Plan and the HDO.
- The DRSC agreed with Pat Murphy's recommendation to install 33 percent of trees each year, of the 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.

- The placement of trees in areas where they are missing should be strategic, screen the development while allowing ocean view corridors, and comply with the HDO.
- A site plan of the amendment is needed to ensure the proposal is in compliance with the HDO and is at least as effective as the approved plan for the development.
- The proposal should utilize the approved landscape plan as the foundation to develop the amended landscape plan. The plan should document what is existing from what is proposed. If there are improper locations of trees on site that do not represent the approved landscape plan then they should be identified on the plans and identify that the tree should be relocated or is no longer necessary because screening trees already exist in the area.
- The tree pallet proposed is compatible with the community.
- Skyline trees need to be incorporated into the plan to provide the necessary screening of the development to bring it into conformance with the HDO and the intent of the approved landscape plan.
- A maintenance plan that establishes criteria for the requested removal of trees should be developed with the project.
- More information needs to be provided to ensure the proposed amendment is in compliance with the HDO and the General Plan.
- The HOA needs to improve the education to the owners to avoid owners cutting down trees to improve their views.

The DRSC requested the applicant incorporate the requested modifications and come back to the DRSC for review.

**3. NEW BUSINESS**

None

**4. OLD BUSINESS**

None

**ADJOURNMENT**

Adjourn to the Regular Meeting of the Design Review Subcommittee to be held June 29, 2016 at 3:00 p.m., at the Community Development Department, Conference Room A, located at 910 Calle Negocio, Suite 100, San Clemente, California.

Respectfully submitted,



## Design Review Subcommittee (DRSC)

Meeting Date: August 24, 2016

**PLANNER:** John Ciampa, Associate Planner

**SUBJECT:** **Amendment to Site Plan Permit 98-63, Reserve Landscaping** a request to modify the approved landscape plan for the Reserve community in the Residential Low (RL) zoning designation of the Forster Ranch Specific Plan. The project site is located at the corner of Avenida Vista Hermosa and Avenida Vera Cruz.

### **BACKGROUND:**

On June 9, 2016, the Design Review Subcommittee (DRSC) reviewed the proposed amendment to the landscaping plan for the Reserve community. The DRSC's position was that the proposed amendment did not comply with the Hillside Development Ordinance (HDO) because skyline trees were not incorporated into the common area slopes to screen views to the houses. The DRSC also felt that a maintenance plan should also be created to establish criteria for when the removal of trees would be permitted. The staff report and minutes from the meeting are provided as Attachment 2. The DRSC directed the applicant to 1) revise the submittal and provide a concept plan to depict how the amended landscape plan would be designed for all of the common area slopes, and 2) provide a maintenance plan that identifies criteria to allow the removal of trees, submittal requirements, and review procedures.

Following the DRSC meeting, the applicant met with staff on two occasions and modified the plans to address the DRSC comments. The revised amendment is intended to bring the landscape design into compliance with the original approval and the HDO, General Plan.

### ***Project***

The applicants, Reserve HOA and Monarch Environmental, are requesting an amendment to the Site Plan Permit to modify the landscape plans for the Reserve Community. The proposed landscape plan would modify the common area slope planting pallet, propose new locations for trees on the common area slopes, amend the CC&Rs to allow the Association to remove trees as part of the maintenance plan tree removal allowances, and establish a criteria for when topped trees should be replaced. The project includes a conceptual landscape plan for the replacement of trees that were illegally removed, topped, dead/diseased, or inappropriately placed. The concept areas identified on the plans represent typical areas of the common area slopes and how the landscaping would be installed throughout the community.



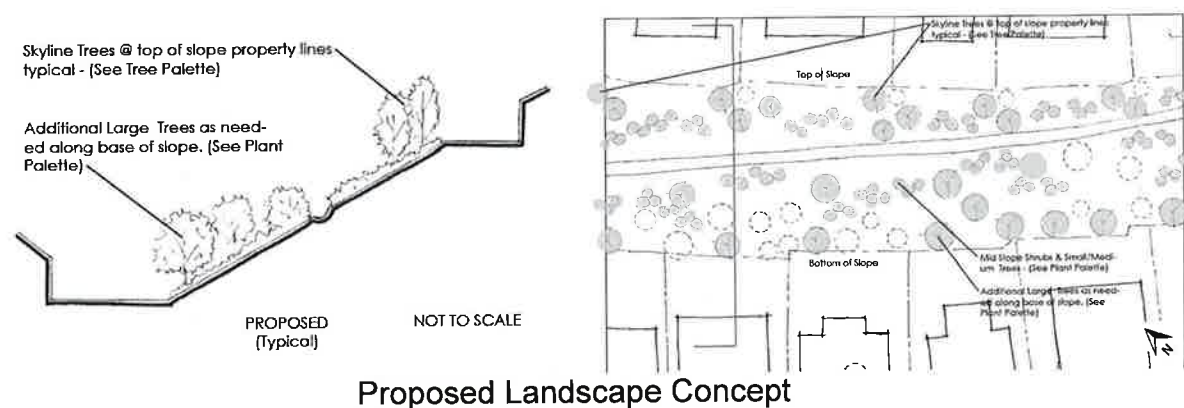
*Why DRSC Review is Required*

An Amendment to the Site Plan Permit is required because the project would amend the Site Plan Permit for a new conceptual landscape plan for the common area slopes of the Reserve community. The DRSC is tasked to ensure the proposed landscaping design is consistent with the HDO requirements and the General Plan.

**ANALYSIS:**

***Hillside Development Ordinance/General Plan Consistency***

The revised submittal from the Reserve community addresses DRSC's comments with a concept plan for the slopes in typical areas. The plans include cross-sections to show the slope with mid level trees and skyline trees to accomplish the requirements of the HDO, General Plan, and the original approval of the development. The placement of the skyline trees would be along the side property lines and at the top of the slope to screen the houses but still provide corridor ocean views for the homeowners. Lower/mid slope trees that will break-up the slope, provide stability, and screen the houses that are down slope from the houses above.



The placement of skyline trees at the top of the common area slopes in informal groupings of two and three trees to blend the hillside development in with the landscaping. The cross-section above depicts a typical hillside section of the Reserve community and the grouping of trees that will be added to the common area hillside. The tree groupings and their placement at the top of the slope would achieve the intent of the HDO, and General Plan requirements for hillside development.

The Maintenance Plan was developed in partnership with the City and Monarch Environmental. The plan includes an approved list of steps and coordination requirements that must be followed to allow the removal of a topped, dangerous, or misplaced tree. The plan establishes the framework for when trees can be replaced. The Reserve HOA has incorporated into the plan that the proposed Maintenance Plan would only require City approval if a tree removal/replacement does not comply with the

identified criteria (Dead/dying, diseased, dangerous, destructive, inappropriately placed trees, and topped trees that cannot be crown restored). Staff's position is that the Maintenance Plan should be revised to require all skyline tree removal should 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. Additionally, all tree removal requests should 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
- 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

The Reserve HOA also identified in the Maintenance Plan that the allowance to remove trees in the plan will supersede the requirements identified in the CC&Rs. Since the original approval placed specific limitations on the removal of trees from the common areas that were incorporated into the conditions of approval and the CC&Rs both must be amended to be consistent with the Maintenance Plan.

#### **CONCLUSION**

Staff seeks DRSC concurrence with the above analysis and welcomes additional input. Staff recommends the project be forwarded to Planning Commission for their recommendation to City Council.

#### ***Attachments:***

1. Location Map
2. June 9, 2016 DRSC Minutes and Staff Report
3. 1999 Reserve Development Staff Reports
4. Hillside Development Ordinance
5. Approved Resolution for the Reserve Development
6. Approved Landscape Plans excerpted
7. Photos
8. Proposed Reserve Maintenance Plan
9. Proposed Amendment Concept Plans

- All Subcommittee members recommend to paint the building white with brown accent colors on the window frames.
- Two Subcommittee members are not supportive of the metal roof. They recommend going back to the original building permit with approval of a shake roof or equivalent.
- One Subcommittee member recommended to paint the metal roof a red or terra cotta color more consistent with Spanish Colonial Revival Architecture.

**B. Amendment to Site Plan Permit 98-63, Reserve Landscaping**  
(Ciampa)

A request to modify the approved landscape plan for the Reserve community in the Residential Low (RL) zoning designation of the Forster Ranch Specific Plan. The project site is located at the corner of Avenida Vista Hermosa and Avenida Vera Cruz.

Associate Planner John Ciampa summarized the staff report.

The City's Landscape Architect, Pat Murphy, summarized the history of the Reserve development and why there were restrictions limiting the removal of tree on the common area slopes. He outlined the steps that have taken pace in the process and reviewed the proposed amendment to the landscape plan. He also stated that the City and the applicant have worked together to develop a win-win design for the community and the City.

The applicant, Matt Davenport, requested that there be no City oversight and that the community provide quarterly reports to the City on the tree removals.

The DRSC supported the proposed concept plan and recommended that the Maintenance Plan require City oversight for the removal of skyline trees to ensure there is administrative review to ensure compliance with the Guidelines and the Hillside Development Ordinance.

The DRSC recommended the above modifications be included into the project proposal and move forward to Planning Commission for consideration.

**C. New Monument Sign for Ole Hanson Beach Club** (Gregg)

A request to review the design of the Ole Hanson Beach Club monument sign.

## Reserve Community Tree Maintenance Plan

### Background:

In the 1980s when Rancho San Clemente was under construction, concern was raised when house rooftops projected above the primary ridgeline silhouette. There was also concern that the development was clearly visible from Avenida Pico. To address these issues the City required the developer to regrade 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) was created. The HDO has a number of design requirements for hillside developments to ensure future developments blend in with the natural environment.



*San Clemente*



*Another Jurisdiction*

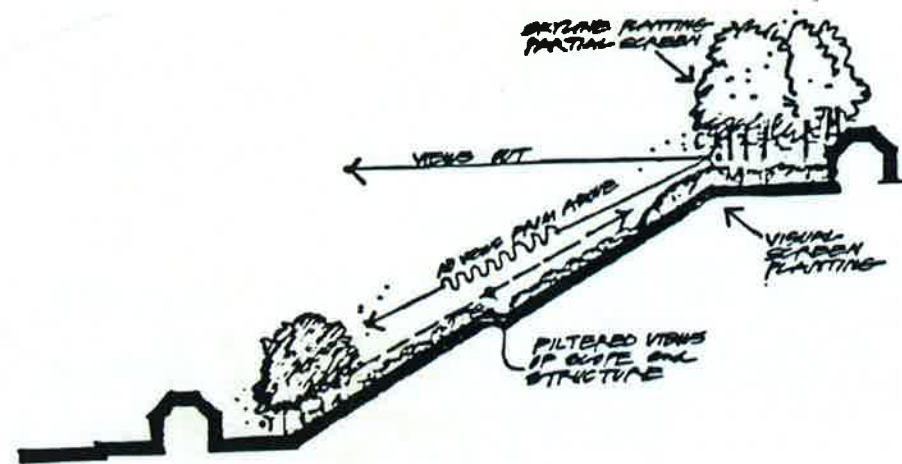
The Reserve community was originally proposed in another location in the Foster Ranch; however, there were environmental issues with the site so the City and the developer identified the current location (which was zoned open space) as an alternative. While processing the application for the Reserve development the City had difficulty finding the project in conformance with the City's HDO. The City Council ultimately approved the development in 1999, with conditions of approval imposed to preserve the landscape 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 corridors but still allow view corridors for the property owners to the ocean. To ensure the community stayed in compliance with the requirement, the City Council required the developer to 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.

*Condition 2 (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.

The approved plan complied with the HDO standards by placing taller trees at the top of the slope parallel to the houses' side property lines, to screen the development from public views and still provide an ocean view corridor for the property owners. 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 and the concept plans approved as an Amendment. These exhibits provide requirements for hillside developers to make projects visually pleasing and blend them in with the natural environment.



HDO Exhibit AA

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.



HDO Exhibit Y

**Purpose**

The purpose of the Tree Maintenance Plan is to establish guidelines and a formal review procedure for the removal of trees on the common area slopes in the Reserve community. The Tree Maintenance Plan will ensure that the landscape design is maintained and is in compliance with the requirements of the HDO. The purpose of the guidelines and review procedures is to establish a standard review process for evaluate tree removal requests that fall within the established criteria, noted in the section below. The Plan establishes the framework and review criteria for the removal of trees so modifications are consistent with the approved plans. The plan also establishes specific locations and tree pallets that are approved for replacement trees to ensure the landscaping remains in conformance with the approved plan and the requirements of the HDO.



Common Area Landscape Design Concept Plan

**Tree Removal Criteria**

The Association shall not remove trees solely for purposes of maintaining views.

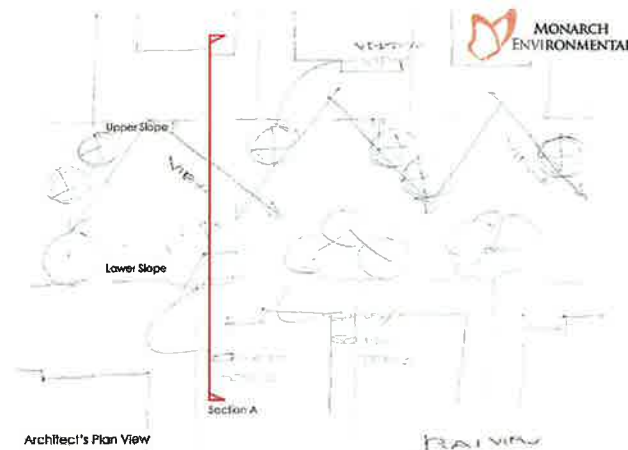
As part of the consideration for the removal of a tree an arborist shall be involved in evaluating the condition of the tree with the standards recognized and practiced by the

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

Tree removal requests that do not meet this criteria are subject to City Planner review. The City Planner has the discretion to elevate the tree removal decision to the Planning Commission.



*Plan View - Concept Landscape Plan*

### **Tree Removal Authorization**

Skyline tree removal requests identified by an arborist and the landscape maintenance company that do not qualify for removal shall require a submittal package to the City that includes the following information for review:

- Map identifying the tree location
- Description and condition of the tree
- 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

These unique 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 Pre-Approved Criteria may be subject to City Planner review. The City Planner has the discretion to elevate the tree removal decision to the Planning Commission.

Typical tree removal request shall be reviewed within two weeks.

Photo documentation of the installation of a replacement tree will be sent to the Planning Division following the installation of the tree.

## TREE PALETTE

### Skyline Trees



*Lyonothamnus floribunda*  
Catalina Ironwood



*Tristania conferta*  
Brisbane Box Tree



*Melaleuca quinquenervia*  
Broadleaved Paperbark

### Lower / Mid Slope Trees



*Quercus virginiana*  
Southern Live Oak



*Schinus molle*  
California Pepper



*Rhus lancea*  
African Sumac



*Agonis flexuosa*  
Peppermint Tree



The Reserve CC&Rs Proposed Amendment

Article VIII, USE RESTRICTIONS, Section 29. Trees Installed by Declarant or Merchant Builder. Neither the Association nor any Owner shall remove or alter, beyond that which is required or necessary for normal maintenance, any tree originally installed by Declarant or Merchant Builder in the Project, unless the prior written approval of the Architectural Review Committee and the City is first obtained.

Replace with the following:

**Tree Removal Criteria**

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

**Tree Removal Authorization**

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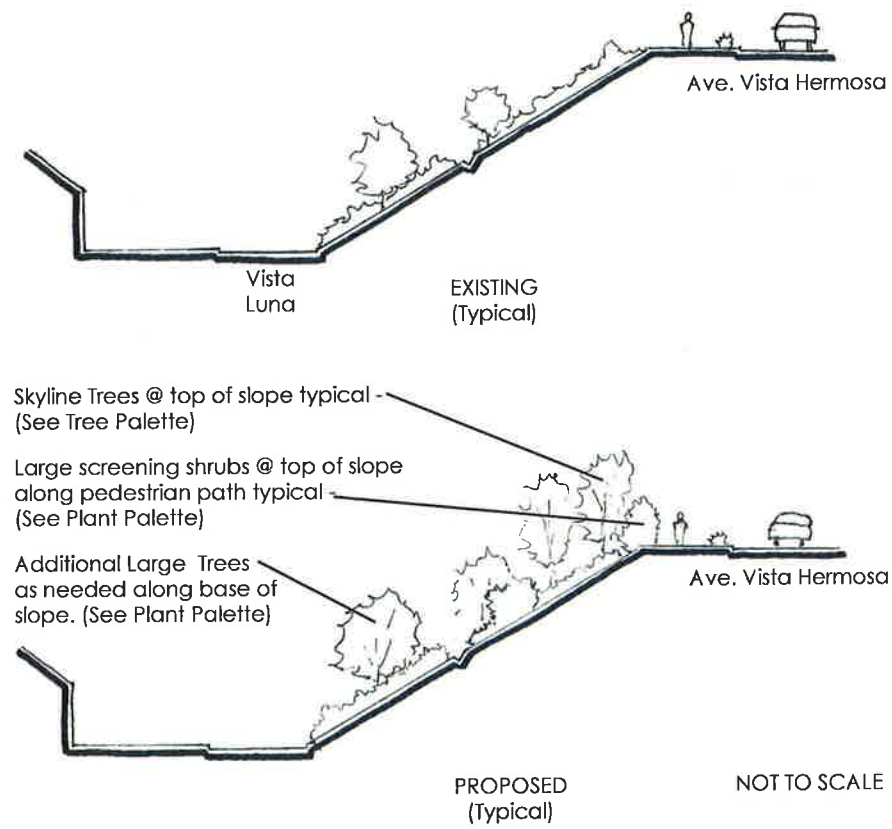
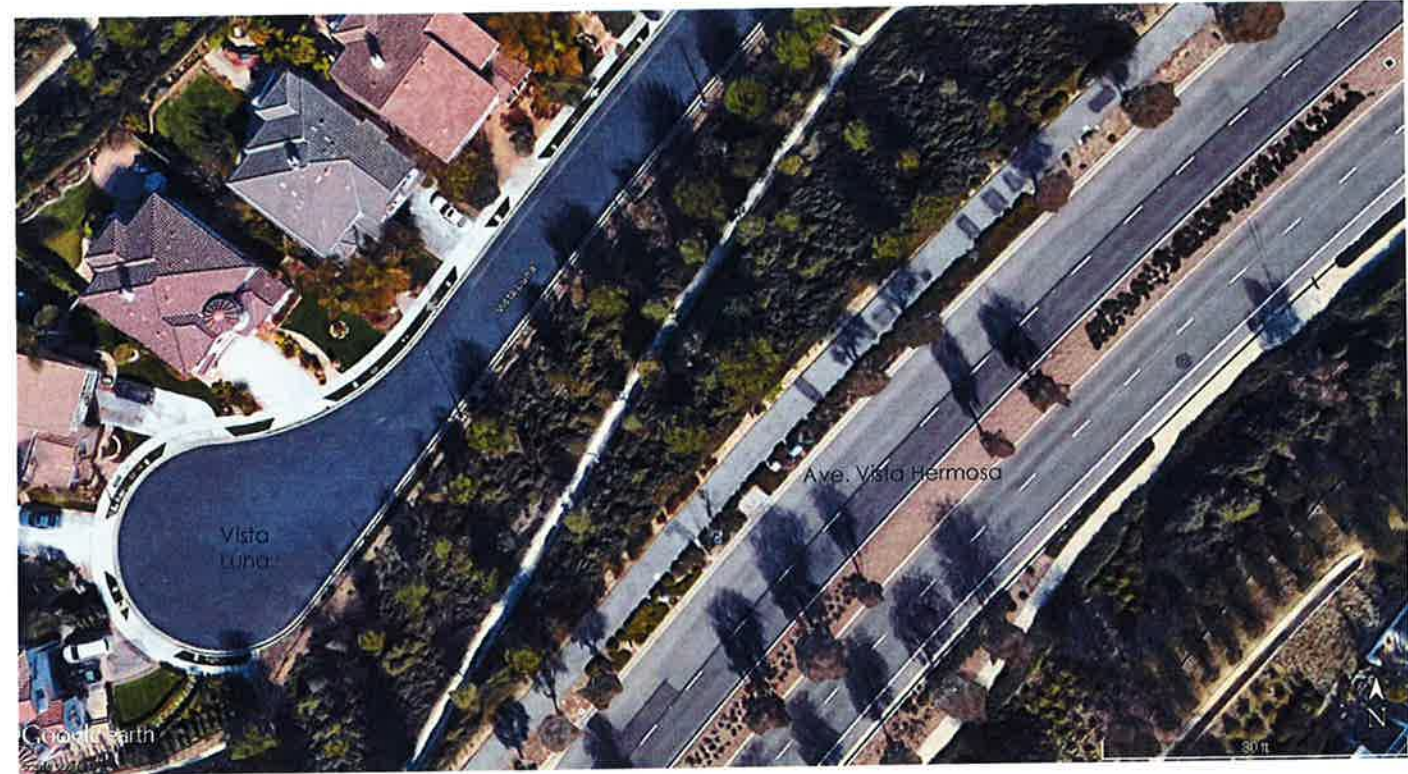
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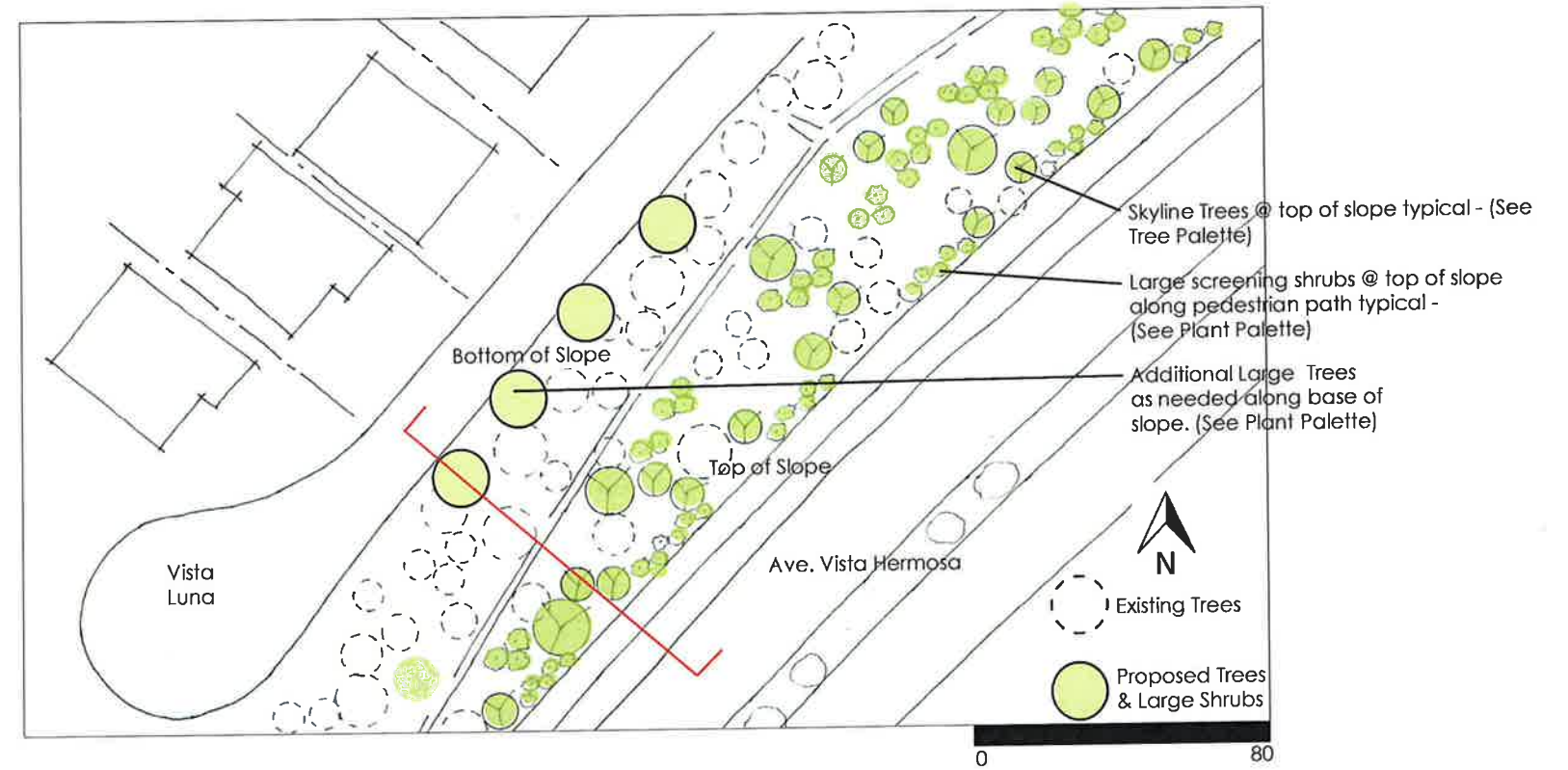
# AVE. VISTA HERMOSA / VISTA LUNA



LOCATION MAP



- Skyline Trees @ top of slope typical - (See Tree Palette)
- Large screening shrubs @ top of slope along pedestrian path typical - (See Plant Palette)
- Additional Large Trees as needed along base of slope. (See Plant Palette)

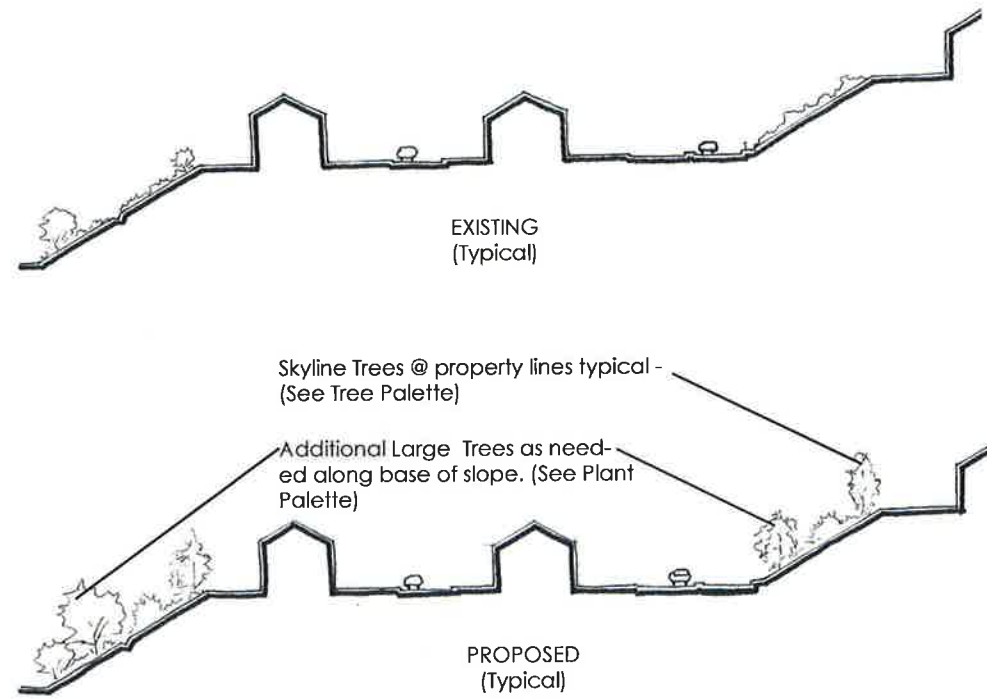


- Skyline Trees @ top of slope typical - (See Tree Palette)
- Large screening shrubs @ top of slope along pedestrian path typical - (See Plant Palette)
- Additional Large Trees as needed along base of slope. (See Plant Palette)

# CAMINO VERA CRUZ & COSTERO HERMOSO



LOCATION MAP



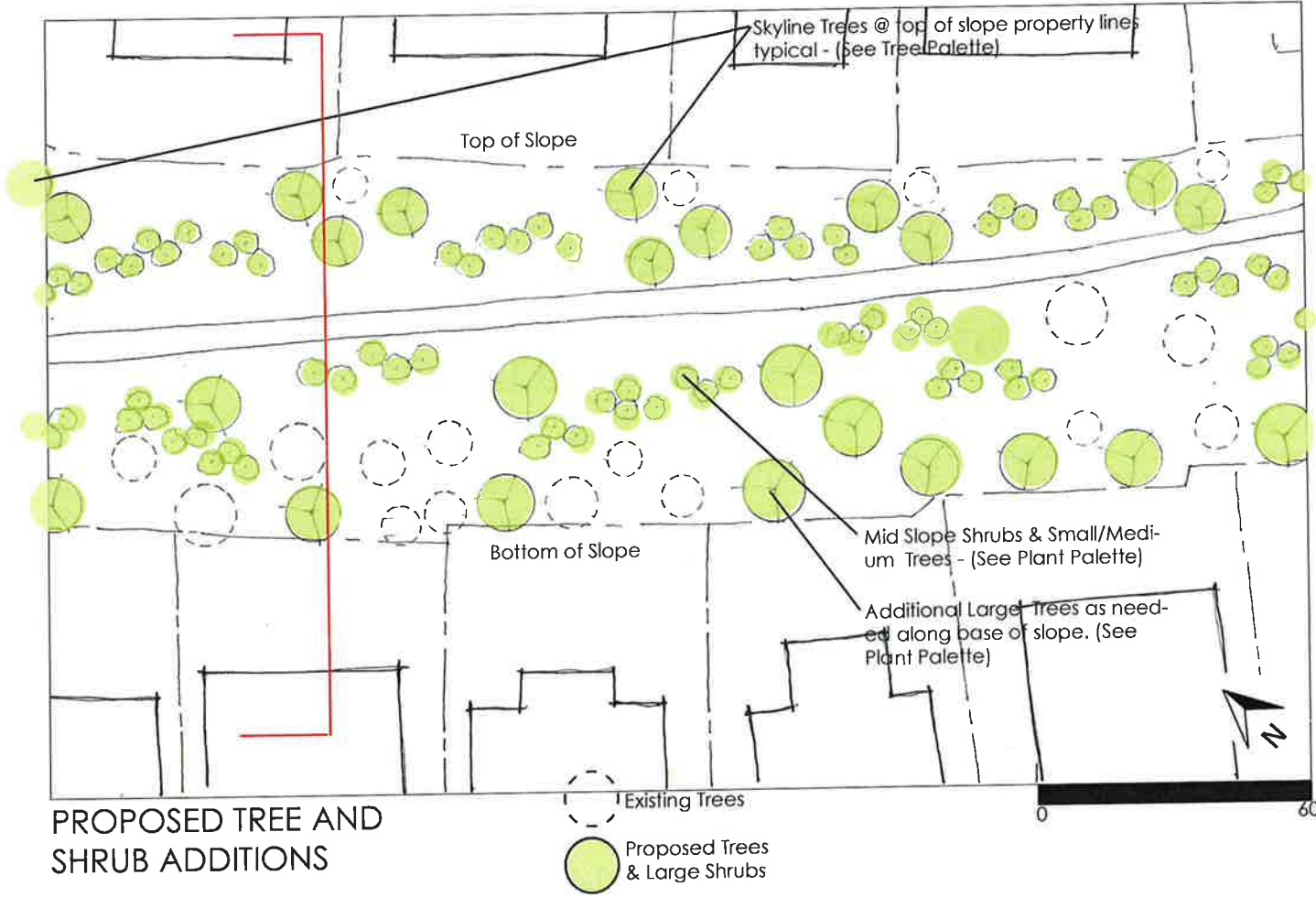
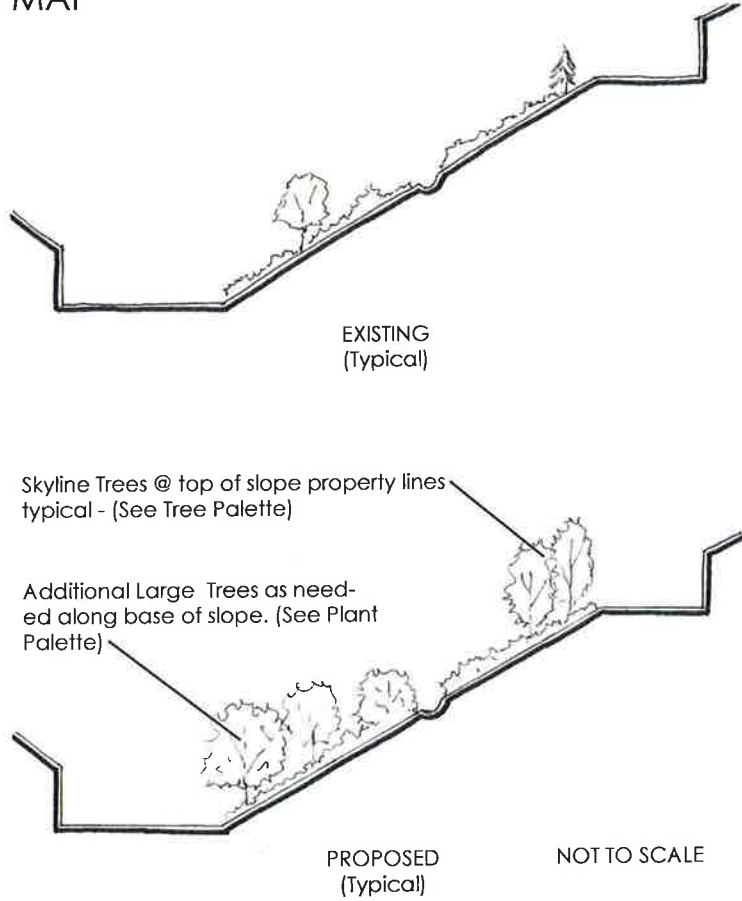
NOT TO SCALE



# CAMINO VERA CRUZ & COSTERO HERMOSO



LOCATION MAP



PROPOSED TREE AND SHRUB ADDITIONS

# CUL DE SAC @ CALLE DE ESTRELLA DE MAR

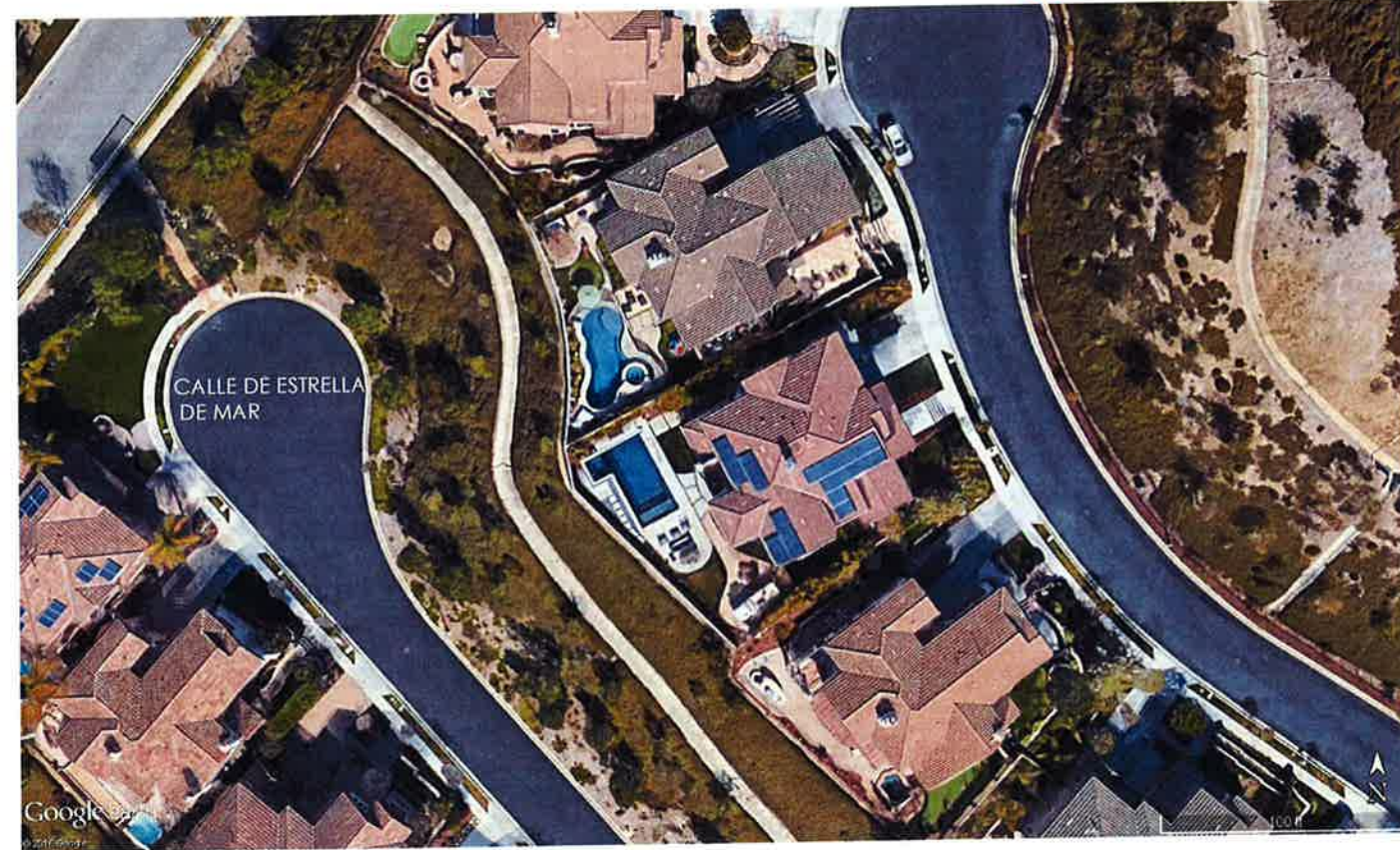


LOCATION MAP

Calle de Estrella de Mar

## NOTES:

- These renderings are conceptual, intended for informational purposes and to indicate design intent only. They are not intended as construction documentation or planting plans.
- Final plant counts and actual placement of trees and shrubs to be assessed and verified in field using this concept in accordance with the City of San Clemente tree coverage guidelines.



PROPOSED TREE AND SHRUB ADDITIONS

0 100

# TREE PALETTE

## Skyline Trees



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