



# STAFF REPORT

## SAN CLEMENTE PLANNING COMMISSION

Date: October 4, 2017

**PLANNER:** Amy Vazquez, Contract Planner *AV*

**SUBJECT:** Amendment to Discretionary Sign Permit 11-509 (Valero Master Sign Program), a request to amend a previously-approved Master Sign Program, consisting of the removal of freeway-oriented wall signs and to retain a freeway-oriented pole sign at 504 North Avenida De La Estrella.

### BACKGROUND

On April 3, 2013, the Planning Commission unanimously adopted Resolution No. PC 13-014, conditionally approving Conditional Use Permit 11-507/ Sign Exception Permit 11-508/ Discretionary Sign Permit 11-509/ Minor Conditional Use Permit 11-510/ Architectural Permit 11-511/ and Site Plan Permit 11-512 to allow the reconstruction of the Valero service station at 504 Avenida De La Estrella.

On April 20, 2016, the Planning Commission approved Resolution No. PC 16-013, granting a three-year time extension to initiate the project. The time extension will expire on April 3, 2019.

### *Noticing*

Public notices were distributed and posted per City and State requirements. Staff has not received any public comments on this item to-date.

### PROJECT ANALYSIS

The previously-approved project entitlements permitted a complete reconstruction of the Valero service station to accommodate an expanded convenience store, a new drive-through carwash tunnel, and a new Master Sign Program. The approved Master Sign Program includes a requirement that the freeway-oriented pole sign be removed. This stipulation was based on findings in the resolution that the new freeway-oriented wall signs provided similar brand identification as the pole sign.

The applicant has provided a project narrative stating that the existing pole sign is critical to provide visibility to the service station for the freeway due to topographical constraints. They indicated that California Business and Professions Code Section 5499 applies to this service station.

Section 5499 states:

*“Regardless of any other provision of this chapter or other law, no city or county shall require the removal of any on-premises advertising display based on the basis of its height or size by requiring conformance with any ordinance or regulation introduced or adopted on or after March 21, 1983, if special topographical circumstances would result in a material impairment of visibility of the display or the owner’s or user’s ability to adequately and effectively continue to communicate with the public through the use of the display. Under these circumstances, the owner or user may maintain the advertising display at the business premises and at a location necessary for continued public visibility at the height or size at which the display was previously erected and, in doing so, the owner or user is in conformance.”*

The existing legal, non-conforming pole sign has been present in its current configuration and location on the subject property since the early 1960’s. The non-conformities include the signs height, size and the fact that it’s freeway-oriented. The City’s limitations applicable to pole signs did not become effective until well after the March 12, 1983 date specified in Section 5499. The City’s sign regulations in 2014 specifically regulated the “*height and size*” of pole signs.

The applicant has shown through computer modeling that the new building walls signs would not have the same level of visibility from the freeway. After discussions with the City Attorney’s office, the Community Development Director has determined that removal of the pole sign as part of the recent entitlements’ approval would violate Code Section 5499. Therefore, the city does not have the authority to require that the pole sign be removed and that requirement should not be imposed upon the project. Based on the Community Development Director’s direction, the applicant has revised the Master Sign Program (Attachment No. 4) to reflect the retention of the pole sign and deletion of the freeway-oriented wall signs.

In summary, the scope of the project before the Planning Commission is an amendment to the discretionary sign permit to retain the pole sign and eliminate the wall signs that are freeway-oriented. The ability to retain the pole sign has already been determined by the Community Development Director and the City Attorney.

### ***Amendment to Discretionary Sign Permit***

The purpose of the Discretionary Sign Permit (DSP), and related Master Sign Program, is to ensure signs are compatible with properties and consistent with standards, design guidelines, and General Plan policies. Master Sign Programs ensure there is a cohesive approach for signage on buildings when four or more signs are proposed. The Master Sign Program, including the proposed revision, meets required findings because:

- The design, materials, and lighting of the signs are in character with the building’s Spanish architecture. The wall signs are halo-lit with narrow channel letter returns to look like pin-mounted letters. The Zoning Ordinance encourages this type of lighting and sign design for Spanish architecture.

- The previously-approved wall and canopy signs would be painted “Valero blue” and contrast well with the building’s finish. The monument sign is located in a 300 square foot landscaped planter area. The colors and design are consistent with the wall and canopy signs.
- This amendment request includes a reduction in the number of wall signs. The location, number, and size of proposed signs are in balance with the proportion of the building’s facade. There is sufficient wall space around the signs so the building’s architecture remains prominent and there are no pinch points.

**GENERAL PLAN CONSISTENCY**

The proposed amendment to the previously-approved Master Sign Program is consistent with the General Plan as shown in Table 4.

**Table 4 - General Plan Consistency**

<b>Policies and Objectives</b>	<b>Consistency Finding</b>
<i>ED-2.03. Existing Businesses:</i> “We give high priority to initiatives, investments, and the allocation of municipal resources that help businesses remain and prosper in San Clemente.”	<i>Consistent.</i> The legal, non-conforming pole sign will help provide freeway visibility for business that is below grade of the freeway frontage.
<i>LU-7.01. Commercial Areas:</i> “We support the continuation and enhancement of commercial centers that meet the needs of community residents, are compatible with adjacent residential neighborhoods, and are well-maintained.”	<i>Consistent.</i> The project signage is consistent with the “Spanish” architecture of the service station building.
<i>UD-1.09. Signs:</i> “We require quality, balance, consistency, and the use of high quality materials in the design of public and private signs, including commercial signs, municipal signs, and street and traffic signs. Signs should be compatible with the architectural character of buildings on which they are placed, prevailing streetscape character and surrounding community character, and should be not be visually obtrusive.”	<i>Consistent.</i> The proposed amendment to the sign program includes a reduction in the number of wall signs. The remaining signs are placed and sized to complement and be in character with the building’s architecture.

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

The Planning Division completed an initial environmental assessment for this project according to the California Environmental Quality Act (CEQA). Staff recommends that the

Planning Commission determine the project is categorically exempt from CEQA, based on the findings detailed in the draft resolution (Attachment 1). The project meets the criteria for a Class 1 exemption per CEQA Guidelines Section 15301 because the project is to reduce the number of walls signs previously determined to be exempt from CEQA and the maintenance of the existing pole sign does not include expansion or intensification of the sign.

### **CALIFORNIA COASTAL COMMISSION REVIEW**

The project is not located in the Coastal Zone, and therefore it is exempt from California Coastal Commission review.

### **ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES**

1. The Planning Commission can concur with staff's recommendation and approve the amendment to the Master Sign Program and suggested Conditions of Approval.

*This action would enable the applicant to apply for administrative permits to install signs according to the Master Sign Program. The Commission can take this action if they determine the request meets all required findings shown in Attachment 1.*

2. The Planning Commission, at its discretion, may add, modify or delete parts of the project's design or conditions of approval.

*This action would result in any modifications to the project's design or conditions of approval that improve the project's consistency with required findings. To make this or other changes, the Planning Commission can either: 1) continue this item if it wants to evaluate design changes before deciding on the application, or 2) include additional conditions that require City Planner review and approval of certain design revisions through the review of building permits and administrative sign permits.*

3. The Planning Commission can deny the proposed revisions to the Master Sign Program. This action would result in not allowing the project.

*This action would allow the freeway-oriented wall signs to remain and would require this item to be continued so staff can draft a new resolution. The Commission should cite reasons for not being able to meet required findings.*

These actions may be appealed by the applicant to the City Council or be called up by the City Council for review and action.

### **RECOMMENDATION**

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



1. Determine the project is Categorical Exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 (Class No. 1), "Existing Structures", and
2. Approve AM DSP 11-509, Amendment to Discretionary Sign Permit (Valero Master Sign Program), subject to the attached Resolution and Conditions of Approval.

**Attachments:**

1. Resolution No. PC 17-031  
Exhibit A – Amended Conditions of Approval
2. Location Map
3. Photographs of building (prior to remodeling project)
4. Revised Master Sign Program

**RESOLUTION NO. PC 17-031**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF SAN CLEMENTE, APPROVING AN AMENDMENT TO  
DISCRETIONARY SIGN PERMIT (DSP) 11-509  
A REQUEST TO AMEND A PREVIOUSLY-APPROVED MASTER SIGN PROGRAM  
CONSISTING OF THE REMOVAL OF FREEWAY ORIENTED WALL SIGNS AND THE  
RETENTION OF A FREEWAY-ORIENTED POLE SIGN FOR VALERO SERVICE  
STATION LOCATED AT 504 AVENIDA DE LA ESTRELLA**

**WHEREAS**, on November 4, 2015, the applicant submitted a formal request for an Amendment to Discretionary Sign Permit 11-509 consisting of the removal of freeway-oriented wall signs and to retain a freeway-oriented pole sign for Valero located at 504 Avenida De La Estrella, the legal description being Lots 27, 28, 29, 30, 79, 80, and 91, of Block 1, of Tract 793, and portions of Lot 91 and 7 of Tract 853, Assessor's Parcel Numbers 057-142-44 and 057-142-37; and

**WHEREAS**, on April 3, 2013, the Planning Commission of the City of San Clemente held a duly noticed public hearing and granted the demolition of an existing service station and all buildings on the adjacent parcel, the development of a new service station, convenience store, six fuel stations, carwash, master sign program, and freeway oriented signage; and

**WHEREAS**, on April 20, 2016, the Planning Commission of the City of San Clemente held a duly noticed public hearing on the subject application and granted a three-year time extension to initiate the project that will expire on April 3, 2019; 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 is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301(a), Class 1 exemption, because the project is to reduce the number of wall signs previously determined to be exempt for CEQA and the maintenance of the pole sign does not include expansion of intensification of the sign; and

**WHEREAS**, on October 4, 2017, the Planning Commission of the City of San Clemente held a duly noticed public hearing on the subject application, and considered evidence presented by the applicant, City Staff and other interested parties; and

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

**Section 1:** Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the City Council, and the facts outlined below, the Planning Commission hereby finds and determines that the proposed project is

categorically exempt from CEQA pursuant to State CEQA Guidelines section 15301 (Class 1: Existing Facilities).

The Class 1 exemption specifically exempts from further CEQA review the operation, repair, maintenance, and minor repair of existing public or private structures, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. This exemption covers, but is not limited to, interior or exterior alterations to existing structures. Here, the proposed project does not increase or otherwise change the existing use of the site. Thus, the project qualifies for the Class 1 exemption.

Furthermore, none of the exceptions to the use of the Class 1 categorical exemption identified in State CEQA Guidelines section 15300.2 apply. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time. The project is a Master Sign Program for a specific number, location, and type of signs on the site. There are no unusual circumstances surrounding the project that result in a reasonable possibility of a significant effect on the environment. The site is developed with a service station building in which the project adds signs with no potential to damage scenic resources, including trees, historic buildings, rock outcroppings, or similar resources. The project does not include any hazardous waste sites, and the project will not cause a substantial adverse change in the significance of a historical resource. The project is limited to minor exterior changes to a building and site that is not abutting or in proximity to historic resources. Thus, the Class 1 exemption applies, and no further environmental review is required.

**Section 2:** With regard to Discretionary Sign Permit (DSP) 11-509, the Planning Commission finds as follows:

- A. The design, including lighting, scale, length and materials, of the sign program is consistent with the intent of the design elements of the General Plan and Design Guidelines in which the signs are to be located in that the sign materials, appear handcrafted and have been selected to be complimentary to the architectural style of the building, and will continue to enhance the overall aesthetics of the service station.
- B. The design, scale and materials of the signs harmonize with the architectural design and details of the building or site it serves in that individual pin mounted metal letter signage with halo illumination has been utilized very successfully in enhancing the architecture of other Spanish Colonial Revival structures throughout the community. The choice to utilize hand painted signage with decorative goose neck lighting for the convenience store pedestrian scale signage, as well as on the carwash will also enhance the aesthetics of the project.

- C. The design and scale of the signs is appropriate to the distance from which the sign is normally viewed in that all signage is appropriately scaled.
- D. The design and materials of the signs provide a contrast between the background and letters in that the signs are either pin mounted "Valero Blue" letters against a smooth white stucco finish, hand painted red copy against a smooth white stucco finish, or a stand alone monument sign primarily smooth white stucco with "Valero Blue" background and white lettering. All signage provides sufficient differentiation between copy and background.
- E. There are topographical and unique characteristics that apply to the site and retention of the pole sign has better communicative value than signs that would be allowed under the Municipal Code.
- F. A freestanding sign is included in the sign application that provides the necessary, and state mandated gasoline pricing.
- G. For Master Sign Programs:
  - 1. The provisions of the Master Sign Program ensure consistency in design and style of all new signs in that the wall mounted signs are all pin mounted metal letters in "Valero blue" with Halo Illumination, or hand painted red copy with decorative goose neck lighting, both of which are consistent with the architectural style of the building. The freestanding monument sign is also consistent with the architecture of the building and will be smooth white stucco the bull-nosed edges towards the top of the sign.
  - 2. All new signs within the Master Sign Program are in compliance with the design standards of this chapter as the signs appear handcrafted in nature and are compatible with the architecture of the structure in that the signage type has been selected to be complimentary to the architecture and enhance the overall aesthetics of the site.

**Section 7:** The Planning Commission of the City of San Clemente hereby approves amendment to DSP 11-509 in conjunction with the previously-approved CUP 11-507/ SEP11-508/ MCUP 11-510/ AP 11-511/ SPP 11-512, De La Estrella Plaza (Valero), subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit 1.



**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of San Clemente on October 4, 2017.

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Chair

**TO WIT:**

**I HEREBY CERTIFY** that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of San Clemente on October 4, 2017, and carried by the following roll call vote:

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

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Secretary of the Planning Commission

EXHIBIT 1

**CONDITIONS OF APPROVAL\***  
**CUP 11-507/SEP11-508/DSP 11-509/AP 11-511/MCUP 11-510/SPP 11-512**  
**De La Estrella Plaza (Valero)**

1. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City of San Clemente and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the "Indemnitees") from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either (i) the City's approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act ("CEQA"), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an "Action") within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City's full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]*  
(PIng.) \_\_\_\_\_
  
3. The owner or designee shall develop the approved project in conformance with the site plan, floor plans, elevations, and any other applicable submittals approved by the Planning Commission on April 3, 2013.

Any deviation from the above approved resolution and site plan and or other approved submittal shall require that the owner or designee submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee

determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Zoning Administrator. (PIng.) \_\_\_\_\_

CUP 11-507/SEP11-508/DSP 11-509/AP 11-511/SPP 11-512 shall become null and void if the use is not commenced within three (3) years from the date of the approval thereof. Since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development. [Citation - Section 17.12.150.A.1 of the SCMC] (PIng.) \_\_\_\_\_

A use shall be deemed to have lapsed, and CUP 11-507/SEP11-508/DSP 11-509/AP 11-511/SPP 11-512 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.) \_\_\_\_\_

4. The owner or designee shall have the right to request an extension of CUP 11-507/SEP11-508/DSP 11-509/AP 11-511/SPP 11-512 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall be subject to review and approval by the final decision making authority that ultimately approved or conditionally approved the original application. [Citation - Section 17.12.160 of the SCMC] (PIng.) \_\_\_\_\_

5. Prior to issuance of building permits, the owner or designee shall submit for review and obtain approval of the City Planner or designee for plans indicating the following: ■ (PIng.) \_\_\_\_\_

A. Two-piece clay tile roofing shall be used with booster tiles on the edges and ridges and random mortar packing. The mortar shall be packed on 100 percent of the tiles in the first two rows of tiles and along any rake and ridgeline, and shall be packed on 25 percent of the tiles on the remaining field. Mortar packing shall serve as bird stops at the roof edges. The volume of mortar pack to achieve the appropriate thickness shall be equivalent to a 6 inch diameter sphere of mortar applied to each tile. [Citation – City of San Clemente Design Guidelines, November 1991]

B. Stucco walls with a ‘steel, hand trowel’ (no machine application), smooth Mission finish and slight undulations (applied during brown coat) and bull-nosed corners and edges, including archways (applied during lathe), with no control/expansion joints. [Citation – City of San Clemente Design Guidelines, November 1991]

- C. Prior to issuance of building permits the applicant shall receive approval from the City Planner of the design of both the window corner stucco details as well as the cornice on the parapet of the fuel canopy.
  - D. Prior to issuance of building permit the applicant shall note on the plans that all parapet walls that exceed the height of the roof structures shall have a roof tile parapet cap and any portion of the parapet visible below the parapet cap shall be painted to match the roof tiles to blend into the background.
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- 6. Prior to the issuance of building permits, 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, nor shall permits be issued, unless such written consent is submitted to the City. (PIng.) \_\_\_\_\_
  - 7. The applicant shall provide specifications that state wrought iron is proposed for the balcony in the arch of the tower and the design shall be traditional Spanish to be approved by the City Planner. ■ ■ (PIng.)\_\_\_\_\_
  - 8. Prior to the issuance of building permits, the applicant or designee shall include within the first four pages of the working drawings a list of all conditions of approval imposed by the final approval for the project. [*Citation – City Quality Assurance Program*] (PIng.) (Bldg.)\_\_\_\_\_
  - 9. Downspout and gutter materials shall be copper as specified at the Design Review Subcommittee meeting of February 27, 2013 and the downspouts shall be located in the wall and the water quality devices shall also be copper and replace the tile details on the front of the tower façade. ■ ■ (PIng.)\_\_\_\_\_
  - 10. Prior to issuance of building permits, the applicant shall submit for approval of the building division and City Planner a lighting plan showing consistency with California Green Code requirements and ensure lighting will not be excessive on-site. Additionally, prior to issuance of building permit, the City Planner, or his designee, shall approve the design and scale of all decorative lighting and goose neck lighting. ■ ■ (PIng.)\_\_\_\_\_
  - 11. Prior to issuance of permits, that applicant shall show the DDC device and fire connection as being perpendicular to Avenida De La Estrella, and the device shall be painted green to fit in with the surrounding landscaping, other than the required OCFA connection component that must be painted red.



■ ■ (PIng.)\_\_\_\_\_

12. All above and belowground utilities shall be shown on the final landscaping plan.  
■ ■ (PIng.)\_\_\_\_\_

13. Verify with the final landscape plans that the proposed plant palettes are tailored to the site specific soils reports.  
■ ■ (PIng.)\_\_\_\_\_

14. Provide 15-gallon size shrubs around and utility enclosure, trash enclosure, and backflow preventer.  
■ ■ (PIng.)\_\_\_\_\_

15. Note minimum field observation visits required by Landscape Architect on final landscape plans.  
■ ■ (PIng.)\_\_\_\_\_

16. On file at Community development is the redline set of plans reviewed by Pat Murphy, the City's Contract Landscape Architect. All notes, including increased minimum box sizes of trees, shall be incorporated into the final landscape plan.  
■ ■ (PIng.)\_\_\_\_\_

17. The applicant shall work with staff and the City's Contract Landscape Architect to develop additional landscaping in the corner of the project site to better buffer the carwash facility from the adjacent residential uses. The landscape plan shall be approved prior to issuance of permits for the carwash facility.  
■ ■ (PIng.)\_\_\_\_\_

18. Prior to issuance of building permits for the carwash, the applicant shall note on their plans that the carwash hours of operation will be limited to 7:00 a.m. to 10:00 p.m. consistent with the acoustical report prepared for the project.  
■ ■ (PIng.)\_\_\_\_\_

19. Prior to issuance of building permits on the carwash, the applicant shall show how they have included sound absorption panels on the interior of the carwash tunnel covering fifty percent of the interior surface area with a NRC rating of at least 0.6 pursuant to the acoustical report prepared for the project.  
■ ■ (PIng.)\_\_\_\_\_

20. All landscaping installed along the exterior edge of the project site shall be a minimum size to provide at least 3 feet high screening from the public right-of-way. (*Municipal Code Section 17.28.290(C)(5)(a)*)  
(PIng.)\_\_\_\_\_

21. Prior to issuance of any permits, the applicant shall complete and record both a

lot line adjustment for the two project parcels, and a deed restriction tying the two lots together in perpetuity as long as the two sites act as one development. No buildings can cross property lines.

■ ■ (Plng.)\_\_\_\_\_

- 22. If the carwash becomes a problem and the noise levels exceed Municipal Code requirements, the carwash facility shall shutdown until the operator can demonstrate the facility meets acoustical and noise ordinance standards.

■ ■ (Plng.)\_\_\_\_\_

**Building**

- 24. A separate Building Permit(s) is required. Plans to construct new building, add or alter the existing building configuration, change in use, add or alter structural, mechanical, electrical or plumbing features of the project must be reviewed and approved through a separate building plan check / permit process.

(Bldg.)\_\_\_\_\_

*[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]*

- 25. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to, the Zoning Ordinance, Grading Code, Security Ordinance, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 of the California Code of Regulations as adopted by the City including, but not limited to the California Administrative, Building, Electrical, Plumbing, Mechanical, Energy, Green, and Fire Codes.

(Bldg.)\_\_\_\_\_

*[S.C.M.C – Title 8 – Chapter 8.16 – Fire Code, Title 15 Building and Construction Chapters 15.08, 15.12, 15.16, 15.20, 15.21, Title 16 Subdivisions, Title 17 Zoning]*

- 26. Prior to the issuance of building permits, the owner or designee shall submit plans that identify the intended use of each building or portion of building and obtain approval of the Building Official.

(Bldg.)\_\_\_\_\_

*[S.C.M.C – Title 15 – Chapter 15.08]*

- 27. Existing one-story single family dwelling located on adjacent property at northwest property line of the project site encroaches onto project site. Lot line adjustment required to provide building code required fire separation distance and minimum fire-resistance rating for walls, projections, openings in walls, and penetrations in accordance with California Residential Code Section R302 for the existing single family dwelling located on adjacent property.

(Bldg.)\_\_\_\_\_

*[S.C.M.C – Title 15 – Chapter 15.08]*

- 28. Prior to the issuance of building permits, the owner or designee shall pay all applicable development fees in effect at the time, which may include, but are not limited to, Regional Circulation Financing and Phasing Program (RCFPP), park acquisition and development, water and sewer connection, drainage, Public Facility Construction, transportation corridor, Avenida La Pata Supplemental Road Fee and school fees, etc. (Bldg.)\_\_\_\_\_  
[S.C.M.C. – Title 15 Building and Construction, Chapters 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]
  
- 29. Prior to issuance of building permits, the owner or designee shall submit a copy of the City Engineer approved soils and geologic report, prepared by a registered geologist and/or soil engineer, which conforms to City standards and all other applicable codes, ordinances, statutes and regulations. The soils report shall accompany the building plans, engineering calculations, and reports.(Bldg.)\_\_\_\_\_  
[S.C.M.C – Title 15 – Chapter 15.08 – Appendix Chapter 1 – Section 106.1.4]
  
- 30. Prior to the Building Division's approval to pour foundations, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer that is licensed to do surveying or land surveyor has certified that the forms for the building foundations conform to the front, side and rear setbacks are in conformance to the approved plans.  
[S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24] (Bldg.)\_\_\_\_\_
  
- 31. Prior to the Building Division's approval of the framing inspection, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer that is licensed to do surveying or land surveyor has certified that the height of all structures are in conformance to the approved plans. (Bldg.)\_\_\_\_\_  
[S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24]
  
- 32. Fire Sprinkler protection shall be provided throughout all buildings on site.  
[S.C.M.C – Title 8 – Chapter 8.16- Fire Code] (Bldg.)\_\_\_\_\_
  
- 33. Underground utilities required. Overhead wiring shall not be installed outside on private property. All utility services located within the property site to be installed underground.  
[S.C.M.C – Title 15 – Chapter 15.12-Electrical Code] (Bldg.)\_\_\_\_\_
  
- 34. Prior to issuance of building permits, applicant shall secure all utility agencies approvals for the proposed project. (Bldg.)\_\_\_\_\_  
[S.C.M.C – Title 15 Building Construction]

**Fees and Plan Check Deposit**

35. Prior to the review of plans, soils report and documents for issuance of Grading Permits, the owner or designee shall deposit minimum \$5,000.00 for Engineering Department plan check. *[Citation – Fee Resolution No. 08-81]* (Eng.)\_\_\_\_\_
36. Prior to issuance of the building permit, the owner shall pay all applicable development fees, which may include, but are not limited to, City Attorney review, park acquisition and development, water and sewer connection, drainage, grading, RCFPP, transportation corridor etc. *[Citation – Fee Resolution No. 08-81& S.C.M.C. Title 15, Building and Construction, Sections 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]* (Eng.)\_\_\_\_\_

**Reports –Soils and Geologic, Hydrology**

37. Prior to issuance of grading permits, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for, a soils and geologic report prepared by a registered geologist and/or geotechnical engineer which conforms to City standards and all other applicable codes, ordinances and regulations. *[Citation – Section 15.36 of the SCMC]* (Eng.)\_\_\_\_\_
38. Prior to issuance of grading permits, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for a hydrology and hydraulic study prepared by a registered civil engineer to determine the sizes and locations of all on-site drainage facilities in accordance with all applicable City regulations and standards. *[Citation – Section 15.36 of the SCMC]* (Eng.)\_\_\_\_\_

**Grading**

39. Prior to issuance of any permits, the owner shall submit for review, and obtain the approval of the City Engineer or designee, a precise grading plan as required by the City Grading Manual and Ordinance. As part of the Grading Plan, curb heights shall not exceed 4 inches for parking stalls designed to overhang into adjacent landscaping or sidewalk. *[Citation – Section 15.36 of the SCMC]* (Eng.)\_\_\_\_\_
40. Prior to issuance of grading permits, the City Engineer shall determine that development of the site shall conform to general recommendations presented in the geotechnical studies, including specifications for site preparation, treatment of cut and fill, soils engineering, and surface and subsurface drainage. *[Citation – Section 15.36 of the SCMC]* (Eng.)\_\_\_\_\_
41. Prior to issuance of grading permits, the plans shall indicate that the Pass



Through Lane along the western side of the project is to be one-way in the northward direction, unless otherwise modified or approved by the City Engineer. ■■ (Eng.)\_\_\_\_\_

42. In the event that on-site traffic circulation causes a backup of vehicles out onto Avenida De La Estrella or Avenida Palizada and causes repeated unacceptable traffic congestion at the intersection, as determined by the City Engineer, the City and property owner/tenant agree to meet to discuss on-site traffic circulation alternatives to reduce traffic conflicts at the intersection. Potential modifications could include, but are not limited to limiting movements into or out of the Avenida Palizada drive approach. Resulting modifications shall be paid for by the owner and/or their tenant.

■■ (PIng.)\_\_\_\_\_ (Eng.)\_\_\_\_\_

**Improvements**

43. Prior to issuance of any grading permits, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for frontage improvement plans, including but not limited to the following provisions: *[Citation – Section 15.36, 12.08.010, and 12.24.050 of the SCMC]*

■ (Eng.)\_\_\_\_\_

A. Per City Municipal Code Section 12.08.010 (A), when building permit valuations exceed \$50,000, the owner or designee shall construct sidewalk along the property frontage. This includes construction of compliant sidewalk up and around drive approaches to meet current City standards when adequate right-of-way exists. Since the right-of-way may not be adequate according to the current plans, a sidewalk easement may be required if deemed necessary by the City Engineer.

B. An Engineering Department Encroachment Permit will be required for all work in the public right-of-way. The frontage improvement plan shall include detailed topographic construction detail to show that current city standards are to be met including but not limited to, the construction of sidewalk up and around drive approaches, where applicable, with a minimum width of 4 feet at no more than 2% cross fall.

**Land Use & Easements**

44. Prior to the issuance of any permits, the owner shall prepare and obtain the approval, to the satisfaction of the City Engineer and Community Development Director, for a Lot Line Adjustment. The Lot Line Adjustment shall be recorded at the Orange County Recorder’s Office. The Lot Line Adjustment is needed in

order to ensure property lines meet required zoning setbacks, etc. for the proposed structures and the adjoining residential property to the north which appears to be partially within the site to be developed. [Citation – Section 15.36, 17.24, 17.32, 17.36 of the SCMC]

■ (Eng.)\_\_\_\_\_

- 45. Prior to the issuance of any permits, the owner shall prepare and obtain the approval, to the satisfaction of the City Engineer and Community Development Director, for a Recipical Access Agreement for the two properties being developed. This agreement shall be recorded at the Orange County Recorders Office. [Citation – Section 15.36, 17.24, 17.32, 17.36 of the SCMC]

■ (Eng.)\_\_\_\_\_

- 46. Prior to the issuance of any permits, the owner may be required, if deemed necessary by the City Engineer, to prepare and obtain the approval for plans to construct independent water and sewer services to each property. Alternatively, if approved by the City Engineer, the owner of the properties may be required to enter into an Agreement for shared utility services. [Citation – Section 15.36, 17.24, 17.32, 17.36 of the SCMC]

■(Eng.)\_\_\_\_\_

- 47. Prior to issuance of any grading permits, the owner shall provide documentation confirming that all applicable easements conflicting with the proposed improvements have been quit claimed or relocated to the satisfaction of the easements’ owners, or that the easement holder approves of the improvements within their easement(s). All documents shall be approved by City Engineer or designee. [Citation – Section 15.36 of the SCMC]

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

- 48. Prior to final release of any grading permits, the owner shall, if required by the City Engineer, grant necessary sidewalk easements to the City for sidewalk to go up and around the drive approaches. [Citation – Section 15.36, 12.08.010, and 12.24.050 of the SCMC]

■ (Eng.)\_\_\_\_\_

**Drainage**

- 49. All storm water shall be conveyed directly to an approved storm drain system. No storm water from newly paved parking areas or structures shall sheet flow over the driveways or sidewalks. [Citation – Section 15.36 of the SCMC] (Eng.)\_\_\_\_\_

**NPDES**

- 50. Prior to issuance of any grading permit, the owner shall demonstrate to the satisfaction of the City Engineer that the project meets all requirements of the

Orange County National Pollutant Discharge Elimination System (NPDES) Storm Drain Program, and Federal, State, County and City guidelines and regulations, in order to control pollutant run-off. The owner shall submit for review, and shall obtain approval of the City Engineer for, plans for regulation and control of pollutant run-off by using Best Management Practices (BMP's). [Citation – Section 13.40 of the SCMC]

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

51. Prior to issuance of any grading permit, the owner or designee shall submit for review a project binder containing the following documents:

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

- A. For all projects that are greater than one (1) acre, a Notice of Intent (NOI) for coverage under the General Construction Storm Water Permit must be filed with the State Water Resources Control Board <http://www.waterboards.ca.gov/stormwtr/construction.html> and a copy of the NOI, a WDID number and a copy of the Storm Water Pollution Prevention Plan (SWPPP) must be filed with the City.
- B. Since the site is determined to be a “Priority Project” (as defined by the Orange County Municipal Storm Water Permit available at <http://www.waterboards.ca.gov/sandiego/programs/ocstormwater.html> a final Water Quality Management Plan (WQMP) must be recorded with the Orange County Recorder’s Office and filed with the City. Design features of the WQMP shall be incorporated into the Grading Plans. Trash enclosures may be required to be covered if required by the City Engineer.

**Financial Security**

52. Prior to issuance of any grading permits, the owner or designee shall provide separate improvement bonds or irrevocable letters of credit, as determined by the City Engineer, if required by the project, for 100% of each estimated improvement cost, as prepared by a registered civil engineer as required and approved by the City Attorney and the City Engineer or their designees, for each, but not limited to, the following: rough grading; precise grading; frontage improvements; sidewalks; sewer lines; water lines; storm drains; and erosion control. In addition, the owner or designee may be required, if deemed necessary by the City Engineer, to provide separate labor and material bonds or irrevocable letters of credit for 100% of the above estimated improvement costs. [Citation – Section 15.36 of the SCMC]

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

**Noise**

53. Prior to the issuance of grading permit, the owner or designee shall provide

evidence acceptable to the City Engineer that all construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with operating and maintained mufflers. [Citation – Sections 8.48 & 10.48 of the SCMC] (Eng.)\_\_\_\_\_

**CONDITIONS TO BE SATISFIED PRIOR TO CERTIFICATES OF OCCUPANCY**

54. Prior to issuance of certificates of occupancy, the owner shall demonstrate to the satisfaction of the City Engineer and City Maintenance Manager or their designees that all frontage improvements have been completed and accepted and that any damage to new or existing street right-of-way during construction have been repaired/replaced. [Citation – Title 12 of the SCMC] (Eng.)\_\_\_\_(Maint.)\_\_\_\_\_

**CONDITIONS TO BE SATISFIED PRIOR TO RELEASE OF FINANCIAL SECURITY**

55. Prior to release of financial security, the owner or designee shall have completed the stenciling of all catch basins and/or storm drain inlets with labels 3" high in black letters, on either the top of the curb or the curb face adjacent to the inlet "NO DUMPING - DRAINS TO OCEAN". These markers shall be maintained in good condition by the Property Owners Association. Also, the owner or designee shall insure that all catch basins have filter basket inserts. [Citation – Section 13.40 of the SCMC] (Eng.)\_\_\_\_\_

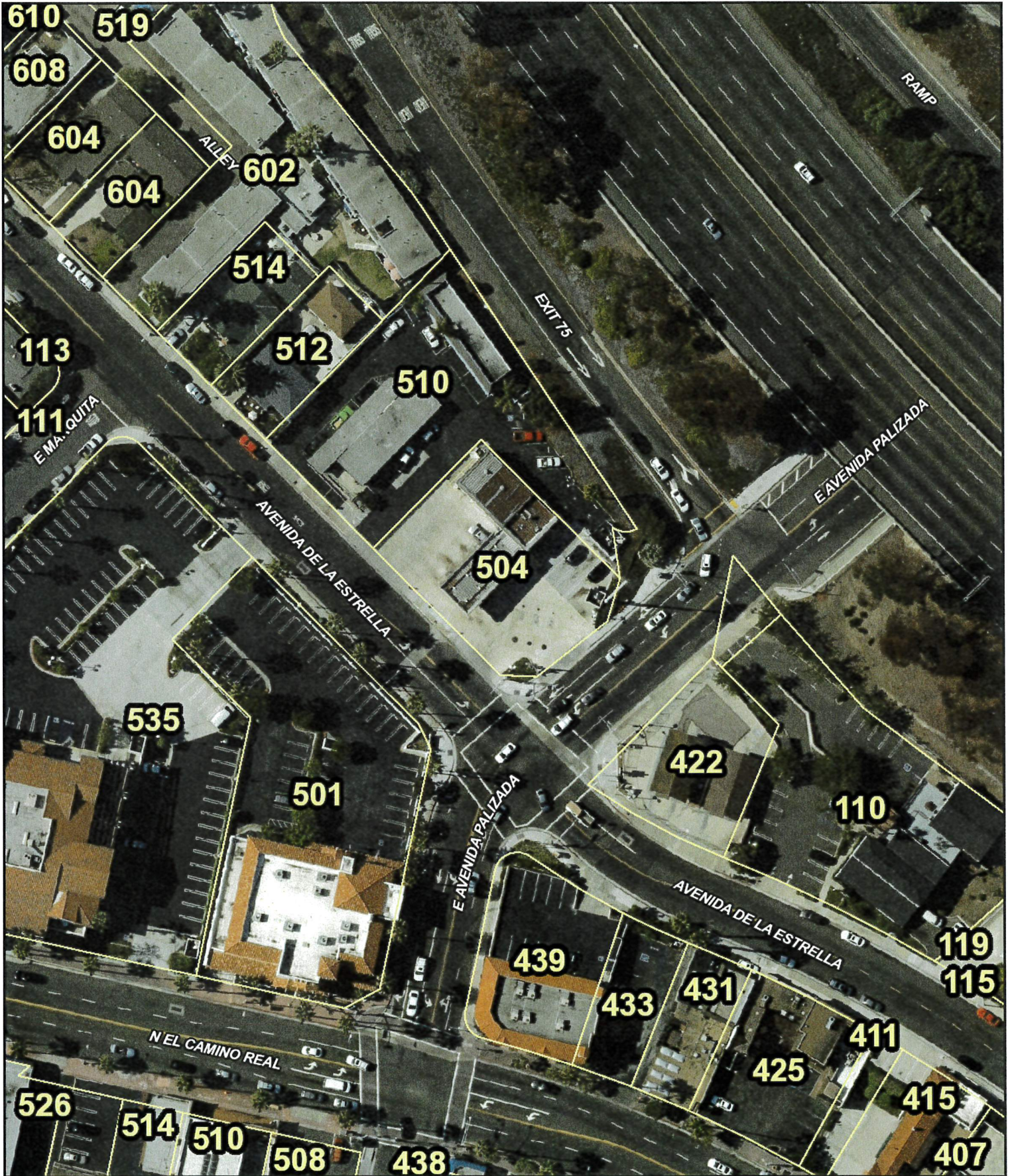
56. Landscaping and trees on-site shall be maintained to allow them to reach a full canopy or mature growth, and any dead plant materials shall be replaced within 14 calendar days, as well shall all irrigation failures be repaired within 14 calendar days. Replacement landscaping shall be of matching size to the plant material when they died.

■ ■ (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





**City of San Clemente**

Project: AM DSP 11-509

Address: 504 N. Avenida De La Paz

