



STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: December 20, 2017

PLANNER: David Carrillo, Community Development Technician *gc*

SUBJECT: **Tentative Parcel Map 17-320, Haft Condominiums** a request to consider the subdivision of a duplex into condominiums to allow for individual ownership of the dwelling units.

LOCATION: 227 Avenida Granada

ZONING/GENERAL PLAN: Residential Medium Zoning district and Architectural and Coastal Overlay districts (RM A-CZ)

PROJECT SUMMARY:

- On August 5, 2015, the Planning Commission approved the demolition of a residence and construction of a duplex under Cultural Heritage Permit (CHP) 14-514. The duplex is currently under construction and near completion.
- On April 28, 2016, the Coastal Commission approved the duplex.
- The site is a 3,950 square foot lot. Surrounding land uses include multi-family buildings to the east, south, and west, and a parking lot directly to the north. Figure 1 below is an image of the site.

Figure 1 – Existing Site Conditions



- The applicant requests to subdivide the duplex into two condominium units to allow for separate ownership of each dwelling unit.
- Zoning Ordinance Section 16.04.015 (G)(1) requires Zoning Administrator approval of a Tentative Parcel Map (TPM) to allow the subdivision of a building into condominiums.
- The project meets required findings for approval because:
 - No development is proposed. The project is limited to dividing a duplex building into condominiums to allow for separate ownership. This does not have any potential environmental impacts.
 - The duplex complies with the Municipal Code, building, health, and safety codes, and other applicable regulations and policies. This includes but is not limited to parking and density requirements for condominium subdivisions in the Municipal Code (Title 16).
 - The dwelling units have separate utility meters as required.
- The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315 (Class 15: Minor Land Divisions) because:
 - The project involves the subdivision of property in an urbanized area zoned for residential use into two condominiums.
 - The division is in conformance with the General Plan and zoning and no variances or exceptions are required.
 - All services and access to the proposed parcels to local standards are available
 - The parcel was not involved in a division of a larger parcel within the previous 2 years.
 - The parcel does not have an average slope greater than 20 percent.
- Public comments have not been received on this item.

RECOMMENDATION

Based on the information in the staff report and subject to the required findings and conditions of approval, staff recommends that the Zoning Administrator:

1. Determine the project is Categorically Exempt from the requirements of the CEQA pursuant to CEQA Guidelines Section 15315 (Class 15: Minor Land Divisions); and
2. Adopt Resolution ZA 17-043, approving Tentative Parcel Map 17-320, Haft Condominiums, subject to the attached Resolution and conditions of approval.

Attachments:

1. Resolution ZA 17-043
Exhibit A - Conditions of Approval
2. Location Map
3. Photos
Plans

ATTACHMENT 1

RESOLUTION NO. ZA 17-043

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 17-320, HAFT CONDOMINIUMS, A REQUEST TO CONSIDER THE SUBDIVISION OF A DUPLEX INTO CONDOMINIUMS TO ALLOW FOR INDIVIDUAL OWNERSHIP OF EXISTING DWELLING UNITS, LOCATED AT 227 AVENIDA GRANADA

WHEREAS, on August 5, 2015, the Planning Commission approved the demolition of a single-family residence and construction of a duplex under Cultural Heritage Permit 14-514; and

WHEREAS, on October 3, 2017 an application was submitted, and completed on November 22, 2017 by Joseph Peter Haft, 321 33rd Street, Sacramento, California, 95816, for Tentative Parcel Map (TPM) 17-320; a request to consider the subdivision of a duplex into condominiums to allow for individual ownership of existing dwelling units. The subject site is located at 227 Avenida Granada in the Residential-Low Zoning District and the Coastal Zone and Special Residential 1 Overlays (RL-CZ-SR1). The site's legal description is Lot 39 of Tract 1495, and Assessor's Parcel Number is 692-263-03; and

WHEREAS, the Planning Division has completed an initial environmental assessment of the above matter in accordance with the California Environmental Quality Act (CEQA) and recommends the Zoning Administrator determine the project is Categorically Exempt from CEQA pursuant to State CEQA Guidelines Section 15315 (Class 15: Minor Land Divisions). This is recommended because the project falls within the Minor Land Division exemption for subdivisions of four or fewer parcels; and

WHEREAS, on October 26, 2017, the City's Development Management Team (DMT) reviewed the proposed project for compliance with the General Plan, Zoning Ordinance, and other applicable City ordinances and codes; and

WHEREAS, on December 20, 2017, the Zoning Administrator of the City of San Clemente held a duly noticed public hearing on the subject application, considered written and oral comments, and facts and evidence presented by the applicant, City staff, and other interested parties.

NOW, THEREFORE, The Zoning Administrator of the City of San Clemente does hereby resolve as follows:

Section 1. Incorporation of Recitals.

The Zoning Administrator hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the Zoning Administrator as fully set forth in this resolution.

Section 2. CEQA Findings.

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Zoning Administrator, and the facts outlined below, the Zoning Administrator hereby finds and determines that the proposed project is Categorical Exempt from CEQA pursuant to State CEQA Guidelines Section 15315 (Class 15: Minor Land Divisions).

The project is Categorical Exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315 (Class 15, Minor Land Divisions) because the project involves the subdivision of property in urbanized areas zoned for residential use into four or fewer parcels, the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent

Section 3. Tentative Parcel Map Findings

With respect to Tentative Parcel Map (TPM) 17-320, the Zoning Administrator finds as follows:

A. The site is physically suitable for the type of development in that:

1. The project is limited to subdividing ownership of a duplex building into two condominiums. The duplex was approved for construction through a discretionary review and building permit process to ensure the development complies with the Zoning Ordinance, building, health, and safety codes, and other applicable regulations and policies. This includes but is not limited to policies and regulations on land use, setbacks, utility connections, easement access, traffic design standards, etc.

B. The site is physically suitable for the proposed density of the development in that:

1. The project is limited to subdividing ownership of a duplex building into two condominiums. The duplex was approved for construction through a discretionary review and building permit process to ensure the development complies with the Zoning Ordinance, building, health, and safety codes, and other applicable regulations and policies. This includes but is not limited to policies and regulations on land use, setbacks, utility connections, easement access, traffic design standards, etc.; and
2. The density of the development on the site complies with the maximum allowed for properties in the RM Zoning district. The Zoning district allows a maximum residential density of one unit per 1,800 square feet of lot area. The subject site is approximately 3,950 square feet, with a maximum allowed density of two units.

- C. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, in that:
1. No development is proposed. The project is limited to subdividing a duplex into two condominiums to allow for separate ownership of each dwelling unit. This does not have any potential environmental impacts; and
 2. The site is in a developed area with no sensitive habitat for threatened species and the site is served by utilities and public services.
- D. The design of the subdivision or the type of improvements is not likely to cause serious public health problems, in that:
1. No development is proposed. The project is limited to subdividing a duplex into two condominiums to allow for separate ownership of each dwelling unit. This does not have any potential environmental impacts; and
 2. The site is in a developed area with no sensitive habitat for threatened species and the site is served by utilities and public services.
- E. The subdivision, with its provisions for any design and improvements, is consistent with the General Plan and any applicable specific plan, in that:
1. The project is limited to subdividing a duplex into two condominium units to allow for separate ownership of each dwelling unit. The duplex was approved for construction through a discretionary review and building permit process to ensure the development complies with the Zoning Ordinance, building, health, and safety codes, and other applicable regulations and policies. This includes but is not limited to policies and regulations on land use, setbacks, utility connections, easement access, traffic design standards, etc.
- F. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision in that the proposed project is subdividing a duplex into condominiums to allow for separate ownership of each dwelling unit.

Section 4. Zoning Administrator Approval.

Based on the foregoing recitals and findings above, and the written and oral comments, facts, and evidence presented, the City of San Clemente Zoning Administrator approves Tentative Parcel Map 17-320, Haft Condo Conversion, subject to the above Findings, and the Conditions of Approval set forth in Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City of San Clemente Zoning Administrator on December 20, 2017.

Cecilia Gallardo-Daly, Zoning Administrator

CONDITIONS OF APPROVAL
TENTATIVE PARCEL MAP 17-320
HAFT CONDOMINIUMS

1. Within two (2) years after the approval date of Tentative Parcel Map (TPM) 17-320, unless an extension is granted as provided in Section 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 file a substantially complete submittal for review and approval by the City for a final map or multiple final maps prepared by a registered civil engineer. The final map(s) shall be subject to all pertinent requirements of the Subdivision Map Act and shall conform to the approved tentative tract/parcel map, City standards, and all other applicable approved plans, codes, ordinances, statutes and regulations.

[Citation - Section 16.12.100.A of the SCMC]

(PInG.)_____

2. 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. Thirty (30) days after project approval, the owner or designee shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)_____

CONDITIONS TO BE SATISFIED PRIOR TO FINAL PARCEL MAP APPROVAL

- 4. Prior to final parcel map approval, the owner or designee shall submit to the City Attorney for review the form of (i) grant deed and (ii) purchase and sale agreement (or applicable portions thereof) to be used in connection with the applicant’s sale of the units/lots to individual buyers. Said grant deed and purchase agreement shall include disclosures, approved by the City Attorney or designee, that indicate the existence, operations, characteristics, and potential exposure to nuisance/objectionable odors/risk of upset/hazards of the following:
[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010] (PIng.)_____

United States Marine Corps, Camp Pendleton
San Onofre Nuclear Generating Station

- 5. Prior to final parcel map approval, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that approval by the California Coastal Commission has been obtained for the project. *[Citation – Division 20 of the Public Resources Code & Section 17.56.050 of the S.C.M.C.]* (PIng.)_____

CONDITIONS TO BE SATISFIED PRIOR TO FINAL PARCEL MAP APPROVAL

- 6. Prior to final parcel map approval, the owner or designee shall submit for review to the Community Development Department, and shall obtain the approval of the City Attorney or designee for, Covenants, Conditions and Restrictions (CC&R's) which shall provide for the following: *[Citation – City Attorney Legal Directive/ City Council Approval June 1, 2010]*

- A. Creation of an 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, irrigation systems, landscaped areas, walls, driveways, parking areas, trash areas, structures, private accesses and drainage. All drainage and other improvements within the interior of the subdivision designated as private shall remain private and shall be maintained by the Association. In addition, the CC&R's shall indicate all other areas to be owned and maintained by the Association and that maintenance of all private drainage facilities shall be in conformance with NPDES requirements. Notwithstanding the foregoing, for projects consisting of four units or less, the CC&R's may provide for the maintenance described above by a mechanism other than the creation of an Association.

(PIng.) _____ (Fire) _____

- B. Within 15 days after the establishment of the Association, the owner or designee shall furnish the Board or Officers of the Association a copy of the approved parcel map, a copy of the approved site and fencing plan, copies of all approved landscaping plans, a complete set of construction plans for the units, and approved plans indicating the locations and characteristics of all major project components, utilities, and related data (collectively, the "Approved Plans"). For projects consisting of four units or less, where the owner has elected not to create an Association, the CC&R's shall provide that the owner or designee shall provide copies of all of the Approved Plans to the purchaser of each individual unit at the close of escrow. (PIng.) _____
- C. Following recordation of the final parcel map, the Association shall submit to the Community Development Department for distribution to the Fire and Beaches, Parks and Recreation Departments and, shall resubmit annually, a list of all current Officers of the Property Owner Association (this condition applicable only if an Association is created). (PIng.) _____
- D. 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 Community Development Director and the City Attorney prior to the amendments being valid. In the event a proposed amendment materially alters any of the provisions required by the City to be included in the CC&R's, the Community Development Director may require the proposed amendment to be approved by the City Council. (PIng.)_____
- E. A statement indicating that the City is deemed to be an express third party beneficiary of the CC&R's and has the right, but not the obligation, to enforce any of the provisions of the CC&R's (PIng.)_____
- F. Agreement by the owner or designee and Association that on an annual basis in the month of June, 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 (this condition applicable only if an Association is created).*[Citation - Section 13.40 of the SCMC]* (Eng.)_____
- G. A statement indicating City of San Clemente may enter the common Areas at any time for the purpose of administering and enforcing compliance by all Members with (a) any permit issued to the City of San Clemente by the San Diego Regional Water Quality Control Board, as such permit may be amended from time to time, and (b) all NPDES requirements. *[Citation - Section 13.40 of the SCMC]* (Eng.)_____
- H. The CC&R's shall contain fire prevention and defense provisions including a fire lane map, provisions that prohibit parking in fire lanes, and a method of enforcement. 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

control gates, or parking changes. *[Citation - Service Codes: 2.12 of the OCFA]* (Fire) _____

- I. Agreement by and between the owner or designee and Association, that storm drain facilities shall be inspected regularly as follows: *[Citation - Section 13.40 of the SCMC]*. (Eng.)_____
 - 1) Open channels, catch basins and pipelines inspected annually before storm season and removal of debris as necessary.
 - 2) All facilities shall have debris and sediment removed either manually or by mechanical methods. Flushing shall be used in emergency situations only.

7. Prior to final parcel map approval, the owner or designee shall pay or reimburse (as determined by the City Planner) the City all costs associated with City Attorney review of the project CC&R's, Disclosure Statements, and any other applicable documents. *[Citation - City Attorney Directive, Planning Division Fee Schedule/City Council Approval June 1, 2010]* (Eng.)_____(PIng.)_____

8. Prior to final parcel map approval, owner shall indicate on the map, the location of all applicable easements for storm drains, utilities, and reciprocal access. 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, unless a waiver is obtained. This includes construction of compliant sidewalk up and around drive approach or other obstructions to meet current City standards (2% cross fall) when adequate right-of-way exists. Since the street right-of-way is approximately 5 feet behind the curbface a sidewalk easement is anticipated to be required to be granted to the City prior to final of Building Permits. *[Citation - Section 16.28.030.A & B of the SCMC]* (Eng.)_____

9. Prior to final parcel map approval, the owner or designee shall demonstrate to the satisfaction of the City Engineer or designee, that quitclaims in favor of the City have been obtained from all persons having any interest in existing rights of way for pipelines for the conveyance of water, and for all rights to all underground water. The owner or designee shall convey the right to all underground water, but without right of entry to the surface thereof, to the City. The owner or designee shall cause no easements to be granted nor recorded over any portion of the property shown on the submitted record map between the tentative map approval date by the Planning Commission and the recording date of the final or record map by the County Recorder. *[Citation - Section 13.04.500.A, B & C of the SCMC]* (Eng.)_____

10. As determined by the City Engineer, prior to the review of final parcel map, plans, CC&R's, and legal documents, the owner shall deposit minimum \$5,000.00 for plan check. Plancheck of this Final Map may involve third party review or County review as applicable and other plan check fees may apply. *[Citation – Fee Resolution No. 08-81 and Sections 12.08 and 16.32.010.B of the SCMC]*
 ■ (Eng.)_____
11. Prior to final parcel map approval, the owner shall pay or reimburse the City all costs associated with City Attorney review of the project CC&Rs, Disclosure Statements, and any other applicable documents. Also the owner shall pay all applicable development and final map fees for each unit, which may include, but are not limited to, City Consultants review fees, park acquisition and development, water and sewer connection, drainage, grading. *[Citation - S.C.M.C. Title 15, Building and Construction, Sections 15.52, 15.56, 15.60, 15.64, 15.68, 15.72].*
 (Eng.)_____(Plng.)_____
12. Prior to final parcel map approval, the owner or his designee shall be required to construct and/or replace all damaged improvements along the entire property frontage as approved by the City Engineer or his designee, including but not limited to sidewalks, curbs, gutters, street lights, driveways, failed pavement section, etc. All work shall be per City Standards. *[Citation – Title 12 and Section 16.28 of the SCMC]*
 (Eng.)_____
13. Unless otherwise approved by the City Engineer, prior to final parcel map approval, the owner shall be responsible for providing independent water meters and separate services for each unit and the common area. All water meters shall be located in the public ROW or as otherwise approved by the City Engineer. *[Citation – Section 16.32.010.E of the SCMC]*
 ■(Eng.)_____

CONDITIONS TO BE SATISFIED PRIOR TO RECORDATION

14. Prior to recordation of the final parcel map, the owner or designee shall submit for review, and shall obtain the approval of the County Surveyor for, a digitized parcel map pursuant to Orange County Ordinance No. 3809 of January 28, 1991. The owner or designee shall pay for all costs of said digital submittals, including supplying digital copies to the City of the final County Surveyor-approved digital map in DXF format. The owner shall be responsible for providing the City a duplicate mylars of the recorded Final Map. *[Citation - Ordinance No. 3809 of the County of Orange]*
 ■ (Eng.)_____
15. Trash containers for the development are required to be screened from public view. *[Citation – Section 8.28.040 of the SCMC]*
 ■ (Eng.)_____

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

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



Location Map

Project: TPM 17-320, Haft Condominiums
Address: 227 Avenida Granada





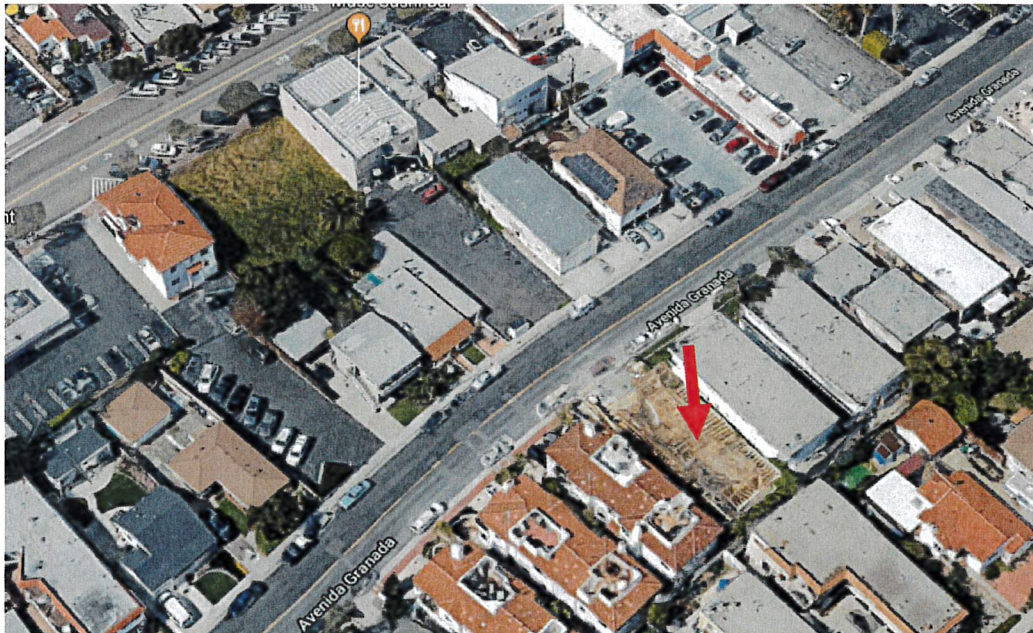
SITE PHOTOGRAPHS

TPM 17-320

227 Avenida Granada



Street view of duplex under construction.



Google aerial view of subject site.