



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: August 21, 2018

Agenda Item 7-A
Approvals:
City Manager [Signature]
Dept. Head CGD
Attorney MR
Finance [Signature]

Department: Community Development Department, Planning Division
Prepared By: Christopher Wright, Associate Planner II CW

Subject: *TENTATIVE PARCEL MAP (TPM) 2018-137, ESPERANZA SUBDIVISION*

Fiscal Impact: None

Summary: The Planning Commission recommends that the City Council approve Tentative Parcel Map 2018-137 (PLN16-436) for the subdivision of one single-family residential lot into three parcels.

Background: The site is a 21,504 square-foot vacant lot within the Residential Low Density (RL) zoning district. The rear of the property abuts the Interstate-5 freeway (I-5) to the west and south. The site is adjacent to single-family residences to the north, and vacant single-family residential lots to the east. The site slopes down from the street to the I-5 Right-of-Way. There is a 14-foot high block wall along the rear property line to absorb freeway traffic noise. The site location and existing conditions are shown on the vicinity map site photographs, Attachments 2 and 3 respectively.

The applicant, Carlos Lloveras, requests a Tentative Parcel Map to subdivide the site. Municipal Code Section 16.04.015(I)(1) requires City Council approval of a Tentative Parcel Map to subdivide land into four or fewer parcels. On June 20, 2018, the Planning Commission recommended City Council approval of the proposed subdivision. The Planning Commission staff report and meeting minutes are provided as Attachment 4.

Discussion: The proposed Tentative Parcel Map subdivides the site into three single-family residential lots that are 6,073; 6,143; and 9,285 square feet in area, respectively. Development plans are not proposed with the subdivision. The subdivision would allow future development of a single-family residence on each lot with the approval of building and grading permits. No separate discretionary permits would be required to develop the site according to zoning requirements.

The subdivision meets required findings for approval because:

- The subdivision complies with requirements for minimum lot size, minimum street frontage, minimum lot width, and maximum density.
- The proposed subdivision is consistent with the Centennial General Plan. The project is limited to subdividing a parcel into three lots for future development of three single-family residences in the Residential Low Density (RL) land use

designation. The intended use of the RL designation is single-family residential, and the proposed subdivision is consistent with this intent.

- The parcels may be developed in the future without variances or exceptions. Conceptual development plans are provided under separate cover that confirm the parcels may be developed according to zoning requirements for building setbacks, maximum height, lot coverage, parking, and other criteria. In the future, development of the proposed lots will be reviewed through the permitting process to ensure residences comply with City requirements.
- Utilities and public services are available to serve the parcels and access can be provided according to City standards. Easements are proposed at the rear of the site to ensure adequate access and space for drainage adjacent to the I-5 sound wall. Future development of the subdivision will not restrict access to the easements.
- The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15315 (Class 15: Minor Land Divisions).

For a detailed analysis of the project, please refer to the Planning Commission staff report in Attachment 4.

**Recommended
Action:**

The Planning Commission recommends the City Council:

1. Adopt a Resolution entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 2018-137 (PLN16-436), ESPERANZA SUBDIVISION, TO ALLOW THE SUBDIVISION OF A SINGLE-FAMILY RESIDENTIAL PARCEL INTO THREE LOTS LOCATED AT 100 NORTH AVENIDA ESPERANZA"

Attachments:

1. Proposed City Council Resolution
Exhibit A – Conditions of Approval
Exhibit B – CEQA findings and analysis
2. Location Map
3. Photographs
4. Planning Commission May 2, 2018 staff report and meeting minutes

Plans under separate cover, including:

- Proposed Tentative Parcel Map (sheet 1)
- Conceptual grading (sheets CG-1 to CG-5) and development plans (sheets A1-Parcel 1 to A3-Parcel 3)

Notification: Notification was published in the newspaper, the Orange County Register; and all property owners within 300 feet of the subject property were notified.

ATTACHMENT 1

RESOLUTION NO. 18-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 2018-137 (PLN16-436), ESPERANZA SUBDIVISION, TO ALLOW THE SUBDIVISION OF A SINGLE-FAMILY RESIDENTIAL PARCEL INTO THREE LOTS LOCATED AT 100 NORTH AVENIDA ESPERANZA

WHEREAS, on December 12, 2016, an application was submitted by Carlos Lloveras, 27897 Cinnamon, Mission Viejo, CA 92691, and deemed complete on May 11, 2018, for Tentative Parcel Map 2018-137; a request to subdivide one single-family residential parcel into three lots. The City's project reference number is PLN 16-436. The site is located at 100 North Avenida Esperanza, adjacent to Interstate-5 at the north end of North Avenida Esperanza, and within the Residential Low Density Zone (RL). The site's legal description is Lot 10, Portion of Lots 11-13, Tract 898, and Assessor's Parcel Number 057-095-01; and

WHEREAS, the Planning Division completed an initial environmental assessment of the above matter in accordance with the California Environmental Quality Act (CEQA) and recommends the City Council determine the project is Categorical Exempt from CEQA pursuant to State CEQA Guidelines Section 15315 because the project falls within the minor land division exemption for subdivisions of four or fewer parcels; and

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

WHEREAS, on June 20, 2018, the Planning Commission of the City of San Clemente held a duly noticed public hearing on the subject application, considered written and oral comments, facts and evidence presented by the applicant, City staff, and other interested parties; and the Planning Commission recommended the City Council approve Tentative Parcel Map (TPM) 2018-137 ("Project"); and

WHEREAS, on August 21, 2018, the City Council 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 City Council of the City of San Clemente does hereby resolve as follows:

Section 1. Incorporation of Recitals.

The City Council hereby finds that all of the facts in the Recitals are true and correct

and are incorporated and adopted as findings of the City Council 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 City Council, and the facts outlined below, the City Council hereby finds and determines that the proposed project is Categorically Exempt from CEQA pursuant to State CEQA Guidelines Section 15315 (Class 15: Minor Land Divisions), based on the analysis and findings attached in Exhibit B, and summarized below:

The Class 15 exemption specifically exempts the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when 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 2 years; and the parcel does not have an average slope greater than 20 percent. This project is a subdivision of one residential lot into three parcels in an urbanized area. The division conforms to the General Plan land use designation and zoning, and no variances or exceptions are required to develop the property based on conceptual plans (grading, site, floor plans, elevations, and sections) attached to the staff report. The parcel has an average slope of 19.9 percent, below the Class 15 exemption threshold. Thus, the project qualifies for the Class 15 exemption.

Furthermore, none of the exceptions to the use of the Class 15 categorical exemption identified in State CEQA Guidelines section 15300.2 apply, as detailed in Exhibit B of this Resolution. Thus, the Class 15 exemption applies, and no further environmental review is required.

Section 3. Tentative Parcel Map Findings.

With respect to Tentative Parcel Map (TPM) 2018-137 (PLN16-436), the City Council finds as follows:

- A. The site is physically suitable for the type of development, in that:
1. The applicant has demonstrated that the three lots may be developed in compliance with applicable provisions of the Municipal Code, including but not limited to setbacks, lot coverage, maximum height, landscaping, and parking;
 2. The subdivision complies with standards for minimum lot size, minimum street frontage, minimum lot width, and maximum density. The RL zoning district allows a maximum residential density of one unit per 6,000 square feet of lot area. The site is approximately 21,504 square feet. The subdivision of the site results in three lots for future development of three residences; and

3. Public services and utilities can be provided to the proposed parcels.
- B. The site is physically suitable for the proposed density of the development, in that:
1. The applicant has demonstrated that development of the three parcels can occur in a manner consistent with applicable provisions of the Municipal Code;
 2. The subdivision complies with standards for new parcels, including minimum lot size, minimum street frontage, minimum lot width, and maximum density. The RL zoning district allows a maximum residential density of one unit per 6,000 square feet of lot area. Each parcel will contain more than 6,000 square feet;
 3. Public services and utilities can be provided to the proposed parcels; and
 4. The subdivision is consistent with the development density established by the General Plan and the environmental impacts studied and mitigated by the Final Environmental Impact Report (FEIR) and Addendum No. 1, certified for the Centennial General Plan adopted in February 2014.
- 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. The subdivision is consistent with the development density established by the General Plan and the environmental impacts studied and mitigated by the Final Environmental Impact Report (FEIR) and Addendum No. 1, certified for the Centennial General Plan adopted in February 2014.
 2. In terms of cumulative General Plan build-out and city-wide impacts, the project does not create new significant environmental impacts, change the significance of previously studied impacts, or result in need to add or change mitigation measures, beyond the impact analysis and mitigation in the FEIR. Additionally, the subdivision does not have significant impacts specific to the site and surrounding area, as detailed in Exhibit B.
- D. The design of the subdivision or the type of improvements is not likely to cause serious public health problems, in that:
1. The subdivision complies with standards for minimum lot size, minimum street frontage, minimum lot width, and maximum density. The RL zoning district allows a maximum residential density of one unit per 6,000 square feet of lot area. The subdivision of the site results in three lots for future development of three single-family residences; and
 2. Public services and utilities can be provided to the proposed parcels.

- E. The subdivision, with its provisions for design and improvements, is consistent with the General Plan, in that:
1. The project is limited to subdividing a property into three lots for future development of three single-family residences in the Residential Low Density (RL) land use designation. The intended use of the RL designation is single-family residential, and the proposed subdivision is consistent with this intent. The proposed lots can be developed in a manner consistent with applicable provisions of the Municipal Code.
 2. Compliance with City standards will be verified before grading or construction commences. General Plan Land Use Element Policy LU-1.04, states: *"We require that single-family houses and sites be designed to convey a high level of architectural and landscape quality in accordance with the Urban Design Element and Zoning Code."* Furthermore, General Plan Land Use Element Policy LU-1.06, states: *"We require that new residential development be compatible with adjacent structures and land uses and we require: ... b) use of complementary building materials, colors, and forms, while allowing flexibility for distinguished design solutions."* Conditions of approval requiring future development of the sites to comply with City standards will ensure project conformance with these General Plan policies;
 3. The subdivision complies with the maximum allowed density for the RL designation. The RL designation allows a maximum residential density of one unit per 6,000 square feet of lot area. The site is approximately 21,504 square feet and the subdivision of the site results in three lots for future development of three residences; and
 4. The subdivision is consistent with the development density established by the General Plan and the environmental impacts studied and mitigated by the Final Environmental Impact Report (FEIR) and Addendum No. 1, certified for the Centennial General Plan adopted in February 2014.
- 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.
1. Easements are included at the rear of the site to ensure there is adequate access and space to provide for drainage adjacent to the Interstate-5 soundwall. The development of the subdivision in the future will not restrict access to the easements, based on the location of the easements and the open lot area and setbacks provided through the implementation of zoning requirements in the review of future development plans.

Section 4. City Council Approval.

Based on the entire record before the City Council, all written and oral evidence presented to the City Council, and the findings made and evidence discussed in the staff report and this Resolution, the City Council approves Tentative Parcel Map 2018-137 (PLN16-436), Esperanza Subdivision, subject to Conditions of Approval attached as Exhibit A.

Section 5. Certification.

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

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

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

CONDITIONS OF APPROVAL*
TENTATIVE PARCEL MAP 2018-137 (PLN16-436)
ESPERANZA SUBDIVISION

1. Within two (2) years after the approval date of Tentative Parcel Map No. 2018-137 (PLN16-436), unless an extension is granted as provided in Section 16.12.100 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 subdivider shall cause the subdivision, or any part thereof, to be surveyed, and a final tract map to be prepared and recorded in accordance with the tentative tract map as approved. The final map 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.

Any failure to record a final parcel map within the time period specified by subsection A of this section shall terminate all proceedings, and the approval or conditional approval of the tentative parcel map shall be null and void. Before a final parcel map may thereafter be recorded on the same parcel of land, a new tentative parcel map shall be filed and approved. *[Citation - Section 16.12.100.A&B of the SCMC]*
(Plng.)_____ (Eng.)_____

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] (Plng.)_____

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] (Plng.)_____
4. 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, 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, and Fire Codes. [Citation - S.C.M.C. Title 8, Section 8.16; Fire Code, Title 15, Building and Construction, Sections 15.08, 15.12, 15.16, 15.20; Title 16, Subdivisions; & Title 17, Zoning] (Bldg.)_____
5. This project is approved subject to the provisions of a categorical exemption of the California Environmental Quality Act (CEQA). Within forty-eight (48) hours of final approval for this project, the owner or designee shall deliver to the Planning Division a check payable to the County Clerk for the County recordation administration fee. This will enable the City to file the Notice of Exemption. [Citation - Public Resources Code Section 21152 & California Code of Regulations, Title 14, Section 15075 (CEQA)] (Plng.)_____

CONDITIONS TO BE SATISFIED PRIOR TO FINAL PARCEL MAP APPROVAL

6. Prior to final parcel map approval, owner shall indicate on the map, the location of all applicable easements for storm drains, and utilities, if applicable. 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. These sidewalk easements shall be offered for dedication to the City of San Clemente and the public as part of the Final Parcel Map. [Citation - Section 16.28.030.A & B of the SCMC] (Eng.)_____
7. 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 City Council 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.)_____

8. As determined by the City Engineer, prior to the review of final parcel map, and legal documents, the owner shall deposit minimum \$5,000.00 for plan check. Plan check 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.)_____
9. 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.)_____
10. Prior to final of building permits for each individual parcel, the owner shall be responsible for providing independent water meters and separate services for each parcel. 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.)_____
11. Trash containers shall be screened from public view. [Citation – Section 8.28.040 of the SCMC] ■ (Eng.)_____

CONDITIONS TO BE SATISFIED PRIOR TO RECORDATION

12. 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.)_____

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

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

CEQA FINDINGS
TENTATIVE PARCEL MAP 2018-137 (PLN16-436)
ESPERANZA SUBDIVISION

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Planning Commission and City Council, and the facts outlined below, the City Council 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 Class 15 exemption specifically exempts the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when 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 2 years, and the parcel does not have an average slope greater than 20 percent. Here, this project is a subdivision of one residential lot into three parcels in an urbanized area. The subdivision conforms to the General Plan land use designation and zoning, and no variances or exceptions are required to develop the property in the future under separate permits, based on conceptual development plans (grading, site, floor plans, elevations, and sections) that show the subdivision could be developed according to zoning requirements. Lastly, the parcel has an average slope of 19.9 percent, under the criteria for a Class 15 exemption. Thus, the project qualifies for the Class 15 exemption.

Furthermore, none of the exceptions to the use of the Class 15 Categorical Exemption identified in State CEQA Guidelines section 15300.2 apply, based on the findings below:

1. There are no significant cumulative impacts.

The project will not result in a cumulative impact from successive projects of the same type in the same place, over time. The subdivision and development potential of the site is limited by standards for minimum lot size, minimum street frontage, minimum lot width, and maximum density. The subdivision complies with required standards and is consistent with the development density established by the General Plan and the environmental impacts studied and mitigated by the Final Environmental Impact Report (FEIR) and Addendum No. 1, certified for the Centennial General Plan adopted in February 2014. Addendum No. 1 reduced the build-out of the General Plan by 10 residential units. Since the Addendum, a subdivision was approved that resulted in the addition of one residence. The proposed subdivision increases development by two residences for a net reduction of seven units from the General Plan FEIR. In terms of cumulative General Plan build-out and city-wide impacts, the project does not create new significant environmental impacts, change the significance of previously studied impacts, or result in need to add or change mitigation measures, beyond the impact analysis and mitigation in the FEIR.

2. There are no significant effects due to unusual circumstances.

There are no unusual circumstances surrounding the project that result in a reasonably

possibility of a significant effect on the environment. The project does not create new significant environmental impacts, change the significance of previously studied impacts, or result in need to add or change mitigation measures, beyond the impact analysis, build-out projections, and mitigation in the General Plan FEIR and Addendum No. 1. In addition, there are no unusual circumstances for the project to have any significant impacts on the site and surrounding area, as follows:

- *Traffic.* The traffic system near the site can support daily and peak trips from the addition of two residences, based traffic trip count and intersection Level-of-Service data in the General Plan FEIR traffic impact study.
- *Biological impacts.* A biological field survey was conducted of the site, as required by the General Plan FEIR Mitigation Monitoring Program for proposals involving new development on vacant property. The surveyor observed the parcel consists entirely of nonnative plant species and was void of native habitat. Existing conditions indicate a history of site disturbance. No active bird nests were observed on the parcel or within adjacent trees. The parcel was found not to support native habitat with it being surrounded by developed land and roadways.
- *Hydrological impacts.* The site is not in a flood plain or area with risk of tsunami events.
- *Air quality health assessment.* A health risk assessment was completed on the potential health risks to future residents on the site based on proximity to the Interstate-5, assuming permits are issued separately for future development of the subdivision. The General Plan FEIR Mitigation Monitoring Program requires the assessment prior to discretionary approvals since the subdivision adds sensitive land uses (residential lots) within 500 feet of a freeway. The risk assessment was prepared per policies and procedures of the California Office of Environmental Health Hazard Assessment (OEHHA) and the South Coast Air Quality Management District (SCAQMD). The assessment found non-cancer hazards within the site are less than significant and cancer risks consistent with risk levels within the region reported in the SCAQMD Mates IV study and updated OEHHA methodology.
- *Noise impacts.* With the Interstate-5 soundwall, a noise impact analysis found preliminary exterior-to-interior analysis shows compliant 45 CNEL interior residential noise levels are feasible with readily available building materials and construction methods. For future development of the subdivision, an exterior-to-interior noise analysis will be required prior to the issuance of building permits to confirm interior noise levels will meet or be below the 45 CNEL allowed threshold.

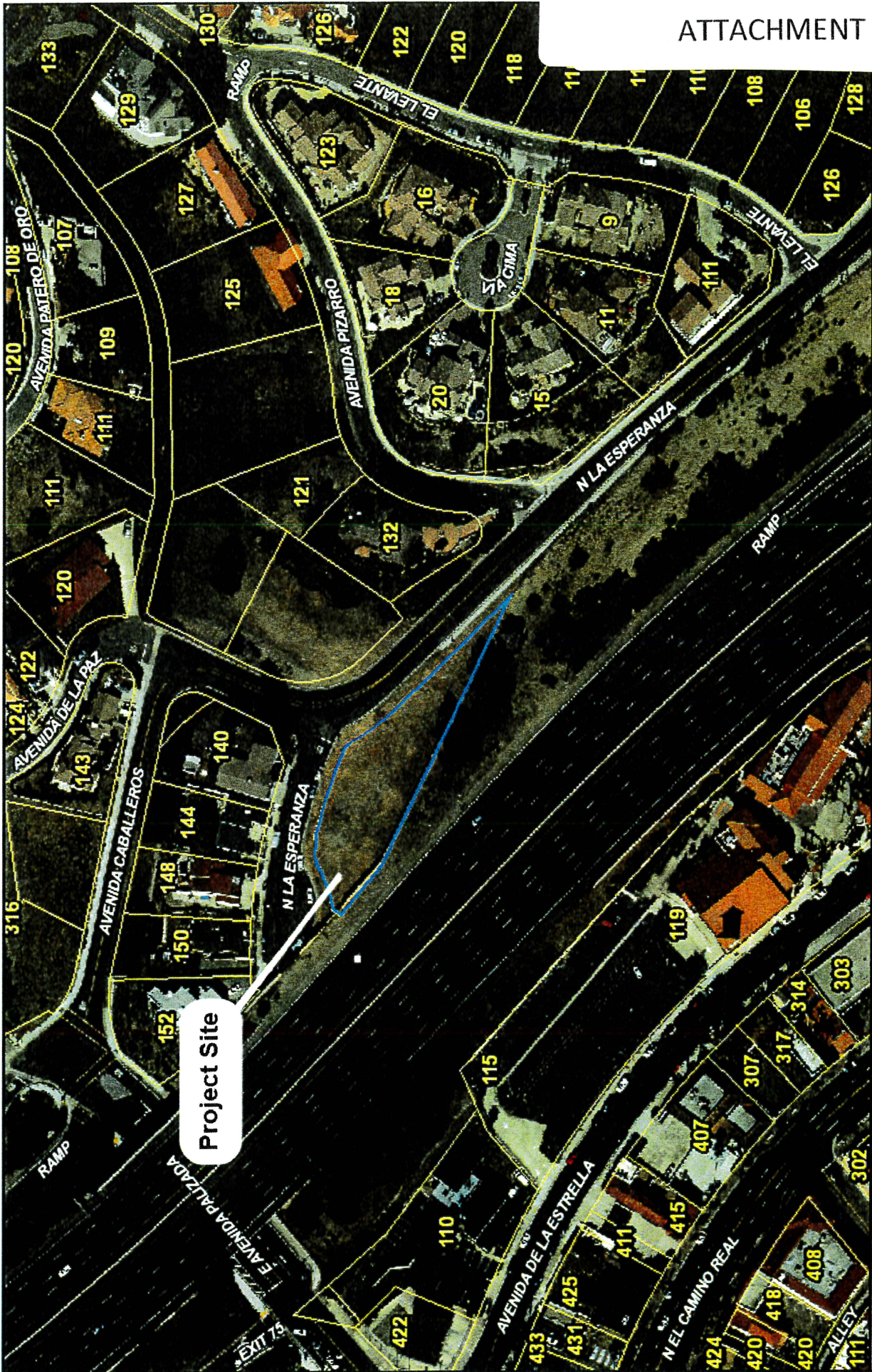
In conclusion, the project does not create new significant environmental impacts on the site and surrounding area.

3. The project will not damage scenic resources.

The project does not impact a scenic highway, trees, historic buildings, rock outcroppings, or similar resources. There are no such resources nearby.

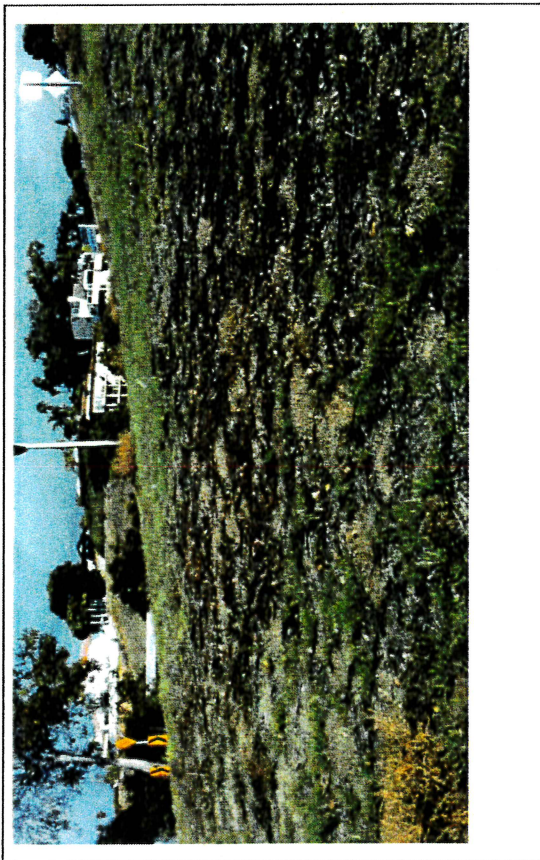
4. The project is not located on hazardous waste site.

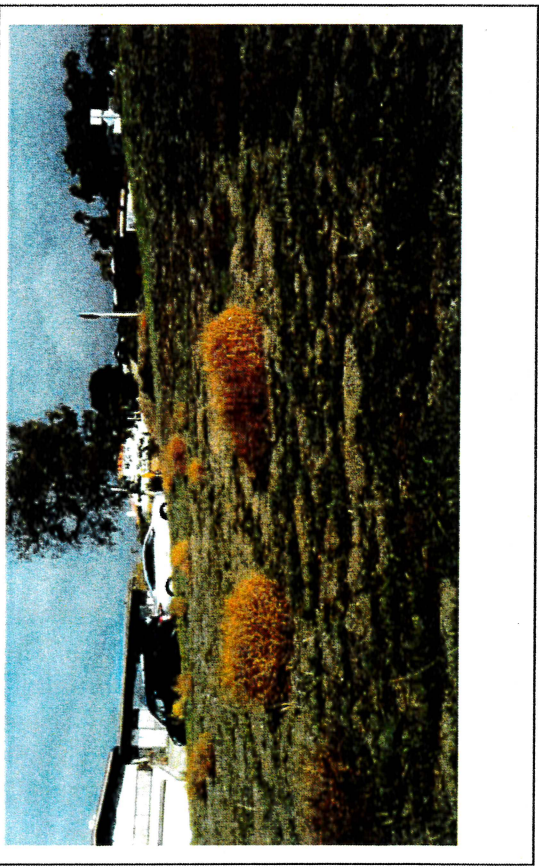
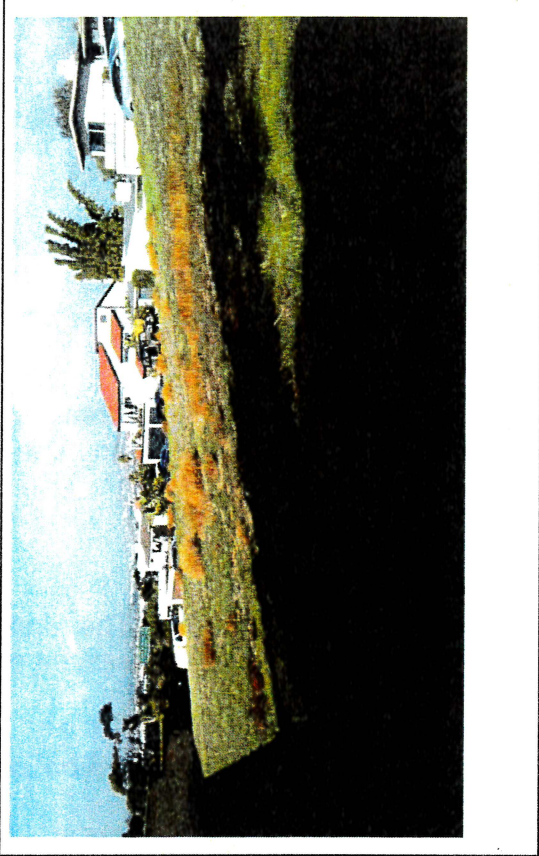
The project does not include any hazardous waste sites listed pursuant to Section 65962.5 of the Government Code.



City of San Clemente
Project: TPM 2018-137
Address: 100 N. Ave. Esperanza









STAFF REPORT
SAN CLEMENTE PLANNING COMMISSION

Meeting Date: June 20, 2018

PLANNER: Christopher Wright, Associate Planner *CW*

SUBJECT: **Tentative Parcel Map 2018-137, Esperanza Subdivision**, a request to consider the subdivision of a single-family residential lot into three lots. The site is located at 100 North Avenida Esperanza.

REQUIRED FINDINGS:

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

Tentative Parcel Map (TPM), Section 16.08.060(C); to allow the subdivision of property into four or fewer parcels.

- a. That the site is physically suitable for the type of development.
- b. The site is physically suitable for the proposed density of the development.
- 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.
- d. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.
- e. The subdivision, with its provisions for any design and improvements, is consistent with the General Plan.
- 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.

BACKGROUND:

The site is a 21,504 square-foot vacant lot within the Residential Low Density (RL) zoning district. The rear of the property is adjacent to Interstate-5 (I-5) to the west and south. The site is adjacent to single-family residences to the north, and vacant single-family residential lots to the east. The site slopes down from the street to I-5 Right-of-Way. There is a 14-foot high block wall along the rear property line to absorb I-5 traffic noise. Exhibit 1 is an aerial photograph of the site. For more information, please refer to Attachment 2 for a vicinity map and Attachment 3 for photographs of existing site conditions.

The applicant, Carlos Lloveras, requests to subdivide the site. Municipal Code Section 16.04.015(H)(1) requires City Council approval of land subdivisions. The Planning Commission's role is to review the proposed subdivision as an advisory body and forward a recommendation to the City Council.

Exhibit 1 – Site location



Development Management Team Meeting

The City's Development Management Team (DMT) reviewed the project on several occasions. The DMT recommends approval subject to conditions shown in Attachment 1, Exhibit A.

Noticing

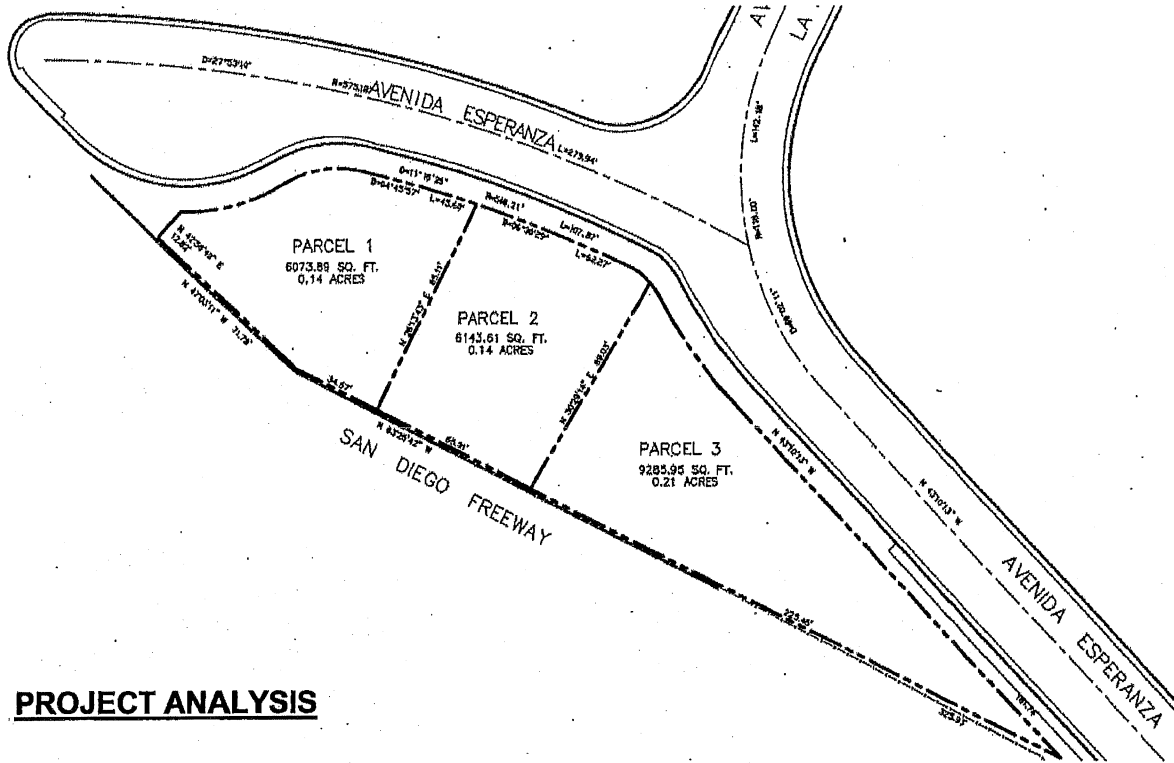
In accordance with City and State requirements, public hearing notices were distributed and published in the newspaper on June 7, 2018, and posted at the project site. Staff has not received any public comments on this item to-date.

PROJECT DESCRIPTION

The Tentative Parcel Map is requested to subdivide the site into three single-family residential lots that are 6,073; 6,143; and 9,285 square feet in area, respectively. The subdivision is shown in Exhibit 2 below. Development plans are not proposed in conjunction with the subdivision so a site plan permit is not required. The subdivision would allow future development of a single-family residence on each lot with the approval

of building and grading permits. No separate discretionary permits would be required to develop the site according to zoning requirements.

Exhibit 2 – Proposed subdivision plan



PROJECT ANALYSIS

Subdivision Standards and Development Review

As shown in Table 1 below, the parcel map complies with subdivision standards for minimum lot size, minimum street frontage, minimum lot width, and maximum density. The project site may be developed in accordance with Zoning Ordinance standards without the need for variances or exceptions based on staff review of preliminary grading plans and conceptual development plans (provided under separate cover). In the future, development of the proposed lots will be reviewed through the permitting process to ensure residences comply with zoning requirements for building setbacks, maximum height, lot coverage, parking, and other criteria.

Table 1 – Subdivision Standards

Subdivision Standard	Proposed	Complies with Standards
Lot size: Minimum 6,000 square feet (sq. ft.) lot area	Lot 1 - 6,073 sq. ft. Lot 2 - 6,143, sq. ft. Lot 3 - 9,285 sq. ft.	Yes

Table 1 – Continued

Subdivision Standard	Proposed	Complies with Standards
Density maximum: 1 dwelling unit per lot at 7 units per net acre	1 unit per lot at 6 units per net acre	Yes
Lot width minimum: 60 feet (')	Lot 1 - 93.9' Lot 2 - 69.2' Lot 3 - 174.3'	Yes
Lot frontage minimum: 60 feet	Lot 1 - 117.1' Lot 2 - 73.1' Lot 3 - 237.2'	Yes

Tentative Parcel Map

The subdivision meets required findings for Tentative Parcel Map approval. While no development is proposed with this request, in the future the site may be developed with single-family residences without variances or exceptions based on conceptual development plans provided. Utilities and public services are available to serve the proposed parcels. Access to the sites can be provided in compliance with City standards. Easements are proposed at the rear of the site to ensure adequate access and space for drainage adjacent to the Interstate-5 sound wall. The future development of the subdivision will not restrict access to the easements.

The subdivision does not create new significant environmental impacts, change the significance of previously studied impacts, or result in the need to add or change mitigation measures, beyond the impact analysis and mitigation in the certified Final Environmental Impact Report (FEIR) for the General Plan. Additionally, the subdivision does not have significant impacts specific to the site and surrounding area, as detailed in Attachment 1, Exhibit B.

GENERAL PLAN CONSISTENCY

The proposed subdivision is consistent with the Centennial General Plan. The project is limited to subdividing a property into three lots for future development of three single-family residences in the Residential Low Density (RL) land use designation. The intended use of the RL designation is single-family residential, and the proposed subdivision is consistent with this intent. The applicant has demonstrated that the sites can be developed in a manner consistent with applicable provisions of the Municipal Code. Compliance with city standards will be verified before grading or construction commences.

ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA)

Staff recommends the Planning Commission find the project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315 (Class 15, Minor Land Divisions). The project meets Class 15 exemption criteria because the subdivision involves four or fewer parcels in an urbanized residential zoned area that: 1) conforms to the General Plan and zoning; 2) can be developed without variances or exceptions; 3) no subdivisions have occurred on the site within the previous two years; 4) the parcel has an average slope less than 20 percent; and 5) no CEQA exceptions apply. For a more detailed CEQA analysis, please refer to Attachment 1, Exhibit B.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

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

This is the recommended action. This action would result in the adoption of the attached Resolution PC 18-015, forwarding a recommendation to the City Council to approve the project per required findings and Conditions of Approval. The Planning Commission can take this action if it determines the request meets all required findings shown in Attachment 1.

2. The Planning Commission, at its discretion, may recommend the City Council approve the proposed project with changes to the project's design or conditions of approval.

This action would result in any modifications to the project or Conditions of Approval and forwarding a recommendation to the City Council to approve the project. This could involve changes to the conditions of approval identified in Attachment 1, Exhibit A.

3. The Planning Commission can recommend the City Council deny the proposed project.

This action would result in forwarding a recommendation to the City Council to deny the project, requiring this item to be continued so staff can draft a new resolution. To take this action, the Planning Commission should cite reasons for not being able to meet required findings.

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 (CEQA) pursuant to CEQA Guidelines, Section 15315 (Class 15, Minor Land Divisions); and
2. Adopt Resolution PC 18-015, recommending the City Council approve Tentative Parcel Map 2018-137, Esperanza Subdivision, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. ~~Resolution No. PC 18-015~~
 - ~~Exhibit A Conditions of Approval~~
 - ~~Exhibit B CEQA findings and analysis~~
2. ~~Location Map~~
3. ~~Photos~~

~~Plans under separate cover, including:~~

- ~~• Proposed Tentative Parcel Map (sheet 1)~~
- ~~• Preliminary Grading Plans (sheets CG-1 to CG-5)~~
- ~~• Conceptual Development Plans (sheets A1-Parcel 1 to A3-Parcel 3)~~

These minutes were approved at the Planning Commission meeting of 07-18-2018.

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
June 20, 2018 @ 7:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA**

3. ROLL CALL

Commissioners Present: Jim Ruehlin, Michael Smith, Zhen Wu; Chair pro tem Michael Blackwell, Vice Chair Barton Crandell, Chair Donald Brown

Commissioners Absent: Jason Talley

Staff Present: Sheri Vander Dussen, Interim City Planner
Carl Stiehl, Senior Planner
Stephanie Roxas, Senior Planner
Thomas Frank, Transportation Engineering Manager
Nestor Mangohig, Senior Traffic Engineer
Jonathan Lightfoot, Community Development Technician
Zachary Ponsen, Senior Civil Engineer
Matthew Richardson, Assistant City Attorney
Eileen White, Recording Secretary

4. PUBLIC HEARING

**C. 100 N. Avenida Esperanza – Tentative Parcel Map 2018-137 –
Esperanza 3 Lot Subdivision (Wright)**

A request to consider the subdivision of a single-family residential lot into three lots. No development is proposed in conjunction with the subdivision. The site is located within the Residential Low-Density Zone (RL) at 100 North Avenida Esperanza, adjacent to Interstate-5 at the north end of North Avenida Esperanza.

The project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15315 (Class 15: Minor Land Divisions).

Christopher Wright, Associate Planner, narrated a PowerPoint Presentation entitled, "Esperanza Subdivision, Tentative Parcel Map 2018-137," dated

June 20, 2018. A copy of the PowerPoint Presentation is on file in Planning Division. In response to a comment, he noted the preliminary buildings shown on the plans were for display only; agreed the 14-foot garage depth shown for one lot is not compliant with code; stated that adjacent land is owned by the State.

Chair Brown opened the public hearing.

Rod Davis, resident, requested the Commission consider continuing this project to allow opportunity for adjacent residents to review and provide comment on the project; established from Chair Brown that residents will have the opportunity to address the project when it goes to City Council for review and action.

Chair Brown closed the public hearing.

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY CHAIR PRO TEM BLACKWELL, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 18-015, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE TENTATIVE PARCEL MAP 2018-137, ESPERANZA SUBDIVISION, A REQUEST TO CONSIDER THE SUBDIVISION OF A SINGLE-FAMILY RESIDENTIAL LOT INTO THREE LOTS LOCATED AT 100 NORTH AVENIDA ESPERANZA.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL.]