

2008 City of San Clemente Zoning Code: Historic Resource Sections

17.16.100 Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits.

A. Purpose and Intent. As detailed in this section, Architectural Permits are required for different types of projects within the City, including projects affecting the City's cultural and historic resources. Because of these unique resources, the Architectural Permit process has been divided into two categories: Architectural Permits and Cultural Heritage Permits. In addition, minor versions of these permits have been established for less significant projects.

1. Architectural and Cultural Heritage Permits.

a. Architectural Permits. The purpose and intent of the Architectural Permit process is to provide for architectural review of certain classes of development projects to ensure their compliance with the General Plan Urban Design Element and the City's Design Guidelines. The Architectural Permit process is intended to preserve and strengthen San Clemente's unique atmosphere as a Spanish village and to encourage: 1) architecture which is sensitive to community and neighborhood character; 2) architectural design that enhances the visual environment and protects the economic value of existing structures; and 3) site and structural development which exemplify the highest professional design standards. Architectural review shall include the consideration of a number of issues, including but not limited to, architectural style, building massing and scale, building orientation in relation to the street and parking, and building materials, textures and colors.

b. Cultural Heritage Permits. The purpose and intent of the architectural review with a cultural heritage emphasis is to provide for the review of projects affecting the City's cultural and/or historical resources. Along with the general goals for architectural review provided above, the process is intended to: 1) preserve and strengthen San Clemente's historic identity as a Spanish village; 2) preserve and strengthen the pedestrian-oriented areas designated in the General Plan as such, 3) preserve and protect those places, sites, buildings, structures, neighborhoods and other objects having a special historical, cultural or architectural interest, 4) protect and enhance the City's attraction as a historic community to tourists and visitors, 5) promote the use of historic properties for the education, pleasure, and welfare of the people of the City, 6) encourage and, where specified by this title, require architecture which reflects the community's historic pedestrian-oriented character, and 7) ensure compliance with the purpose and intent of the City's Architectural Overlay District for those projects within the district.

2. Minor Architectural and Cultural Heritage Permits.

a. Minor Architectural Permits. The purpose of the minor architectural permit process is to provide for streamlined architectural review of certain minor classes of development projects. These projects require discretionary review to ensure their compliance with the General Plan Urban Design Element and the City's Design Guidelines. Because of their scale, however, these minor projects do not require discretionary consideration by the Planning Commission. The Minor Architectural Permit process is intended to achieve the same goals as the Architectural Permit process described in above.

b. Minor Cultural Heritage Permits. The purpose of the Minor Architectural/Cultural Heritage Permit process is to provide for streamlined review of minor development projects that may affect the City's cultural and/or historical resources and neighborhoods. Because of their limited scale, however, these projects do not require discretionary consideration by the Planning Commission. The Minor Architectural/Cultural Heritage Permit process has as its purpose the same goals for development described in the Architectural/Cultural Heritage Permit process described above.

A process for waiving architectural review of projects which are extremely minor or have no potential to impact historic structures has been established. Please refer to Section 17.16.110, Staff Waivers of Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits and Section 17.16.120, Planning Commission/Zoning Administrator Waivers of Cultural Heritage/Minor Cultural Heritage Permits, of this chapter.

B. Authority.

1. Architectural and Cultural Heritage Permits. The Planning Commission is the final authority on architectural/cultural heritage permits, subject to the concurrent review and appeal provisions of Section 17.12.090, Consideration of Concurrent Applications and Section 17.12.140, Appeals of an Action, of this title.

2. Minor Architectural and Cultural Heritage Permits.

a. The Zoning Administrator is the final authority on minor architectural/cultural heritage permits, subject to the concurrent review and appeal provisions of Section 17.12.090, Consideration of Concurrent Applications, and Section 17.12.140, Appeals of an Action, of this title.

b. When the Zoning Administrator determines that it is in the public interest for the Minor Architectural/Cultural Heritage Permit application to be considered by the Planning Commission the Zoning Administrator shall forward the application to the Planning Commission for review in the same manner as an Architectural Permit, as described in subsection (E)(1), Architectural and Cultural Heritage Permits, of this section.

C. Applicability.

1. Architectural Permits. Architectural Permits are required for the following:

a. Public park facilities, major, as provided for in Section 17.28.230(B)(1), Major Park Structures, of this title;

b. Development outside the Architectural Overlay District as described in Table 17.16.100(A), Architectural and Minor Architectural Permits Required, of this title.

2. Minor Architectural Permits. Minor Architectural Permits are required for the following:

a. Public park facilities, minor, as provided for in Section 17.28.230(B)(2), Minor Park Structures, of this title;

b. Relocations of structures, as provided for in Section 17.24.160, Relocation of Structures, of this title;

c. Development outside Architectural Overlay Districts as indicated in Table 17.16.100(A), Architectural and Minor Architectural Permits Required, below.

**Table 17.16.100A
Architectural and Minor Architectural Permits Required**

Project Type	Architectural Permit Required	Minor Architectural Permit Required	Other/ Exempt Projects
A. Nonresidential and Mixed-Use Sites			
New Structures: Primary Buildings; Accessory Buildings; Accessory Structures	X X	X	Some projects may be eligible for staff waivers. Please refer to Section 17.16.110, Staff Waivers of Architectural/ Cultural Heritage Permits and Minor Architectural/ Cultural Heritage Permits.
Additions to: Primary Buildings; Accessory Buildings; Accessory Structures	> 2,000 s.f. (addition) > 2,000 s.f. (addition)	≤ 2,000 s.f. (addition) ≤ 2,000 s.f. (addition) X	
Minor Modifications and Alterations to: Primary Buildings; Accessory Buildings; Accessory Structure; Site	X X	X X	
Outdoor Dining Facilities	Design review completed through Outdoor Dining Permit and Sidewalk Cafe Permit, in accordance with Sections 17.28.205 and 17.28.206 of this title.		
B. Residential and Mixed-Use Sites			
New Residential Projects	5 or more units		4 or fewer units are exempt Projects otherwise requiring a Minor Cultural Heritage Permit or Cultural Heritage Permit are exempt.

3. Cultural Heritage Permits and Minor Cultural Heritage Permits. Cultural Heritage Permits and Minor Cultural Heritage Permits are required for development within the Architectural Overlay District and/or historic sites and adjacencies, as indicated in Table 17.16.100(B), Cultural Heritage and Minor Cultural Heritage Permits Required, below.

**Table 17.16.100B
Cultural Heritage and Minor Cultural Heritage Permits Required**

Project Type	Cultural Heritage Permit Required	Minor Cultural Heritage Permit Required	Other
A. Nonresidential and Mixed-Use Sites — This subsection applies to:			
* All resources listed on the City’s Designated Historic Resources and Landmarks Lists; and			
* All development within the Architectural Overlay District (Please refer to Section 17.56.020 of this title)			
New Structures: Primary Buildings; Accessory Buildings; Accessory Structures;	X X	X	Some projects may be eligible for staff waivers from Cultural Heritage or Minor Cultural Heritage Permits.
Additions to: Primary Buildings; Accessory Buildings; Accessory Structures;	> 2,000 s.f. addition > 2,000 s.f. addition	< 2,000 s.f. addition < 2,000 s.f. addition X	Please refer to Section 17.16.110, Staff Waivers of Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits.
Minor Exterior Modifications/Alterations to: Primary Buildings; Accessory Buildings; Accessory Structures; Site		X X X X	
Outdoor Dining Facilities	Design review completed through Outdoor Dining Permit and Sidewalk Cafe Permit, in accordance with Sections 17.28.205 and 17.28.206 of this title.		
Other Applications ²	CUP	MCUP	

Project Type	Cultural Heritage Permit Required	Minor Cultural Heritage Permit Required	Other
B. Residential Sites — This subsection applies to:			
* All resources listed on the City’s Designated Historic Resources and Landmarks Lists;			
* All single-family homes and duplexes abutting buildings ¹ listed on the City’s Designated Historic Resources and Landmarks Lists; and			
* All sites with three or more dwelling units within three hundred (300) feet of residentially zoned buildings ¹ listed on the City’s Designated Historic Resources and Landmarks Lists; and			
* All development within the Architectural Overlay District (Please refer to Section 17.56.020 of this title.)			
New Structures: Primary Buildings;	X		Some projects may be eligible for Planning Com-

Accessory Buildings; Accessory Structures;	X	X	mission, Zoning Administrator or staff waivers Please refer to Section 17.16.120, Planning Commission/Zoning Administrator Waivers of Cultural Heritage/ Minor Cultural Heritage Permits, and Section 17.16.110, Staff Waivers of Architectural/ Cultural Heritage Permits and Minor Architectural/ Cultural Heritage Permits.
Additions to: Primary Buildings; Accessory Buildings; Accessory Structures;	> 200 s.f. addition > 200 s.f. addition	< 200 s.f. addition < 200 s.f. addition X	
Minor Exterior Modifications/Alterations to: Primary Buildings; Accessory Buildings; Accessory Structures; Site		X X X X	

¹ See Department of Parks and Recreation Primary Record Forms on file with the City of San Clemente Planning Division for the type of resource listed (building, structure, object, site).

² This only applies to projects with additions or new buildings within architectural overlay districts.

D. Submittal Requirements. Please refer to the submittal requirements in Section 17.12.040, Filing an Application, and Section 17.12.060, Applications Requiring Additional Information, of this title.

E. Review Procedures.

1. Architectural and Cultural Heritage Permits. All Architectural and Cultural Heritage Permits shall be reviewed in the same manner as a Site Plan Permit applications, as described in Section 17.16.050(E)(1), Site Plan Permits, of this chapter, except that projects shall also require review by the Design Review Subcommittee in the following cases:

a. When the City Planner Determines Review is Necessary. Once an application is complete, the Planning Division shall review the project for a determination as to whether the project, in the opinion of the City Planner, satisfies the applicable findings contained in subsection (F) of this section. If staff determines the application does not satisfy one or more of the applicable findings contained in subsection (F), the Planning Division shall submit its report along with all applicable project documents to the Design Review Subcommittee of the Planning Commission. All projects being reviewed by the Design Review Subcommittee shall be agendaized at least seventy-two (72) hours in advance of the hearing. The Design Review Subcommittee shall review the project and make comments and recommendations to the applicant regarding changes or modifications which the Subcommittee believes are necessary for the project to satisfy all the applicable findings contained in subsection (F) of this section.

Within thirty (30) days (or longer if requested by the applicant) of Design Review Subcommittee review, or within fifteen (15) days of the determination of the City Planner that the project satisfies the applicable findings in subsection (F) of this section, the Planning Division shall submit its report on the project, together with all project documents appended thereto, to the City Planner for Planning Commission review.

In circumstances where the Planning Commission deems it appropriate, the Planning Commission may refer a matter back to the Design Review Subcommittee for additional consultation between the Design Review Subcommittee and the applicant. If a matter is referred back, the project shall be processed in the same manner as provided in this subsection.

b. When the Planning Commission Determines Review is Necessary. In circumstances where the Planning Commission deems it appropriate, the Planning Commission may refer matters to the Design Review Subcommittee for consultation between the Design Review Subcommittee and the applicant. If a matter is referred back, the project shall be processed in the same manner as provided in paragraph a, When the City Planner Determines Review is Necessary, of this subdivision.

2. Minor Architectural and Cultural Heritage Permits. Minor Architectural and Cultural Heritage Permits shall be reviewed in the same manner as Minor Site Plan Permits, as described in Section 17.16.050(E)(2), Minor Site Plan Permits.

F. Required Findings.

1. Architectural and Minor Architectural Permits. Prior to approval of an application for an Architectural or Minor Architectural Permit, the following findings shall be made:

a. The architectural treatment of the project complies with the San Clemente General Plan; and

b. The architectural treatment of the project complies with any applicable specific plan and this title in areas including, but not limited to, height, setback color, etc.; and

c. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines; and

d. The general appearance of the proposal is in keeping with the character of the neighborhood;

e. The proposal is not detrimental to the orderly and harmonious development of the City.

2. Cultural Heritage and Minor Cultural Heritage Permits. In addition to the general findings for approval of an Architectural or Minor Architectural Permit, the following specific findings shall be made prior to approval of an application for a Cultural Heritage or Minor Cultural Heritage Permit:

a. For new structures and remodels in the Architectural Overlay District, one of the following findings shall be made:

i. The proposed project/use preserves and strengthens the pedestrian-orientation of the district and/or San Clemente's historic identity as a Spanish village; or

ii. The proposed project/use is a minor remodel and it is not practical or desirable, in this particular case, to attempt conversion to a pedestrian-orientation and/or Spanish Colonial Revival style. The proposed changes, however, improve the quality and architectural integrity of the proposed project.

b. For historic resources, the following finding shall be made:

i. The City finds that the proposed modifications, alterations, or additions are sufficiently in conformance with the Secretary of the Interior Standards for the Treatment of Historic Properties and the San Clemente Design Guidelines to substantially further the City's goals of historic preservation, or

ii. For resources on the City's Landmarks List, the proposed rehabilitation, restoration, preservation, or reconstruction, including modifications, alterations, or additions, are found to be in conformance with the Secretary of the Interior Standards for the Treatment of Historic Properties and preserve to the extent feasible the character defining features.

c. For projects reviewed because they are abutting or within three hundred (300) feet of an historic property, the following finding shall be made:

The proposed project will not have negative visual or physical impacts upon the historic structure.

d. For projects reviewed because they are in the Architectural Overlay District, the following finding shall be made: the proposed project complies with the purpose and intent of the Architectural Overlay District, Section 17.56.020 of this title.

G. Appeals. An appeal of the action on an Architectural Permit shall be reviewed in accordance with Section 17.12.140, Appeals of an Action, of this title.

H. Modifications Requested by the Applicant. Modifications to approved Architectural/Cultural Heritage or Minor Architectural/Cultural Heritage Permits shall be reviewed in accordance with Section 17.12.180, Modification of an Approved Application, of this title.

I. Modifications and/or Revocations Initiated by the City.

1. Initiation and Review.

a. Architectural and Cultural Heritage Permits. The City Council may initiate and review modifications or revocations of architectural/cultural heritage in the same manner as a Site Plan Permit, as described in Section 17.16.050(l)(1) and (2), Initiating Review of a Site Plan Permit or Minor Site Plan Permit and Review Procedures, of this title.

b. Minor Architectural and Cultural Heritage Permits. The City Council may initiate and review modifications and/or revocations of Minor Architectural/Cultural Heritage Permits in the same manner as Minor Site Plan Permits, as described in Section 17.16.050(l)(1) and (2)(b), Initiating Review of a Site Plan Permit or Minor Site Plan Permit, and Review Procedures, of this title.

2. Required Findings.

a. General Findings for Modifications/Revocation. Architectural/Cultural Heritage Permits or Minor Architectural/Cultural Heritage Permits may be modified or revoked if any of the following conditions exist:

i. Conditions of approval of the Architectural/Cultural Heritage or Minor Architectural/Cultural Heritage Permits are being violated or are not being satisfied; or

ii. The application contained incorrect, false, or misleading information.

J. Other Review Requirements. For other general requirements related to the review of applications, such as time limits on approvals and requests for extensions of approvals, please refer to Chapter 17.12, Development Review Process, of this title.

K. Approval Runs with the Land. The approval of Architectural/Cultural Heritage and Minor Architectural/Cultural Heritage Permits shall run with the land, and shall continue to be valid upon a change of ownership of the site to which it applies. (Ord. 1308 §§ 7--8, 2006; Ord. 1182 §§ 8, 9, 1997; Ord. 1172 § 3 (part), 1996)

17.16.110 Staff waivers of Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits.

A. Purpose and Intent. The purpose of the staff waiver process is to eliminate the need for Architectural/Cultural Heritage and Minor Architectural/Cultural Heritage Permits for projects that are so minor in scope that they do not substantially alter the visual appearance or architectural integrity of a property or structure. The staff waiver process is intended to accommodate projects which are more minor than those requiring Architectural/Cultural Heritage Permits, Minor Architectural/Cultural Heritage Permits, and/or Planning Commission/Zoning Administrator waivers from Cultural Heritage Permits.

B. Authority. The City Planner is the final authority on staff waivers from the Architectural/Cultural Heritage Permit and Minor Architectural/Cultural Heritage Permit process, subject to the concurrent review and appeal provisions of Section 17.12.090, Consideration of Concurrent Applications, and Section 17.12.140, Appeals of an Action, of this title.

C. Applicability. Staff waivers may be requested for any exterior modifications, alterations or additions requiring an Architectural/Cultural Heritage Permit or Minor Architectural/Cultural Heritage Permit.

D. Submittal Requirements. Please refer to the submittal requirements in Section 17.12.040, Filing an application, and Section 17.12.060, Applications Requiring Additional Information, of this title.

E. Review Procedures. The City Planner shall approve, approve with modifications and/or conditions, or deny the request for a staff waiver within fifteen (15) days following receipt of a completed application. Should the City Planner fail to render a decision within fifteen (15) days of receiving an application, the applicant may request that the waiver application be forwarded to the Planning Commission for review in the same manner as requests for Planning Commission waivers, as described in Section 17.16.120, Planning Commission/Zoning Administrator Waivers of Cultural Heritage and Minor Cultural Heritage Permits, of this chapter.

A brief summary of staff's decision regarding the waiver shall be provided as a matter of information to the Planning Commission, at the Planning Commission's next regularly scheduled meeting following staff's decision, at which the item can be agendaized under reports to the Commission.

F. Required Findings. Prior to the approval of an application for a staff waiver, all of the following findings shall be made:

1. The project does not substantially alter the visual appearance and/or architectural integrity of the property or structure.
2. For resources on the City's Designated Historic Resources and Landmarks Lists, the proposed modifications, alterations, or additions are found to be in conformance with the Secretary of the Interior Standards for the Treatment of Historic Properties and retain all character defining features.

G. Appeals. An appeal of the decision on a staff waiver shall be reviewed in accordance with Section 17.12.140, Appeals of an Action, of this title.

H. Modifications Requested by the Applicant. Modifications to approved staff waivers shall be reviewed in accordance with Section 17.12.180, Modification of an Approved Application, of this title.

I. Other Review Requirements. For other general requirements related to the review of applications, such as time limits on approvals and requests for extensions of approvals, please refer to Chapter 17.12, Development Review Process, of this title. (Ord. 1172 § 3 (part), 1996)

17.16.120 Planning Commission/Zoning Administrator waivers of Cultural Heritage and Minor Cultural Heritage Permits.

A. Purpose and Intent. The purpose of the Planning Commission/Zoning Administrator waiver process is to eliminate the need for Cultural Heritage or Minor Cultural Heritage Permits for projects that, because of their scale, location or nature, do not have the potential to adversely impact properties on the City's Designated Historic Resources and Landmarks Lists. The Planning Commission/Zoning Administrator waiver process is intended to address projects that are too large to be eligible for staff waivers from Cultural Heritage Permits, as described in Section 17.16.110, Staff Waivers of Architectural Permits, of this chapter.

B. Authority. The Planning Commission is the final authority on Planning Commission waivers for Cultural Heritage Permits, subject to the concurrent review and appeal provisions of Section 17.12.090, Consideration of Concurrent Applications, and Section 17.12.140, Appeals of an Action, of this title.

The Zoning Administrator is the final authority on Zoning Administrator waivers for Minor Cultural Heritage Permits, subject to the concurrent review and appeal provisions of Section 17.12.090, Consideration of Concurrent Applications, and Section 17.12.140, Appeals of an Action, of this title.

When the Zoning Administrator determines that it is in the public interest for the waiver application to be considered by the Planning Commission, the Zoning Administrator shall forward the application to the Planning Commission for review in the same manner as a Planning Commission waiver, as described in this subsection.

C. Applicability.

1. Planning Commission waivers from Cultural Heritage Permits may be requested for the following:

a. All new individual duplexes and single-family residential structures, as well as all additions of greater than two hundred (200) square feet to these structures, when located on, or relocated to, property which abuts property included on the City's Designated Historic Resources and Landmarks Lists;

b. All new individual triplex and fourplex residential structures, as well as additions of greater than two hundred (200) square feet to these structures, when located on, or relocated to, property within three hundred (300) feet of property included on the City's Designated Historic Resources and Landmarks Lists.

2. Zoning Administrator waivers from Minor Cultural Heritage Permits may be requested for the following:

a. Modifications, alterations, and/or additions of two hundred (200) square feet or less to duplexes and single-family residences, when located on, or relocated to, property which abuts property included on the City's Designated Historic Resources and Landmarks Lists;

b. Modifications, alterations, and/or additions of two hundred (200) square feet or less to triplexes or fourplexes, when located on, or relocated to, property within three hundred (300) feet of property included on the City's Designated Historic Resources and Landmarks Lists.

D. Submittal Requirements. Please refer to the submittal requirements in Section 17.12.040, Filing an Application, and Section 17.12.060, Applications Requiring Additional Information, of this title.

E. Review Procedures. Following receipt of a completed waiver application, the City Planner shall place the application on the next regularly scheduled meeting of the Planning Commission/Zoning Administrator for which the item can be agendaized, as a New Business Item. At the meeting, the Planning Commission/Zoning Administrator shall approve, approve with modifications and/or conditions, or deny the waiver request.

F. Required Findings. Prior to the approval of an application for a waiver, the following finding shall be made:

Because of its scale, location, and/or nature, the development or improvement does not have the potential to adversely impact property on the City's Designated Historic Resources and Landmarks Lists.

G. Appeals. An appeal of the decision on a Planning Commission/Zoning Administrator waiver shall be reviewed in accordance with Section 17.12.140, Appeals of an Action of this title.

H. Modifications Requested by the Applicant. Modifications to approved waivers shall be reviewed in accordance with Section 17.12.180, Modification of an Approved Application, of this title.

I. Other Review Requirements. For other general requirements related to the review of applications, such as time limits on approvals and requests for extensions of approvals, please refer to Chapter 17.12, Development Review Process, of this title. (Ord. 1172 § 3 (part), 1996)

17.16.160 Designation of historic Resources and Landmarks.

A. Purpose and Intent. The purpose of this section is to provide a method for determining whether places, sites, buildings, structures, objects or improvements, manmade or natural, shall be included on, or deleted from, the City's Designated Historic Resources or Landmarks Lists.

B. Authority. The Planning Commission is the final authority on amendments to the City's Designated Historic Resources List, subject to the concurrent review and appeal provisions of Sections 17.12.090, Consideration of Concurrent Applications, and 17.12.140, Appeals of an Action, of this title. The Planning Commission shall indicate by resolution its proposed recommendation on amendments to the City's Landmark List. The City Council is the final authority on amendments to the City's Landmark List.

C. Applicability. This section shall apply to all amendments to the City's Designated Historic Resources or Landmarks Lists. The provisions of this title shall not apply to a designated property or any adjacent property until the written notice required by this section has been sent to the property owner by the Commission or Council.

D. Initiation of Amendments to the City's Designated Historic Resources List or City's Landmarks List. An amendment to the City's Designated Historic Resources List or Landmarks List may be initiated by any of the following actions:

1. At the direction of the City Planner;
2. The filing of an application by a property owner(s) or his/her (their) authorized agent(s).

E. Submittal Requirements. For owner-initiated applications, please refer to the submittal requirements in Section 17.12.040, Filing an Application, and Section 17.12.060, Applications Requiring Additional Information, of this title.

F. Standards to be Applied in Designating or Deleting Historically Significant Resources and Landmarks.

1. Designation of Historic Resources. In designating any place, site, building, structure, object, or improvement, whether manmade or natural, in its natural setting as being of historical or cultural significance and worthy of protection under this section, the property shall have been found to have historical, cultural, or special character or interest for the general public and not be limited in interest to only a special group of persons.

The criteria to be used in determining historical, cultural or special character or interest is that the place, site, building, structure, object, or improvement is at least fifty (50) years old, or less than fifty (50) years old with exceptional importance, possesses integrity of location, design, setting materials, and workmanship; and meets one (1) or more of the following:

- a. Is associated with events that have made a significant contribution to the pattern of local, state or national history.
- b. Is associated with the lives of persons or with institutions significant in local, state or national history.
- c. Embodies the distinctive characteristics of an architectural style, type, material or the use of indigenous materials or craftsmanship, or is the work of an architect, designer or builder significant in local, state or national history.
- d. Retains character-determining architectural features and materials.
- e. Exhibits Spanish Colonial Revival architectural style.

2. Designation of Landmarks. In designating any place, site, building, structure, object, or improvement, manmade or natural, and worthy of added protection under this section, the property shall have been found to have special historical, cultural, architectural, archeological, social, or aesthetic character or value inherent to the City, State, or Nation.

The criteria to be used in determining special historical, cultural, architectural, archeological, social, or aesthetic character or value is that the Landmarks shall be on the Designated Historic Resources List and meet one (1) or more of the following criteria:

- a. Associated with events that have made a significant contribution to the broad patterns of the history of the City, State, or Nation.
- b. Associated with persons significant in the history of the City, State, or Nation.
- c. Embodies distinctive characteristics of a style, type, period, or method of construction. Of primary importance to San Clemente is the Spanish Colonial Revival architecture.
- d. Exemplifies the best remaining building type or architectural style in a neighborhood.
- e. Is essential to the integrity of another landmark.

f. Is integral to maintaining a natural or cultural landscape that strongly contributes to the well-being of the people of the City, State, or Nation.

g. Has a unique location, singular physical characteristic(s), or is a landscape, view, or vista representing an established and familiar visual feature of a neighborhood, community, or of the City.

3. Responsibilities of Designation/Expenditure of Public Funds. Whenever a property proposed to be so designated is private, expenditures for its upkeep, preservation, maintenance and protection shall be made by the owner thereof in all but the most exceptional cases. If, after careful review, the Planning Commission proposes that public funds be expended for the preservation, restoration, maintenance or protection of a designated property or for any other purpose in connection with said designation, the recommendation made by the Planning Commission to the City Council shall set forth all facts and reasons for such recommendation and shall include a statement setting forth, as accurately as possible, the estimated cost in public funds which would be so involved. The City Council, in acting upon said proposed designation, shall also determine whether the expenditure of public funds in connection with said designation is justified. If the owner of a designated property so desires, he or she will be presented a plaque commemorating such historically valuable designation.

4. Deletion. In deleting any place, site, building, structure or object from the City's Designated Historic Resources or Landmarks Lists, the owner(s) or his/her (their) authorized agent(s) shall be responsible to provide evidence in accordance with one (1) of the following:

a. The information relied on by the Planning Commission or City Council in making the original designation was erroneous or false, or significant new information is available that was not previously available, such that the place, site, building, structure or object does not meet the criteria specified in subsection (F)(1) or (F)(2) of this section.

b. Circumstances wholly beyond the property owner's control have rendered the resource ineligible for designation in accordance with the criteria specified in subsection (F)(1) or (F)(2) of this section.

G. Review Procedures.

1. City's Designated Historic Resources List.

a. Following receipt of a completed application or direction from the City Planner to list or remove a property on the City's Designated Historic Structures List, and completion of required environmental documentation, the Planning Division shall submit its report along with all applicable project documents to the Design Review Subcommittee of the Planning Commission. Consideration of amendments to the list by the Design Review Subcommittee shall be agendized at least seventy-two (72) hours in advance of the hearing. The Design Review Subcommittee shall review the request and make a recommendation to the Planning Commission to add and/or delete various properties from the City's Designated Historic Resources List. The City Planner shall forward the Design Review Subcommittee's recommendation to the Planning Commission.

b. After the Design Review Subcommittee's recommendation for properties to be listed on or removed from the Historic Resources List, a public hearing before the Planning Commission shall be noticed and held in compliance with Section 17.12.100, Public Hearing and Notification, of this title. At the Planning Commission hearing, the Planning Commission shall consider all evidence and adopt a resolution deleting, or adding, the subject properties from, or to, the City's Designated Historic Resources List, (or shall make a recommendation on the amendment to the City Council if the project is a concurrent project as defined in Section 17.12.090).

2. Landmarks List.

a. Following receipt of a completed application or direction from the City Planner to list or remove a property on the Landmarks List, and completion of required environmental documentation, the Planning Division shall submit its report along with all applicable project documents to the Planning Commission. A public hearing before the Planning Commission shall be noticed and held in compliance with Section 17.12.100, Public Hearing and Notification, of this title. At the Planning Commission hearing, the Planning Commission shall consider all evidence and adopt a resolution recommending that the City Council delete or add the subject properties from, or to, the City's Landmarks List.

b. After the Planning Commission's recommendation, a hearing before the City Council shall be noticed and held in compliance with Section 17.12.100, Public Hearing and Notification, of this title. At the City Council hearing, the City Council shall consider all evidence and adopt a resolution deleting, or adding, the subject properties from or to the City's Landmarks List (or the Designated Historic Resources List if the project is a concurrent project as defined in Section 17.12.090 or an appeal as defined in Section 17.12.140).

H. Notification of Designation or Deletion of Historically Significant Properties. Upon initial completion and subsequent amendment, the Planning Commission or the City Council shall be responsible for the following notices regarding the City's Designated Historic Resources List or Landmarks List, respectively:

1. Notification in writing to the owner of each such property of the fact that such property has been so designated or deleted. The Commission or Council shall give all such persons prior written notice of any further action which it intends to take with respect to each such property. Notice shall be mailed to the owner at the address shown on the last equalized assessment roll of the County of Orange a minimum of ten (10) days prior to the time the Commission takes any further action regarding the property.

2. Transmittal of the list to Director of Community Development and the City Engineer.

I. Appeals. An appeal of the decision on the City's Designated Historic Resources List or Landmarks List shall be reviewed in accordance with Section 17.12.140, Appeals of an Action, of this title.

J. Approval Runs with the Land. The approval of designation of a historic property shall run with the land, and shall continue to be valid upon a change of ownership of the site to which it applies. (Ord. 1445 § 10, 2007; Ord. 1194 § 2, 1997; Ord. 1172 § 3 (part), 1996)

17.16.170 Demolition of historic properties.

A. Purpose and Intent. The purpose of this Section is to provide a review procedure for requests to demolish buildings, structures and other resources on the City's Designated Historic Resources List and buildings, structures and other resources on or eligible for listing in the California Register of Historic Resources. For the purposes of this Section, the term "demolish" shall mean an act that destroys in whole or in part a designated historic resource.

B. Authority. The City Council, upon recommendation from the Planning Commission acting as the City's Cultural Heritage Board, shall be responsible for the issuance of a Historic Demolition Permit for any building, structure or other resource located within the City of San Clemente which is: (1) on the City's Designated Historic Resources List; or (2) listed in or eligible for listing in the California Register of Historic Resources. The issuance of a Historic Demolition Permit is a precondition to obtain from the City's Building Department a demolition permit to demolish any building, structure or other resource located within the City of San

Clemente which is: (1) on the City's Designated Historic Resources List; or (2) listed in or eligible for listing in the California Register of Historic Resources.

C. Applicability. This Section shall apply to all applications for or resulting in the demolition of any buildings, structures or other resources listed on the City's Designated Historic Resources List or listed or eligible for listing in the California Register of Historic Resources.

D. Restriction on Issuance of Demolition Permits. No permit for the demolition of any structure or other resource listed on the City's Designated Historic Resources List or listed in or eligible for listing in the California Register of Historic Resources shall be issued unless and until the City Council first issues a Historic Demolition Permit pursuant to this Section.

E. Review Procedures for Demolition Requests.

1. Notification of Request. Whenever an application for a permit is filed with any City Department for the demolition of any building, structure or resource on the City's Designated Historic Structures List or listed in or eligible for listing in the California Register of Historic Resources, the application shall be deemed incomplete until such time as the City Council issues the discretionary Historic Demolition Permit (as opposed to the permit to demolish issued by the City Building Official) under this Section.

2. Review Procedure. Following the receipt of a completed application and completion of the required environmental documentation under the California Environmental Quality Act, a public hearing before the Planning Commission shall be noticed and held pursuant to Section 17.12.100, public hearing and notification, of this title. After completion of the Planning Commission hearing, the Planning Commission shall indicate by resolution whether it recommends that the proposed Historic Demolition Permit be approved, approved with modifications and/or conditions, or denied by the City Council. A public hearing before the City Council will then be noticed and held pursuant to Section 17.12.100. After completion of the public hearing the City Council shall indicate by resolution whether the application for the proposed Historic Demolition Permit is approved, approved with modifications and/or conditions, or denied.

3. Required Findings. Prior to any approval of an application for a Historic Demolition Permit, the following finding in subparagraph a or alternatively, the findings in subparagraph b and c below shall be made:

a. Any environmental impact caused by the demolition of the historic building, structure or other resource shall be mitigated to a level of insignificance as those terms are used in the California Environmental Quality Act; or

b. Based upon substantial evidence, specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make it infeasible to mitigate the environmental impacts of the project to a level of insignificance; and

c. Specific overriding economic, legal, social, technological, and other benefits of the demolition and/or of any project proposed to be constructed in place of the historic building, structure or other resource outweighs the significant effects on the environment caused by its demolition.

F. Penalty for Demolition of Historic Structures. Any person, whether acting as a principle, agent, employee, or otherwise, who demolishes any building, structure or other resource covered by this Section, shall be guilty of a misdemeanor. In addition, no building permit shall be issued for any new development on the property in question for a period of five

(5) years from the date the violation occurs, other than as may be required to comply with applicable health and safety requirements and regulations, and in no event shall any permit authorize the new construction to exceed the building's square footage, lot coverage, and use of the original structure.

17.16.175 Historic preservation incentives, historic property preservation (Mills Act) agreements.

A. Purpose and Intent. In order to preserve and protect the cultural, historical and architectural heritage of San Clemente, certain incentives are provided in various sections of this title to owners of designated historically significant properties. The purpose and intent of this section is to outline the process for obtaining property tax reduction incentives available through the execution of an Historic Property Preservation Agreement with the City of San Clemente. For other, regulatory incentives, see Sections 17.16.180, Waivers of Fees/Development Standards, Relocation of Historic Structures; 17.24.100, Increase in Floor Area Ratios; 17.64.120, Modifications and Waivers of Parking Requirements; and 17.72.100, Nonconforming Historic Structures and Uses. Please refer to the City's Building Division for additional provisions related to the use of the State Historical Building Code.

B. Authority. The City Council is the final authority on the authorization and approval of Historic Property Preservation Agreements with owners of properties on the City's Designated Historic Resources List in accordance with Sections 50280 et seq. of the Government Code and Sections 439.2 et seq. of the Revenue and Taxation Code.

C. Applicability. This section shall apply to all applications for property tax reductions through contracts between the City and the property owner, called Historic Property Preservation Agreements.

D. Mandatory Provisions of Historic Property Preservation Agreements. State law mandates that, at a minimum, Historic Property Preservation Agreements provide for all of the following:

1. A perpetual ten (10) year term, with a minimum initial Agreement term period of ten (10) years, and one (1) year added automatically to the term of the Agreement each year unless a Notice of Nonrenewal has been filed. If a notice of nonrenewal is filed, the Agreement will become null and void upon expiration of the ten (10) year term in effect at the time the Notice was filed.
2. Preservation of the designated historically significant property throughout the term of the Agreement.
3. Restoration and rehabilitation, as necessary, to conform to the rules and regulations of the Office of Historic Preservation of the State Department of Parks and Recreation.
4. Periodic examinations of the interior and exterior of the property by the assessor, the State Department of Parks and Recreation, and the State Board of Equalization as may be necessary to determine the property owner's compliance with the terms of the Agreement. Although not mandated by the state, each Agreement will also provide for periodic inspections by City staff with advance notice.
5. For the Agreement to be binding upon, and inure to the benefit of, all successors in interest of the property owner. Successors in interest shall have the same rights and obligations under the Agreement as the original owner who entered into the Agreement.

6. Penalty of twelve and one-half (12 1/2) percent of the full market value if the Agreement is canceled in accordance with subsection (J) of this section.

E. Initiation of Historic Property Preservation Agreements. A request for approval of an Historic Property Preservation Agreement may be initiated by the filing of an application by the owner(s) or his/her (their) authorized agent(s) of a property on the City's Designated Historic Resources List.

After January 1, 1998, applications will be accepted on a quarterly basis (first come, first served) for the first three (3) quarters of each calendar year. No more than five (5) applications may be accepted by the City during each quarter.

F. Submittal Requirements. Except as amended in this section, please refer to the submittal requirements in Section 17.12.040, Filing an Application, and Section 17.12.060, Applications Requiring Additional Information, of this title.

G. Review Procedures for Historic Property Preservation Agreement Requests.

1. All applications for Historic Property Preservation Agreements submitted within each quarter will be processed together in the quarter following the quarter in which the application was deemed to be complete. All approved Agreements must be executed on or before December 31 of each year in order to take effect for the following property tax year.

2. Agreements completed, but not executed, by December 31 of a given year will be carried over for execution and recording in the following year and will take effect in accordance with subsection (G)(1) of this section.

3. Pre-application Review. Prior to submitting an application for an Historic Property Preservation Agreement, the owner shall schedule a pre-application review conference with the City Planner. The purpose of the pre-application review conference is to ensure that mandatory terms of the Agreement are understood and that the minimum submittal requirements are met. Applications may be submitted during or after the pre-application review conference.

4. Following receipt of a completed application, the City Planner shall schedule a meeting with the property owner at the subject property (the "site meeting"). The purpose and intent of the site meeting is to inspect the property to determine compliance with the criteria specified in Section 17.16.160E of this chapter and to develop a list of improvements, if any, deemed necessary during the first ten (10) year period of the Agreement to restore the property's architectural and/or historical integrity. After the site meeting, a follow-up meeting may be scheduled by the City Planner with the property owner to estimate the potential property tax savings for the individual property. However, actual property tax savings will be calculated by the County Tax Assessor each tax year. The City's estimate is no more than a simple estimate and not intended by the City to represent the actual tax savings any person may experience. No person should rely on City representatives regarding the potential tax savings resulting from the execution of an Historic Property Preservation Agreement when such person is contemplating entering into such an agreement. Any person seeking to understand the tax consequences of entering into the Agreement should consult his/her tax expert.

5. Once the site meeting has been completed and a list of necessary improvements, if any, has been drafted for the property, the City Planner shall forward the draft Agreement, and the proposed list of improvements, to the Design Review Subcommittee for review. The Subcommittee shall consider the proposed list of improvements, may make recommendations for amendments to said list, and shall make a recommendation to the City Council regarding approval or denial of the Agreement together with the proposed list of improvements.

6. Following receipt of a recommendation on the Agreement together with the proposed list of improvements, the City Council shall conduct a public hearing in compliance with Section 17.12.100, Public Hearing and Notification, of this title.

7. After completion of the public hearing, the City Council shall either approve, conditionally approve or disapprove the request.

8. Once an Historic Property Preservation Agreement has been approved by the City Council, the property owner shall pay the fee for processing the application to the City Planning Division. Once the applicable fee has been paid, the approved Agreement shall be executed by the property owner(s) and the City with notarized signatures. The City shall forward all Agreements properly executed during a given calendar year to the County Recorder's office for recordation within twenty (20) days after the execution date. The recorded copy will be returned to the City for submission to the County Tax Assessor's office for implementation. In accordance with state law, no properly executed Historic Property Preservation Agreement may take effect until it has been recorded and submitted to the County Tax Assessor's office. Each Historic Property Preservation Agreement recorded before January 20 of a calendar year will take effect for property tax reduction purposes in the tax year beginning July of that calendar year.

H. Approval Runs with the Land. The approval of an Historic Property Preservation Agreement shall run with the land, and shall continue to be valid upon a change of ownership of the site to which it applies.

I. Notice of Nonrenewal. Either party to an Historic Property Preservation Agreement may file a notice of nonrenewal at any time after entering into the Agreement. The effect of the Notice of Nonrenewal is that the Agreement will become null and void upon expiration of the ten (10) year term in effect at the time the Notice is filed.

J. Cancellation of Agreement.

1. The City Council may cancel an Historic Property Preservation Agreement if the City Council determines that the property owner has breached any of the terms of the Agreement, or has allowed the property to deteriorate to the extent that it no longer meets the criteria in Section 17.16.160(E)(1).

2. Following completion of the Enforcement of Agreement procedures contained within each Historic Property Preservation Agreement and prior to the cancellation of an Historic Property Preservation Agreement, the City Council may initiate and review cancellation of an Agreement in the same manner as revocation of a Site Plan Permit, as described in Section 17.12.180, Initiating Review of a Site Plan Permit and Review Procedures.

3. If the City Council cancels an Agreement, the property owner shall pay a penalty of twelve and one-half (12 1/2) percent of the full value of the property, as determined by the County Tax Assessor, to the State. (Ord. 1231 § 5, 1999; Ord. 1194 § 3, 1997)

17.16.180 Waiver of fees/development standards, relocation of historic structures.

A. Purpose and Intent. In order to preserve and protect the cultural, historical, and architectural heritage of San Clemente, certain incentives are provided in various sections of this title to owners of designated historically significant properties. The purpose and intent of this section is to describe the waiver of fees/development standards for historic resources. For other regulatory incentives, see Sections 17.16.175, Historic preservation incentives, historic property preservation (Mills Act) agreements; 17.24.100, Increase in Floor Area Ratios; 17.64.120,

Modifications and Waivers of Parking Requirements; and 17.72.100, Nonconforming Historic Structures and Uses. Please refer to the City's Building Division for additional provisions related to the use of the State Historical Building Code.

B. Authority. The City Council is the final authority on the authorization and approval of fee/development standard waivers for properties on the City's Designated Historic Resources List.

C. Fee Waivers.

1. A one hundred (100) percent fee waiver for a Cultural Heritage Permit and Minor Cultural Heritage Permit may be applicable for properties subject to City Ordinance Table 17.6.100B (C) if the City Planner determines that the project adheres to the Secretary of the Interior Standards for the Treatment of Historic Properties. This does not include any required technical studies, miscellaneous associated fees with processing the application, etc. Properties subject to the possible fee waiver, found in City Ordinance Table 17.6.100B (C), include:

a. All resources sites listed on the City's List of Designated Historic Structures Resources and Landmarks Lists.

b. All abutting single-family homes and duplexes.

c. All sites with three or more dwelling units within three hundred (300) feet of residentially zoned sites listed on the City's List of Designated Historic Structures Resources and Landmarks Lists.

2. In the event that a structure which has been designated by the Commission as historically significant is to be relocated from one (1) site within the City to another site within the City, the Commission may recommend to the City Council that the following designated fees be waived or reduced by a specified amount:

a. In-lieu park fee;

b. Sewer connection charge;

c. Water acreage assessment charge;

d. Planned drainage facilities fee;

e. Conditional Use Permit.

The recommendation of the Commission shall be in writing, shall specifically state fees, or partial amounts thereof, for which waiver or reduction is recommended, and shall state the reasons for the recommendation. The City Council shall thereafter consider the matter, and may approve, modify, or deny the recommendation.

3. Waiver of development standards, such as off-street parking requirements, may be requested through the Minor Conditional Use Permit required for the relocation, as detailed in Section 17.24.160, Relocation of Structures, provided that the number of existing off-street parking spaces shall not be eliminated. (Ord. 1445 § 13, 2007; Ord. 1172 § 3 (part), 1996)

17.24.020 Maintenance of properties.

A. Maintenance of All Properties. All properties within the City shall be kept and maintained in a clean, neat, orderly, operable, safe and usable condition. This section applies to buildings, paving, fences, walls, landscaping, water, earth, and any other structures or natural features.

B. Maintenance of Historic Properties.

1. Purpose and Intent. The purpose and intent of this subsection is to preserve, protect, and perpetuate the elements of the historic fabric unique to the historic resource or site and to stabilize the historic authenticity of the historic resource, building or site to prevent need for demolition or destruction due to neglect of important resources in the City's history. For purposes of maintenance and repairs, every effort shall be made to stabilize the resource, building or site so that its historical integrity is preserved in a manner consistent with the Secretary of the Interior's Standards.

2. Maintenance Requirements. To help meet the purpose and intent, the following maintenance requirements are established:

a. Water Protection. Structures shall be maintained in a watertight condition to preclude intrusion by dry rot and other decay problems caused by water. Deteriorated, insufficient, or ineffective waterproofing or weather protection of exterior walls, roofs, foundations, floors, windows, or doors shall be promptly addressed and repaired to prevent further decay, deterioration, or possibility of injury to members of the public and/or property.

b. Façade. The facade shall be properly maintained through repair, paint, or any necessary treatment, so as to prevent decay, water or moisture intrusion, damage to the structure, and/or injury to the public. Defective or insufficient weather protection for exterior treatments and facades, including lack of paint or protective covering shall be promptly addressed, and repaired or stabilized to prevent further decay, deterioration, and possibility of injury to members of the public and/or property.

c. Structure. Roof, foundation, and structure shall be maintained through proper treatment and repair, to prevent decay, demolition by neglect, loss of historic materials and features, damage to the structure, and/or injury to the public. Defective materials or deterioration which may cause any or all portions of roofs, foundations, walls, or other structural members to deteriorate shall be promptly addressed, and repaired or stabilized to prevent further decay, deterioration, loss of historic fabric, and possibility of injury to members of the public and/or property.

d. Character Defining Features. The buildings elements such as cornices, chimneys, etc. shall be properly maintained to prevent decay, demolition by neglect, loss of historic fabric, and possibility of injury. Deteriorated or defective building elements shall be promptly addressed, and repaired or stabilized to prevent further decay, deterioration, loss of historic fabric, and possibility of injury to members of the public and/or property.

C. Enforcement and Penalties. In addition to any other penalty authorized by law, failure to do so maintain shall constitute a public nuisance pursuant to Chapter 8.52 of this Code resulting in the issuance of an order that the owner perform the maintenance necessary to comply with this section. Any failure to comply with such an order shall entitle the City to cause the maintenance to be performed at the owner's expense and in addition to the penalties provided by this code for violation thereof, such cost may be recovered of such owner or occupant by civil action in any court of competent jurisdiction. In addition, any such costs shall become a lien against the property as provided for in Chapter 8.52.

17.24.100 Floor area ratios, increase in.

A. Increase in Permitted Floor Area Ratios. The standard floor ratio for commercial and mixed-use zones is specified in Chapters 17.36, Commercial Zones and Standards, and 17.40, Mixed-Use Zones and Standards, of this title. New buildings and additions to existing buildings may be allowed to increase the maximum floor area ratio for the zone in which they are located through either the Site Plan Permit process or Minor Site Plan Permit process, in accordance with Section 17.16.050,

Site Plan Permits and Minor Site Plan Permits, of this title. In no event shall the increased floor area ratio approved exceed the maximum floor area ratios specified below:

**Table 17.24.100
Increase in Floor Area Ratios**

Zone	FAR
Mixed-Use 3 (MU3)	
Commercial projects	1.0
Mixed-use projects	2.0
Neighborhood Commercial (NC 2), excluding the Coastal Overlay Zone	
On-site <i>historic</i> preservation	Maximum increase equal to existing <i>historic</i> structure's SF
Relocation of <i>historic</i> structure	Maximum increase less than existing <i>historic</i> structure's SF

B. Required Findings. In order to approve a request for an increase in floor area ratio based on public benefit, the following finding shall be made:

1. The requested increase will not significantly contribute to the temporary or cumulative demands for public facilities or services; and

2. One of the following findings shall be made:

a. The proposed project warrants increased intensity because it demonstrates exceptional design quality exceeding City standards and guidelines, or

b. The proposed project provides significant or exceptional public amenities or benefits beyond those warranted by the development, or

c. The proposed project provides significant or exceptional public benefits, as defined in Chapter 17.88, Definitions, Public Benefit, of this title, that promote the goals and policies of the General Plan.

3. For projects in the NC 2 zone, excluding the Coastal Overlay Zone, which propose on-site preservation of a designated *historic* structure, a maximum FAR increase equal to the *historic* structure's existing square footage may be approved by the decision-making body only if the following finding is made in addition to the preceding findings in subsections (B)(1) and (B)(2) of this section:

The on-site preservation is in accordance with the Secretary of the Interior's Standards for Treatment of *Historic* Properties and will ensure continued preservation of the structure to the extent feasible.

4. For projects in the NC 2 zone, excluding the Coastal Overlay zone, which propose relocation of a designated *historic* structure, a maximum FAR increase of less than the *historic* structure's existing square footage may be approved at the discretion of the decision-making body based on merit if the following findings are made in addition to the preceding findings in subsections (B)(1) and (B)(2) of this section:

a. The relocation is to a site located within the same zone, or to a more appropriate land use and/or overlay zone, that will not be contrary to the continued preservation of the structure.

b. Conditions of approval are included that will ensure to the extent feasible successful relocation, restoration and continued preservation of the *historic* structure in accordance with the Secretary of the Interior's Standards for Treatment of *Historic* Properties. (Ord. 1231 § 3, 1999; Ord. 1172 § 3 (part), 1996)

17.56.020 Architectural (-A) Overlay District.

A. Purpose and Intent. The purpose of the "-A" Overlay designation is to signify a visually distinct district in San Clemente, containing structures characterized by two significant design orientations:

1) the City's traditional architectural style, Spanish Colonial Revival, and 2) a pedestrian orientation. Development in areas with this overlay designation will be subject to architectural review for compliance with the City's Design Guidelines. See Section 17.16.100, Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits for requirements regarding architectural review. The goals for areas with this designation are as follows:

1. To maintain and enhance the unique "Spanish-Village-by-the-Sea" character of specific areas of the City;
2. To maintain a high quality of design consistent with the City's history;
3. To require that new and renovated buildings within the overlay district be designed to reflect the City's Spanish Colonial Revival heritage in accordance with the urban design element and design guidelines;
4. To require site and structural development that exemplifies the Ole Hanson era, and, at the same time, allow creative interpretation of Spanish Colonial Revival architecture;
5. To provide for the development of commercial and mixed-use (integrating commercial with residential) districts characterized by a high level of pedestrian activity;
6. To require that structures located in these areas be sited and designed to enhance pedestrian activity along sidewalks.

B. Applicability. The provisions in this section apply to development within the -A Overlay.

C. Permitted and Conditionally Permitted Uses. Permitted and conditional uses within the -A Overlay are the same uses as those allowed within the underlying base zones. Please refer to the permitted and conditional use tables in Chapters 17.32, Residential Zones and Standards, through 17.48, Public Zones and Standards, of this title.

D. Purpose and Intent of Development Review for the Architectural (-A) Overlay District.

Development in areas designated by -A are subject to either Cultural Heritage Permits or Minor Cultural Heritage Permits, in accordance with Section 17.16.100, Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits, of this title. Depending on the scale of development proposed, other Discretionary Permits may be required, as well. Please refer to Chapter 17.16, Applications, for the requirements for other Discretionary Permits. The purpose of architectural review shall vary, according to the following criteria:

1. **New and Historic Structures.** The architectural character for all new or Spanish Colonial Revival historically designated buildings shall reflect Spanish Colonial Revival style and a pedestrian orientation. New and historic structures are required to comply with all relevant sections of the City's design guidelines, particularly the section on Spanish Colonial Revival style and on pedestrian districts, as well as the development standards for the underlying zoning designation.
2. **Remodeled Structures.** Although Ole Hanson-era Spanish Colonial Revival architecture and a pedestrian orientation are the ultimate goals for all remodeled buildings in the Architectural Overlay District, it may not always be practical, with minor changes, to convert a contemporary building into a true Spanish Colonial Revival style building or to provide pedestrian-oriented elements. It is not the intent of the Architectural Overlay District to prevent minor building improvements, additions, maintenance, etc., from occurring. The following should be considered when remodeling a building:
 - a. In reviewing additions to existing buildings which are not Spanish Colonial Revival and/or not pedestrian-oriented, the review authority shall determine whether or not it is practical for the existing buildings to be converted to Spanish Colonial Revival style and/or to provide pedestrian-oriented elements.

b. In cases where only minor modifications are proposed, the goals shall be the following:

- i. To improve the architectural quality of the building;
- ii. To include Spanish Colonial Revival elements, where practical;
- iii. To include as many pedestrian-oriented elements, such as courtyards, paseos, outdoor eating areas, landscaping, interesting architectural details, etc., as is practical.

Minor modifications are changes that leave the existing building essentially intact and are primarily cosmetic (e.g., paint, re-stucco, enlarged windows, small additions).

Minor remodels are required to comply with the standards of the underlying zoning designation, and the general design guidelines in the City's Design Guidelines. If the building being remodeled is Spanish Colonial Revival, or if Spanish Colonial Revival elements would complement the building and are practical, then the section of the City's Design Guidelines pertaining to Spanish Colonial Revival architecture should be used to guide minor changes. When practical, the guidelines for pedestrian districts contained in the City's Design Guidelines should also be used.

c. For all major remodels, an Ole Hanson-era Spanish Colonial Revival style and pedestrian-orientation shall be required unless it can be demonstrated that it is impractical to do so. Major remodels are changes that significantly alter a building's design (e.g., additions that significantly change the footprint of the building, the addition of new stories, new roof design, etc.).

Major remodels are required to comply with all relevant sections of the City's Design Guidelines, particularly the sections on Spanish Colonial Revival style and pedestrian districts, as well as the development standards for underlying zoning designation. (Ord. 1172 § 3 (part), 1996)

17.64.125 Waivers of parking requirements.

B. Outside the Downtown Parking Study Area. Waivers of the parking requirements for the uses contained in the following table may be approved, subject to the approval of the indicated permits:

USE	REVIEW REQUIREMENTS	FINDINGS WAIVERS MAY BE GRANTED TO THE INDICATED USES IF THE FINDINGS ARE MADE, IN ADDITION TO THE GENERAL FINDINGS FOR THE SPECIFIED PERMITS
1. Hotels-- Waivers for the Number of Parking Spaces Required	CUP	1. The hotel provides for the transportation needs of its guests such that the hotel guest's use or storage of personal automobiles will not exceed the parking spaces provided for hotel guests; and
		2. Either the hotel is in close proximity to existing or approved public transportation facilities or other criteria exist which would reduce the amount of parking which would otherwise be required by the hotel.
2. <i>Historic</i> Structures in RM and RH Zones-- Waivers of the	MEP--2 space reduction CUP-- All others	1. The structure is listed on the City's Designated <i>Historic</i> Structures List; and

Parking Space and Circulation Requirements		
		2. The parking required by the district within which the property is located cannot be provided without altering or modifying the <i>historic</i> structure in a manner which is incompatible with its original style and character; and
		3. The modifications of the parking and circulation requirements will not be detrimental to the health, safety and general welfare of either the people residing in the area or the general public.
3. <i>Historic</i> Nonresidential and Mixed-Use Structures--Waivers of the Parking Space and Circulation Requirements	MEP--2 space reduction CUP-- All others	1. The structure is listed on the City's Designated <i>Historic</i> Structures List; and
		2. Public parking is available in close proximity to the structure; and
		3. The parking required by the zone and/or district within which the property is located cannot be provided without altering or modifying the <i>historic</i> structure in a manner which is incompatible with the <i>historic</i> structure's original architectural style and character; and
		4. The modification of the parking requirements will not be detrimental to the health, safety and general welfare of either the people residing in the area or the general public.
Relocation of <i>Historic</i> Structures--Waivers of the Parking Space and Circulation Requirements	MCUP. Please also refer to Section 17.24.160, Relocation of Structures	The structure is listed on the City's Designated <i>Historic</i> Structures List

17.72.100 Nonconforming historic Resources and uses.

A. A nonconforming designated national, state or local historic structure or use may be exempted from the provisions of this chapter through the approval of a Conditional Use Permit in accordance with Section 17.16.060, Conditional Use Permits, of this title.

B. Approval of a Conditional Use Permit shall regulate the property to assure that the historic resource is maintained, preserved, and/or restored and that the resource as preserved and restored will be a positive contribution to the community.

C. Historic uses which are nonconforming and which are located in historic buildings may be re-established in accordance with state law. (Ord. 1172 § 3 (part), 1996)

17.88.030 Definitions.

Historical Resources. For the purpose of this title, the following definitions shall apply:

1. **“Adjacent property”** means any property that is located within one hundred (100) yards of property which has been designated as historically significant, and which is determined by the Planning Commission to have an actual or potential visual impact on the historically significant property.

2. **“Historical district”** means an area or distinct section containing structures which have a special character, historical interest or aesthetic value or which represents the Spanish Heritage architectural style typical to the history of the City.

3. **“Historically significant property”** means any site, building or structure of particular historic, architectural or cultural significance to the City as determined by the Planning Commission. Such site may be identified with historic personages or with important events in the main currents of national, State or local history, or may embody the distinguishing characteristics of an architectural specimen, inherently valuable for a study of a period, style, method of construction, or may be a notable work of a master builder, designer or architect whose individual genius influenced his age.

4. **“Landmark”** means a building, site, structure, object, or improvement, manmade or natural, with special character or special historical, cultural, architectural, archeological, social, or aesthetic value inherent to the heritage of the City of San Clemente, the State of California, and/or the United States.

5. **“Demolition of Historic Structures”** means an act that destroys in whole or in part a designated historic resource.