



# STAFF REPORT

## SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: August 6, 2014

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**PLANNER:** Amber Gregg, Associate Planner *AGG*

**SUBJECT:** **Minor Exception Permit 14-242, Quinn Front Wall**, a request to allow a six-foot high wall into the required front yard setback of a single-family residence, where a three-foot, six inch is allowed.

**LOCATION:** 2460 South Ola Vista, legal description being Lot 43 of Tract 2313 and Assessor's Parcel Number 060-182-11

**ZONING/GP:** Residential Low and Coastal Zone Overlay (RL-5, CZ)

**BACKGROUND:**

- The project site is a 17,050 square-foot lot with a 1,666 square-foot, single-family home and a two car garage.
- The applicant proposes to construct a six-foot high block wall within the front yard setback. Per Section 17.24.090 of the Zoning Ordinance, the maximum permitted height for a fence, wall or hedge in the front yard setback is 42 inches.
- Zoning Ordinance Section 17.24.090.D, allows for a potential increase in the permitted height of a wall up to six feet with approval of a Minor Exception Permit (MEP).
- The subject parcel is part of a Coastal Canyon. Although the parcel is of generous size, development is constrained by steep topography.
- The applicant would like to maximize use of the front yard and therefore request the wall height exception.
- The wall will be nine and a half to eleven and a half feet behind the public right-of-way, with landscaping between the wall and sidewalk.
- The proposed wall is not anticipated to create any negative massing impacts when viewed from the street or adjacent properties because:
  - A. The area in front of the wall (between the wall and the sidewalk) will remain heavily landscaped to soften the structures appearance and maintain a pedestrian friendly streetscape;
  - B. The wall will not impede line of sight of drivers leaving or passing the property; and
  - C. The wall is consistent with the overall street scene of the neighborhood as several of the surrounding properties have increased wall heights in the front yard setback.

- The request meets all of the required findings of Zoning Ordinance Section 17.16.090.F.1, Minor Exception Permit, as detailed in the attached Resolution.
- Staff has not received any public input regarding this project.

**RECOMMENDATION**

STAFF RECOMMENDS THAT the Zoning Administrator approve MEP 14-242, Quinn Front Wall, subject to the attached Resolution.

Attachments:

1. Resolution
2. Vicinity Map
3. Pictures  
Plans

RESOLUTION NO. ZA 14-032

**A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR EXCEPTION PERMIT 14-242, QUINN FRONT WALL, TO ALLOW A SIX-FOOT HIGH WALL TO BE CONSTRUCTED IN THE REQUIRED FRONT YARD SETBACK OF A SINGLE-FAMILY RESIDENCE LOCATED AT 2460 SOUTH OLA VISTA**

**WHEREAS**, on June 11, 2014, a complete application was submitted by Kathleen and William Quinn, for a Minor Exception Permit to allow a six-foot high wall to be constructed in the required front yard setback of a single-family residence located at 2460 South Ola Vista, the legal description being Lot 43 of Tract 2312 (APN 060-182-11); and

**WHEREAS**, the Planning Division completed an initial environmental assessment of the above matter in accordance with California Environmental Quality Act (CEQA) and determined this project is categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303 because the project is construction of a minor structure accessory to an existing single-family residence; and

**WHEREAS**, on August 6, 2014, the Zoning Administrator held a duly noticed public hearing on the subject application and considered evidence presented by the City staff, the applicant, and other interested parties.

**NOW THEREFORE**, the Zoning Administrator of the City of San Clemente hereby resolves as follows:

**Section 1:** This project is categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303 because the project is construction of a minor structure accessory to an existing single-family residence.

**Section 2:** The requested encroachment into the front setback area will not interfere with the purpose of the zone or the standards of the zone in which the property is located in that the proposed property will continue to be a single-family residence and the block wall will provide a larger, useable outdoor area for the applicant to enjoy.

**Section 3:** Neighboring properties will not be adversely affected as a result of the conditional approval of the Minor Exception Permit in that the proposed wall will not impede the driver's vehicular line of sight when leaving or passing by the property, nor is it anticipated to create any negative massing impacts as viewed from the street or neighboring properties given that the proposed wall is in character with the neighborhood and will blend with the overall street scene with minimal impact.

**Section 4:** The proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity, in that the walls will be constructed in compliance with all required Building, Safety and Fire codes, and due to reasons stated in Section 3.

**Section 5:** The Zoning Administrator of the City of San Clemente hereby approves MEP 14-242, Quinn Front Wall, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit A.

**PASSED AND ADOPTED** at a regular meeting of the Zoning Administrator of the City of San Clemente on August 6, 2014.

SAN CLEMENTE ZONING ADMINISTRATOR

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James Holloway, Community Development Director

## EXHIBIT A

**CONDITIONS OF APPROVAL\***  
**MINOR EXCEPTION PERMIT (MEP) 14-242**  
**QUINN FRONT WALL**

1. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City of San Clemente and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the "Indemnitees") from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either (i) the City's approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act ("CEQA"), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an "Action") within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City's full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)\_\_\_\_\_
2. Thirty (30) days after project approval, the owner or designee shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)\_\_\_\_\_
3. MEP 14-242 shall become null and void if the structure is not commenced within three (3) years from the date of the approval thereof. *[Citation - Section 17.12.150.A.1 of the SCMC]* (PIng.)\_\_\_\_\_

4. The owner or designee shall have the right to request an extension of MEP 14-242 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall be subject to review and approval in accordance with Section 17.12.160 of the Zoning Ordinance. *[Citation - Section 17.12.160 of the SCMC]* (PIng.)\_\_\_\_\_

5. The project shall be develop in conformance with the site plan, elevations, details, and any other applicable submittals approved by the Zoning Administrator on August 6, 2014, subject to the Conditions of Approval.

Any deviation from the approved site plan, elevations, details, or other approved submittal shall require that the owner or designee submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Zoning Administrator. *[Citation - Section 17.12.180 of the SCMC]* (PIng.)\_\_\_\_\_

6. Landscaping within the first five feet behind the existing sidewalk shall be maintained so that it does not exceed 3.5 feet high or to a level which does not interfere with line of sight from the adjacent driveway(s). *[Citation - Section 15.36, and 12.24 of the SCMC]* ■(Eng.)\_\_\_\_\_

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


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



# LOCATION MAP

MEP 14-242, Quinn Front Wall  
2460 South Ola Vista



Not to scale 











← 5'6" →



KATHLEEN QUINN  
2460 SO. DIA VISTA  
SAN CLEMENTE

HOUSE

← 5' →

GARAGE

NEW 6" BLOCK WALL

9'6"

← 7' →

NEW 3'6" BLOCK WALL

6'

19'0"

17'0"

P.L.  
7'6"

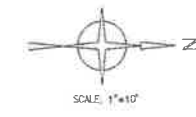
SIDEWALK

7'6"

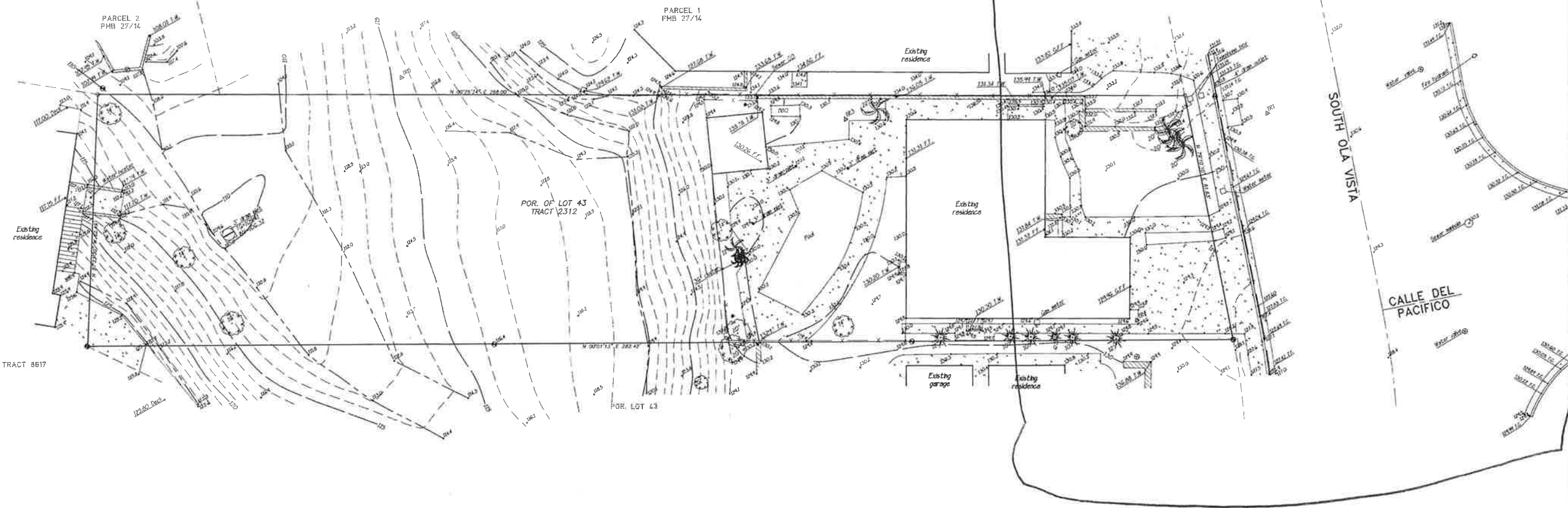
1" = 10'

LOT 45  
20' SET BACK FROM FRONT P.L.

DON WERT 4-2-14



Front yard



TOPOGRAPHIC SURVEY  
A PORTION OF LOT 43 TRACT 2312  
2480 SOUTH OLA VISTA, SAN CLEMENTE, CALIFORNIA

PREPARED FOR BILL QUINN

NO.	SCALE	DATE	BY	DATE	APP.
1	1"=10'	9-2-09	BJ		
2	1"=10'	9-21-09	BJ		

**TOAL ENGINEERING, INC.**  
Civil Engineers, Land Planners, Land Surveyors  
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SHEET 1 of 1  
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EASEMENT NOTE:  
THE PLAT FOR THIS SURVEY WAS PREPARED WITHOUT A TITLE REPORT.  
UNPLOTTED EASEMENTS MAY EXIST ON THE SUBJECT PROPERTY.

BOUNDARY NOTE:  
THIS IS NOT A BOUNDARY SURVEY. THE TOPOGRAPHIC FEATURES AS SHOWN  
ON THIS MAP MAY BE ADJUSTED RELATIVE TO THE PLAT UPON COMPLETION  
OF A BOUNDARY SURVEY.