



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: December 4, 2013

PLANNER: Amber Gregg Associate Planner *cdg*

SUBJECT: Cultural Heritage Permit 13-373, Snyder Residence Addition, a request to consider a 426 square foot addition to the back of a legal non-conforming duplex that is located across the street from a historic resource. The duplex is non-conforming because its main entrance, along the side property line, does not meet the eight-foot setback requirement. The project is located in the Residential High zoning district and within the Coastal Zone overlay (RH-CZ) at 1637 Calle Las Bolas. The legal description is Lot 35, of Block 4, of Tract 821, and Assessor's Parcel Number 692-121-11.

REQUIRED FINDINGS

Prior to approval of the proposed project, the below findings shall be made. The draft Resolution, provided as Attachment 1, and analysis section of this report provide an assessment of the project's compliance with these findings.

Cultural Heritage Permit, Section 17.16.060

- a. The architectural treatment of the project complies with the San Clemente General Plan.
- b. The architectural treatment of the project complies with the Zoning Ordinance including but not limited to height, setbacks, etc.
- c. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines.
- 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.
- f. The proposed project will not have negative visual or physical impacts upon the historic structure.

BACKGROUND

This is a request for a 426 sf addition to a 3,129 square foot duplex. The addition is for the second unit, on the fourth (top) level and will occupy the space of an existing deck. On top of the addition will be a roof deck of the same size.

The original duplex was constructed in 1979 and is located across the street from a historic resource. The historic resource is located at 1638 Calle Las Bolas and is a historic home that was constructed in 1937.

The duplex is legal non-conforming as it has a unit with a side-entry that has a side yard setback of five feet, four inches, where eight feet is required. Per Zoning Ordinance Section 17.16.100, a Cultural Heritage Permit is required for two reasons, an addition of greater than 200 square feet when located adjacent to a historic home, and for an addition of greater than 300 square feet to a non-conforming structure adjacent to a historic resource.

The Development Management Team reviewed the application on October 17, 2013 and supports the request, subject to the proposed conditions of approval. The required public noticing was conducted for the project and, to date no public comments have been received.

PROJECT DESCRIPTION

The proposed project is an addition of 426 feet and a roof deck to the 1,789 square foot top unit, increasing the unit size to 2,250 square feet. The exterior finish of the addition will match the existing structure. The addition is at the back of the property and will not be seen from the public right-of-way.

Development Standards

Table 1 outlines the development standards and how the project is consistent with these standards.

Table 1 - Development Standards

Standard	Code Requirements	Proposed Site Plan	Complies with Code Requirements
Density:	1 / 1,200 sf	1 / 3,136 sf	Yes
Building Height (Maximum)	29	45	Yes
Setbacks (Minimum):			
• Front	30'	18	Yes
• Side Yard	5' / 8' side entry	5' / 5.5'	No*
• Rear Yard	5'	28'9"	Yes
Lot Coverage	55%	40%	Yes
Required Parking:	2 spaces	2 spaces	Yes

**CHP application will permit the addition for the non-conforming structure.*

PROJECT ANALYSIS

Cultural Heritage Permit

Zoning Ordinance Table 17.16.100B requires a Cultural Heritage Permit (CHP) to expand a non-conforming structure that abuts a historic resource. A Cultural Heritage Permit is required to ensure the project is compatible with historic resources, is consistent with design guidelines, and is in character with the neighborhood. The structure is not located in an Architectural Overlay district so Spanish Colonial Revival (SCR) Guidelines do not apply. Design Guidelines related to massing and neighborhood compatibility are particularly important when considering this project, to determine whether it is compatible with historic resources.

Given the small size and location of the proposed addition, staff does not anticipate any negative impacts from the proposed project. The project will not be visible from the public right-of-way or the historic resource, and is located across the street from the historic structure, ensuring there will not be massing impacts.

Non-Conforming Structure

As stated previously, the second unit of the duplex has a five and a half foot side yard setback, where an eight foot is required. This renders the structure legal non-conforming. The eight foot setback is required for all developments that have a main entry along the side yard. Zoning Ordinance Section 17.72.050 states that a non-conforming structure may add up to 50% gross floor area with the approval of a Cultural Heritage Permit. The applicant is proposing an addition of 13%, well under the allowable. The addition is in keeping with the existing design of the structure and character of the surrounding neighborhood.

Staff believes the project meets the required CHP findings based on the following:

- a. The proposed materials, massing, and exterior finishes are consistent with existing architecture. This addition would blend in with a variety of architectural styles in the neighborhood.
- b. The project involves an expansion of a residential duplex in a high density residential zone (RH) where there are multi-family buildings on both sides of the subject site with similar massing and height as the proposed project.
- c. The project involves the expansion of a duplex within the RH zoning district that allows a maximum density of one unit for every 1,200 square feet of lot area or five dwellings on the 6,312 square foot subject site.
- d. The front view of the structure would not be modified and would retain its consistence with the surrounding neighborhood in its scale and appearance.
- e. The project complies with development standards and will not be detrimental to the orderly and harmonious development of the City as the development will continue to be a duplex in a multi-family zone.

- f. The project would not have negative massing impacts on the historic structure as the addition will not be able to be seen from the public right-of-way.

GENERAL PLAN CONSISTENCY

Table 2 summarizes the project’s consistency with the General Plan.

Table 2 - General Plan Consistency

Policies and Objectives	Consistency Finding
<i>1.2.9 Require that new residential development in existing residential neighborhoods be compatible with existing structures.</i>	Consistent. The massing, architecture, and scale of the proposed addition are in character with the neighborhood.

ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA):

The Planning Division completed an initial environmental assessment for this project per the California Environmental Quality Act (CEQA). Staff recommends the Planning Commission determine the project is exempt from CEQA as a Class 1 exemption per CEQA Guidelines Section 15301. This is recommended because the project involves an addition to an existing structure on areas of a lot that are not environmentally sensitive.

CALIFORNIA COASTAL COMMISSION REVIEW

The subject property is located within the Coastal Zone, and meets the geographic area criteria of Categorical Exclusion Order No. E-82-1 issued by the California Coastal Commission to the City of San Clemente. Therefore, the project is not subject to the permit requirements of the California Coastal Act of 1976.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff and approve the proposed project.

This is the recommended action. This action would result in the adoption of Resolution No. PC 13-047, allowing the project as proposed, per required findings and conditions of approval.

2. The Planning Commission can approve the project and at its discretion, add, modify or delete provisions of the proposed project or conditions.

This action would result in any modifications being incorporated into the project, such as architectural detail, finish, massing changes or modifications to conditions of approval.

3. The Planning Commission can deny the project.

This action would result in not allowing the project as proposed. This action would require this item to be continued so staff can draft a new resolution. The Commission should cite reasons for not being able to meet required findings. The applicant would then be able to appeal the Planning Commissions decision to the City Council.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approve CHP 13-373, Snyder Residence Addition, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution No. PC 13-027
Exhibit A – Conditions of approval
2. Location Map
3. Photos of Existing conditions
4. Historic survey sheet on 1638 Las Bolas
Plans

RESOLUTION NO. PC 13-047

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 13-373, SNYDER RESIDENCE ADDITION, A REQUEST TO CONSIDER AN EXPANSION OF A LEGAL-NONCONFORMING RESIDENCE ON A SITE THAT ABUTS A HISTORIC STRUCTURE, LOCATED AT 1637 CALLE LAS BOLAS

WHEREAS, on September 19, 2013, an application was submitted and deemed complete on October 17, 2013, by David York, 3103 South El Camino Real, San Clemente, CA 92672, for Cultural Heritage Permit (CHP) 13-373, a request to consider an 426 square foot expansion (a 13% increase) of a nonconforming duplex that is across the street from a historic structure. The subject site is located in the Residential High Density zone and Coastal Overlay (RH-CZ) at 1637 Calle Las Bolas. The site's legal description is Lot 35, Block 4 of Tract 821, and Assessor's Parcel Number 692-121-11; and

WHEREAS, the Planning Division completed an initial environmental assessment of the above matter in accordance with California Environmental Quality Act (CEQA) and recommends that the Planning Commission determine this project categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301 because the project involves an addition to an existing structure on areas of a lot that are not environmentally sensitive and the project is in an area where all public services and facilities are available to allow for development that is permitted in the General Plan; and

WHEREAS, on October 17, 2013; the City's Development Management Team reviewed the proposed project for compliance with the General Plan, Zoning Ordinance, and other applicable requirements; and

WHEREAS, on December 4, 2013, the Planning Commission 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 Planning Commission of the City of San Clemente hereby resolves as follows:

Section 1: The project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301 because the project involves an addition to an existing structure on areas of a lot that are not environmentally sensitive and the project is in an area where all public services and facilities are available to allow for development that is permitted in the General Plan.

Section 2: With regard to Cultural Heritage Permit 13-373, the Planning Commission finds as follows:

- A. The architectural treatment of the project complies with the San Clemente General Plan, in that the project is consistent with policies related to maintaining the character of neighborhoods and ensuring projects are compatible with surrounding development.
- B. The architectural treatment of the project complies with the Zoning Ordinance in areas including, but not limited to, height, setback, color, etc. in that the project complies with applicable development standards.
- C. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines in that the scale, mass, form, setbacks, and materials are compatible with adjacent structures and the pattern of development in the neighborhood.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood in that:
 - 1. the proposed materials, massing, and exterior finishes are consistent with existing architecture. The addition will blend in seamlessly with the existing structure; and
 - 2. the building's height and mass is well under the maximum 45 foot height limit, 29 feet, and is at a consistent height with the surrounding developments.
- E. The proposal is not detrimental to the orderly and harmonious development of the City in that the massing, scale, form, and setbacks of the addition will be compatible with adjacent structures since its a nominal expansion of a duplex in a residential high density zone that will not be visible from the public right of way.
- F. The proposed project will not have negative visual or physical impacts upon the historic structure in that the addition will not be visible form the public right of way and would not have negative massing impacts on the historic structure. The project area is significantly separated from the historic resource, approximately 175 feet, and located at the rear of the existing developed property; and

Section 3: The Planning Commission of the City of San Clemente hereby approves CHP 13-373, Snyder Residence Addition, subject to the above Findings and the Conditions of Approval attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of San Clemente on December 4, 2013.

Chair

TO WIT:

I HEREBY CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of San Clemente on December 4, 2013, and carried by the following roll call vote:

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

Secretary of the Planning Commission

EXHIBIT A

**CONDITIONS OF APPROVAL
CHP13-373, Snyder Residence Addition**

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. CHP 13-373 shall become null and void if the use is not commenced within three (3) years from the date of the approval thereof. Since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development. *[Citation - Section 17.12.150.A.1 of the SCMC]* (PIng.)_____

4. A use shall be deemed to have lapsed, and CHP 13-373 shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the California Building Code, as amended. *[Citation - Section 17.12.150.C.1 of the SCMC]* (Plng.) _____
5. The owner or designee shall have the right to request an extension of CHP 13-373 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 compliance with section 17.12.160 of the Zoning Ordinance. *[Citation - Section 17.12.160 of the SCMC]* (Plng.) _____
6. Prior to the issuance of building permits, the applicant or designee shall include within the first four pages of the working drawings a list of all conditions of approval imposed by the final approval for the project. *[Citation - City Quality Assurance Program]* (Plng.) _____
7. Prior to issuance of certificate of occupancy, the project shall be develop in conformance with the site plan, floor plans, elevations, details, and any other applicable submittals approved by the Planning Commission on December 4, 2013, subject to the Conditions of Approval. Any deviation from the approved plans 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 or Planning Commission. *[Citation - Section 17.12.180 of the SCMC]* (Plng.) _____
8. A separate Building Permit is required. Plans to construct new building, add or alter the existing building configuration, change in use, add or alter structural, mechanical, electrical or plumbing features of the project must be reviewed and approved through a separate building plan check / permit process. *[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]* (Bldg.) _____
9. Prior to issuance of building permits, applicant shall secure all utility agencies approvals for the proposed project. *[S.C.M.C – Title 15 Building Construction]* (Bldg.) _____
10. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to, the Zoning Ordinance, Grading Code, Security Ordinance, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 of the California Code of Regulations as adopted by the City including, but not limited to the California Administrative, Building, Electrical, Plumbing, Mechanical, Energy, Green, and

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

11. Prior to the issuance of building permits, the owner or designee shall pay all applicable development fees in effect at the time, which may include, but are not limited to, Regional Circulation Financing and Phasing Program (RCFPP), park acquisition and development, water and sewer connection, drainage, Public Facility Construction, transportation corridor, Avenida La Pata Supplemental Road Fee and school fees, etc. *[S.C.M.C. – Title 15 Building and Construction, Chapters 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]* (Bldg.)_____

12. Prior to the Building Division's approval of the framing inspection, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer that is licensed to do surveying or land surveyor has certified that the height of all structures are in conformance to the approved plans. *[S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24]* (Bldg.)_____

13. Fire sprinkler system required throughout as follows:
 a. All existing Group R occupancies and U-1 garages when an additional story is added to the structure regardless of the area involved. *[S.C.M.C – Title 15 – Chapter 15.08]* (Bldg.)_____

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

A. Per City Municipal Code Section 12.08.010 (A), when building permit valuations exceed \$50,000, the owner or designee shall construct sidewalk along the property frontage. This includes the replacement of severely cracked existing sidewalk. This also includes construction of compliant sidewalk up and around drive approach to meet current City standards (2% cross fall) when adequate right-of-way exists. If necessary, a sidewalk easement may be required to be granted to the City prior to the final of permits for any portion of sidewalk within the property needed to go up and around the drive approach or other obstructions.

B. An Engineering Department Encroachment Permit shall in place prior to the commencement of any work in the public right-of-way.

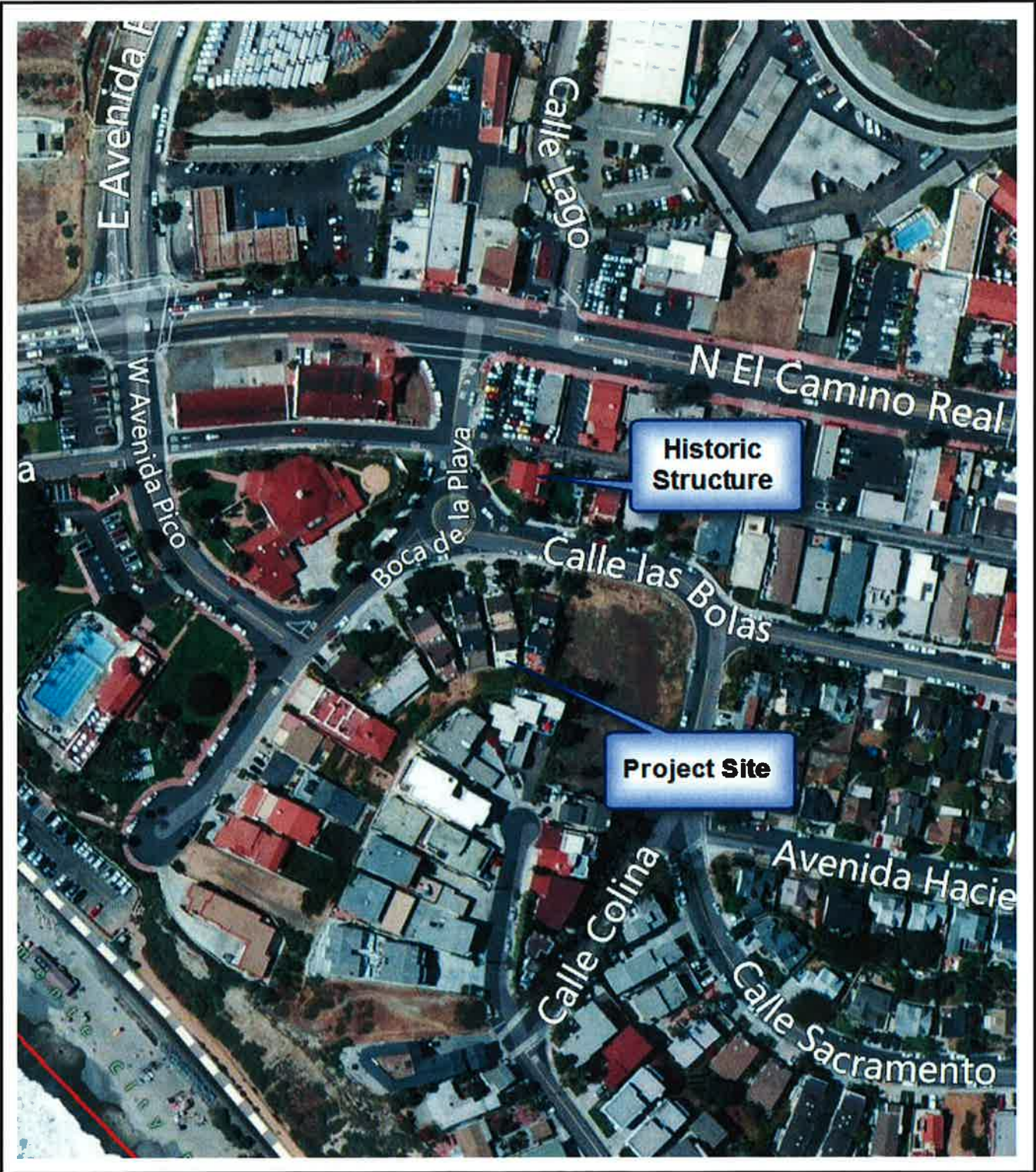
All Conditions of Approval are standard, unless indicated as follows:


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



LOCATION MAP

CHP 13-373, Snyder Residence Addition
1637 Calle Los Bolas



No scale 

Photographs



PRIMARY RECORD

Trinomial _____
NRHP Status Code 3D

Other Listings _____
Review Code _____ Reviewer _____ Date _____

Page 1 of 3 Resource Name or #: 1638 CALLE LAS BOLAS

P1. Other Identifier:

P2. Location: Not for Publication Unrestricted a. County Orange
and (P2b and P2C or P2d. Attach a Location Map as necessary.)
b. USGS 7.5' Quad Date T; R; 1/4 of 1/4 of Sec; B.M.
c. Address 1638 Calle Las Bolas City San Clemente Zip 92672
d. UTM: Zone; mE/ mN
e. Other Locational Data: Assessor Parcel Number: 692-371-40

P3a. Description:

The property contains a one-story single family residence with a irregular plan and wood-frame construction. Designed in the Spanish Colonial Revival style, it has a side-gable roof with clay tiles as well as a shed roof. The exterior walls are clad with smooth stucco. The primary facade includes an entry porch with wood porch supports. Spanish Colonial Revival elements of the residence include the stucco chimney and exposed rafter tails. The fenestration consists of original wood casement and fixed windows throughout the residence. The residence is in good condition. Its integrity is good.

P3b. Resources Attributes: 02 Single Family Property

P4. Resources Present: Building Structure Object Site District Element of District Other



P5b. Description of Photo:
South elevation, north view. May 2006.

P6. Date Constructed/Sources:
 Historic Both
 Prehistoric
1936 (F) Building Permit

P7. Owner and Address:
Bartlett, Roy J.
1638 Calle Las Bolas

P8. Recorded by:
Historic Resources Group, 1728
Whitley Avenue, Hollywood, CA
90028

P9. Date Recorded: 8/10/2006

P10. Survey Type:
City of San Clemente Historic
Resources Survey Update

P11. Report Citation: None.

Attachments: NONE Location Map Sketch Map Continuation Sheet Building, Structure, and Object Record
 Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record
 Artifact Record Photograph Record Other:

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 3

NRHP Status Code 3D

Resource Name or #: 1638 CALLE LAS BOLAS

B1. Historic Name: (Unknown)

B2. Common Name: (Unknown)

B3. Original Use: Single-family residence

B4. Present Use: Single-family residence

B5. Architectural Style: Spanish Colonial Revival

B6. Construction History:

B7. Moved? No Yes Unknown

Date: Original Location:

B8. Related Features:

B9a. Architect: Leo Smith

b. Builder: (Unknown)

B10. Significance: Theme Ole Hanson/Spanish Village by the Sea Area City of San Clemente

Period of Significance 1925-1936 Property Type Residential Applicable Criteria A

This one-story single family residence was built for W.W. Cameron in 1936. It was designed by Leo Smith. This property is a typical example of the Spanish Colonial Revival style as represented in San Clemente. This property appears eligible as a contributor to a potential National Register district under Criterion A for its association with the Ole Hanson/Spanish Village by the Sea period of development. It also appears eligible at the local level as a contributor to a potential historic district. It is recommended for retention on the Historic Structures List.

B11. Additional Resource Attributes: 02 Single Family Property

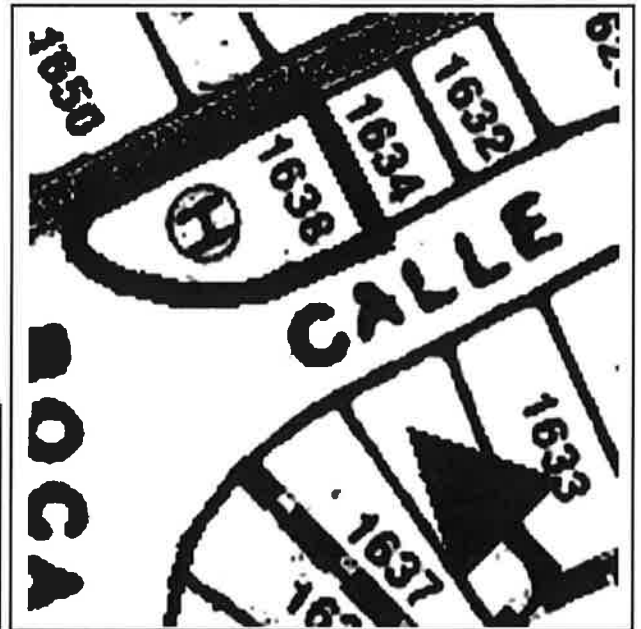
B12. References: San Clemente Building Permits; Historic Resources Survey, Leslie Heumann and Associates, 1995.

B13. Remarks: (none)

B14. Evaluator: Historic Resources Group, Hollywood, CA

Date of Evaluation: 8/10/2006

(This space reserved for official comments.)



CONTINUATION SHEET

Page 3 of 3

Resource Name or #: 1638 CALLE LAS BOLAS

Recorded by: Historic Resources Group

Date: 8/10/2006

Continuation Update

Photographs of the Subject Property, Continued:

