

**CITY OF SAN CLEMENTE  
MINUTES OF THE REGULAR  
ZONING ADMINISTRATOR MEETING  
April 17, 2013**

Staff Present: James Holloway, Adam Atamian, and Kimberly Maune

**2. MINUTES**

Minutes of the Zoning Administrator meeting of April 3, 2013 received and filed.

**3. ORAL AND WRITTEN COMMUNICATION**

None

**4. PUBLIC HEARING**

**A. 217 Calle Sonora – Minor Exception Permit 13-072/Minor Architectural Permit 13-089 – Wilson Residence (Atamian)**

A request to consider a 584 square foot expansion of a non-conforming structure to encroach three feet into the required 20 foot front yard setback at 217 Calle Sonora. The project is located in the Residential Low (RL-11) zoning district. The legal description is Lot 3, of Tract 4201, Assessor's Parcel Number 057-223-02.

Assistant Planner Adam Atamian summarized the staff report.

Applicant Joe Wilson was present. Mr. Wilson stated his neighbors are present. Mr. Wilson is concerned about making sure to find a compromise to mitigate any issues. He feels Mr. Atamian's presentation represented the project well.

Architect Rich Turpen was present; he had no comments.

Mr. Holloway stated the home addition is nonconforming because of the garage. The garage is separate from the primary structure. Mr. Holloway and Mr. Atamian examined the plans. Mr. Atamian stated the location of the garage is nonconforming, making the entire property nonconforming; therefore, the applicant needs a Minor Architectural Permit to add anything over 300 square feet to a nonconforming structure. Mr. Holloway stated the setback requirement is 20 feet; they are at 17 feet and require a Minor Exception Permit to encroach. He stated the City recently amended the nonconforming policy to allow this process for homeowners to add to nonconforming structures.

Neighbors Ken and Kathy Winkler were present; they live at 219 Calle Sonora. Mr. Winkler stated he is concerned about City officials abiding by the rules and regulations as set forth by the City. Building setbacks are set forth, they are in the bylaws. He is wondering why encroachments are allowed; two, three, or four wrongs do not make one right.

Mr. Winkler is also wondering about the windows that will be on the side of the addition that faces their property. Because the elevation of the applicant's property is one foot above theirs, they are concerned about privacy. He believes Mr. Wilson has indicated that he is going to try to modify those windows, they do not know to what extent.

Mr. Winkler is concerned about noise. If the addition is going to be a room that is going to have more than just sleeping quarters noise is a concern. If it will be an area where functions will be held and there will be a pool table in there, since their living area is on the same side of the house as the addition, as stated, noise is a concern.

Mr. Holloway asked Mr. Wilson what will be going on in the room that is being added. Mr. Wilson replied they will have a pool table, a Murphy bed, and a bathroom for guests. They currently only have three bedrooms so they want another one plus an extra bathroom. This will be a place to play with the grandkids and relax.

Mr. Holloway asked Mr. Winkler about the layout of his home in relation to the addition to the Wilson home. Mr. Winkler replied their family room and main dining room are on the side where the Wilson's addition will be; they spend 90 percent of their time there.

Mr. Turpen interjected that the garage is next to the new room addition, and the entrance to the structure and the bathroom are more where the Winkler's family room is. The garage is the front of the Winkler's property and the bonus room is the front of the Wilson's property.

Mr. Atamian stated all of the houses in this neighborhood are very close to being identical; they basically have the exact same footprint.

Mr. Wilson stated their intention is very occasional use in this room.

Mr. Holloway asked what type of windows are planned. Mr. Turpen responded three, two by two, fixed, dual paned windows, and he believes these windows face the side of the Winkler's garage. Mrs. Winkler asked if fixed windows means they do not open; Mr. Holloway responded yes.

Mr. Winkler asked what height the windows will be in relationship to the Wilson's ground level, which as he mentioned earlier is one foot above their natural pad level. Mr. Atamian responded according to the plans they will not be any lower than five feet five inches from that grade; the windows are high up. He stated when standing in the room the view will probably be of the top of the roof and the sky above it. Someone would need a step stool to look down.

Mr. Holloway stated based on the elevations supplied with the staff report, the description that the windows are dual paned, and the fact that they are two by two which are not big windows, and that the windows are fixed and do not open, two of the neighbor's concerns are addressed, privacy and noise. He would expect there to be very little noise leakage with this type of construction.

Mr. Holloway stated this home, like many homes in San Clemente, was built in 1963. The Zoning Code has changed probably four times since this home was built, the standards have changed. What was once a conforming garage is now nonconforming because of Zoning Code changes that have occurred. Recognizing that, San Clemente, and most cities, makes a provision so homeowners can add onto what was a legal structure, but is now called a legal nonconforming structure. The Minor Exception Permit and Minor Architectural Permit processes are in the code which allows homeowners to add onto nonconforming structures. This is the rationale behind allowing exceptions and this is common. The purpose for the public hearing is to hear issues such as the ones brought up by the neighbors, and obtain more information, and ascertain if there's been thoughtful design. He believes this design has been thoughtful with the two by two, double paned, fixed, and elevated windows.

Mr. Holloway stated there are two technical zoning issues. One is whether or not a homeowner can add onto a nonconforming structure. He explained that the code does allow adding to a nonconforming structure, within limits; the nonconformity was created by no fault of the Wilson's.

Mr. Holloway stated the other issue is the encroachment into the required setback with new construction. He asked for the rationale for the extra three feet. Mr. Wilson stated without that, in their opinion, it would be too small to do what they want to do. They feel it is reasonable. Also for the look from the front of the house, they didn't want it to look straight so the architect created a façade with articulations so that only a portion of the front encroaches three feet. They had hoped to come closer to the street, but when he learned from Mr. Atamian they couldn't, they scaled it back to what they could do legally. After talking with the Winkler's last week Mr. Wilson reduced the addition one foot on the side so the neighbors could get some more sunlight coming in.

Between the two structures there is about 15 feet, but the eaves of the roofs come out a couple of feet which cuts out a little sunlight. He would still like to have the extra three feet toward the front of the property.

Mr. Holloway stated the wall is on the same plane as the back existing wall which is what is normally done. Mr. Wilson stated their original plan was to go as close as they could to the property line, which was six feet, but the house is currently seven feet from the property line, so they designed it to be seven feet from the property line. Mr. Holloway stated this is good. Another aspect of the Minor Exception Permit is these setback standards have changed. If a homeowner is building out like the Wilson's are, they want to build on the same plane as the existing walls.

Mr. Turpen stated one reason they need the three feet in front is because they have created a courtyard for the entrance of the home and a separate exterior entrance into the new structure which takes up the square footage and so they pushed the project a little bit forward to get some square footage. Without that it makes the room too narrow. Mr. Holloway stated this is allowed by the code with the Minor Exception Permit.

Mr. Holloway stated the code allows what is being proposed if an applicant goes through this process, which is subject to a public hearing. The key issues that have come out are privacy and noise, which are issues the City deals with through this process. He feels comfortable with the design solutions that have been presented.

Mr. Holloway thanked the applicant for working with the City and with his neighbors. He believes the Wilson's design is sensitive to the neighbors and he hopes the neighbors have more comfort with what is being proposed. The noise and the privacy have been addressed. The Wilson's have gone through the process and they have come up with a reasonable design.

Mrs. Winkler asked for clarification regarding the 14 foot of flat roof and an 18 inch vent that Mr. Wilson had mentioned to her. Mr. Wilson responded this was an idea he has not spoken to Mr. Turpen about yet. He is concerned about getting ventilation into the room without creating separate duct work. Fourteen feet of flat is their objective to maximize the light coming in, he was going to speak to the architect about peaking it 18 inches to allow a duct to come from the house to the non-flat portion of the addition, so it would be almost flat.

Mr. Holloway stated there is not a height issue here; however, the peaked roof with the vent as the ventilation solution would be preferable in terms of addressing the Winkler's two specific issues, rather than having opening

windows which is what is usually done, especially in this part of town where it is nice to have the windows open. This is another good design solution in terms of being sensitive to the Winkler's issues.

Mr. Wilson believes the Winkler's, with their angled view out of their windows, and looking up and over the fence, will see the side of the roof, but because of that angle they won't see a slightly peaked roof since they are looking up. It will be so close to flat he does not think they will see it. Mrs. Winkler stated she understands.

Mr. Holloway informed everyone of the ten day appeal period and asked the applicant to continue to work with Mr. Atamian. He thanked everyone for attending the meeting.

Action: The Zoning Administrator approved Minor Exception Permit 13-072/Minor Architectural Permit 13-089, Wilson Residence, subject to Resolution ZA 13-015 with attached Conditions of Approval.

**ACTION SUBJECT TO APPEAL TO OR CALL-UP BY CITY COUNCIL.**

**5. NEW BUSINESS**

None

**6. OLD BUSINESS**

None

**ADJOURNMENT**

The meeting adjourned at 3:35 p.m. to the regular Zoning Administrator meeting to be held on May 8, 2013 at 3:00 p.m., at the Community Development Department, Conference Room A, located at 910 Calle Negocio, Suite 100, San Clemente, California.

Respectfully submitted,

SAN CLEMENTE ZONING ADMINISTRATOR

  
James Holloway