



**AGENDA FOR THE REGULAR MEETING
OF THE ZONING ADMINISTRATOR
FOR THE CITY OF SAN CLEMENTE, CALIFORNIA**

**Wednesday, January 23, 2013
3:00 p.m.**

**Community Development Department
Conference Room A
910 Calle Negocio, Suite 100
San Clemente, California**

MISSION STATEMENT

*The City of San Clemente, in partnership with the community we serve,
will foster a tradition dedicated to:*

Maintaining a safe, healthy atmosphere in which to live, work and play;

*Guiding development to ensure responsible growth while preserving and
enhancing our village character, unique environment and natural amenities;*

*Providing for the City's long-term stability through promotion
of economic vitality and diversity;*

*Resulting in a balanced community committed to protecting
what is valued today while meeting tomorrow's needs.*

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such a modification from the Community Development Department at (949)361-6100. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

Written material distributed to the Zoning Administrator after the original agenda packet was distributed is available for public inspection in the Community Development Department, located at 910 Calle Negocio, San Clemente, CA during normal business hours.

I. CALL TO ORDER

II. MINUTES

Receive and file minutes of the Zoning Administrator meetings of December 19, 2012 and January 9, 2013.

III. ORAL AND WRITTEN COMMUNICATION

Members of the audience may address the Zoning Administrator on any item within the jurisdiction of the Zoning Administrator that is not on the Zoning Administrator agenda. If you wish to speak, please step forward, state your name and City of residence and make your presentations. Please limit your presentations to three (3) minutes.

IV. PUBLIC HEARINGS

A. 424 Calle Vista Torito – Minor Architectural Permit 12-408 – Vasilauskas Residence Addition (Atamian)

A request to consider a 468 square foot addition to the rear portion of a non-conforming structure located at 424 Calle Vista Torito in the Residential-Low zoning district (RL-11). The legal description is Lot 99, of Tract 4938, Assessor's Parcel Number 691-252-18.

B. 306 Avenida San Pablo – Minor Architectural Permit 12-414 – Hanes Entryway Remodel (Jones)

A request to consider a 409 square foot addition to the front portion of a non-conforming structure located at 306 Avenida San Pablo in the Residential-Low zoning district (RL-1). The legal description is Lot 24, of Tract 5586, Assessor's Parcel Number 060-243-04.

V. NEW BUSINESS

None

VI. OLD BUSINESS

None

VII. ADJOURNMENT

Adjourn to the regular Zoning Administrator meeting to be held at 3:00 p.m. on Wednesday, February 6, 2013 at the Community Development Department, Conference Room A, located at 910 Calle Negocio, Suite 100, San Clemente, CA.

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR
ZONING ADMINISTRATOR MEETING
December 19, 2012**

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

2. MINUTES

Minutes of the Zoning Administrator meeting of December 5, 2012 received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARING

A. 3922 Calle Ariana – Minor Architectural Permit 12-309 – Cyprus Shore Clubhouse (Atamian)

A request to consider minor exterior alterations to a clubhouse structure located at 3922 Calle Ariana within the Open Space (OS2) zoning district and Coastal Zone boundary. The legal description is a portion of Lot X, of Tract 4202, Assessor's Parcel Number 060-281-59.

Assistant Planner Adam Atamian summarized the staff report. Mr. Atamian stated he received a letter today from a member of the public, Larry Culbertson. Mr. Atamian read the letter aloud. Mr. Culbertson's letter stated he believes this project could benefit by going through design review.

Applicant's representative architect Michael Luna was present. Mr. Luna stated no square footage is being added. They want to open up windows; by reconfiguring the interior floor plan the windows can offer a better ocean view. The project is not within 300 feet of any historic properties. This is a private community. There is no visual impact to any public roads. The community association initiated this project and approves of this project. This project has gone through the complete association review process, including the Architectural Committee and the Board of Directors.

Mr. Luna commented that the letter from Mr. Larry Culbertson seems out of place in that Mr. Larry Culbertson does not reside in the Cyprus Shore community.

Mr. Luna stated there are great examples of Spanish Colonial Revival structures in the association and outside, nearby the association. The building is in very bad need of repair, there is significant water damage. Rather than just repairing things and leaving the building outdated it was determined that the best investment for the community was to move this building towards Spanish Colonial Revival Architecture.

Tom Eads was present; he is the chairman of the Architectural Control Committee for the Cyprus Shore Homeowners Association. Mr. Eads is in favor of this project. There is no neighborhood opposition to this project. The homeowners association both initiated and is fully supportive of this project.

There were no members of the public present to address this item.

Mr. Holloway finds that this project is absolutely appropriate as a Minor Architectural Permit. There is no expansion of square footage. There are no site plan changes. There are no changes to the circulation pattern. This project does not have any public exposure, it is located behind private gates; therefore it will not have any public impact. There is complete neighborhood support. This project was initiated by and is supported by the homeowners association which is further evidence that the local neighborhood is in favor of and desirous of this project.

Mr. Holloway stated the City desires to assist applicants and streamline the process whenever possible so these kinds of improvements are brought forth and not have applicants postpone necessary and beneficial improvements.

Mr. Holloway informed the applicants of the ten day appeal period and thanked them for working with staff.

Action: The Zoning Administrator approved Minor Architectural Permit 12-309, Cyprus Shore Clubhouse, subject to Resolution ZA 12-048 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 3:15 p.m. to the regular Zoning Administrator meeting to be held on January 9, 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

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR
ZONING ADMINISTRATOR MEETING
January 9, 2013**

Staff Present: James Holloway, Sean Nicholas, and Denise Gee

2. MINUTES

No minutes.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARING

A. 140 Avenida Buena Ventura – Minor Architectural Permit 12-240/Minor Exception Permit 12-420 – Hill Residence (Nicholas)

A request to consider an addition to a nonconforming structure and to continue a nonconforming side yard setback for a new second story at 140 Avenida Buena Ventura within the Residential Low (RL) zoning district. The legal description is Lot 29, of Block 6, of Tract 900, Assessor's Parcel Number 060-101-48.

Associate Planner Sean Nicholas summarized the staff report.

Applicant Denis Hill was present. Architect Carolyn Dias was also present. Ms. Dias advised that she was pleased with Mr. Nicholas' coverage of the issues and is looking forward to the progress of the project.

Neighbor Ludwig Abrahamian was present. Mr. Abrahamian is concerned about the shed being located on the rear property line. He advised that though the home he owns is currently being occupied by tenants, he intends to retire at the residence. He bought the home because he liked the neighborhood, it is not a tract area, and it's a great beach community. He wants the fence to remain and does not want to look at a stucco wall. If he planted in his yard, he does not want to be responsible for moisture getting underneath the building or stucco damage. He would rather have his fence remain and the workshop be moved at least two feet away from the fence.

Mr. Abrahamian has no issues with the addition. He thought the plans looked great. The shed is the only concern he has.

Mr. Holloway asked Mr. Nicholas to point out on the plans where the shed would be located. Mr. Nicholas also pointed out on the plans where an in-ground lap pool is proposed. Mr. Abrahamian was also concerned about construction beginning. The fence would need to come down. Since there are tenants with children and a small dog, he does not want to be financially responsible while the construction is going on.

Mr. Holloway asked how tall the fence is. Mr. Abrahamian advised that the fence is six feet. Mr. Holloway asked what the fence was made of. Mr. Abrahamian stated his side is wood. Mr. Hill advised that initially the fence was chain link. The poles remain and the wood was bracketed to the poles and a wood fence was constructed.

Mr. Holloway asked the size of the shed. Mr. Nicholas advised that the shed is 286 square feet. Mr. Holloway asked when a structure becomes something more than an accessory structure. Mr. Nicholas advised over 450 square feet, as defined by the code. Mr. Holloway asked what the code requirement is for setting back accessory structures. Mr. Nicholas advised for structures under 450 feet, no setbacks are required and the structure can be up to the property line. Accessory structures must have a five foot building separation from the primary structure. In response to Mr. Holloway's question about the separation for this proposal, Mr. Nicholas indicated that there is a 6 feet 11 inches separation between the primary and accessory structures.

Mr. Holloway advised that the current structure is 1,741 square feet. The addition is 866 square feet, for a total completed square footage of 2,607 square feet. That means the 2,607 square feet is more than 2,100 square feet, which is one of the key size requirements that is talked about in the non-conforming zoning code. Why is this proposed project allowed to exceed the 2,100 square feet? Mr. Nicholas advised the 2,100 square feet is referenced associated with small, beach-type bungalow homes that start at approximately 1,200 square feet. This allows those owners to exceed the 50% up to 2,100 square feet.

At this point, Mr. Holloway advised these types of questions are to provide the City Council, who read the Zoning Administrator meeting minutes, a better understanding of the project and the decision making process.

Mr. Holloway asked that since this is a less than 50% addition, the project can exceed 2,100 square feet. Mr. Nicholas confirmed that this is why they could exceed 2,100 square feet. Mr. Holloway also said that to his understanding, what makes this non-conforming is that the garage is closer than the 18' setback and that the garage already exists. Mr. Nicholas advised that Mr. Holloway's

information is correct. Mr. Holloway said that the additions are being constructed on existing bearing walls. Mr. Nicholas confirmed the information. Mr. Nicholas also stated that there is a non-conforming side yard. The applicant is continuing the addition on the side, and the 2nd story addition is being set back as required in the front. Mr. Holloway stated that the addition is on the plane of the existing wall.

Mr. Holloway advised that these are the types of things that need to be looked at in the Minor Exception Permit process, aside from neighborhood input. Since this home was built in the 1960s, the code has changed several times since then. This is what creates the non-conforming structures. It makes sense that the policy makers create provisions that allow people to build on load bearing walls on the plane of the existing wall. Mr. Holloway stated that based on this information, this is a straight-forward application of which he will approve.

Mr. Holloway advised that the accessory building is a separate issue. He advised it's interesting to note that the accessory building can be built with zero setback. However, the neighbor has expressed his opinion and concerns. This is not really City business as long as the applicant provides the 5' minimum setback between the primary structure and the accessory structure. Mr. Holloway advised that if the applicant and the neighbor would like to work together and amend the plans based on mutual agreement, which Mr. Holloway encourages, they are more than welcome to do so. However, the issue is not City business based on the codes. The City administers the codes. He does not believe that citizens would like the City to go beyond administering the codes. Mr. Holloway stated that it appears the applicant and neighbor are already working together.

Mr. Holloway noticed that additional members of the public have joined the meeting. Ms. Cecilia McDermott was present, but had no comments.

Messrs. Hill, Abrahamian and Ms. Diaz then discussed the possibilities of moving the structure appropriately to address Mr. Abrahamian's concerns. Mr. Abrahamian and Mr. Hill agreed that the shed will be moved 18" away from the fence.

Action: The Zoning Administrator approved Minor Architectural Permit 12-240/Minor Exception Permit 12-420, Hill Residence, subject to Resolution ZA 13-001 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 3:25 p.m. to the regular Zoning Administrator meeting to be held on January 23, 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



STAFF REPORT

SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: January 23, 2013

PLANNER: Adam Atamian, Assistant Planner 

SUBJECT: **Minor Architectural Permit 12-408, Vasilauskas Residence Addition**, a request to consider a 468 square foot addition to the rear portion of a non-conforming residence.

LOCATION: 424 Calle Vista Torito

ZONING/GP: Residential Low Zoning District (RL-11)

BACKGROUND:

- The project site is a 7,083 square foot lot. A 1,837 square foot single-story residence was built on the site in 1964. The residence is legal non-conforming because the attached, street-facing garage is setback 10 feet 3 inches where 18 feet is required.
- The applicant proposes an addition of 468 square feet to expand the rear portion of the structure to expand the master bedroom and living room. This addition will increase the gross floor area of the structure 25.5%.
- A Minor Architectural Permit (MAP) is required to expand the gross floor area of a non-conforming structure. Zoning Ordinance Table 17.16.100A requires Zoning Administrator approval of a MAP.
- This project meets the required findings for a MAP in the following ways:
 1. It is compatible with neighboring properties because the addition is in character with other residences in the neighborhood, in that the proposed total square footage is similar to neighboring structures, and the addition will not be visible from the street.
 2. The addition conforms to development standards in the Zoning Ordinance, such as setbacks and height limits.
 3. The addition is in character with the neighborhood given the scale, design, and style of the project, in that will maintain the same quality of architectural design as the surrounding residences.
- Staff supports the applicants request because it meets the required findings for the reasons listed above.
- Staff did not receive any comments from the public as of the date this report was prepared.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve MAP 12-408, Vasilauskas Residence Addition, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution
 Exhibit 1 Conditions of Approval
2. Location Map
3. Photos
Plans

ATTACHMENT 1

RESOLUTION NO. ZA 13-002

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR ARCHITECTURAL PERMIT 12-408, VASILAUSKAS RESIDENCE ADDITION, A REQUEST TO ALLOW A 468 SQUARE FOOT ADDITION TO THE REAR PORTION OF A NON-CONFORMING RESIDENCE LOCATED AT 424 CALLE VISTA TORITO

WHEREAS, on November 28, 2012 an application was submitted, and on December 19, 2012, deemed complete, by Kirk Bassett, Bassett Construction, 108 Avenida Del Reposo, San Clemente, CA, 92672, for a Minor Architectural Permit to allow an addition of 468 square feet to the rear portion of a non-conforming residence located at 424 Calle Vista Torito, the legal description being Lot 99, of Tract 4938, APN 691-252-18; 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 Zoning Administrator determine this project categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301(e) because it involves a minor addition to an existing structure that will not have an adverse impact on the environment; and

WHEREAS, on December 13, 2012, 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 January 23, 2013, 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: The project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301(e) because it involves a minor addition to an existing structure which will not have an adverse impact on the environment.

Section 2: The architectural treatment of the project complies with the San Clemente General Plan and Zoning Ordinance in areas including, but not limited to, height limit and setbacks in that the addition will maintain the house as a single story and the addition will be within the required setbacks. The existing architectural style of the residence will be maintained with the proposed project.

Section 3: The general appearance of the proposal is in keeping with the character of the neighborhood in that the massing of the proposed addition is consistent with the scale and location of surrounding properties and is not visible from the public right-of-way.

Section 4: The proposal is not detrimental to the orderly and harmonious development of the City in that the proposal, as conditioned, is of high architectural quality that is compatible with neighboring properties.

Section 5: The Zoning Administrator of the City of San Clemente hereby approves MAP 12-408, Vasilauskas Residence Addition, a request to construct an addition of 468 square feet to the rear portion of a non-conforming residence, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Zoning Administrator of the City of San Clemente on January 23, 2013.

SAN CLEMENTE ZONING ADMINISTRATOR

James S. Holloway, Zoning Administrator

**CONDITIONS OF APPROVAL
MAP 12-408, Vasilauskas 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. MAP 12-408 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.)_____

A use shall be deemed to have lapsed, and MAP 12-408 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]*
(PIng.) _____

4. The owner or designee shall have the right to request an extension of MAP 12-408 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]*
(PIng.) _____
5. 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]*
(PIng.) _____
6. All new construction shall match materials and paint of the single family residence.
■■(PIng.)_____
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 Zoning Administrator on January 23, 2013, subject to the Conditions of Approval.

Any deviation from the approved site plan, floor plans, 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.) _____

8. 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, 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, Title 16 Subdivisions, Title 17 Zoning]*
(Bldg.)_____
9. 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.)_____

10. 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.)_____

11. Prior to the Building Division's approval to pour foundations, 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 forms for the building foundations conform to the front, side and rear setbacks are in conformance to the approved plans. *[S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24]* (Bldg.)_____

11. An automatic sprinkler system shall be installed throughout any existing Group R Occupancy building when the floor area of the alteration or combination of an Addition and Alteration, within any two year period, is 50% or more of area of the existing structure and where the scope of the work exposes building framing and facilitates sprinkler installation and is such that the Building/Fire Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building. *[S.C.M.C – Title 15 – Chapter 15.08]* (Bldg.)_____

Fees

12. Prior to the issuance of any permits, in the event that Grading Plans are required due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, plan check fees shall be submitted for the Engineering Department plan check of soils reports and grading plans. *[Citation – Fee Resolution No. 08-81 and Section 15.36 of the SCMC]* (Eng.)_____

Reports –Soils and Geologic, Hydrology

13. Prior to the issuance of any permits, in the event that Grading Plans are required due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for, a soils and geologic report prepared by a registered geologist and/or geotechnical engineer which conforms to City standards and all other applicable codes, ordinances and regulations. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____

Grading

14. Prior to the issuance of any permits, in the event that Grading Plans are required due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, the City Engineer shall determine that development of the site shall conform to general recommendations presented in the geotechnical studies, including specifications for site preparation, treatment of cut and fill, soils engineering, and surface and subsurface drainage. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____
15. Prior to the issuance of any permits, in the event that Grading Plans are required due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, the owner or designee shall submit for review, and obtain the approval of the City Engineer, a precise grading plan, prepared by a registered civil engineer, showing all applicable onsite improvements, including but not limited to, building pad grades, storm drains, sewer system, retaining walls, landscaping, water system, etc., as required by the City Grading Manual and Ordinance. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____

Improvements

16. Prior to issuance of any permits, 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 construction of compliant sidewalk up and around the drive approach to meet City standards. A sidewalk easement shall be granted to the City prior to final of permits for the portion of sidewalk within the property needed to go up and around the drive approach.
 - b. Any deflections of existing sidewalk greater than $\frac{3}{4}$ inch shall be shown to be corrected.
 - c. An Engineering Department Encroachment Permit will be required for all work in the public right-of-way. The frontage improvement plan shall include detailed topographic construction detail to show that current city standards are to be met including but not limited to, the construction of sidewalk up and around drive approach, where applicable, with a minimum width of 4 feet at no more than 2% cross fall.

NPDES

17. Prior to the issuance of any permits, in the event that Grading Plans are required due to

anticipated soil processing placing or recompacting 50 cubic yards of soil or more, the owner shall demonstrate to the satisfaction of the City Engineer that the project meets all requirements of the Orange County National Pollutant Discharge Elimination System (NPDES) Storm Drain Program, and Federal, State, County and City guidelines and regulations, in order to control pollutant run-off. The owner shall submit for review, and shall obtain approval of the City Engineer for, plans for regulation and control of pollutant run-off by using Best Management Practices (BMP's). *[Citation – Section 13.40 of the SCMC]* (Eng.)_____

- 18. Prior to issuance of any permit, the owner or designee shall submit for review a final “Non-Priority Project” Checklist *[Citation – Section 13.40 of the SCMC]* (Eng.)_____

Financial Security

- 19. Prior to the issuance of any permits, in the event that Grading Plans are required due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, the owner shall provide surety, improvement bonds, or irrevocable letters of credit for performance, labor and materials as determined by the City Engineer for 100% of each estimated improvement cost plus a 10% contingency, as prepared by a registered civil engineer as required and approved by the City Attorney or the City Engineer, for each applicable item, but not limited to, the following: grading earthwork, grading plan improvements, retaining walls, frontage improvements; sidewalks; sewer lines; water lines; storm drains; and erosion control. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____

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

ATTACHMENT 2

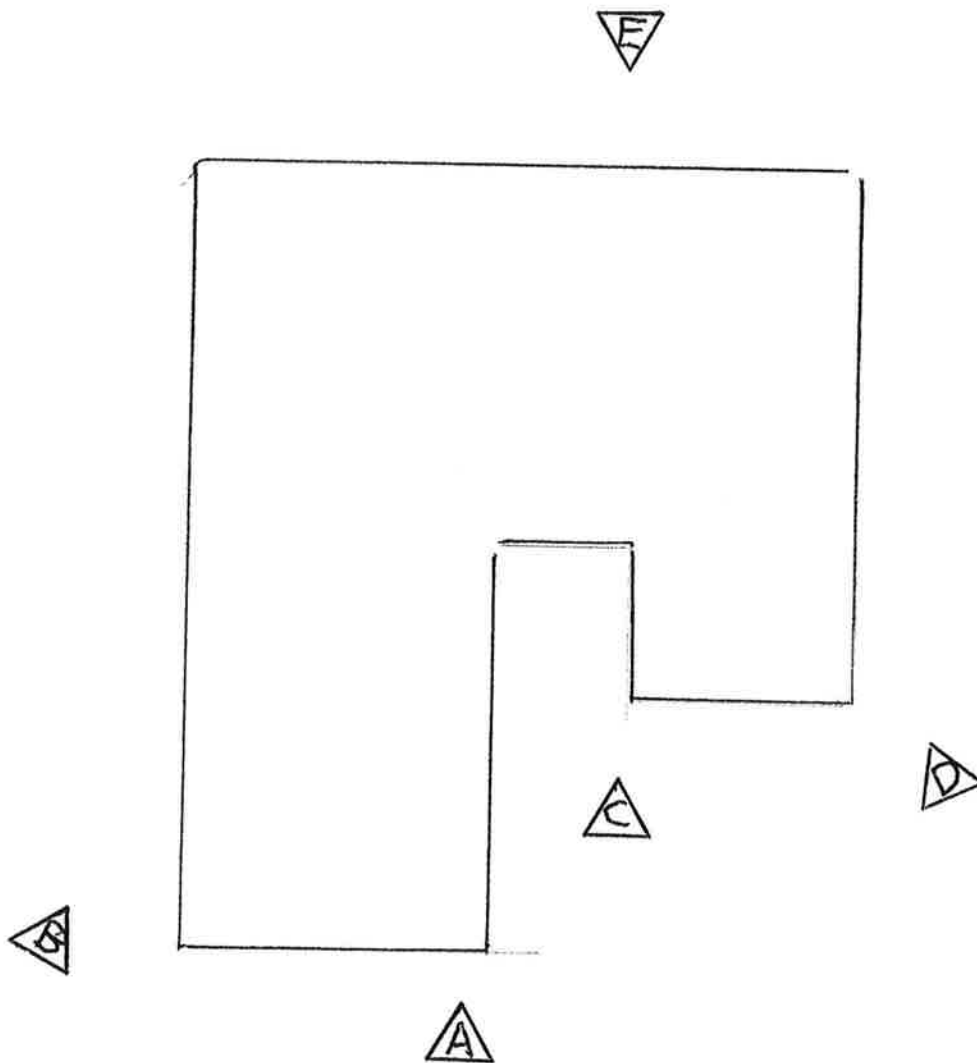
MAP 12-408, Vasilauskas Residence Addition
424 Calle Vista Torito



BASSETT CONSTRUCTION

(949)498-4697
KB4@COX.NET
C.S.C.L.#380209

PHOTOGRAPHIC LOCATION MAP
VASILAUSKAS RESIDENCE
424 CALLE VISTA TORITO
SAN CLEMENTE, CA.



(NOT TO SCALE)

← CALLE VISTA TORITO →



FRONT ELEVATION

VASILAMSKAS RES.

434 CALLE VISTA TORITO



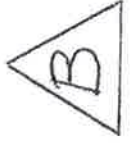
BASSETT CONSTRUCTION
105 AVE. DEL REPOSO
SAN CLEMENTE, CA. 92672
(949) 498-4697
C.S.C.L. 360209



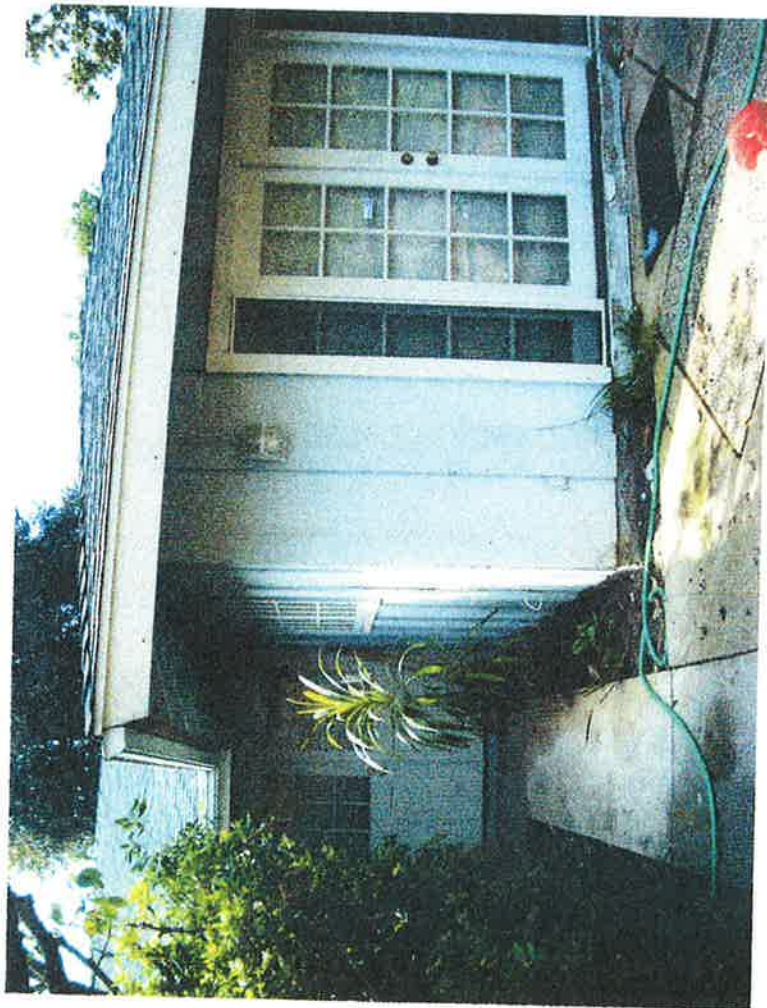
LEFT ELEVATION

VASILAUASKAS RES.

434 CALLE VISTA TORITO



BASSETT CONSTRUCTION
108 AVE. DEL REPOSO
SAN CLEMENTE, CA. 92672
(949) 498-1597
C.S.C. # 31639

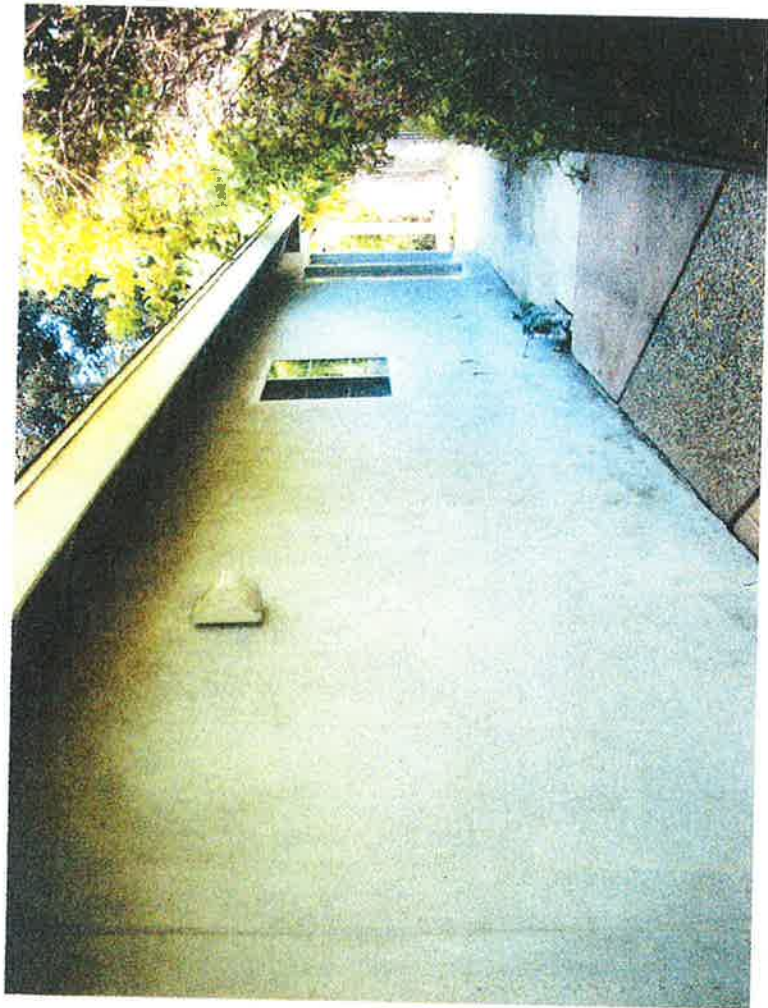


FRONT / ENTRY ELEVATION

VASILAVSKAS RES.
434 CALLE VISTA TORITO



DASSETT CONSTRUCTION
108 AVE. DEL REPOSO
SAN CLEMENTE, CA. 92672
(949) 498-6697
CELL 341209



RIGHT ELEVATIONS

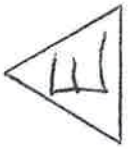
BASSETT CONSTRUCTION
106 AVE DEL REPOSO
SAN CLEMENTE, CA. 92672
(949) 498-4697
C.S.C.L. 380208



VASILAKIS RES.
434 CALLE VISTA TORITO



REAR ELEVATION



VASILANSKAS RES.

434 CALLE VISTA TORITO

BASSETT CONSTRUCTION
405 ALVARADO ST. #1030
SAN CLEMENTE, CA 92672
(848) 271-1111
C.S.C.L. 460210



STAFF REPORT

SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: January 23, 2013

PLANNER: Cliff Jones, Associate Planner *[Signature]*

SUBJECT: Minor Architectural Permit 12-414, Hanes Entryway Remodel, a request to allow a 409 square foot addition to a non-conforming structure.

LOCATION: 306 Avenida San Pablo

ZONING/GP: Residential Low (RL-1)

BACKGROUND:

- The project site is a 6,500 square-foot lot with a 1,680 square-foot one-story single family residence constructed in 1965. The residence is legal non-conforming because the front setback to the garage is 11'-6" where 18' is required.
- The applicant is requesting a 409 square foot single story addition at the front of the residence. The added square footage is under the existing roofline and encloses the covered entry and expands the front bedroom by four feet.
- Zoning Ordinance Section 17.72.050 requires Zoning Administrator approval of a Minor Architectural Permit (MAP) to expand the gross floor area of a non-conforming structure, provided the cumulative expansion is less than 50 percent and the project meets MAP findings.
- The 409 square foot addition is a 24 percent increase in residential gross floor area.
- The proposed addition meets the required development standards and measures 20 feet from the front property line along Avenida San Pablo, and 10 feet from the southeast side of the property, which faces an adjacent residence.
- The neighborhood consists of one-story single family residences with similar front setbacks to the garage as the subject property (attachment 3).
- This project meets the required findings for a Minor Architectural Permit in the following ways:
 1. The addition conforms to Development Standards, such as setbacks and height limits, and there are several similar residences with non-conforming garage setbacks in the neighborhood.
 2. The neighboring properties will not be adversely affected by the addition because the scale, mass, and design are consistent with the character of surrounding residences on Avenida San Pablo, the addition occurs under the existing roofline, and there are several similar residences with non-conforming garage setbacks in the neighborhood.

- Staff's supports the applicants request because it meets the required findings for the reasons listed above.
- Staff did not receive any comments from the public as of the date this report was prepared.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve MAP 12-414, Hanes Entryway Remodel, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution
 Exhibit 1 Conditions of Approval
2. Location Map
3. Neighborhood survey of similar setbacks
4. Photos
Plans

RESOLUTION NO. ZA 13-003

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR ARCHITECTURAL PERMIT 12-414, HANES ENTRYWAY REMODEL, A REQUEST TO ALLOW A 409 SQUARE FOOT ADDITION TO A NON-CONFORMING STRUCTURE LOCATED AT 306 AVENIDA SAN PABLO

WHEREAS, on December 4, 2012, an application was submitted and completed on January 2, 2013 by Larry Hanes, 306 Avenida San Pablo, for a Minor Architectural Permit for an addition to a non-conforming residence at 306 Avenida San Pablo, Legal Description being Lot 24, of Tract 5586, Assessor's Parcel Number 060-243-04; and

WHEREAS, the Planning Division completed an initial environmental assessment of the above matter in accordance with California Environmental Quality Act (CEQA) and recommends the Zoning Administrator determine this project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301 because the project consists of a minor addition to an existing single family residence and will remain a single family residence; and

WHEREAS, on January 23, 2013, 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 1 exemption pursuant to CEQA Guidelines Section 15301 because the project consists of minor a minor addition to an existing single family residence that will remain a single family residence.

Section 2: With regard to Minor Architectural Permit (MAP) 12-414, the Zoning Administrator finds as follows:

- A) The architectural treatment of the project complies with the San Clemente General Plan in that it maintains the character of the existing single family residence and single story appearance from the street. The project is in character with the neighborhood, which exhibits many non-conforming garages setback close to the street.
- B) The architectural treatment of the project complies with the Zoning Code in areas including, but not limited to, height, setback, lot coverage, etc. in that the addition will maintain the house as a single story and the addition will be within the required setbacks. The existing architectural style of the residence will be maintained with the proposed project.

- C) The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines in that the project is in character with the surrounding neighborhood in terms of design and massing.
- D) The general appearance of the proposal is in keeping with the character of the neighborhood in that the house will still be maintained as a single story residence and the addition occurs under the existing roofline.
- E) The proposal is not detrimental to the orderly and harmonious development of the City in that the area has been developed from the 1960s to present and the proposed addition will maintain the existing character of the residence and the addition occurs under the existing roofline.

Section 3: The Zoning Administrator of the City of San Clemente hereby approves MAP 12-414, Hanes Entryway Remodel, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Zoning Administrator of the City of San Clemente on January 23, 2013.

SAN CLEMENTE ZONING ADMINISTRATOR

James Holloway, Zoning Administrator

EXHIBIT 1

CONDITIONS OF APPROVAL*
MINOR ARCHITECTURAL PERMIT 12-414
HANES ENTRYWAY REMODEL

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. The owner or designee shall develop the approved project in conformance with the site plan, floor plans, elevations, and any other applicable submittals approved by the Zoning Administrator on January 23, 2013.

Any deviation from the approved site plan or other approved submittal shall required 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. (PIng.) _____

- 4. Minor Architectural Permit (MAP) 12-414 shall become null and void if the use is not commenced within three (3) years from the date of the approval thereof. Pursuant to Section 17.12.150 of the Zoning Ordinance of the City of San Clemente, since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that a building permit is issued for the development. *[Citation - Section 17.12.150.A.1 of the SCMC]*

Pursuant to Section 17.12.160, the owner or designee shall have the right to request an extension of MAP 12-414 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 by the Zoning Administrator. *[Citation - Section 17.12.160 of the SCMC]* (PIng.) _____

- 5. 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. (Bldg.)_____ *[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]*

- 6. 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. (Bldg.)_____ *[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]*

- 7. 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. (Bldg.)_____ *[S.C.M.C. – Title 15 Building and Construction, Chapters 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]*

* 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

ATTACHMENT 2

MAP 12-414, Hanes Entryway Remodel
306 Avenida San Pablo



No scale





Photos of 306 Avenida San Pablo



Homes with similar non-conforming front yard garage setbacks



304 Avenida San Pablo



302 Avenida San Pablo



300 Avenida San Pablo