



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

**Wednesday, May 7, 2014
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.

- 1. CALL TO ORDER**
- 2. MINUTES**

Receive and file minutes of the Zoning Administrator meeting of April 16, 2014.

3. 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.

4. PUBLIC HEARINGS

A. 161 S. Avenida San Antonio – Minor Architectural Permit 13-427/Minor Exception Permit 14-135 – Knottnerus Addition (Gregg)

A request to consider a first and second story addition, totaling 777 square feet, to a legal nonconforming single family residence located at 161 S. Avenida San Antonio. The Minor Exception Permit is a request to legalize the existing encroachment into the front yard setback. The subject site is within the Residential Low and Coastal zoning districts (RL-CZ), and the legal description is Lot 51, of Block 5, of Tract 852 and Assessor's Parcel Number 054-191-17.

B. 834 Camino De Los Mares – Minor Exception Permit 14-076 – Northrup Addition (Atamian)

A request to consider a one foot reduction of the required side yard setback of an existing single family residence located at 834 Camino De Los Mares. The subject site is within the Residential Low (RL-13) zoning district. The site's legal description is Lot 21, of Tract 5654 and Assessor's Parcel Number 680-021-24.

C. 311 Calle Felicidad – Amendment to Minor Architectural Permit 14-152 – Blum Residence Remodel Amendment (Atamian)

A request to consider amending an approved Minor Architectural Permit to reduce the square footage and layout of an addition to a nonconforming structure located at 311 Calle Felicidad. The project is located in the Residential Low (RL-11) zoning district. The legal description is Lot 109, of Tract 5655, Assessor's Parcel Number 690-124-03.

D. 213 Avenida Barcelona – Minor Architectural Permit 14-096/Minor Exception Permit 14-097 – Bernbeck Residence (Wright)

A request to consider an expansion of a nonconforming residence with minor zoning exceptions for the continuation of a legal nonconforming five foot side setback (where a six foot setback is required), and a 10 percent reduction (one foot) of the required 10 foot rear yard setback. The subject site is in the Residential Low Density zoning district and Coastal Overlay

Zoning Administrator Meeting May 7, 2014

(RL-CZ) at 213 Avenida Barcelona. The site's legal description is Lot 23, Block 12 of Tract 852 and Assessor's Parcel Number 692-241-07.

E. Minor Site Plan Permit 14-120 – Alta Sales Trailer (Wright)

A request to consider a temporary home sales office for Talega Tracts 16630 ("Alta") and 16636 ("Carillon"). The subject site is in the Residential Low Density area of the Talega Specific Plan. The site's legal description is Lots 57-58 of Tract 16630 and Assessor's Parcel Numbers 708-102-17 and 708-102-18.

5. NEW BUSINESS

None

6. OLD BUSINESS

None

7. ADJOURNMENT

Adjourn to the regular Zoning Administrator meeting to be held at 3:00 p.m. on Wednesday, May 21, 2014 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
April 16, 2014**

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

2. MINUTES

Minutes of the Zoning Administrator meeting of April 2, 2014 received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARING

A. 119 Boca De La Playa – Tentative Parcel Map 2014-105 – 119 Boca De La Playa (Ciampa)

A request to consider a Tentative Parcel Map for the conversion of a residential duplex that is under construction into two condominium units. The subject site is in the Residential Medium zoning district and within the Architectural and Coastal Zone Overlays (RM-A-CZ) at 119 Boca De La Playa. The site's legal description is Lot 45, Block 4 of Tract 821 and Assessor's Parcel Number 692-121-02

Associate Planner John Ciampa summarized the staff report.

Applicant Joseph Bulwa was present; he had no comments.

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

Mr. Holloway stated this is an air space subdivision. He informed Mr. Bulwa of the ten day appeal period and he thanked him for working with staff.

Action: The Zoning Administrator approved Tentative Parcel Map 2014-105, 119 Boca De La Playa, subject to Resolution ZA 14-017 with attached Conditions of Approval.

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

5. NEW BUSINESS

A. 805 Buena Vista – Waiver of Minor Cultural Heritage Permit 14-134 – Stallings Residence Exterior Alterations (Atamian)

A request to consider window and roof alterations to a previously approved addition adjacent to a historic property. The property is located in the Residential Medium (RM-CZ) zoning district at 805 Buena Vista, legal description being Lot 4, of Block 7, of Tract 794, Assessor's Parcel Number 692-082-41.

Assistant Planner Adam Atamian summarized the staff report. He stated the applicant was unable to attend this meeting, he lives out of state. Mr. Atamian reviewed the staff report with the applicant and he concurs with staff.

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

Mr. Holloway stated this is a great example of a very streamlined process which will enhance the quality of life for this neighborhood. The visual representations and the written description clearly indicate this project is going to improve the overall aesthetics of the project and the building. Additionally, this project is going to improve the architectural consistency of the house and be very compatible with the adjacent historic structure. This project will enhance the overall neighborhood aesthetics and the compatibility with the historic structure.

Mr. Holloway stated he is pleased that staff used the most streamlined process that was possible and appropriate for processing this request. He thanked staff and stated this project required staff review because it is in a very prominent location on a coastal bluff and it is adjacent to a historic structure.

Mr. Holloway stated that processing applications for Waivers of Minor Cultural Heritage Permits are free. The justification is that these aesthetic improvements will benefit the neighborhood and community at large. These architectural additions and refinements are going to create more compatibility with the adjacent historic structure. Therefore this is why the streamlined no fee waiver process is warranted.

Mr. Holloway stated there is a ten day appeal period.

Action: The Zoning Administrator approved Waiver of Minor Cultural Heritage Permit 14-134, Stallings Residence Exterior Alterations, subject to Resolution ZA 14-016 with attached Conditions of Approval.

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

6. OLD BUSINESS

None

ADJOURNMENT

The meeting adjourned at 3:15 p.m. to the regular Zoning Administrator meeting to be held on May 7, 2014 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: May 7, 2014

PLANNER: Amber Gregg, Associate Planner *AG*

SUBJECT: **Minor Architectural Permit 13-427/Minor Exception Permit 14-135, Knottnerus Addition**, a request to consider a first and second story addition, totaling 777 square feet, to a legal nonconforming single family residence.

LOCATION: 161 South Avenida San Antonio

ZONING/GP: Residential Low and Coastal zoning districts (RL-CZ)

BACKGROUND:

- The project site is 4,005 square foot parcel with a 1,136 single family residence and detached, two-car garage that was constructed in 1958
- The proposed project is a first and second floor addition to a non-conforming, single-family residence. The house is nonconforming in two ways: 1) a five foot setback to the garage where 18 feet is required, and 2) a front yard setback of 18.5 to the primary structure where 20 feet is required.
- The applicant is requesting a Minor Exception Permit to legalize encroachment into the front yard setback.
- The proposed project will add 777 square feet to the rear of the house; 172 to the first floor, and 605 square feet creating a second floor.
- Pursuant to the Zoning Ordinance Non-Conforming Section, Table 17.72.050A, "single-family dwellings that are less than 1,400 square feet...may be expanded to a maximum of 2,100 square feet and remain nonconforming with the approval of a Minor Architectural Permit. The Design Review Subcommittee (DRSC) shall review these projects prior to a Zoning Administrator hearing."
- The total size of the house, if the addition is approved, would be 1,913 square feet; less than the 2,100 square foot maximum.
- The DRSC reviewed the project on April 9, 2014 and supported the request.
- Staff has evaluated the project and determined that the addition is consistent with the neighborhood. The addition is below the 2,100 square foot threshold and the second story addition is located at the back of the residence, mitigating potential massing concerns.
- Staff has reviewed the findings for the MAP and MEP, and believe that they can be met for the following reasons:
 - The scale, mass, form, and materials of the project are in character with the neighborhood. The house's massing would be comparable to adjacent residences and would be similar in square footage. The non-conforming garage and front

yard setbacks are not uncommon in the surrounding neighborhood due to topography.

- There will be no negative impact to the surrounding residences as the addition is setback towards the rear of the residence.
- The public was notified of this hearing item per requirements. Staff has not received comments on this item to-date.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve MAP 13-427, MEP 14-135, Knottnerus Addition, subject to the attached Resolution and Conditions of Approval.

Attachments:

- Resolution
- Exhibit A-Conditions of Approval
- Location Map
- Photographs
- Plans

ATTACHMENT 1

RESOLUTION NO. ZA 14-020

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR ARCHITECTURAL PERMIT 13-427 AND MINOR EXCEPTION PERMIT 14-135, KNOTTERNUS RESIDENCE, A REQUEST TO CONSIDER AN EXPANSION OF A LEGAL-NONCONFORMING RESIDENCE LOCATED AT 161 WEST AVENIDA SAN ANTONIO

WHEREAS, on October 21, 2013, an application was submitted and made complete on March 17, 2014, Jonsson and Foerstel, 946 Calle Amanecer, Unit C, San Clemente, CA 92673, for Minor Architectural Permit (MAP) 13-427 and Minor Exception Permit (MEP) 14-135, a request to consider an expansion of a legal-nonconforming residence located at 161 West Avenida San Antonio. The subject site is in the Residential Low Density and Coastal Zone zoning districts (RL-CZ). The site's legal description is Lot 51, of Block 5, of Tract 852 and Assessor's Parcel Number 054-191-17; 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 the project involves an addition to an existing structure that increases existing floor area less than 50 percent or 2,500 square feet; and

WHEREAS, on November 7, 2013 and March 13, 2014, 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 May 7, 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: The project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301(e) because the project involves an addition to an existing structure that increases existing floor area less than 50 percent or 2,500 square feet.

Section 2: With regard to MAP 13-427, the Zoning Administrator 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 this title in areas including, but not limited to, height, setback, color, etc. in that the project complies with development standards with the exception of minor encroachments into the front yard setback which renders the property legal-nonconforming.
- 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 match the existing structure and 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 the residence will continue to be a single-family home. The existing neighborhood has an eclectic mix of architectural styles, both one- and two-stories; the proposed project is classic coastal bungalow style.
- E. The proposal is not detrimental to the orderly and harmonious development of the City in that the scale, mass, form, and materials of the project and is in character with the neighborhood as specified in subsection D; the project complies with development standards with the exception of the MEP application being considered as part of this project.

Section 5: With regard to MEP 14-135, the Zoning Administrator finds as follows:

- A. The requested minor exceptions will not interfere with the purpose of the zone or the standards of the Residential Low zoning district as the request is to continue the single family residential use.
- B. The neighboring properties will not be adversely affected as a result of the approval of the minor exception permit in that:
 - i. The project complies with all other development standards, including lot coverage, landscaping, and heights. The requests are to legalize existing locations of structures on site and are not proposing to encroach more into the requested setbacks.
 - ii. The application requests are typical conditions in the surrounding neighborhood and would be in keeping with the area.
 - iii. The addition will not have a negative impact on the adjacent properties, as it is located at the back of the residence.
- C. The proposal is not detrimental to the orderly and harmonious development of the City in that the scale, mass, form, and materials, and the project is in character with the neighborhood as the requested minor exceptions are privileges that various parcels in the neighborhood already enjoy and will enable the applicant to construct a modest addition that is respectful of the surrounding properties.

Section 4: The Zoning Administrator of the City of San Clemente hereby approves MEP 13-427 and MAP 140135, Knotternus 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 Zoning Administrator of the City of San Clemente on May 7, 2014.

SAN CLEMENTE ZONING ADMINISTRATOR

James S. Holloway, Zoning Administrator

CONDITIONS OF APPROVAL
MAP 13-427/MEP 14-135, Knotternus 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. Subject applications 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 subject applications 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.) _____
5. The owner or designee shall have the right to request an extension of the subject applications 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.) _____
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]* (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 May 7, 2014, 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]* (PIng.) _____
8. 50 percent of the front yard setback area shall have a surface that remains permeable and is to be landscaped and permanently maintained, as provided for in Sections 17.68.040 of the Zoning Ordinance. *[Citation - Section 17.68.040 of the SCMC]* (PIng.) _____
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 issuance of building permits, code compliance will be reviewed during building plan check. *[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.) _____

11. 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.)_____
12. 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.)_____
13. 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.)_____
14. 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.)_____
15. 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.)_____
16. Fire sprinkler system required throughout as follows:
 - a. All new Group R occupancies, including the attached garages;
 - b. All existing Group R occupancies and U-1 garages when the total floor area is increased by 50% of the existing area over a 2-year period;
 - c. All existing Group R occupancies and U-1 garages when the total area is increased by 750 square feet or more over a 2-year period;
 - d. All existing Group R occupancies and U-1 garages when an additional story is added to the structure regardless of the area involved;
 - e. 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;

- f. Any addition to existing building that has fire sprinklers installed.

[S.C.M.C – Title 15 – Chapter 15.08]

(Bldg.)_____

17. Project involves remodeling, alteration, or addition to the existing main building exceeding 50% of the existing building floor area. Under ground utilities are required. Overhead wiring shall not be installed outside on private property.

[S.C.M.C – Title 15 – Chapter 15.12-Electrical Code]

(Bldg.)_____

18. 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.)_____

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 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.)_____

20. 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.)_____

21. 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, grading, building pad grades, storm drains, sewer system, retaining walls, water system, etc., as required by the City Grading Manual and Ordinance. *[Citation – Section 15.36 of the SCMC]*

(Eng.)_____

22. 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.)_____

23. 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; sewer lines; water lines; storm drains; and erosion control. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____
24. Prior to issuance of any permits for applicable projects with building permit valuations exceeding \$50,000, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for frontage improvement plans. The owner or his designee shall be responsible for the construction of all required frontage and onsite improvements as approved by the City Engineer including but not limited to the following: *[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 drive approach or other obstructions to meet current City standards (2% cross fall) when adequate right-of-way exists. Since the street right-of-way is approximately 7.5 feet behind the curbface, a sidewalk easement will not likely 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. Existing improvements within the street right of way that conflict with the necessary sidewalk installation shall be removed.
 - C. An Engineering Department Encroachment Permit shall in place prior to the commencement of any work in the public right-of-way.
 - D. If determined necessary by the City Engineer, an Administrative Encroachment Permit may be required to be recorded on the property title prior to the final inspection of work in the street right of

way. This is required to address the proposed improvements within the street right of way.

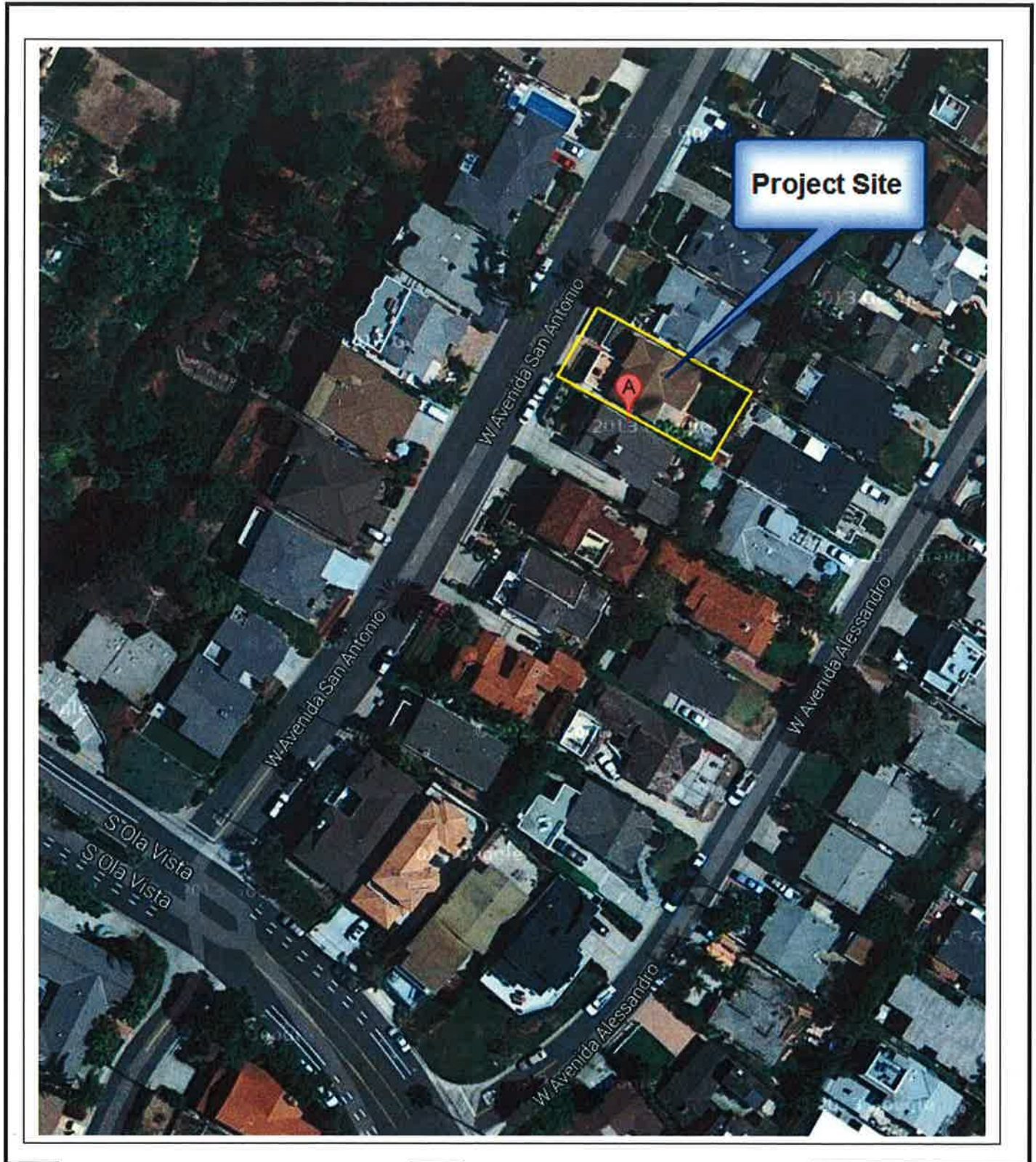
All Conditions of Approval are standard, unless indicated as follows:

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



LOCATION MAP

MAP 13-427 and MEP 14-135, Knettnerus Addition
161 San Antonio



Photographs of Surrounding Area



Looking up Ave San Antonio



Looking down Ave San Antonio



Homes to the east of the project



Homes to the west of the project



Homes across the street



Homes across the street



STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: May 7, 2014

PLANNER: Adam Atamian, Assistant Planner 

SUBJECT: **Minor Exception Permit 14-076, Northrup Addition**, a request to consider a one foot reduction of the required side yard setback of a single family residence.

LOCATION: 834 Camino De Los Mares

ZONING/GP: Residential Low (RL-13) zoning district

BACKGROUND:

- The subject site consists of a 5,850 square foot lot. In 1971 the lot was improved with a 1,270 square foot single family residence and a 467 square foot attached garage.
- The residence is a legal, nonconforming structure because the south side of the building encroaches one foot into the required six foot side yard setback. Most of the residences within the tract have nonconforming side setbacks because they were built at a time when the development standards allowed five foot side yard setbacks.
- The applicant is requesting a one foot reduction of the six foot side yard setback on the south side of the property to make the existing structure conforming to the current development standards of the Zoning Ordinance. This setback reduction would also allow the applicant to build a second floor addition to the residence that maintains the building footprint.
- Zoning Ordinance Section 17.16.090 requires Zoning Administrator approval of a Minor Exception Permit (MEP) to allow a reduction up to 20% of the required side yard setback. With the approval of a MEP, the structure would no longer be considered non-conforming.
- This project meets the required findings for a Minor Exception Permit in the following ways:
 1. It will not interfere with the purpose of the zone because the project maintains the structure as a single family residence many surrounding residences have similar side yard setback encroachments.
 2. The neighboring properties will not be adversely affected because the reduced side yard setback is common in the subject neighborhood, and the continuation of that setback for a second floor addition is similar to other additions in the surrounding area.
 3. The approval of the Minor Exception Permit will not be detrimental to the health, safety or welfare of the general public because the project will be constructed in compliance with all required Building, Safety and Fire codes.

- Staff supports the applicants request because it meets the required findings for the reasons listed above and will be consistent with the neighborhood character.
- Staff did not receive any public comments as of the date this report was prepared.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve Minor Exception Permit 14-076, Northrup Addition, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution #14-019
Exhibit 1 Conditions of Approval
2. Location Map
3. Photos of similar Two Story Residences in Neighborhood Plans

ATTACHMENT 1

RESOLUTION NO. ZA 14-019

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR EXCEPTION PERMIT 14-076, NORTHRUP ADDITION, A REQUEST TO ALLOW A ONE FOOT REDUCTION OF THE SIX-FOOT SOUTH SIDE YARD SETBACK FOR A SINGLE FAMILY RESIDENCE LOCATED AT 834 CAMINO DE LOS MARES

WHEREAS, on March 6, 2014, an application was submitted, and on March 27, 2014 deemed complete, by Richard Northrup, 834 Camino De Los Mares, San Clemente, CA 92673, for a Minor Exception Permit to allow a one foot reduction of the six-foot south side yard setback for an existing single family residence with a second-story addition located at 834 Camino De Los Mares, the legal description being Lot 21, of Tract 5654, APN 680-021-24; 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 alteration to an existing structure that will not have an adverse impact on the environment; and

WHEREAS, on March 27, 2014, 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 May 7, 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; and

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 alteration to an existing structure which will not have an adverse impact on the environment.

Section 2: The requested reduction of the front yard setback for the existing structure and the second story addition 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 project maintains the structure as a single family residence.

Section 3: Neighboring properties will not be adversely affected as a result of the conditional approval of the Minor Exception Permit in that the reduced side yard setback is common in the subject neighborhood, and the continuation of that setback for a second floor addition is similar to other additions in the surrounding area.

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

Section 5: The Zoning Administrator of the City of San Clemente hereby approves MEP 14-076, Northrup Addition, a request to consider a one foot reduction of the required side yard setback of an existing single family 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 May 7, 2014.

SAN CLEMENTE ZONING ADMINISTRATOR

James S. Holloway, Zoning Administrator

**CONDITIONS OF APPROVAL
MEP 14-076, Northrup 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. MEP 14-076 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 MEP 14-076 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 MEP 14-076 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.)_____ (Bldg.)_____

6. 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 May 7, 2014, 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.)_____

7. All new construction shall match materials and design of the primary structure.

■■(PIng.)_____

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, code compliance will be reviewed during building plan check. *[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 issuance of building permits, applicant shall secure all utility agencies approvals for the proposed project. *[S.C.M.C – Title 15 Building Construction]*
(Bldg.)_____
11. 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.)_____
12. 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.)_____
13. 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.)_____
14. 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.)_____
15. Fire sprinkler system required throughout. Adding additional story to existing Group R occupancy. *[S.C.M.C – Title 15 – Chapter 15.08]*
(Bldg.)_____
16. 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.)_____

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 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.)_____
18. 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.)_____
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 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.)_____
20. 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.)_____
21. 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.)_____

22. 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 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. The street right-of-way appears to be approximately 5 feet behind the curb, therefore an easement would be required unless a sidewalk waiver is granted. The applicant for this project has filed for a sidewalk waiver and approval was granted for the requirement to install sidewalk up and around the drive approach, therefore no easement is being requested. Additionally, the property already has sidewalk along the frontage, therefore no sidewalk improvements are being required. *[Citation – Section 15.36, 12.08.010, and 12.24.050 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



ATTACHMENT 2

LOCATION MAP

Minor Exception Permit 14-076, Northrup Addition
834 Camino De Los Mares



No scale 



836 Camino De Los Mares



834 Camino De Los Mares, Subject Site



706 Camino De Los Mares



742 Camino De Los Mares



STAFF REPORT

SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: May 7, 2014

PLANNER: Adam Atamian, Assistant Planner 

SUBJECT: Amendment to Minor Architectural Permit 14-152, Blum Residence Remodel Amendment, a request to consider amending an approved Minor Architectural Permit to reduce the square footage and layout of an addition to a nonconforming structure.

LOCATION: 311 Calle Felicidad

ZONING/GP: Residential Low (RL-11)

BACKGROUND:

- The project site is 7,652 square feet with a 1,697 square foot single-story residence with an attached 469 square foot two-car garage built in 1963.
- The structure is nonconforming because the garage encroaches 7 feet into the required 18 foot front yard setback for street facing garages, and the west and east walls of the residence encroach 11 and 6 inches, respectively, into the required 6 foot side yard setbacks. The nonconforming garage setback is consistent with the pattern of the neighborhood because most of the properties in the area have similar garage and side yard encroachments.
- In December 2013, the applicant received approval of Minor Architectural Permit 13-414, to allow three additions to the structure totaling 477 square feet as part of an interior and exterior remodel. The first addition was a 298 square foot master bedroom at the rear of the structure. The second addition was 7.5 square feet for a pop-out window on the east wall. The third addition was 172 square feet for a new bedroom at the front of the structure. The total expansion represented an increase of 22% of the gross floor area of the structure and maintained the structure as a one- story residence.
- Also included in the previously approved project was a new covered entry way, and an attached patio cover at the rear of the structure.
- The applicant proposes modifications to the MAP due to the costs of constructing the rear addition close to the slope. These modifications include removing the 298 square foot addition and the patio cover at the rear of the structure, removing the 7.5 square foot addition on the side, and increasing the size of the addition at the front of the structure by 178 square feet. The total area of the proposed addition with these modifications is reduced from 477 square feet to 350 square feet.
- The modifications to the previously approved addition at the front of the structure conform to the required front and side setbacks. The modified addition is located

approximately 2'-3" closer to the street than the previously approved addition, and varies from 6" to 3' away from the required 20 foot front yard setback area.

- The Zoning Ordinance requires Zoning Administrator review of an amendment to a Minor Architectural Permit (MAP) if the modifications are significant enough to warrant discretionary review and have the potential for public impact or concern (Section 17.12.180.C).
- All aspects of the modifications meet the current development standards of the Zoning Ordinance in terms of setbacks, height limits, and lot coverage.
- The main findings for approval of an amendment to a MAP are that the project complies with the City's General Plan and all applicable development standards, that the general appearance of the project is in keeping with the character of the neighborhood, and that the proposal is not detrimental to the general public. This proposal meets these findings for the following reasons:
 - This project complies with the General Plan and all applicable development standards, in that it maintains the intent of the zone as a single family residence, and the addition conforms to the applicable development standards of the Zoning Ordinance.
 - The general appearance of the project is in keeping with the neighborhood because this proposal is similar to other homes on Calle Felicidad in terms of location, scale and form, and the architectural treatment of the addition maintains the existing scale of the structure as a single story residence. The nonconforming garage setback is consistent with the pattern of the neighborhood because most of the properties in the area have similar garage and side yard encroachments.
 - This proposal will not be detrimental to the orderly and harmonious development of the City because this project is consistent with the general development of the neighborhood, in terms of setbacks, scale and location. There are at least eight homes on this section off the street that are larger two-story structures, or have one-story layouts similar to the proposed project.
- The applicant received a sidewalk waiver as part of MAP 13-414. This waiver remains in effect for this project.
- There was public comment during the Zoning Administrator hearing from some neighbors who voiced concern about the potential impact of the rear portion of the addition to their views. With the proposed removal of the rear portion of the addition, this request appears to assuage the neighbor's concerns about the previously approved project. Upon reviewing the plans, one of the neighbors stated that they were happy that the project maintained the house as a single story residence.
- Staff has not received comments from the public regarding this amendment.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve Amendment to Minor Architectural Permit 14-152, Blum Residence Remodel Amendment, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution

Exhibit 1 Conditions of Approval
2. Location Map
Plans
Plans Approved by MAP 13-414

ATTACHMENT 1

RESOLUTION NO. ZA 14-018

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AMENDMENT TO A MINOR ARCHITECTURAL PERMIT (AM MAP) 14-152, BLUM RESIDENCE REMODEL AMENDMENT, TO AMEND MINOR ARCHITECTURAL PERMIT 13-414 TO REDUCE THE SQUARE FOOTAGE AND LAYOUT OF AN ADDITION TO A NONCONFORMING STRUCTURE LOCATED AT 311 CALLE FELICIDAD

WHEREAS, on April 16, 2014 a complete application was submitted by Geoff and Kory Blum, 311 Calle Felicidad, San Clemente, CA, 92672, for an amendment to a Minor Architectural Permit to allow modifications to MAP 13-152 to reduce the square footage of the approved addition to 350 square feet and to locate the entire addition at the front of the nonconforming single family residence located at 311 Calle Felicidad, the legal description being Lot 109, of Tract 5655, APN 690-124-03; 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 an addition to an existing structure that will not result in an increase of more than 50% of the structure before the addition, or 2,500 square feet, whichever is less; and

WHEREAS, the City's Development Management Team reviewed the project approved under MAP 13-414 for compliance with the General Plan, Zoning Ordinance, and other applicable requirements on November 7, 2013 and the proposed project is a reduction of the project previously recommended for approval subject to conditions of approval; and,

WHEREAS, on May 7, 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: The project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301(e) because it involves an addition to an existing structure that will not result in an increase of more than 50% of the structure before the addition or 2,500 square feet.

Section 2: With regard to AM MAP 14-152, the Zoning Administrator finds as follows:

- A. The proposed architectural style of the modifications to the addition complies with the San Clemente General Plan, in that the use will remain a single family dwelling and the existing architectural style of the residence will be maintained with the proposed project.
- B. The project complies with the Zoning Ordinance development standards outlined in the San Clemente Municipal Code including height, setbacks, and lot coverage, in that the project maintains the structure as a single story residence, and all areas of the addition conform to the required setbacks.
- C. The general appearance of the proposed project is consistent with the surrounding neighborhood, as many of the surrounding residences have nonconformities similar to the subject site. The proposed addition is in keeping with the character of the neighborhood even while maintaining the structure's nonconformities, as this proposal is similar to other additions on Calle Felicidad in terms of location, scale and form, and the architectural treatment of the addition maintains the existing style of the structure. Furthermore, the nonconforming garage setback is consistent with the pattern of the neighborhood because most of the properties in the area have similar garage and side yard encroachments.
- D. The proposed project will not be detrimental to the orderly and harmonious development to the City as the single family residence is located within the Residential Low (RL) zoning district. The residence with the addition is consistent with the purpose and intent of the zoning district and is consistent with the pattern of development of the surrounding neighborhood in terms of setbacks, scale and location, even while maintaining the nonconformities.

Section 3: The Zoning Administrator of the City of San Clemente hereby approves AM MAP 14-152, Blum Residence Remodel Amendment, a request to consider amending an approved Minor Architectural Permit to reduce the square footage and layout of an addition to a nonconforming structure, 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 May 7, 2014.

SAN CLEMENTE ZONING ADMINISTRATOR

James S. Holloway, Zoning Administrator

CONDITIONS OF APPROVAL
AM MAP 14-152, Blum Residence Remodel Amendment

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. AM MAP 14-152 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 13-414 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 AM MAP 14-152 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 existing portions of the single family residence. ■■(PIng.)_____

7. Applicants agree on behalf of themselves, all predecessors, and all successors in interest, that the amended project approved through AM MAP 14-152 on May 7, 2014 supersedes the project proposed under MAP 13-414 and that the approved site plan, floor plans, elevations, details, and any other approved submittals associated with MAP 13-414 are null and void. ■■ (PIng.)_____

8. 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 May 7, 2014, 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.) _____

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. 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.)_____
11. 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.)_____
12. 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.)_____
13. 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.)_____
14. Prior to issuance of building permits, the owner or designee shall submit a copy of the City Engineer approved soils and geologic report, prepared by a registered geologist and/or soil engineer, which conforms to City standards and all other applicable codes, ordinances, statutes and regulations. The soils report shall accompany the building plans, engineering calculations, and reports. *[S.C.M.C – Title 15 – Chapter 15.08 – Appendix Chapter 1 – Section 106.1.4]* (Bldg.)_____
15. Fire sprinkler system required throughout the building including the attached garage. 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.)_____

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, 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 SMC]* (Eng.)_____
16. 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 SMC]* (Eng.)_____
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 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 SMC]* (Eng.)_____
18. 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, grading, building pad grades, storm drains, sewer system, retaining walls, water system, etc., as required by the City Grading Manual and Ordinance. *[Citation – Section 15.36 of the SMC]* (Eng.)_____
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 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 SMC]* (Eng.)_____
20. 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 SMCJ*] (Eng.)_____

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

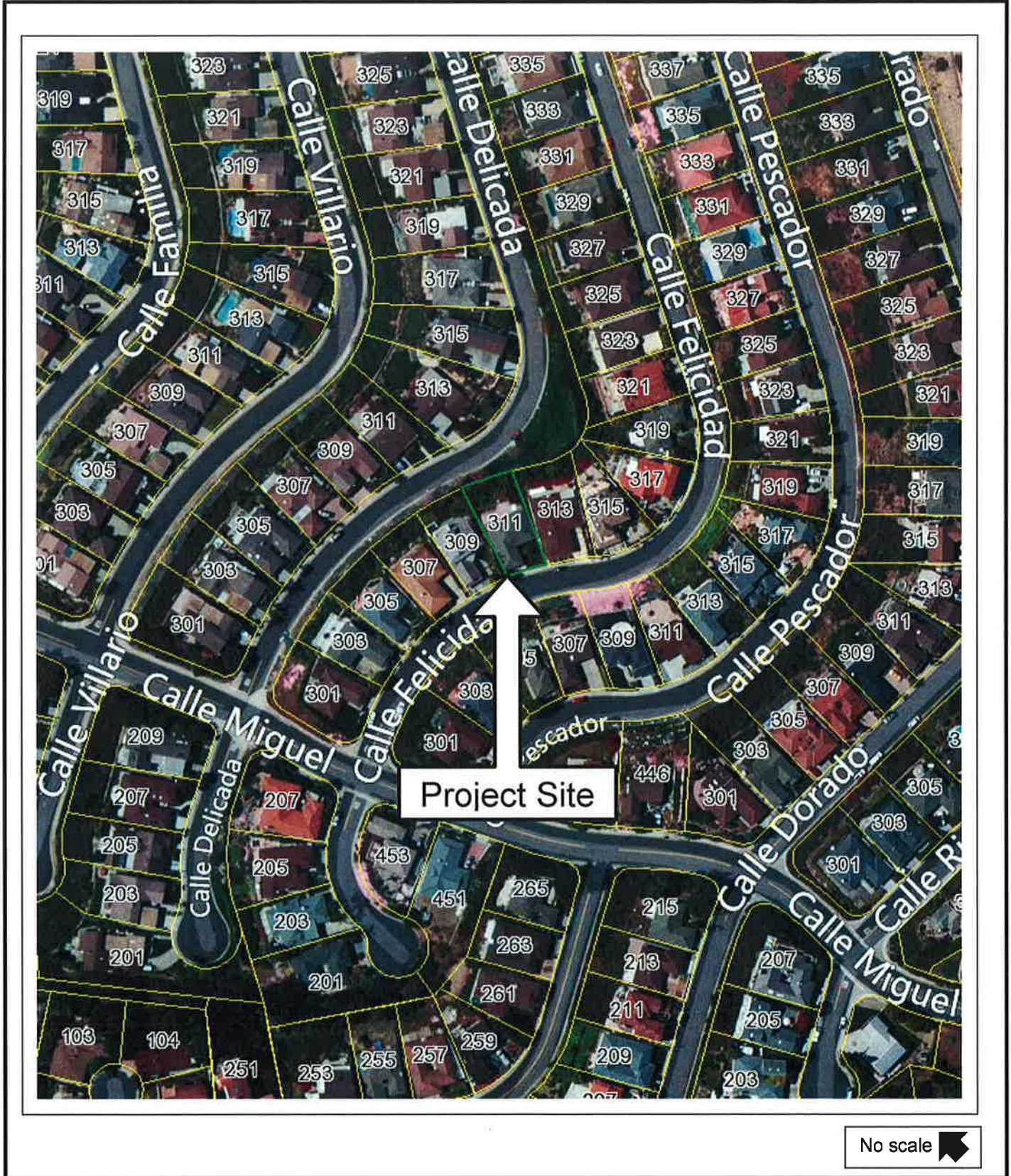
- Denotes modified standard Condition of Approval
- ■ Denotes a project specific Condition of Approval



LOCATION MAP

ATTACHMENT 2

AM MAP 14-152, Blum Residence Remodel
311 Calle Felicidad



No scale



STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: May 7, 2014

PLANNER: Christopher Wright, Associate Planner *CSW*

SUBJECT: **Minor Architectural Permit 14-096/Minor Exception Permit 14-097, Bernbeck Residence**, a request to consider an expansion of a nonconforming residence with minor setback exceptions.

LOCATION: 213 Avenida Barcelona

ZONING/GP: Residential Low Density and Coastal Overlay (RL-CZ)

BACKGROUND:

- The subject site is a 7,200 square foot lot. In 1955, a 2,698 square foot, single-story residence was constructed on the property.
- The residence is a legal-nonconforming structure because it has a 5 foot, 9 inch side yard setback (6 feet is required) and a 9-foot rear yard setback, where a 10 foot setback is required.
- The proposed project is a remodel and 524 square-foot, single-story addition to the garage, bedrooms, and entry. The project would move the garage door to the front of the building to face the street.
- The applicant requests minor setback exceptions to expand the residence along existing side and rear setbacks that are nonconforming. The proposed minor exceptions include: 1) a continuation of the 5 foot, 9 inch legal-nonconforming side yard setback and 2) one-foot reduction (10 percent) of the rear yard setback. The encroachments are highlighted on the site plan.
- Zoning Ordinance Table 17.16.100A requires Zoning Administrator approval of a Minor Architectural Permit (MAP) to expand a nonconforming structure. The proposed project meets the required findings. The scale, mass, form, and materials of the project are in character with the neighborhood. The residence would be preserve the one-story bungalow style architecture and large front yard that are common in the surrounding area.
- Zoning Ordinance Section 17.16.090 requires Zoning Administrator approval of a Minor Exception Permit (MEP) to allow a continuation of a legal-nonconforming side yard setback (Subsection C.17.b) and allow up to 20 percent reduction of the rear setback (Subsection C.17.c). The proposed project meets the required findings for the following reasons:
 - the proposed encroachments are in character with the neighborhood. Several residences have nonconforming side and rear yard setbacks, such as 205, 207, 211, 214, 215, 220, 223, 225, and Avenida Barcelona, and 806 South Ola Vista. Also,

there are several detached garages larger than 450 square feet with nonconforming rear yard setbacks, such as 211, 215, and 218 Avenida Barcelona;

- the addition would be setback at least 53 feet from the residence located to the rear of the subject site at 212 Avenida Esplanade; and
- the single-story addition will not extend beyond the existing roofline of the residence, which is located within a zoning district that allows for a second-story height of 25 feet.
- Staff supports the request because it meets required findings. A detailed analysis of the complete findings is provided in the Resolution (Attachment 1).
- The public was notified of this hearing item per requirements. Staff has not received comments on this item to-date.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve MAP 14-096/MEP 14-097, Bernbeck Residence, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution # ZA14-022
Exhibit A Conditions of Approval
2. Location Map
3. Photos, renderings, and applicant correspondence
Plans

ATTACHMENT 1

RESOLUTION NO. ZA 14-022

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR ARCHITECTURAL PERMIT 14-096, MINOR EXCEPTION PERMIT 14-097, BERNBECK RESIDENCE, A REQUEST TO CONSIDER AN EXPANSION OF A LEGAL-NONCONFORMING RESIDENCE WITH MINOR EXCEPTIONS FOR THE CONTINUATION OF A LEGAL-NONCONFORMING SIDE SETBACK AND A 10 PERCENT REDUCTION OF THE REQUIRED REAR YARD SETBACK, ON A SITE LOCATED AT 213 AVENIDA BARCELONA

WHEREAS, on March 13, 2014, an application was submitted and deemed complete on April 10, 2014, by 213 Avenida Barcelona, San Clemente CA 92672, for Minor Architectural Permit (MAP) 14-096/Minor Exception Permit (MEP) 14-097, Bernbeck Residence, a request to consider an expansion of a nonconforming residence with minor zoning exceptions for the continuation of a legal nonconforming five foot side setback (where a six foot setback is required), and a 10 percent reduction (one foot) of the required 10 foot rear yard setback. The subject site is in the Residential Low Density zoning district and Coastal Overlay (RL-CZ) at 213 Avenida Barcelona. The site's legal description is Lot 23, Block 12 of Tract 852 and Assessor's Parcel Number 692-241-07; 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 the project involves an addition to an existing structure that increases existing floor area less than 50 percent or 2,500 square feet; and

WHEREAS, on March 20, 2014, and April 3, 2014, 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 May 7, 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: The project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301(e) and Class 3 exemption per Section 15303(e) because the project involves an addition to an existing structure that increases existing floor area less than 50 percent or 2,500 square feet.

Section 2: With regard to MAP 14-096, the Zoning Administrator 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 this title in areas including, but not limited to, height, setback, color, etc. in that the project complies with development standards with the approval of a Minor Exception Permit for the minor setback encroachments.
- 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 scale, mass, form, and materials of the project are in character with the neighborhood. The residence would be preserve the one-story bungalow style architecture and large front yard that are common in the neighborhood.
 - 2. the project maintains the one-story ridgeline as the highest point of the house.
- E. The proposal is not detrimental to the orderly and harmonious development of the City in that:
 - 1. the scale, mass, form, and materials of the project are in character with the neighborhood for reasons specified in subsection D and Section 3 of this resolution.
 - 2. the project would improve the appearance of the house and neighborhood; and
 - 3. the project complies with development standards with the approval of the Minor Exception Permit for the minor setback encroachments.

Section 3: With regard to MEP 14-097, the Zoning Administrator finds as follows:

- A. The requested encroachment will not interfere with the purpose or intent of the zone or the standards of the zone in which the property is located in that the proposed project improves the appearance and function of a residence within a zoning district intended for residential uses and because the scale and massing of the proposed project are in character with development in the neighborhood.
- B. Neighboring properties will not be adversely affected as a result of the conditional

approval of the Minor Exception Permit in that:

1. the proposed encroachments are in character with the neighborhood. Several residences have nonconforming side and rear yard setbacks:
 - a. nonconforming side setbacks exist at 205, 211, 214, 215, 220, 223, 225, and Avenida Barcelona. The residences have side setbacks ranging from approximately five feet to five feet, six inches. The proposed project would continue a 5 foot, 9 inch legal-nonconforming side setback. The residences are required to have a six foot side yard setbacks.
 - b. residences have nonconforming rear yard setbacks, such as 207 Avenida Barcelona and 806 South Ola Vista have rear yard setbacks of about six-to-seven feet, where a 10 foot setback is required. There are also several detached garages larger than 450 square feet with nonconforming rear yard setbacks less than 10 feet, such as 211, 215, and 218 Avenida Barcelona. The proposed addition would continue a nine foot rear yard setback by two feet, resulting in an encroachment that is limited to two square feet and screened from the street.
 2. the scale and massing of the proposed project are in character with development in the neighborhood.
 3. the addition would be setback at least 53 feet from the residence located to the rear of the subject site at 212 Avenida Esplanade.
 4. the single-story addition will not extend beyond the existing roofline of the residence, which is located within a zoning district that allows for a second-story height of 25 feet.
- C. The approval or conditional approval of the Minor Exception Permit will not be detrimental to the health, safety or welfare of the general public in that:
1. the project will be reviewed through a building permit process and inspected to ensure it complies with building, health, and safety regulations; and
 2. there will be adequate space on the side yard for light and ventilation.

Section 4: The Zoning Administrator of the City of San Clemente hereby approves Minor Architectural Permit 14-096/Minor Exception Permit 14-097, Bernbeck Residence, 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 May 7, 2014.

SAN CLEMENTE ZONING ADMINISTRATOR

James S. Holloway, Zoning Administrator

**CONDITIONS OF APPROVAL
MAP 14-096/MEP 14-097, BERNBECK RESIDENCE**

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. Minor Architectural Permit 14-096/Minor Exception Permit 14-097 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 Minor Architectural Permit 14-096/Minor Exception Permit 14-097 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.) _____
5. The owner or designee shall have the right to request an extension of Minor Architectural Permit 14-096/Minor Exception Permit 14-097, 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.) _____
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]*
(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 May 7, 2014, 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]*
(PIng.) _____
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, code compliance will be reviewed during building plan check. *[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 issuance of building permits, applicant shall secure all utility agencies approvals for the proposed project. *[S.C.M.C – Title 15 Building Construction]*
(Bldg.)_____
11. 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.)_____

12. 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.)_____
13. 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.)_____
14. Fire sprinkler system required throughout. Proposed project consists of an Addition and Alteration that is 50% or more of area of the existing structure and the scope of the work exposes building framing and facilitates sprinkler installation such 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.)_____
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, 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.)_____
18. 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.)_____
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 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 SMC]* (Eng.)_____
20. 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, grading, building pad grades, storm drains, sewer system, retaining walls, water system, etc., as required by the City Grading Manual and Ordinance. *[Citation – Section 15.36 of the SMC]* (Eng.)_____
21. 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 SMC]* (Eng.)_____
22. 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 SMC]* (Eng.)_____
23. 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 SMC]* ■(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 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. The street right-of-way appears to be approximately 7.5 feet behind the curb, therefore an easement is not anticipated to be necessary. This Code requirement also requires property owners to repair any existing sidewalk with vertical deviations or which is severely cracked. There is a small area near the existing western drive approach which should be replaced.

- B. An Engineering Department Encroachment Permit shall in place prior to the commencement of any work in the public right-of-way.
- C. Sidewalk in this area of the City shall be constructed with tile per City Standard ST-5 or 5A.

- 24. Prior to the Planning Division's final inspection and release of construction permits, a landscaping plant list and/or planting plan shall be submitted to the Planning Division and approved for the front yard that complies with Zoning Ordinance requirements.
- 25. Prior to releasing finalized construction permits, front yard landscaping and hardscape shall be completed to the satisfaction of the City Planner or designee.
(■■PIng.)_____

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

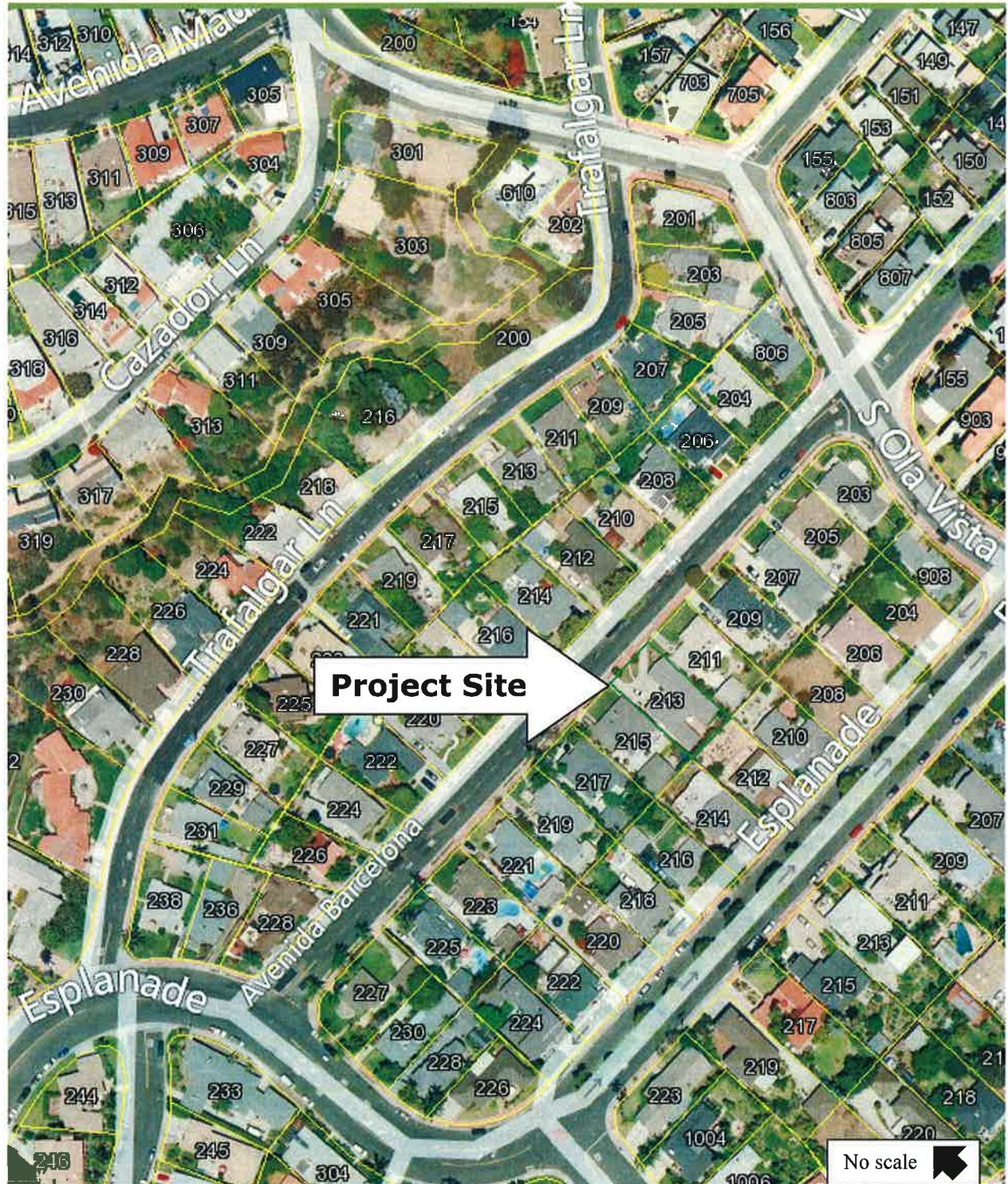
- Denotes modified standard Condition of Approval
- Denotes a project specific Condition of Approval



LOCATION MAP

ATTACHMENT 2

MAP 14-096/MEP 14-097, Bernbeck Residence
213 Avenida Barcelona



CURRENT HOME

The house at 213 Avenida Barcelona is a single-story single-family home that was built originally in the early 1950's and underwent remodeling projects to create additional rooms. The resulting floor plan is convoluted with poor utilization of space. The current property features a large circular drive way to access the sideway facing garage doors (Photo 1&2), a front entrance area to access the sideway facing front door (Photo 2), and a patio in the back (Photo 3&4). The property does not have a backyard.



Photo 1: Street View



Photo 2: Drive Way



Photo 3: Back Patio



Photo 4: Room to Left of Back Patio

Project Narrative

NEIGHBORHOOD

The photos below show neighborhood homes adjacent to 213 Avenida Barcelona. Some are single-story and some are two-story homes with varying roof lines and different front yard designs.



215 Avenida Barcelona



211 Avenida Barcelona



209 Avenida Barcelona



207 Avenida Barcelona

Project Narrative

PROPOSED HOME

The objectives of the proposed remodeling are:

- Rotate the garage so that the garage doors face the street. Move the garage about 5' closer to the street (Images 1&2). These changes greatly reduce the size of the concrete drive way, which is currently not consistent with the neighborhood.
- Create a large family friendly front yard (Images 2&3).
- Incorporate the front entrance patio into the living space to improve curb appeal and create an open and welcoming entrance room (Image 1, 2, &3).
- Straighten the walls of the back patio area to create a more usable outdoor space (Image 4)
- Replace the roof. Raise the ceilings in all rooms and create a more interesting and varied roof line (Image 1). The new roof will also improve rain water run-off in the back of the house, specifically in the patio area.



Image 1: Bird-Eye View



Image 2: Street View



Image 3: Front Yard



Image 4: Back Patio

The proposed changes will maintain the single-story layout while increasing the residential living space from 2,282 sqft to 2,780 sqft. The total building foot print will be 44.8% of the lot size.

As part of the remodeling, we also plan to replace all windows and insulate all walls to increase energy efficiency, and upgrade plumbing and electrical as needed.



STAFF REPORT

SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: May 7, 2014

PLANNER: Christopher Wright, Associate Planner *cmw*

SUBJECT: **Minor Site Plan Permit 14-120, Alta Sales Trailer**, a request to consider the construction and operation of a temporary real estate sales office at 12 and 14 Via Carina.

LOCATION: 12 and 14 Via Carina

ZONING/GP: Residential Low Density area of the Talega Specific Plan (TSP-RL)

BACKGROUND:

- On April 2, 2014, the Planning Commission approved revised architecture for 22 vacant lots in Tract 16630 (“Alta”). On May 21, 2014, the Planning Commission is to consider revised architecture on 17 vacant lots in Tract 16636 (“Carillon”). The location of the lots is shown on Attachment 3.
- Standard Pacific Homes requests to construct and operate a temporary home sales office, parking, landscaping, and signage on Lots 57-58 of Tract 16630, located at 12 and 14 Via Carina. The office is for the sale of residences that are to be developed on the vacant lots.
- There are three model homes located on Via Carina street where the temporary sales office is proposed. No occupied residential units are on the street.
- Zoning Ordinance Section 17.28.300 requires Zoning Administrator approval of a Minor Site Plan Permit (MSPP) for the approval of a temporary real estate sales offices within approved residential subdivisions.
- The proposed sales office complies with zoning requirements for temporary uses and structures.
- Hours of operation would be limited to 10 a.m. to dusk daily (Condition of approval #7).
- Directional, flag, and model home signs are proposed. An Administrative Sign Permit must be approved to allow the signage to ensure it complies with zoning requirements (Condition #8).
- Zoning Ordinance Section 17.28.300(F)(2) limits the approval of temporary sales offices to a one year period, but allows for extensions to be requested if necessary. Condition #5 specifies that the one year period starts from the date that a final inspection is completed for the sales office and a Certificate of Occupancy is issued.
- Condition #6 requires the temporary sales office, signage, parking, and related improvements to be removed upon the expiration of the MSPP or any time extensions that are approved, if applicable.

- Staff believes the request meets the required findings for approval of a MSPP. The sales office is a temporary structure that is conditioned to ensure hours of operation, circulation, parking, signage, and lighting are compatible with surrounding properties.
- Staff supports the request because it meets required findings. A detailed analysis of the complete findings is provided in the Resolution (Attachment 1).
- The public was notified of this hearing item per requirements. Staff has not received comments on this item to-date.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve MSPP 14-120, Alta Sales Trailer, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution # ZA14-021
Exhibit A Conditions of Approval
2. Location Map
3. Location of vacant Alta and Carillon lots
Plans

RESOLUTION NO. ZA 14-021

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR SITE PLAN PERMIT 14-120, A REQUEST TO CONSIDER A TEMPORARY REAL ESTATE SALES OFFICE AND RELATED IMPROVEMENTS AT 12-14 VIA CARINA

WHEREAS, on December 12, 2001, the City Council of the City of San Clemente approved the Talega Specific Plan Amendment 98-05; and

WHEREAS, on March 26, 2014, an application was submitted, and deemed complete on April 10, 2014, by Crystal Burckle on behalf of Standard Pacific Homes, 26 Technology Drive, Irvine, CA 92618, for Minor Site Plan Permit (MSPP) 14-120, a request to consider a temporary home sales office for Talega Tracts 16630 ("Alta") and 16636 ("Carillon"). The subject site is in the Residential Low Density area of the Talega Specific Plan. The site's legal description is Lots 57-58 of Tract 16630 and Assessor's Parcel Numbers 708-102-17 and 708-102-18; and

WHEREAS, the City's Development Management Team reviewed the proposed project April 3, 2014, and April 17, 2014, for consistency with the General Plan policies and other applicable City ordinances and policies; and

WHEREAS, the Planning Division completed an environmental analysis for the above referenced project in accordance with the California Environmental Quality Act (CEQA). It was determined by staff that the project has been adequately addressed in previously prepared Final Supplemental Environmental Impact Report (FSEIR), certified December 2001, for Talega Specific Plan Amendment 98-05. The FSEIR incorporates by reference analysis and mitigation as addressed in previously prepared Final EIR 84-02 certified by the City of San Clemente in August, 1988, along with four addenda certified by the City in 1998 through 1999. The FSEIR (State Clearinghouse Number 99031048) addresses impacts of approved modifications to the General Plan and Talega Specific Plan, updates previous studies and provides new analysis or new mitigation measures as determined necessary. The proposed project is consistent with the General Plan and Specific Plan as amended by GPA and SPA 98-05 respectively; and

WHEREAS, on May 7, 2014, the Zoning Administrator of the City of San Clemente held a duly noticed public hearing on the subject application and considered evidence presented by City staff, the project applicant and other interested parties; and approved the request; and

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

Section 1: Pursuant to CEQA and the CEQA Guidelines, a Final Subsequent Environmental Impact Report (FSEIR) was prepared and certified in December 2001, for the Talega Valley Specific Plan as amended by SPA 98-05. After reviewing the previously certified FSEIR and Addendum No.1 and the Initial Study on the present projects, the

Zoning Administrator finds that the present project is within the scope of the program evaluated in the previously adopted environmental documents, which adequately describe the activity for the purposes of CEQA, that no additional significant environmental effects will result from the project, that no additional mitigation measures or alternatives are required, and that, per Section 15168 of the CEQA Guidelines, no additional environmental documentation is required. All records pertaining to preparation, review and comment on the FSEIR and subsequent addendums are contained in the Planning Division of the City of San Clemente.

Section 2: The Zoning Administrator finds and determines as follows with regard to MSPP 14-120:

- A. The proposed temporary sales office is permitted in the subject zone pursuant to the approval of a Minor Site Plan Permit and complies with all of the applicable provisions of the Talega Specific Plan as Amended by SPA 98-05, Zoning Ordinance, the goals, policies and objectives of the San Clemente General Plan and the purpose and intent of the zone in which the development is being proposed.
- B. The site is suitable for the type and intensity of development that is proposed the sales office is a temporary use and structure to facilitate the sale of single-family homes within an approved residential subdivision.
- C. The proposed temporary sales office, as conditioned, will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity in that adequate signage, lighting, circulation and parking are being provided for the project.
- D. The proposed development, as conditioned, will not be unsightly or create disharmony with its locale and surroundings in that:
 - 1. the applicant will landscape the site while the sales trailer is in use; and
 - 2. the project meets development standards; and
 - 3. the sales office will be converted to private residential uses upon expiration of this permit.
- E. The proposed project is not detrimental to the orderly and harmonious development of the City in that adequate signage, lighting, circulation and parking are being provided for the project.
- F. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or location in that conflicts between construction traffic and sales traffic will be minimized to the extent feasible.

Section 3: The Zoning Administrator of the City of San Clemente hereby approves MSPP 14-120, Alta Sales Trailer, 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 May 7, 2014

SAN CLEMENTE ZONING ADMINISTRATOR

James S. Holloway, Zoning Administrator

**CONDITIONS OF APPROVAL
MSPP14-120, ALTA SALES TRAILER**

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. 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.) _____
4. Prior to issuance of certificate of occupancy, the project shall be developed in conformance with the site plan, floor plans, and any other applicable submittals

approved by the Zoning Administrator on May 7, 2014, 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. *[Citation - Section 17.12.180 of the SCMC]* ■ (Plng.)_____

5. Minor Site Plan Permit 14-120 is valid for a one year period starting from the completion of a final building inspection and issuance of a Certificate of Occupancy for the temporary sales office. The owner or designee may request a time extension per Zoning Ordinance procedures. ■■ (Plng.)_____

6. The temporary real estate sales office, parking lot, signage, fencing, and other related improvements shall be removed upon the expiration of the MSPP or any time extensions that are approved, if applicable. ■■ (Plng.)_____

7. The operation of the temporary real estate sales office shall be limited to the hours of 10 a.m. until dusk daily. ■■ (Plng.)_____

8. Prior to displaying signage, an application for an administrative sign permit shall be submitted to the Planning Division and be approved to the satisfaction of the City Planner or designee. ■■ (Plng.)_____

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 issuance of building permits, code compliance will be reviewed during building plan check. *[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.)_____

11. 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.)_____

12. 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.)_____

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

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



LOCATION MAP

ATTACHMENT 2

MSP14-120, Alta Sales Trailer
12-14 Via Carina



48385 Lon -117.59407

No scale

