



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

**Wednesday, April 16, 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 2, 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 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.

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.

6. OLD BUSINESS

None

7. ADJOURNMENT

Adjourn to the regular Zoning Administrator meeting to be held at 3:00 p.m. on Wednesday, May 7, 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 2, 2014**

Staff Present: James Holloway, Christopher Wright, and Kimberly Maune

2. MINUTES

Minutes of the Zoning Administrator meeting of March 19, 2014 received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARING

A. 3407 South El Camino Real – Tentative Parcel Map 2013-101 – Bonnett Condominium Map (Wright)

A request to consider a Tentative Parcel Map for the conversion of a residential duplex into two condominium units. The subject site is in the Mixed Use 5.1 zoning district (MU 5.1) at 3407 South El Camino Real. The site's legal description is Lot 4, Block 7 of Tract 900 and Assessor's Parcel Number 060-102-49.

Associate Planner Christopher Wright summarized the staff report.

Mr. Holloway asked Mr. Wright what the process was previously for processing Tentative Parcel Maps. Mr. Wright responded previously Tentative Parcel Maps were required to go to the Planning Commission, the Planning Commission would make a recommendation to the City Council, and the City Council would make a decision.

Mr. Holloway stated this is one of the Zoning Administrator's first condominium conversions since the City adopted the streamlining process. This is the final action required unless the item is called up by the City Council; therefore, there is approximately a three month and several thousand dollar savings with the streamlined processing.

Marty Stein was present and stated that he is representing the applicant. Mr. Stein stated the domestic water supply became a significant issue in the review process. They investigated the possibility of installing a sub-meter rather than going with a separate metering system. The City

determined they would prefer having separate water meters for each individual unit.

Mr. Wright stated under the current code, based upon the wording, there is not a lot of flexibility to waive or adjust water meter requirements. Possibly the Engineering Division may pursue a code amendment that would provide greater and clearer flexibility to examine situations such as this one where sub-meters or no separate water meters may make sense. The text in the conditions of approval has been revised to provide flexibility if the Engineering Division were to pursue a code amendment.

Mr. Stein stated the other concern was having a separate meter for the common area. There are two units and there is landscaping; it would have been easier to not have a common area water meter. The landscaping is approximately 40 feet long and two feet wide and there are planter boxes. There is no allowance in the subdivision code for this situation.

Mr. Holloway stated this highlights an issue which should be reviewed when the City does subdivision code amendments. The City will soon be considering Zoning Code amendments and when those are completed then possibly the subdivision code amendments will be considered; it is beneficial to have this issue on the record so it can be considered.

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

Mr. Holloway stated this was a good discussion regarding the water meters. Again, this is among the first applications to go through the new streamlined condominium map process. This is the type of streamlining that the City Council would like to see, it does not diminish in any way the quality of life or the review of the site plan and the project. It just streamlined what was formerly a redundant administrative process that required two levels of review.

Mr. Holloway informed Mr. Stein of the ten day appeal period and thanked him for working with the City.

Action: The Zoning Administrator approved Tentative Parcel Map 2013-101, Bonnett Condominium Map, subject to Resolution ZA 14-015 with attached Conditions of Approval.

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

5. NEW BUSINESS

None

6. OLD BUSINESS

None

ADJOURNMENT

The meeting adjourned at 3:10 p.m. to the regular Zoning Administrator meeting to be held on April 16, 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: April 16, 2014

PLANNER: John Ciampa, Associate Planner *JC*

SUBJECT: **Tentative Parcel Map 2014-105, 119 Boca De La Playa Condos,**
a request to consider a Tentative Parcel Map for the conversion of a residential duplex that is under construction into two condominium units.

LOCATION: 119 Boca De La Playa

ZONING/GP: Residential Medium within the Architectural and Coastal Overlay (RM-A-CZ)

BACKGROUND:

- On February 6, 2013, a 5,385 square-foot duplex on a 9,698 square foot lot was approved in the Residential Medium (RM) zoning district. Building permits have been issued and the duplex is now under construction.
- The applicant requests to subdivide the duplex into condominiums to allow separate ownership.
- Municipal Code Section 16.04.015(G)(1) requires Zoning Administrator approval of a Tentative Parcel Map to allow the subdivision of four or fewer building units into condominiums.
- Staff supports the request on the basis that it meets all the required findings because:
 - The type and intensity of development on the site complies with zoning requirements. The RM zone allows a maximum density of one unit for every 1,800 square feet of lot area. The size of the subject site allows for a maximum of five units, but development is limited to a duplex.
 - The duplex meets parking requirements. Each unit has two off-street parking spaces as required.
 - The subdivision is compatible with surrounding properties and the environment. The duplex is consistent with the character and size of development in the neighborhood. The subdivision would not increase the development potential of the subject site. The request is limited to a division of a building's interior airspace to allow for separate property ownership. Therefore, the request is not expected to have traffic, noise, safety, or other potential land use impacts.

- The public was notified of this hearing item as required. Staff has not received comments on this item to-date.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve TPM 2014-105, 119 Boca De La Playa Codos, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution # ZA 14-017
Exhibit A Conditions of Approval
2. Location Map
3. Photos of the property
Building plans for duplex
Tentative Parcel Map

ATTACHMENT 1

RESOLUTION NO. ZA 14-017

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 2014-105, 119 BOCA DE LA PLAYA CONDOS, A REQUEST TO SUBDIVIDE A RESIDENTIAL DUPLEX INTO TWO CONDOMINIUMS TO ALLOW FOR SEPARATE OWNERSHIP OF RESIDENTIAL UNITS LOCATED AT 119 BOCA DE LA PLAYA

WHEREAS, on February 20, 2014, an application was submitted, and deemed complete on March 27, 2014, by Joe Bulwa on behalf of 119 Boca LTD, 17 Pinewood, Irvine, CA 92604, a request to consider a Tentative Parcel Map for the conversion of a residential duplex into two condominium units. The subject site is in the Residential Medium zoning district (RM) 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; and

WHEREAS, on March 20, 2014, the City's Development Management Team reviewed the subject application and determined its compliance with the General Plan, Subdivision Map Act, Subdivision Code, Zoning Ordinance, and other applicable City ordinances and codes; and

WHEREAS, the Planning Division processed and completed an initial environmental assessment for this project in accordance with the California Environmental Quality Act (CEQA). The Planning Division recommends the Zoning Administrator determine the project is categorically exempt from CEQA in accordance with CEQA Guidelines Section 15303 as a Class 3 exemption because the project involves the subdivision of a previously approved residential duplex for ownership purposes; and

WHEREAS, on April 16, 2014, the Zoning Administrator held a duly noticed public hearing on the subject application, and considered evidence presented by the applicant, City staff, 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 3 exemption because it involves the subdivision of a previously approved residential duplex for ownership purposes.

Section 2: The site is physically suitable for the proposed density of the development in that the proposed project is for the subdivision of a duplex into condominiums and the density of development on the site complies with the maximum allowed density requirement for properties in the Residential Medium zoning district. The zoning district allows a maximum residential density of one unit per 1,800 square feet of

lot area. The subject site is approximately 9,698 square feet, with a maximum allowed density of five units; only a duplex is developed on the site.

Section 3: The design of the subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because this project does not involve the development of a property, as the request is limited to the subdivision of a permitted duplex into condominiums so residential dwelling units may be under separate ownership.

Section 4: The design of the subdivision is not likely to cause serious public health problems in that the subdivision is a division of air space within a developed area with existing public utilities to serve the site.

Section 5: The subdivision, with its provisions for design and improvements, is consistent with General Plan goals, objectives, and policies related to traffic, grading, drainage, sanitary facilities, and utilities, etc.

Section 6: The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision in that the subdivision and permitted duplex provide access to the utility easement at the rear of the subject site.

Section 7: The Zoning Administrator hereby approves the categorical exemption and Tentative Parcel Map 2014-105, 119 Boca De La Playa Condos, 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 April 16, 2014.

SAN CLEMENTE ZONING ADMINISTRATOR

James S. Holloway, Zoning Administrator

**CONDITIONS OF APPROVAL*
TENTATIVE PARCEL MAP (TPM) 2014-105**

1. Within three (3) years after the approval date of TPM 2014-105, unless an extension is granted as provided in Section 35 of the Code of the City of San Clemente and Section 66452.6 of the Government Code of the State of California (Subdivision Map Act), the owner or designee shall file a substantially complete submittal for review and approval by the City for a final map or multiple final maps prepared by a registered civil engineer. The final map(s) shall be subject to all pertinent requirements of the Subdivision Map Act and shall conform to the approved tentative tract/parcel map, City standards, and all other applicable approved plans, codes, ordinances, statutes and regulations.

[Citation - Section 16.12.100.A of the SCMC]

(PInG.)_____

2. 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.)_____

3. 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.) _____

CONDITIONS TO BE SATISFIED PRIOR TO FINAL PARCEL MAP APPROVAL

4. Prior to final parcel map approval, the owner or designee shall submit for review to the Community Development Department, and shall obtain the approval of the City Attorney or designee for, Covenants, Conditions and Restrictions (CC&R's) which shall provide for the following: *[Citation – City Attorney Legal Directive/ City Council Approval June 1, 2010]*

- A. Creation of an Association for the purpose of providing for control over the uniformity of boundary fencing, and the perpetual maintenance responsibility of areas including, but not limited to, all common areas, irrigation systems, landscaped areas, walls, driveways, parking areas, trash areas, structures, private accesses and drainage. All drainage and other improvements within the interior of the subdivision designated as private shall remain private and shall be maintained by the Association. In addition, the CC&R's shall indicate all other areas to be owned and maintained by the Association and that maintenance of all private drainage facilities shall be in conformance with NPDES requirements. Notwithstanding the foregoing, for projects consisting of four units or less, the CC&R's may provide for the maintenance described above by a mechanism other than the creation of an Association.

(PIng.) _____ (Fire) _____

- B. Within 15 days after the establishment of the Association, the owner or designee shall furnish the Board or Officers of the Association a copy of the approved parcel map, a copy of the approved site and fencing plan, copies of all approved landscaping plans, a complete set of construction plans for the units, and approved plans indicating the locations and characteristics of all major project components, utilities, and related data (collectively, the "Approved Plans"). For projects consisting of four units or less, where the owner has elected not to create an Association, the CC&R's shall provide that the owner or designee shall provide copies of all of the Approved Plans to the purchaser of each individual unit at the close of escrow. (PIng.) _____

- C. Following recordation of the final parcel map, the Association shall submit to the Community Development Department for distribution to

- the Fire and Beaches, Parks and Recreation Departments and, shall resubmit annually, a list of all current Officers of the Property Owner Association (this condition applicable only if an Association is created). (PIng.) _____
- D. Proposed amendments to any of the CC&R's shall be submitted for review to the Community Development Director or designee, and shall be approved by the Community Development Director and the City Attorney prior to the amendments being valid. In the event a proposed amendment materially alters any of the provisions required by the City to be included in the CC&R's, the Community Development Director may require the proposed amendment to be approved by the City Council. (PIng.) _____
- E. A statement indicating that the City is deemed to be an express third party beneficiary of the CC&R's and has the right, but not the obligation, to enforce any of the provisions of the CC&R's (PIng.) _____
- F. Agreement by the owner or designee and Association that on an annual basis in the month of June, reports will be furnished to the City in compliance with the reporting requirements of codes and ordinances adopted by the City with respect to the NPDES program (this condition applicable only if an Association is created). [Citation - Section 13.40 of the SCMC] (Eng.) _____
- G. A statement indicating City of San Clemente may enter the common Areas at any time for the purpose of administering and enforcing compliance by all Members with (a) any permit issued to the City of San Clemente by the San Diego Regional Water Quality Control Board, as such permit may be amended from time to time, and (b) all NPDES requirements. [Citation - Section 13.40 of the SCMC] (Eng.) _____
- H. The CC&R's shall contain fire prevention and defense provisions including a fire lane map, provisions that prohibit parking in fire lanes, and a method of enforcement. Also, a method for keeping fire protection access easements unobstructed shall be included. The approval of the Chief of Fire Protection Services shall be required for any modifications such as control gates, or parking changes. [Citation - Service Codes: 2.12 of the OCFA] (Fire) _____

- I. Agreement by and between the owner or designee and Association, that storm drain facilities shall be inspected regularly as follows: *[Citation - Section 13.40 of the SCMC]*. (Eng.)_____
- 1) Open channels, catch basins and pipelines inspected annually before storm season and removal of debris as necessary.
 - 2) All facilities shall have debris and sediment removed either manually or by mechanical methods. Flushing shall be used in emergency situations only.
5. Prior to final parcel map approval, the owner or designee shall pay or reimburse (as determined by the City Planner) the City all costs associated with City Attorney review of the project CC&R's, Disclosure Statements, and any other applicable documents. *[Citation – City Attorney Directive, Planning Division Fee Schedule/City Council Approval June 1, 2010]* (Eng.)_____(Plng.)_____
6. Prior to final parcel map approval, owner shall indicate on the map, the location of all applicable easements for storm drains, utilities, and reciprocal access. *[Citation - Section 16.28.030.A & B of the SCMC]* (Eng.)_____
7. Prior to final parcel map approval, the owner or designee shall demonstrate to the satisfaction of the City Engineer or designee, that quitclaims in favor of the City have been obtained from all persons having any interest in existing rights of way for pipelines for the conveyance of water, and for all rights to all underground water. The owner or designee shall convey the right to all underground water, but without right of entry to the surface thereof, to the City. The owner or designee shall cause no easements to be granted nor recorded over any portion of the property shown on the submitted record map between the tentative map approval date by the Planning Commission and the recording date of the final or record map by the County Recorder. *[Citation - Section 13.04.500.A, B & C of the SCMC]* (Eng.)_____
8. Prior to the review of final parcel map, plans, CC&R's, and legal documents, the owner shall deposit minimum \$5,000.00 for plan check. *[Citation – Fee Resolution No. 08-81 and Section 16.32.010.B of the SCMC]* (Eng.)_____
9. Prior to final parcel map approval, the owner shall pay or reimburse the City all costs associated with City Attorney review of the project CC&Rs, Disclosure Statements, and any other applicable documents. Also the owner

shall pay all applicable development and final map fees for each duplex unit, which may include, but are not limited to, City Consultants review fees, RCFPP, park acquisition and development, water and sewer connection, drainage, grading. *[Citation - S.C.M.C. Title 15, Building and Construction, Sections 15.52, 15.56, 15.60, 15.64, 15.68, 15.72].*

(Eng.)_____ (Plng.)_____

10. Prior to final parcel map approval, the owner or his designee shall be required to construct and/or replace all damaged improvements along the entire property frontage on both streets as approved by the City Engineer or his designee, including but not limited to sidewalks, curbs, gutters, street lights, driveways, failed pavement section, etc. All work shall be per City Standards. *[Citation – Title 12 and Section 16.28 of the SCMC]*
(Eng.)_____
11. Prior to final parcel map approval, the owner shall be responsible for providing independent water meters and separate services for each unit and the common area, unless waived by the City Engineer. All water meters shall be located in the public ROW. *[Citation – Section 16.32.010.E of the SCMC]*
(Eng.)_____
12. Prior to final parcel map approval or issuance of the permits, whichever comes first, the owner shall provide separate surety, improvement bonds; or irrevocable letters of credit, if required for the project, for 100% of each estimated improvement cost for any necessary improvements. The cost estimate, as prepared by a registered civil engineer, shall include any necessary improvements. Improvements, if applicable, may include, but not be limited to, the following: grading; frontage improvements; sidewalks; sewer lines; water lines; storm drains; and erosion control. In addition, the owner shall provide separate labor and material bonds for 100% of the above estimated improvement costs, as determined by the City Engineer. *[Citation – Section 16.32.020.D of the SCMC]*
(Eng.)_____
13. Prior to final parcel map approval, the owner or designee shall indicate on the final map, the location of all easements for open space, trails, storm drains, public street lights, utilities, reciprocal access, slopes, and landscaping. All drainage easements shall be a minimum of 15 feet. No drainage facilities accepted for dedication or maintenance by the City shall be located within slopes. Improvements may not be constructed within any easements to be accepted by the City, without approval of an Encroachment Permit. A Hold Harmless agreement approved by the City Attorney shall be required for all encroachments into the public ROW. *[Citation - Section 16.28.030.B of the SCMC]*
(Eng.)_____

14. Prior to final tract/parcel map approval, the owner or designee shall submit to the City Attorney for review the form of (i) grant deed and (ii) purchase and sale agreement (or applicable portions thereof) to be used in connection with the applicant's sale of the units/lots to individual buyers. Said grant deed and purchase agreement shall include disclosures, approved by the City Attorney or designee, that indicate the existence, operations, characteristics, and potential exposure to nuisance/objectionable odors/risk of upset/hazards of the following:
[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]
 (PIng.) _____

(delete or add as appropriate)

- United States Marine Corps, Camp Pendleton
- San Onofre Nuclear Generating Station
- Fire hazard due to wildland exposure (Fire - FP16)
- Orange County Flood Control Channel
- City of San Clemente Wastewater Treatment Plant;
- Owens-Illinois Sand and Gravel Operation;

Coastal Commission

15. Prior to final tract/parcel map approval, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that approval by the California Coastal Commission has been obtained for the tentative tract/parcel map. *[Citation - Section 17.56.050 of the SCMC & Division 20, Public Resources Code]*
 (PIng.) _____

CONDITIONS TO BE SATISFIED PRIOR TO RECORDATION

16. Prior to recordation of the final parcel map, the owner or designee shall submit for review, and shall obtain the approval of the County Surveyor for, a digitized parcel map pursuant to Orange County Ordinance No. 3809 of January 28, 1991. The owner or designee shall pay for all costs of said digital submittals, including supplying digital copies to the City of the final County Surveyor-approved digital map in DXF format. The owner shall be responsible for providing the City a duplicate mylars of the recorded Final Map.*[Citation - Ordinance No. 3809 of the County of Orange]*
 (Eng.)_____

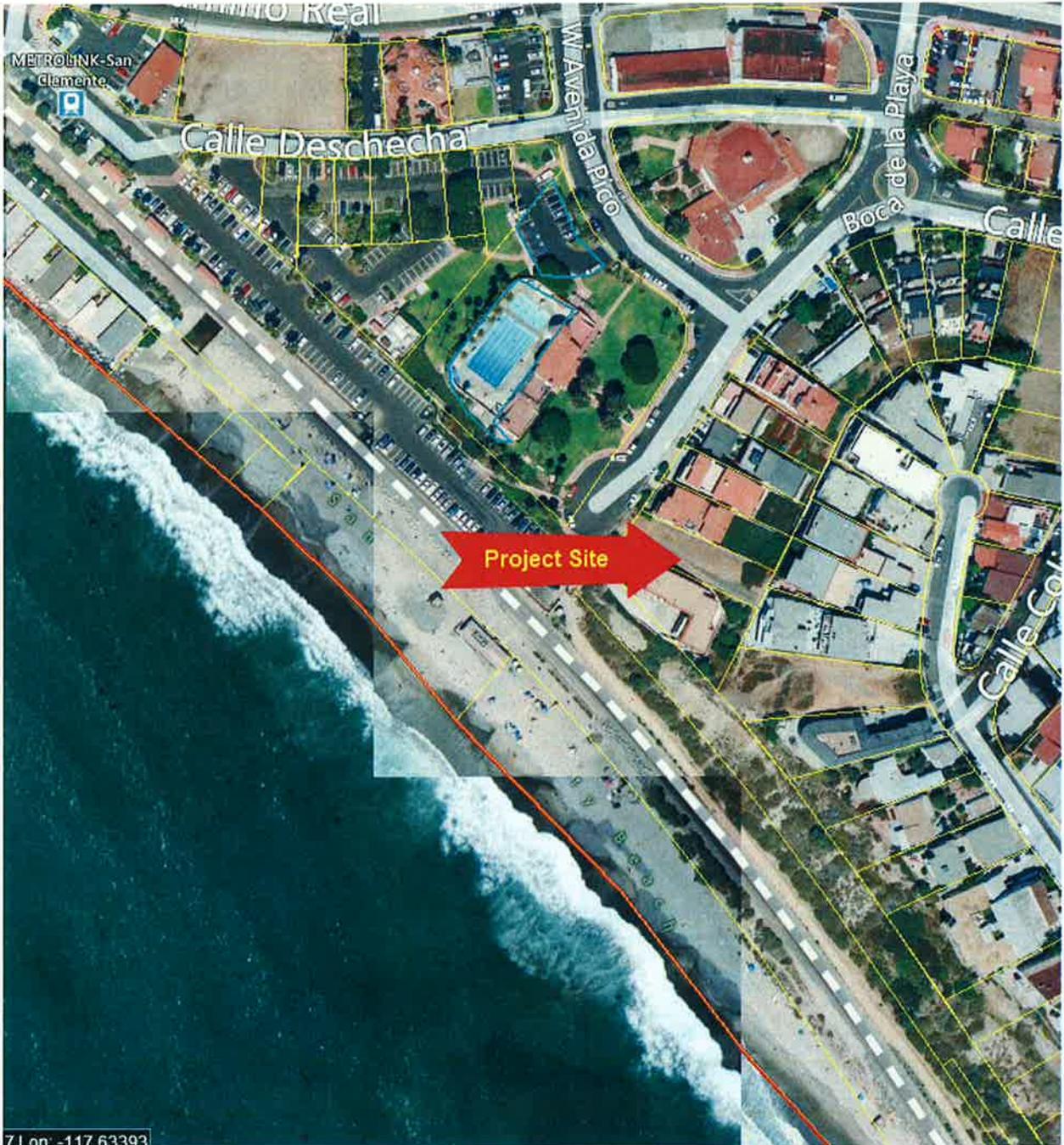
- * All Conditions of Approval are standard, unless indicated as follows:
 ■ Denotes modified standard Condition of Approval
 ■■ Denotes project specific Condition of Approval



LOCATION MAP

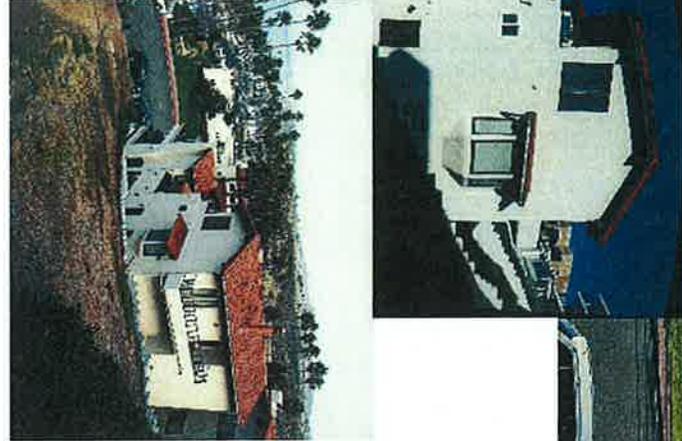
ATTACHMENT 2

TPM 2014-105
119 Boca De La Playa





Northern adjacent property



View of Swim Club & beach area from site



Southern adjacent property



119 Boca De La Playa
San Clemente, California



Existing street view





STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: April 16, 2014

PLANNER: Adam Atamian, Assistant Planner 

SUBJECT: Waiver of Minor Cultural Heritage Permit 14-134, Stallings Residence Exterior Alterations, a request to consider window and roof alterations to an approved addition adjacent to a historic property.

LOCATION: 805 Buena Vista

ZONING/GP: Residential Medium (RM-CZ)

BACKGROUND:

- The subject site is a 7,806 square foot lot improved with a 2,462 square foot single family residence constructed in 1983. The lot is located adjacent to an historic structure at 803 Buena Vista, and both lots are on a coastal bluff.
- The structure was originally built in a Spanish-style architecture featuring a red-tile roof and white Santa Barbara stucco. In 1988, a 4 foot by 8 foot ground-level patio with an overhead balcony was permitted to be enclosed to create a pop-out addition on the side of the house facing the historic property. The 48 square foot addition was not in the style of the rest of the structure as the top of the addition is mostly glass walls and roof was not extended to cover new enclosure. The windows on this section of the building are not consistent between the first and second floor of the addition, nor with the rest of the building. Additionally, the stucco is not consistent throughout the pop-out and does not blend well with the main body of the residence.
- The applicant is proposing to extend the red-tile roof to cover the pop-out, and to replace the windows with smaller, more vertically oriented wood windows consistent with Spanish-style architecture to match the windows on the rest of the structure. The applicant also proposes to install simple, black wrought iron cross-grilles over the windows and re-stucco the entire pop-out that better matches the rest of the house.
- A Minor Cultural Heritage Permit is required because the improvements are adjacent to a historic structure; however Zoning Ordinance Section 17.16.120 allows the Zoning Administrator to approve waivers for projects that, because of their scale, location or nature, do not have the potential to adversely impact properties on the City's Designated Historic Resources and Landmarks Lists, but which are too large to be eligible for staff waivers.

- The proposed project meets the required finding which states “Because of its scale, location, and/or nature, the development or improvement does not have the potential to adversely impact property on the City's Designated Historic Resources and Landmarks Lists” for the following reasons:
 - The exterior alterations do not increase the impact of the addition on the historic property.
 - The exterior alterations will reduce the negative visual aspects of the addition as the architectural quality of the pop-out will be consistent with the rest of the structure as well as the City’s Design Guidelines.
- Staff is supportive of the applicant’s request because it meets the findings for approval of a waiver as stated above. In addition, the project improves the structures architectural compatibility with the adjacent historic structure.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve Waiver of Minor Cultural Heritage Permit 14-134, Stallings Residence Exterior Alterations, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution # ZA 14-016
 Exhibit 1 - Conditions of Approval
2. Location Map
3. Arial Map
4. Photos of current site conditions
5. Elevations
6. Photos of Finish Materials and Details

ATTACHMENT 1

RESOLUTION NO. ZA 14-016

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING A ZONING ADMINISTRATOR WAIVER OF MINOR CULTURAL HERITAGE PERMIT 14-134, STALLINGS RESIDENCE EXTERIOR ALTERATIONS, A REQUEST TO MODIFY THE WINDOWS AND ROOF OF A PERMITTED ADDITION ON A RESIDENCE ADJACENT TO A HISTORIC PROPERTY LOCATED AT 805 BUENA VISTA

WHEREAS, on April 2, 2014, an application was submitted and deemed complete, by Troy Stallings, 805 Buena Vista, San Clemente, CA, 92672, for a Waiver of Minor Cultural Heritage Permit to replace the windows with wood windows, install black wrought-iron cross-grilles over the windows, extend the roof, and re-stucco an approved addition that is adjacent to a historic property. The project site is located at 805 Buena Vista, the legal description being Lot 4, of Block 7, Tract 794; and Assessor's Parcel Number 692-082-41

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 is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301(a) because the project consists of minor exterior alterations; and

WHEREAS, on April 16, 2014, the Zoning Administrator held a duly noticed public hearing on the subject application and considered evidence presented by City staff, the applicant, and other interested parties.

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

Section 1: This project is categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15301(a) because the project consists of minor exterior alterations.

Section 2: With respect to WV MCHP 14-134, the Zoning Administrator finds as follows:

- A. Because of the project's scale, location, and/or nature, which consists of window, roof, and stucco modifications, the project does not have the potential to adversely impact property on the City's Designated Historic Resources and Landmarks Lists for the following reasons:
 - a. The exterior alterations do increase the impact of the addition on the historic property.

- b. The exterior alterations will reduce the negative visual aspects of the addition as the architectural quality of the pop-out will be consistent with the rest of the structure as well as the City's Design Guidelines.
- c. The exterior alterations improve the structures architectural compatibility with the adjacent historic structure.

Section 3: The Zoning Administrator of the City of San Clemente hereby approves WV MCHP 14-134, Stallings Residence Exterior Alterations, a request to consider window and roof alterations to an approved addition adjacent to a historic property located at 805 Buena Vista, 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 April 16, 2014.

SAN CLEMENTE ZONING ADMINISTRATOR

James S. Holloway, Community Development Director

EXHIBIT 1**CONDITIONS OF APPROVAL*
WAIVER OF MINOR CULTURAL HERITAGE PERMIT 14-134
STALLINGS RESIDENCE EXTERIOR ALTERATIONS**

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. WV MCHP 14-134 shall become null and void if the use is not commenced within one (1) year 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 WV MCHP 14-134 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 WV MCHP 14-134 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. The applicant shall develop the project to be in conformance with the site plan, floor plans, elevations, details, and any other applicable submittals approved by the Zoning Administrator on April 16, 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. The applicant shall develop the project so that the finishes and materials on the addition match the rest of the structure including all of the following:
 - a. The window type, style, frame, installation, trim moulding style, and factory and/or paint colors.
 - b. The door type, style, frame, installation, trim moulding style, and factory and/or paint colors.
 - c. The stucco material, mix, application, troweling, corner and edge detail, weep screed location and detail, finish color and smoothness, and door and window interactions.
 - d. The roofing tile type and design, installation, interaction with existing roof, and color of tiles and grouting.
 - e. The eave materials, installation, design, colors, and interaction with all adjoining wall, roof, and other trim systems.
 - f. The gutter type, style, corner connection, downspout design, color and placement.

■■ (PIng.) _____

8. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to the Zoning Ordinance, Grading Code, 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. *[Citation - S.C.M.C. Title 8, Section 8.16; Fire Code, Title 15, Building and Construction, Sections 15.08, 15.12, 15.16, 15.20; Title 16, Subdivisions; & Title 17, Zoning]* (Bldg.)_____

- * All Conditions of Approval are standard, unless indicated as follows:
 - Denotes a modified standard Condition of Approval.
 - ■ Denotes a project specific Condition of Approval



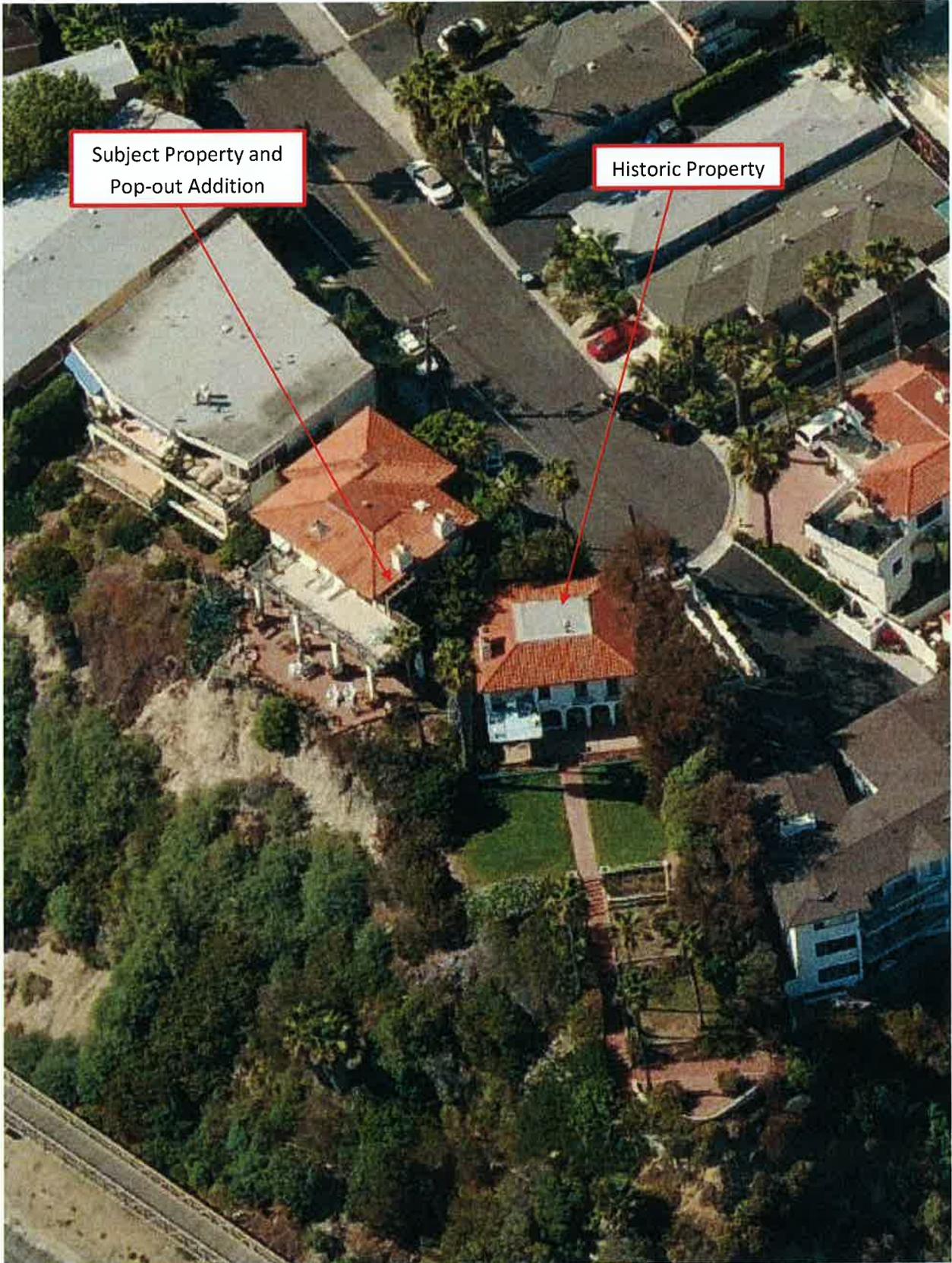
LOCATION MAP

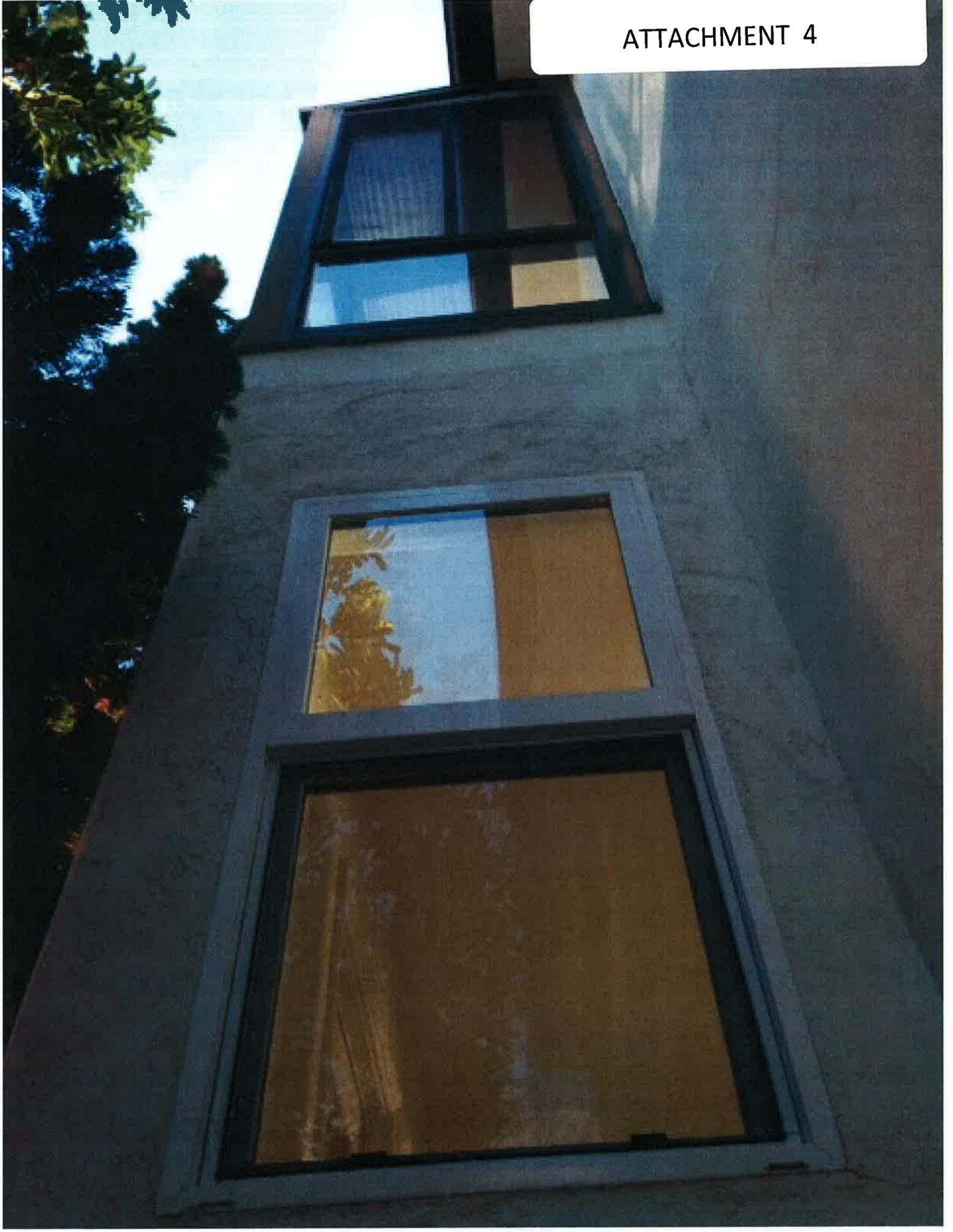
ATTACHMENT 2

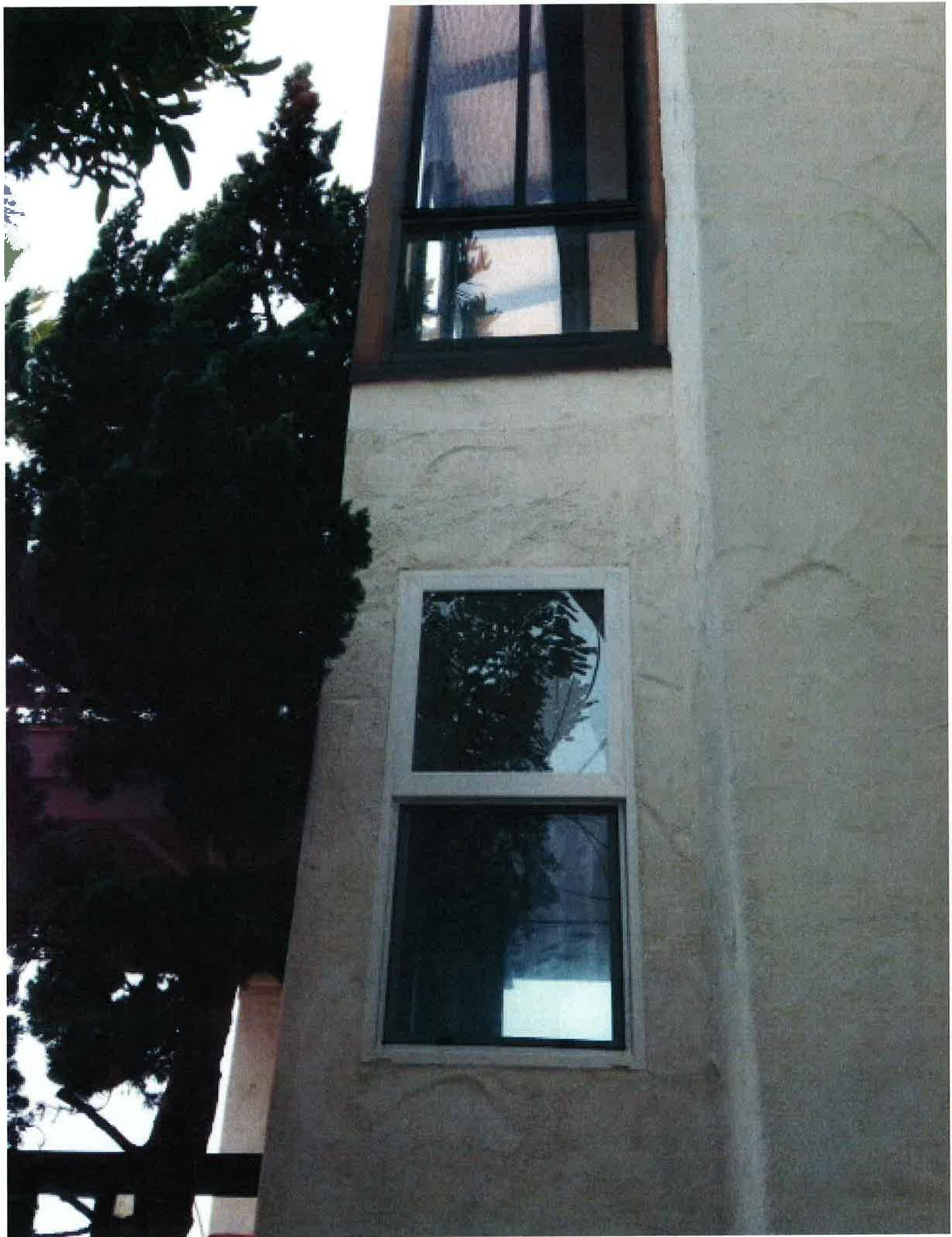
ZA Waiver of MCHP 14-134, Stallings Residence
Exterior Alterations
805 Buena Vista

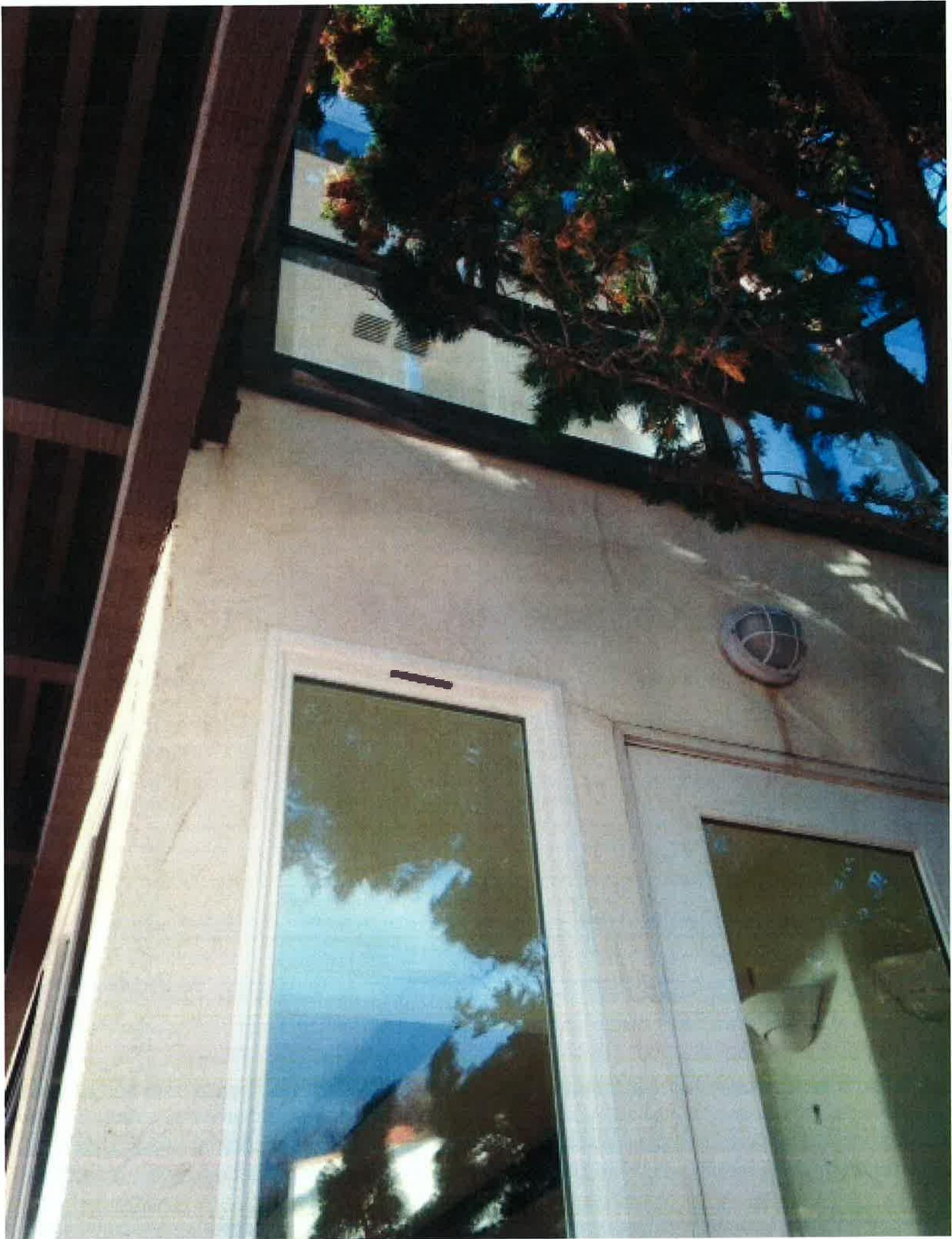


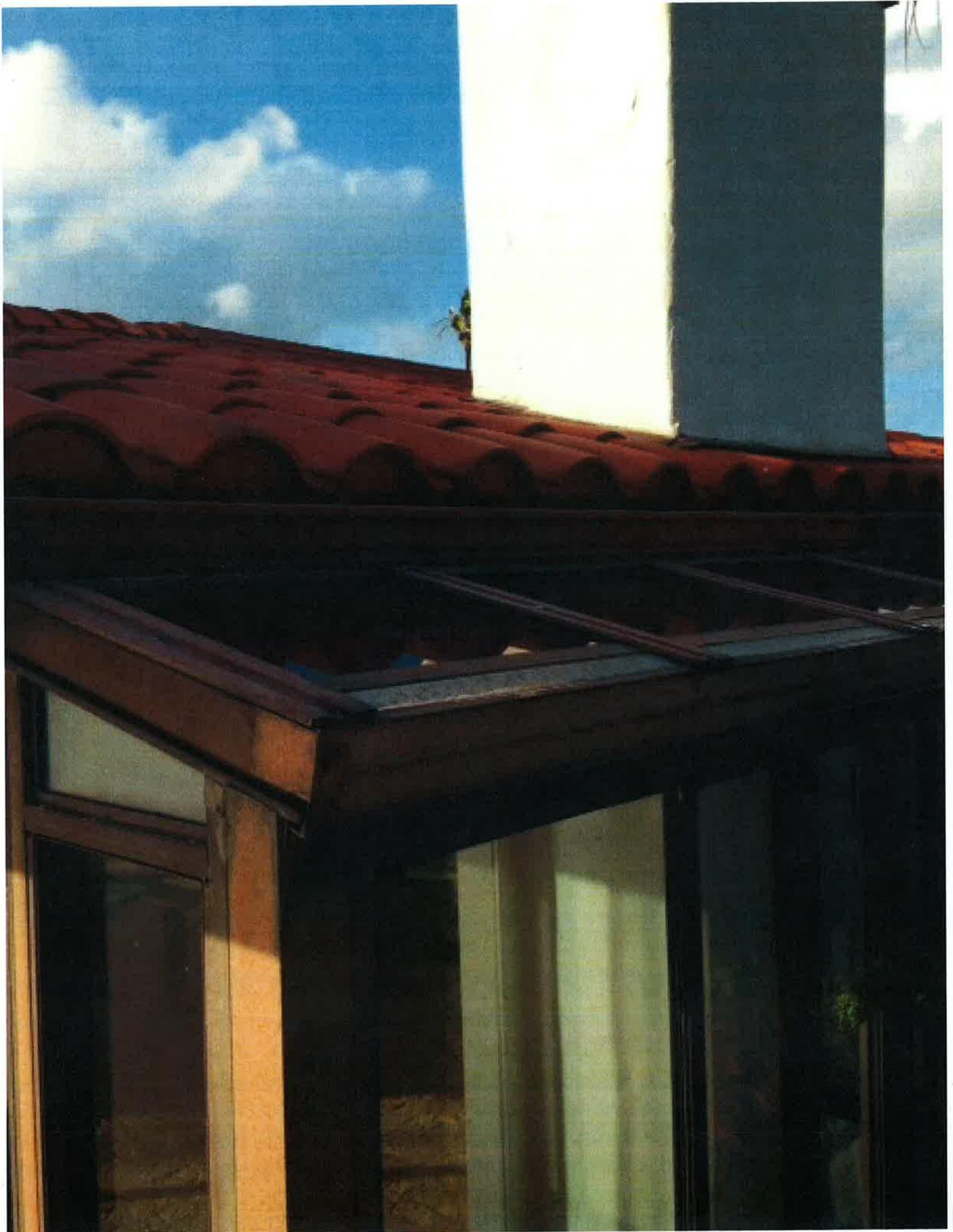
Arial Map of Subject Property and Proposed Remodel Area









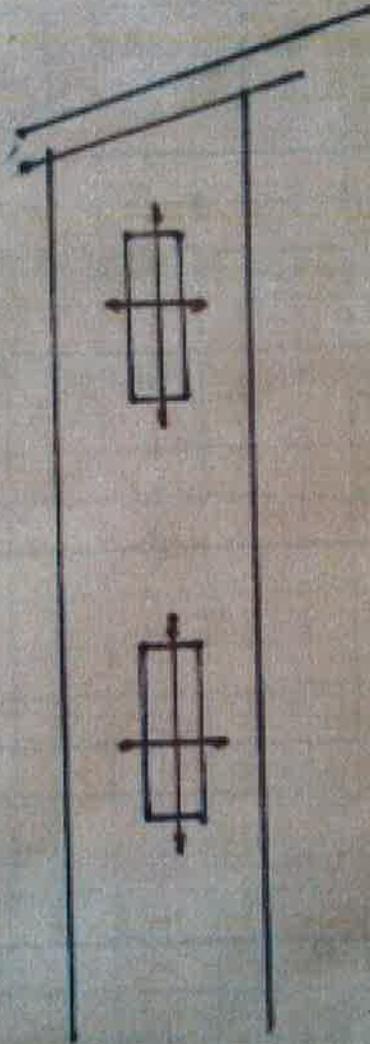






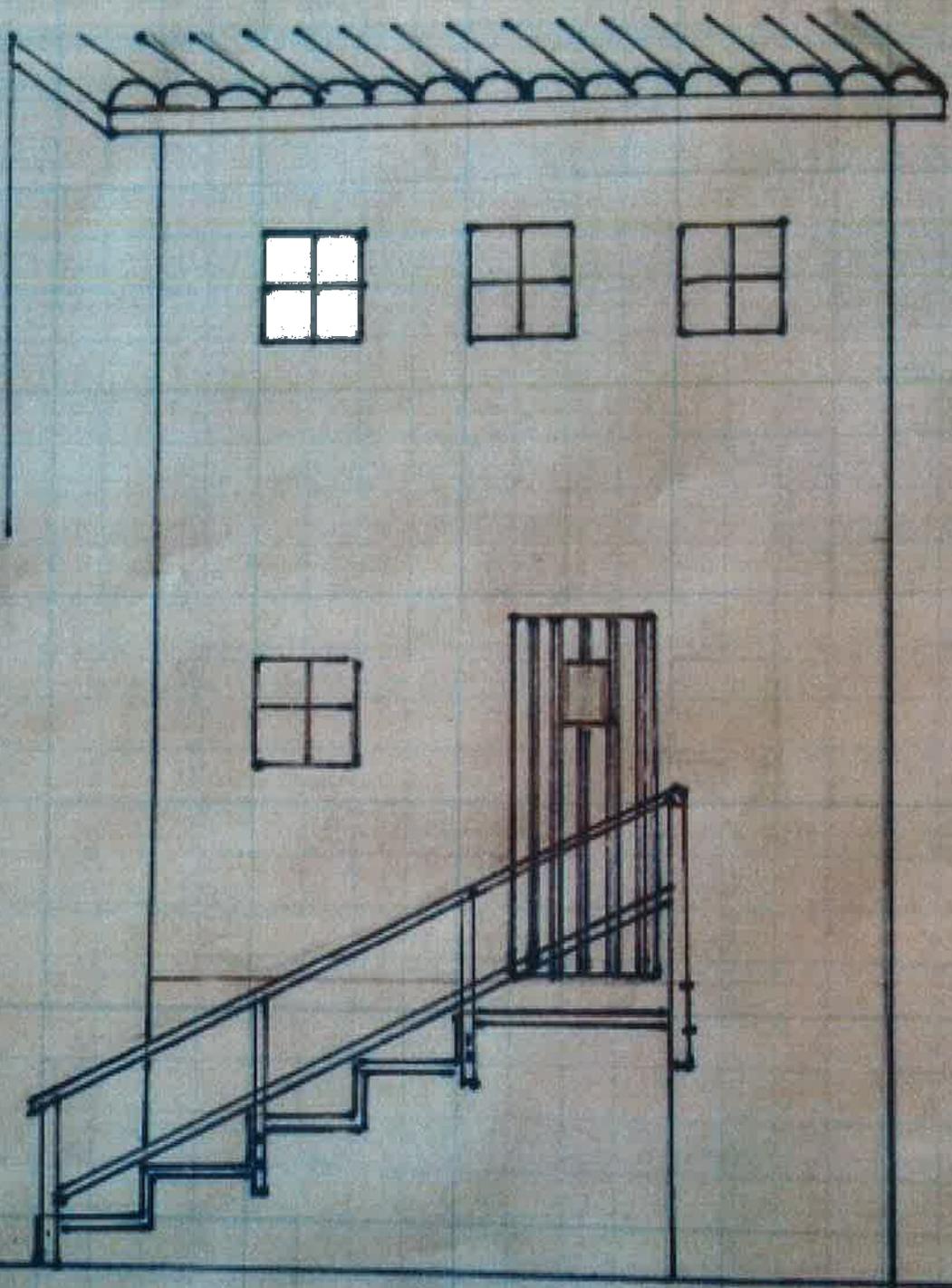


IRON OVER
WINDOWS



NTS

STREET VIEW



- NTS -
SIDE VIEW



Spanish Colonial

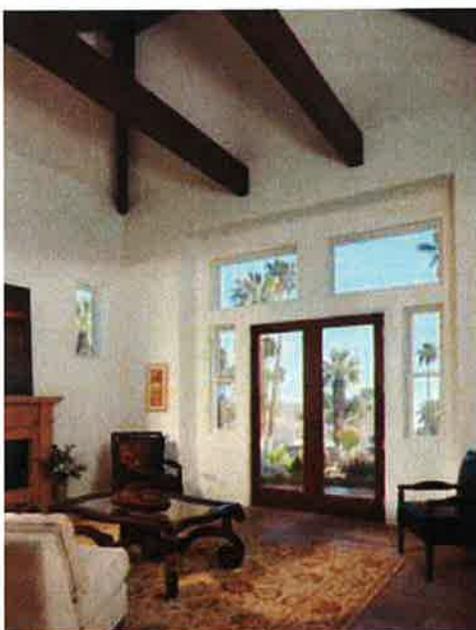
SIMILAR STYLES: Mission
Mediterranean

The Spanish Colonial style gained widespread popularity in the United States in the first part of the 1900s, primarily in the south and southwest where overheating was a problem much of the year. Thick walls and deep, shaded loggias proved to be an ideal response to the climate and were well-suited to incorporate the architectural details from many eras of Spanish and Mexican homes.

COMMON FEATURES:

- Arched doors, windows and porch entrances — typically half-round shape
- Windows are typically tall and narrow with a rectangular grille pattern
- Casement windows are most common, but double-hung windows are also used
- Doors opening onto loggias, balconies or patios are most commonly French doors
- Frame, sash and brick mould are usually darker in color and contrast with lighter exterior walls — white frame, sash and brick mould also used
- Decorative ironwork often highlights windows and balconies

Casement and half circle window exteriors
 - Brick mould exterior trim: Dark Bronze
 - Frame exterior color: Dark Bronze
 - Sash exterior color: Dark Bronze
 - Specified equal light grille pattern



A-SERIES STYLE RECOMMENDATIONS For additional choices, see pages 20–35.

EXTERIOR COLOR



Dark Bronze/Dark Bronze

INTERIOR STAIN



Espresso

HARDWARE



Window:
Traditional Folding Handle

Patio Door:
Newbury®

Finish:
Oil Rubbed Bronze

ENTRANCEWAY



Door: 102

For more information, please visit andersenwindows.com/entranceways.

HARDWARE

You get attractive hardware that performs reliably for years!

WINDOW HARDWARE

All window hardware is white to match the interior of your windows.



Casement and awning hardware folds down so it doesn't interfere with window treatments.



Single-hung and gliding windows feature hardware that automatically locks when windows are closed.



Optional single-hung lift/gliding window handle

PATIO DOOR HARDWARE

Tulsa and Afton hardware options are available. Tulsa hardware exterior handles match the door's exterior color, while interior handles are white to match the interior. Afton hardware has the same finish inside and out, and is available in bright brass, antique brass, black and satin nickel finishes. Also available, an optional auxiliary foot lock that secures the gliding panel in the track. It provides an extra measure of security when the door is in a locked position.

TULSA HARDWARE



Exterior Handle
(Shown in Dark Bronze)

Interior Handle

AFTON HARDWARE



Exterior Handle

Interior Handle

(Shown in Satin Nickel)

COLOR

Choose the right color to enhance the beauty of your home.



Dark Bronze

Cocoa Bean

Terratone®

Sandtone

White

EXTERIOR COLORS

Andersen® 100 Series products come in five exterior colors, including Dark Bronze and Cocoa Bean — colors that are darker and richer than most vinyl windows.

WHITE INTERIORS

Andersen® 100 Series windows and doors feature an attractive matte white finish inside. This gives you the ability to select your favorite exterior color without compromising options for interior decoration.

Printing limitations prevent exact color duplication. See your Andersen dealer for actual color samples.

GRILLES

Customize the look of your windows and doors with Andersen® grilles.



Andersen® 100 Series products are available with **Finelight™** grilles-between-the-glass that make window and patio door glass easy to clean. They have an elegant, sculpted profile, plus they offer a **two-sided color scheme**, allowing you to have grilles that match not only the white interior but also your exterior color choice.



Colonial



Modified Colonial



Prairie A



Short Fractional



Tall Fractional



Victorian



Renaissance



Sunburst

SPECIFIED EQUAL LIGHT
Any number of same-size rectangles across or down. Some limitations apply.



(2 x 2)



(2 x 4)



(2 x 1)



(1 x 3)

WHY ANDERSEN® 100 SERIES WINDOWS & DOORS ARE AN EASY CHOICE.



All Andersen® 100 Series windows and patio doors feature the performance, durability and ease of use you've come to expect from Andersen. Which means they not only provide energy efficiency, beauty and reliability today, but they'll also continue to add value to your home tomorrow and for years to come.

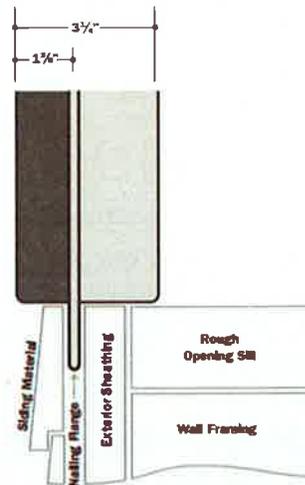
REPLACEMENT

If you're thinking of replacement, think of Andersen 100 Series windows and patio doors. You'll find choices for virtually any project, and all feature energy-efficient designs that help keep energy bills to a minimum.



Replacement Configuration

This frame allows for fast and easy window replacement. Install the window into your existing window frame without disturbing interior or exterior trim, which saves you time and money.



1 3/8" Flange Setback

The integral nailing flange makes it easy to install windows into a new opening and helps make sure the windows and doors are weathertight.



1" Flange Setback with Stucco Key

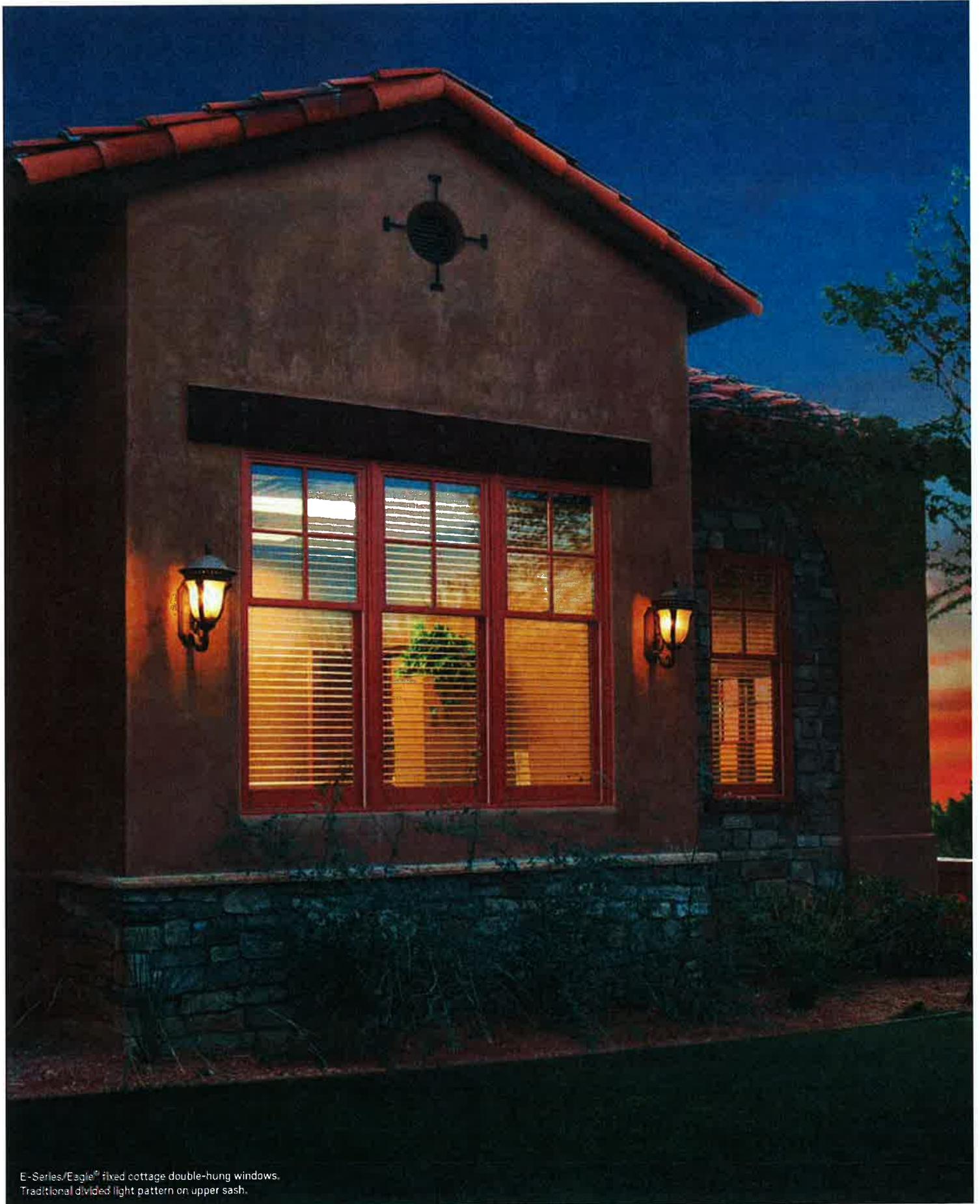
The integral nailing flange makes it easy to install windows into a new opening and helps make sure the windows and doors are weathertight. The stucco key eliminates gaps that can result from the natural contraction of exterior stucco.



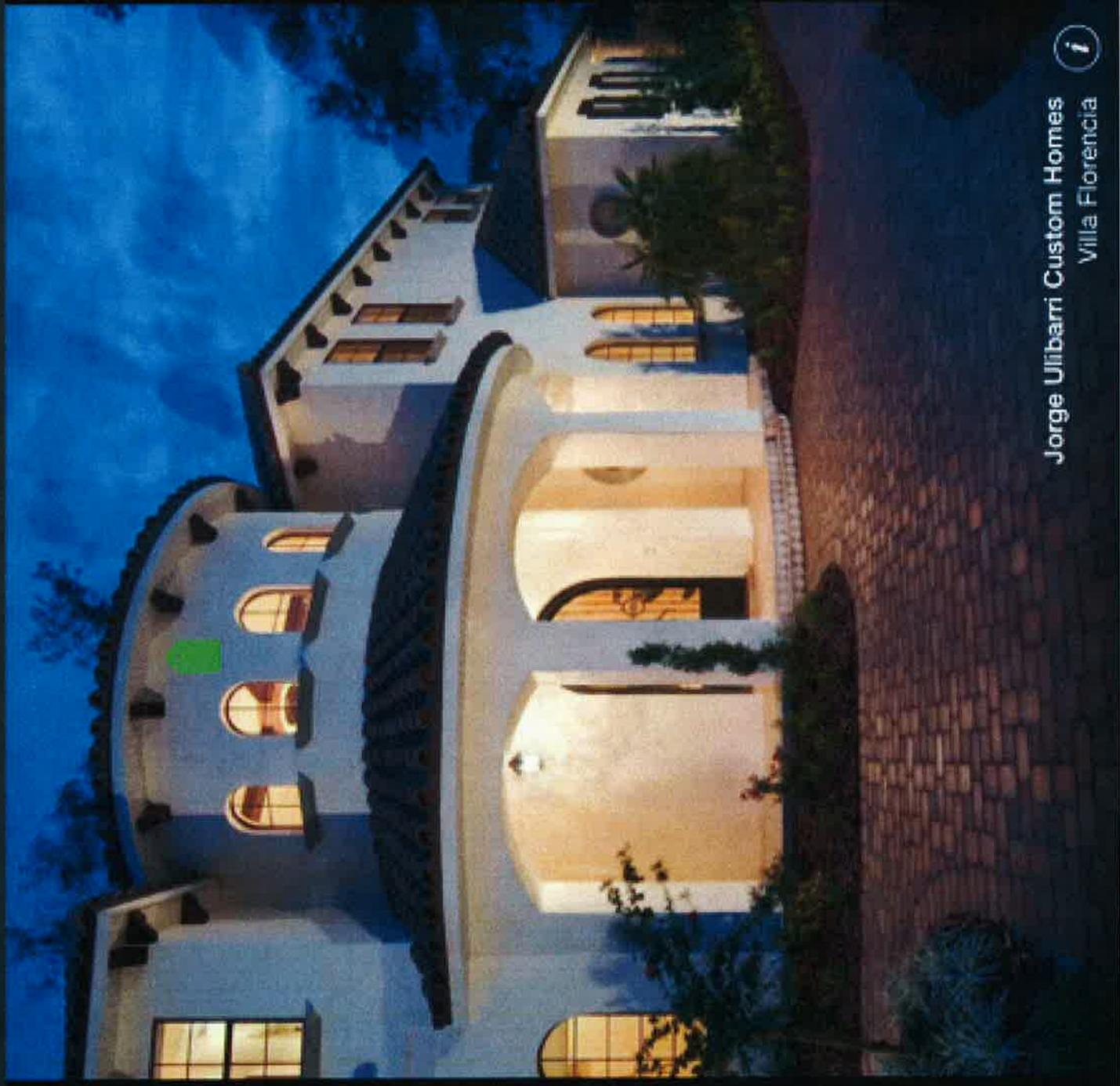
Custom sizes for a weathertight fit.

Andersen 100 Series windows and patio doors are available in custom sizes, which helps provide a more weathertight fit for any replacement project.





E-Series/Eagle[®] fixed cottage double-hung windows.
Traditional divided light pattern on upper sash.



Jorge Ulibarri Custom Homes
 Villa Florencia

