



STAFF REPORT

SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: October 22, 2014

PLANNER: John Ciampa, Assistant Planner 

SUBJECT: Zoning Administrator Waiver of Minor Cultural Heritage Permit 14-403, 301 Avenida Del Mar Trellis, a request to allow the construction of a patio cover and for a multi family apartment complex.

LOCATION: 301 Avenida Del Mar

ZONING: Residential Medium, Architectural Overlay (RM-A)

BACKGROUND:

- The site is a 11,944 square-foot lot located on the corner of North Calle Seville and Avenida Del Mar. The property is improved with a two building seven unit apartment complex that was constructed in 1953. The property is located near the downtown core and has three historic properties that are located within 300 feet of the site.
- The applicant proposes to construct a detached trellis that is located adjacent to the building along Avenida Del Mar. The trellis is intended to create a covered outdoor space for the property.
- Zoning Ordinance Section 17.16.110 requires a Zoning Administrator Waiver of a Minor Cultural Heritage Permit (WV MCHP) for this project since the project site has more three units within 300 feet of one or more historic properties and the site is located within the Architectural Overlay.
- The project meets the findings for the Waver of a Minor Cultural Heritage Permit for the following reasons:
 - The trellis design is consistent with the Design Guidelines for the Architectural Overlay in that it would be a Spanish Colonial Revival design and constructed with rough sawn posts and rafters and painted dark brown.
 - The proposed structure will not have a negative impact to the historic properties within 300 feet because the view to the trellis would be blocked by the apartment buildings on the site.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve WV MCHP 14-403, 301 Avenida Del Mar Trellis, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution ZA 14-046
2. Vicinity Map
3. Photograph
Plans

RESOLUTION NO. ZA 14-046

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING A ZONING ADMINISTRATOR WAIVER OF MINOR CULTURAL HERITAGE PERMIT 14-403, 301 AVENIDA DEL MAR TRELLIS, A REQUEST TO ALLOW A TRELLIS FOR A SEVEN UNIT APARTMENT COMPLEX THAT IS WITHIN 300 FEET OF A HISTORIC PROPERTY AND WITHIN THE ARCHITECTURAL OVERLAY LOCATED AT 301 AVENIDA DEL MAR

WHEREAS, on October 6, 2014, an application was submitted and deemed complete, by Gary Mathieu, 614 East Badillo Street Covina, CA 91723, for a Zoning Administrator Waiver of Minor Cultural Heritage Permit, a request install a trellis for a seven unit apartment complex located within 300 feet of a historic property and within the Architectural Overlay. The project site is located at 301 Avenida Del Mar, the legal description being Lot 1, Block 28, of Tract 779; 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 is categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303(e) because the project is for the construction of an accessory structure; and

WHEREAS, on October 22, 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 15303(e) because the project involves the construction of a trellis.

Section 2: With respect to WV MCHP 14-403, the Zoning Administrator finds as follows:

- A. Because of its scale, location, and/or nature, the wood trellis does not have the potential to adversely impact the properties on the City's Designated Historic Resources and Landmarks Lists for the following reasons:
 - 1. The trellis is blocked by the apartment building making it not visible from any of the historic properties within 300 feet.

2. The trellis design is consistent with the Design Guidelines for the Architectural Overlay in that it would be a Spanish Colonial Revival design and constructed with rough sawn posts and rafters and painted dark brown.

Section 3: The Zoning Administrator of the City of San Clemente hereby approves WV MCHP 14-403, 301 Avenida Del Mar Trellis, a request to install a trellis for a seven unit apartment complex located within 300 feet of a historic property and within the Architectural Overlay, 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 October 22, 2014.

SAN CLEMENTE ZONING ADMINISTRATOR

James S. Holloway, Community Development Director

EXHIBIT A

CONDITIONS OF APPROVAL*
WAIVER OF MINOR CULTURAL HERITAGE PERMIT 14-403
301 AVENIDA DEL MAR TRELIS

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 14-403 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]* (Plng.)_____

A use shall be deemed to have lapsed, and WV MCHP 14-403 shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the California Building Code, as amended. *[Citation - Section 17.12.150.C.1 of the SCMC]* (Plng.) _____

4. The owner or designee shall have the right to request an extension of WV MCHP 14-403 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall be subject to review and approval in compliance with section 17.12.160 of the Zoning Ordinance. *[Citation - Section 17.12.160 of the SCMC]* (Plng.) _____

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]* (Plng.) _____

6. A separate Building Permit is required. Plans to construct new building must be reviewed and approved through a separate building plan check / permit process. (Bldg.)_____ *[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]*

7. Project has not been reviewed for Building Code compliance. Prior to issuance of building permits, code compliance will be reviewed during building plan check. (Bldg.)_____ *[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]*

8. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to, the Zoning Ordinance, Grading Code, Security Ordinance, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 of the California Code of Regulations as adopted by the City including, but not limited to the California Administrative, Building, Electrical, Plumbing, Mechanical, Energy, and Fire Codes. (Bldg.)_____ *[S.C.M.C – Title 8 – Chapter 8.16 – Fire Code, Title 15 Building and Construction Chapters 15.08, 15.12, 15.16, 15.20, Title 16 Subdivisions, Title 17 Zoning]*



LOCATION MAP

WV MCHP 14-403, 301 Avenida Del Mar Trellis,
301 Avenida Del Mar





