



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: February 18, 2015

PLANNER: Amber Gregg, Associate Planner *AG*

SUBJECT: Appeal of Building Permit B14-1374, a request to appeal comments rendered by Planning Staff for a building permit to install a new double wide mobile home in the Capistrano Shores Mobile Home Park.

BACKGROUND

On January 7, 2015, the Planning Commission, acting as the Board of Appeals for Building Permits, reviewed an appeal of a building permit for a mobile home located in the Capistrano Shores Mobile Home Park. The Planning Commission continued the item to the February 18, 2015 regularly scheduled meeting to allow for an amendment to the Zoning Ordinance concerning mobilehome and mobile home park uses to go into effect. For additional background information please review the Staff Report of January 7, 2015, provided under Attachment 2.

At the time the applicant filed the appeal, City Staff could not approve the building permit requested because it was not consistent with Zoning Ordinance. Since that time however, the City Council has reviewed and approved an amendment to the Zoning Ordinance which went into effect on February 6, 2015. The added text is as follows:

Add Municipal Code section 17.72.060(E):

E. Nonconforming mobile home and mobile home park uses. Nonconforming mobile homes may be replaced, renovated, remodeled, expanded or repaired. New mobile home accessory structures and utility improvements are permitted. Mobile home park common areas, roadways, and utility improvements may also be added, repaired, renovated, remodeled, expanded or replaced. All mobile home and mobile home park improvements shall comply with California Code of Regulations, Title 25, Division 1, Chapter 2. Mobile Home Parks and Installations.

The adoption and enactment of the above text now allows the applicant to obtain the desired permit after Coastal Permits are obtained and the building permit process is complete.

On February 10, 2015, staff sent the applicant a letter informing him of the Ordinance's enactment letting him know he could submit for in-concept review and proceed with the permitting process (Attachment 3).

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission dismiss the appeal as moot.

Attachments:

1. Location Map
2. January 7, 2015, Staff Report
3. Letter to applicant dated February 10, 2015



LOCATION MAP

Appeal of B14-1374
1880 N. El Camino Real, Space 22





STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: January 7, 2015

PLANNER: Amber Gregg, Associate Planner

SUBJECT: **Appeal of Building Permit B14-1374,** a request to appeal comments rendered by Planning Staff for a building permit to install a new double wide mobile home in the Capistrano Shores Mobile Home Park.

BACKGROUND

The Planning Division reviews two types of permits, discretionary permits and ministerial permits. Discretionary permits require public hearings and allow discretion for the final authority on the requested permit. For example, the Planning Commission can impose conditions of approval on a Conditional Use Permit to ensure there are no adverse negative impacts to surrounding properties.

Ministerial permits have no discretion. Staff reviews the proposed project and determines if it complies with the applicable codes, and if it does staff approves the request; no public hearing or noticing required. Examples of ministerial permits are building permits, administrative sign permits, and temporary banner permits.

Municipal Code Section 15.04.060, Board of Appeals, addresses appeals of a building permit and designates the Planning Commission as the Board of Appeals.

On August 21, 2014 the applicant, Eric Anderson, submitted plans for building permit review of a new double wide mobile home to be installed at 1880 N. El Camino Real, Space 22. The project site is zoned Open Space (OS2-S2-CZ) and the mobile home and mobile home park are considered legal nonconforming uses. Staff reviewed the request and Planning provided the following corrections to the applicant on September 22, 2014:

The proposed replacement of the existing 900 square foot mobile hole with a new 1,248 square foot mobile home does not comply with San Clemente Municipal Code Section 17.72.060, Nonconforming use restrictions.

The proposed replacement mobilehome constitutes a 348 square foot (39%) increase in the square footage of the existing mobile home, which is a nonconforming use. The current zoning code does not allow the expansion of nonconforming uses.

For the complete letter of correction provided to the applicant please see Attachment 2. The applicant filed an appeal of this action on September 30, 2014; the appeal is provided under Attachment 3.

Prior to the building permit application submitted by the applicant, staff had been working on amending the Nonconforming section of the Zoning Ordinance to address Nonconforming mobile home and mobile home park uses. This amendment was reviewed by the Planning Commission on November 19, 2014 where a unanimous recommendation of approval was forwarded to the City Council. The City Council reviewed and approved the amendment at their December 16, 2014, meeting with a second reading occurring on January 6, 2015.

The approved amendment, which will go into law 30 days after it is signed following the second reading, will modify the Zoning Ordinance and would permit the proposed project, pending California Coastal Commission approval and completion of the building permit process. The applicant has been kept aware of the amendment and understands its effects.

PROJECT DESCRIPTION

Appeal

The applicant submitted an appeal of the Planning Division comments regarding Building Permit 14-1374 noting *"this appeal is taken from the City of San Clemente Planning Division response effecting a categorical denial of a manufactured home installation permit to be issued by the City, acting on behalf of the State of California, as a local enforcement agency for the Mobilehome Parks Act, Cal. Health and Safety Code §18200 et seq."*

PROJECT ANALYSIS

At the time the applicant filed the appeal, City Staff could not approve the building permit requested because it was not consistent with Zoning Ordinance. Since that time however, the City Council has reviewed and approved an amendment to the Zoning Ordinance that would allow approval of the proposed mobile home.

The City Council approved the addition of the below text to the Nonconforming Use section of the Municipal Code on December 16, 2014.

Add Municipal Code section 17.72.060(E):

E. Nonconforming mobile home and mobile home park uses. *Nonconforming mobile homes may be replaced, renovated, remodeled, expanded or repaired. New mobile home accessory structures and utility improvements are permitted. Mobile home park common areas, roadways, and utility improvements may also be added, repaired, renovated, remodeled, expanded or replaced. All mobile home and mobile home park improvements shall comply with California Code of Regulations, Title 25, Division 1, Chapter 2. Mobile Home Parks and Installations.*

By law the amendment must have a second reading. The second reading of the amendment was on January 6, 2015 and will go into effect 30 days after the Ordinance is signed.

In light of the approved amendment that permits the replacement of mobile homes consistent with Title 25, Chapter 2, staff recommends that the applicant wait until the Nonconforming Ordinance Amendment for mobile home and mobile home park uses goes into effect, and complete the permitting process for the proposed mobile home.

ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA):

The proposed application is an appeal of a ministerial project and is Statutorily Exempt from CEQA pursuant to CEQA Guidelines section 15268 and 15369.

CALIFORNIA COASTAL COMMISSION REVIEW

The project is located in the Coastal Zone and is subject to review and approval by the California Coastal Commission.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff and continue the appeal hearing until after the Ordinance's effective date, providing the applicant time to complete the building permit process and allow the Ordinance to become effective.

This would allow the applicant to obtain the desired permit after the Ordinance goes into effect, Coastal Permits are obtained, and the building permit process is complete.

2. The Planning Commission can deny the appeal.

The applicant could revise his plans to comply with current zoning ordinance requirements or wait for the Ordinance to become effective and reapply for a building permit.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission continue the appeal hearing until after the Ordinance's effective date, and then dismiss the appeal as moot.

Attachments:

1. Location Map
2. Permit Correction Letter
3. Appeal documents filed by the applicant on September 30, 2014



City of San Clemente Planning

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February 10, 2015

Capistrano Shores Inc.
Attn: Eric Anderson
1880 N. El Camino Real
San Clemente, CA 92672

Re: Zoning Amendment 14-101, Nonconforming Ordinance Amendment

Dear Mr. Anderson,

On February 6, 2015, the above mentioned zoning ordinance adding Nonconforming mobilehome and mobilehome park uses was added to Section 17.72.060(E) of the Municipal Code.

We want to inform you of its effect so you can submit for in-concept review and proceed with the permitting process. Please email if you have any questions at gregga@san-clemete.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amber Gregg". The signature is fluid and cursive.

Amber Gregg
Associate Planner