



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: April 8, 2015

PLANNER: John Ciampa, Associate Planner *JC*

SUBJECT: Cultural Heritage Permit 14-396/Minor Exception Permit 14-395, Berardi Duplex, a request to consider a second story addition that continues a legal nonconforming side yard setback and is adjacent to two historic structures. The project site is located at 314-316 North Ola Vista.

REQUIRED FINDINGS

Prior to approval of the proposed project, the following findings shall be made. The draft Resolution (Attachment 1) and analysis section of this report provide an assessment of the project's compliance with these findings.

Cultural Heritage Permit (CHP), Section 17.16.100, due to the proximity of a historic resource.

- a. The architectural treatment of the project complies with the San Clemente General Plan.
- b. The architectural treatment of the project complies with the Zoning Ordinance including, but not limited to, height, setback, and color.
- c. The project's architectural treatment complies with the architectural guidelines in the City's Design Guidelines.
- d. The project's general appearance is in keeping with the character of the neighborhood.
- e. The project's is not detrimental to the orderly and harmonious development of the City.
- f. The proposed project will not have negative visual or physical impacts upon the historic structure.

Minor Exception Permit (MEP), Section 17.16.090, for nonconforming side yard setback.

- a. The requested minor exception will not interfere with the purpose of the zone or the standards of the zone in which the property is located.
- b. The neighboring properties will not be adversely affected as a result of the approval or conditional approval of the Minor Exception Permit.
- 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.

BACKGROUND

The subject property is a 3,615 square foot corner lot within the Residential Medium (RM) zoning district. The property was originally improved with a 1,312 square foot, one-story house with an attached two car garage that was built in 1949. In 1961, the garage was legally converted to an additional unit (now unit one) to create a duplex with only surface parking. The project proposes to add a second floor above the original garage to provide two additional bedrooms and living area to the unit.

Development Management Team

The City's Development Management Team (DMT) reviewed the request and determined the project meets City standards and requirements. Recommended conditions of approval are included in the attached draft resolution (Attachment 1).

Noticing

Public notices were distributed and posted per City and State requirements. One letter was received by a member of the public prior to the Design Review Subcommittee meeting and is provided under Attachment 5.

Historic Resource Information

The project site is adjacent to two historic houses located at 202 Avenida Serra and 202 Avenida Miramar. The historic resources are eligible as contributors to a potential local district under Criterion A for their association with the Ole Hanson/Spanish Village by the Sea Period of Development (1925-1936). More information about the historic houses is provided as Attachment 3.

PROJECT DESCRIPTION

The project proposes a second floor addition to expand unit one from 440 square feet to 1,074 square feet, bringing the duplex to a total of 1,946 square feet. The proposed addition would result in the legal nonconforming duplex being expanded by 48 percent. The project would add two bedrooms, one bathroom, and an open room to the second story. The Zoning Ordinance does not require additional parking for the addition.

Development Standards

Table 1 outlines how the project meets the RM development standards:

Table 1 - Development Standards

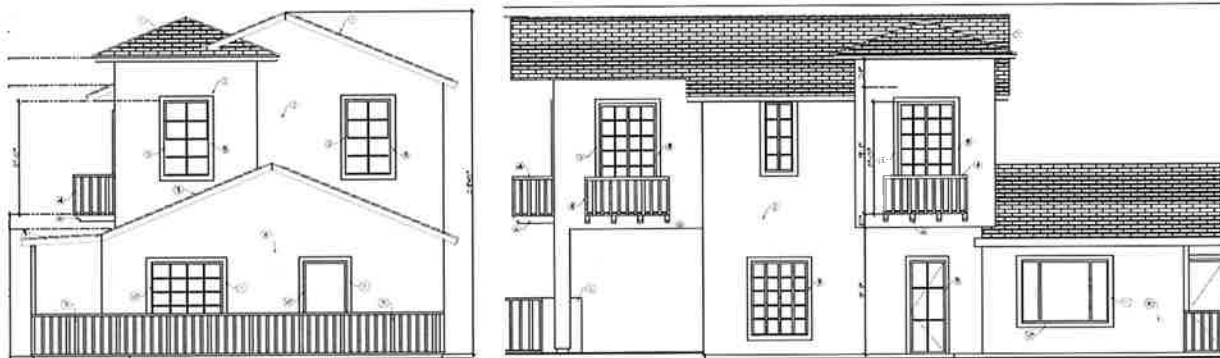
Development Standard	Zoning Requirement	Existing/Proposed
Building Height Maximum	25'	24'5"
Setbacks (Minimum):		
Front	15'	22'3"
Street-facing Garage	18'	N/A
Street Side Yard	10'	10'
Side Yard	5'	3.5**
Rear	10'	17'6"
Parking Spaces	4	2**

*MEP requested for a continuation in the side yard setback.

** Duplex was approved with existing uncovered parking in 1961.

Architecture

The project integrates the second story addition into the design of the one story duplex and continues the beach cottage/Monterey architecture of the structure. The project incorporates the following DRSC's recommendations to improve the project: second story popped-out with a hip roof to articulate and integrate the addition, gable roof design, vertical oriented windows, second story balconies are centered over the openings below, and modified the railing design to be more compatible with the duplex.



PROJECT ANALYSIS

Minor Exception Permit

The Minor Exception Permit (MEP) is requested to allow the second story addition to continue the legal nonconforming side yard setback of three feet, six inches. The MEP is requested to continue the legal nonconforming side yard setback due to the small size of the lot. The site being located on a corner lot that is only 3,615 square feet compounds the problem because the Zoning Ordinance requires a 10 foot street side yard setback, which further reduces the buildable pad area. It is common in older neighborhoods for structures to have setbacks that do not comply with current requirements. The reduction to the side

yard setback would allow the addition to continue along the first floor wall plane. The encroachment should allow for a reasonable sized addition, while providing adequate separation (16 feet) from the adjacent historic house at 202 Avenida Serra. The continuation of the nonconforming setback is not anticipated to have a negative impact on the adjacent apartment building (along Avenida Miramar) because the addition is located towards the back of the lot and would maintain the existing eight foot, six inch building separation.



Cultural Heritage Permit

A Cultural Heritage Permit (CHP) is required because the project is adjacent to two historic residences and is an addition to a legal nonconforming structure. The CHP ensures development does not have a negative physical or visual impact on historic structures, are compatible with the neighborhood, and consistent with the Design Guidelines.

The project complies with the required findings for the following reasons:

1. The design of the duplex is a beach bungalow/Monterey design that compliments the historic houses and is consistent with the neighborhood.
2. The proposed addition is consistent with the Design Guidelines, as the project relates to the adjacent historic structures, because the addition is integrated into the design of the structure and articulates the building to create interesting roof lines, and strong patterns of shade and shadow.
3. The duplex would be expanded by 48 percent and would not exceed 50 percent to require the duplex to be brought into conformance with the current development standards.
4. There should be no negative massing or visual impacts to the historic structure (202 Avenida Serra) because the addition is adjacent to the non-historic portion of the resource with 16 feet of separation from the structure, and is a similar size (21 feet tall). While the property sits closer towards the street than the adjacent historic resource; the second story is similar in height and staff does not anticipate any massing impacts from the second story addition.
5. The project should not have a negative impact on the historic structure located at 202 Avenida Miramar because the project is across the street and the proposed addition is located at the south end of the duplex, furthest away from the historic house.
6. The 634 square foot addition is located within the required setbacks for the RM zoning district, with the exception of the rear yard setback, and would be architecturally consistent with the house.

Cultural Heritage Subcommittee

The Cultural Heritage Subcommittee (CHSC) reviewed the project on January 14 and January 28, 2015 and provided the following recommendations.

Table 2 – DRSC Comments

DRSC Concerns	Project Modifications
The architectural quality of the project needs to be improved to address the designs for the following: placement of second story balconies, window locations and designs, roof design and articulation, fenestration, and the railing designs.	Modified as requested. The second floor addition was modified to create a pop-out feature to break up the wall plan, integrated the addition, provide roof articulation, vertical windows centered over the first floor, and improved the overall design quality of the project.
Widen the base of the support wall on the east elevation to improve the proportions of the structure.	Modified as requested.
Modify the window designs to be more compatible with the architecture of the duplex.	Modified as requested.

GENERAL PLAN CONSISTENCY

Table 3 summarizes how the proposed use is consistent with adopted policies outlined in the City of San Clemente General Plan.

Table 3 - General Plan Consistency

Policies and Objectives	Consistency Finding
HP-2.06 <i>New Development</i> . We require that all new single-family and multi-family residential development abutting historic resources, and new commercial and multi-family development of three or more units within a 300-foot radius from a historic resource be compatible with the historic resource in terms of scale, massing, building materials and general architectural treatment.	The project is compatible with the adjacent historic resources in that the project maintains the structure as a duplex and does not have a negative visual or physical impact on the adjacent historic resources because the design of the project does not create any massing impacts to the historic structures. Additionally, the project is architecturally compatible with the adjacent historic structures.

ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA):

The Planning Division completed an initial environmental assessment of the project per the California Environmental Quality Act (CEQA). Staff recommends the Planning Commission determine the project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301(e)(1) because the project does not result in an expansion of over 50 percent of the existing structure.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff and recommended approval of the project.

This is the recommended action. This action would result in the adoption of Resolution No. PC 15-012.

2. The Planning Commission can, at its discretion, add, modify or delete provisions of the proposed project or conditions.

This action would result in any modifications being incorporated into the project, such as architectural modifications to improve the design or reduce the mass of the addition to improve the projects compatibility with the adjacent historic structures.

3. The Planning Commission can deny of the proposed project.

This action would result in the Planning Commission denying of the project. This would require staff to draft a new resolution for recommending denial of the project. The Commission should cite reasons or findings for its denial.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approve CHP 14-396/MEP 14-395, Berardi Duplex, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution PC 15-012
Exhibit A: Conditions of Approval
 2. Location Map
 3. DPR form for 202 Avenida Serra and 202 Avenida Miramar
 4. January 14, and January 28, 2015 CHSC Meeting Minutes
 5. Letter from Member of the Public
 6. Photographs
- Plans

RESOLUTION NO. PC 15-012

A RESOLUTION OF THE PLANNING COMMISSION APPROVING CULTURAL HERITAGE PERMIT 14-396, MINOR EXCEPTION PERMIT 14-395, BERARDI DUPLEX, A REQUEST TO ALLOW THE CONTINUATION OF A LEGAL NONCONFORMING SIDE YARD SETBACK FOR AN ADDITION TO A DUPLEX THAT IS ADJACENT TO TWO HISTORIC RESOURCES, LOCATED AT 314-316 NORTH OLA VISTA

WHEREAS, on October 8, 2014, an application was submitted, and completed on March 5, 2015, by Mario Berardi, P.O. Box 2487, Palm Springs, CA 92263, for a Cultural Heritage Permit and Minor Exception Permit to allow the continuation of a legal nonconforming side yard setback for a duplex that is adjacent to two historic resources. The project is located within the Residential Medium (RM) zoning district at 314-316 North Ola Vista. The legal description being Lot 1, of Block 14, of Tract 799, Assessor's Parcel Number 058-122-19; and

WHEREAS, the Planning Division completed an initial environmental assessment of the above matter in accordance with California Environmental Quality Act (CEQA) and recommends the Planning Commission determine this project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301(e)(1) because the project is an addition and exterior improvements that will not result in an increase of more than 50 percent of the floor area of the structure; and

WHEREAS, on October 23, 2014, and January 22, 2015 the City's Development Management Team reviewed the proposed project for compliance with the General Plan, Zoning Ordinance, and other applicable City ordinances and codes; and

WHEREAS, on January 14, and January 28, 2015, the City's Design Review Subcommittee considered the project and supported it with recommended modifications to the design; and

WHEREAS, on April 8, 2015, the Planning Commission 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 Planning Commission of the City of San Clemente hereby resolves as follows:

Section 1: This project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301 (e)(1) because the project is an addition and exterior improvements that will not result in an increase of more than 50 percent of the floor area of the structure.

Section 2: With respect to Cultural Heritage Permit 14-396, the Planning Commission finds as follows:

- A. The proposed use is permitted within the subject zone pursuant to the approval of a Cultural Heritage Permit and complies with the San Clemente General Plan in that the project is maintained as a duplex and the addition is located within the required setbacks for the Residential Medium (RM) zoning district, with the exception of the request for the continuation of the legal nonconforming side yard setback.
- B. The architectural treatment of the project complies with the Zoning Ordinance including, but not limited to, height, setback, color; in that the addition and exterior improvements will be in character with the design of the duplex and conform to all of the development standards for the RM zone, with the exception of the request for the continuation of the legal nonconforming side yard setback.
- C. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines in that the addition will be in scale with the neighborhood, and the adjacent historic resources.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood in that the duplex will have a modest second story that is integrated into the design of the duplex. The design of the duplex is consistent with the mix of architectural styles in the neighborhood.
- E. The proposed use will not be detrimental to the harmonious development of the City in that the project will remain a duplex. The proposed addition will not have any massing impacts to the adjacent properties and will comply with the height, lot coverage, and setback standards, with the exception of the continuation of the legal nonconforming side yard setback, which is consistent with other houses in the area.
- F. The proposed project will not have negative visual or physical impact upon the adjacent historic structures in that the second story addition is in scale with the adjacent two story historic house and the duplex has a significant separation from the adjacent historic structures.

Section 3: With regard to Minor Exemption Permit (MEP) 14-395, the Planning Commission finds as follows:

- A. The requested minor exception 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 addition complies with the San Clemente General Plan, in that the use will remain a duplex which is a permitted use within the Residential medium land use designation.

- B. The neighboring properties will not be adversely affected as a result of the approval or conditional approval of the MEP in that the duplex will maintain the existing three foot six inch side yard setback which is common with the older structures in this neighborhood that were constructed during the same time period and the addition will maintain a eight foot separation.
- C. The conditional approval of the MEP will not be detrimental to the health, safety or welfare of the general public in that the project will be constructed in compliance with all required Building, Safety, and Fire codes.

Section 4: The Planning Commission of the City of San Clemente hereby approves CHP 14-396, MEP 14-395, Berardi Duplex, a request to allow the continuation of a legal non conforming setback for an addition to a duplex that is adjacent to a historic house, subject to the above findings, and the conditions of approval attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of San Clemente on April 8, 2015.

Chair

TO WIT:

I HEREBY CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of San Clemente on April 8, 2015, and carried by the following roll call vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

Secretary of the Planning Commission

EXHIBIT A**CONDITIONS OF APPROVAL
BERARDI DUPLEX
CHP 14-396, MEP 14-395**

1. The owner or designee shall develop the approved project in conformance with the site plan, elevations, and any other applicable submittals approved by the Planning Commission on April 8, 2015, subject to these Conditions of Approval.

Any deviation from approved submittals shall require that, prior to the issuance of building permits, the owner or designee shall 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 Planning Commission, as appropriate. (Plng.)_____

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. The owner or designee shall have the right to request an extension of CHP 14-396/MEP 14-395 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 accordance with Section 17.16.160 of the Zoning Ordinance. *[Citation - Section 17.12.160 of the SCMC]* (PInG.)_____
4. CHP14-396/MEP 14-395 shall become null and void if the use is not commenced within three (3) 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 CHP 14-396/MEP 14-395 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. A separate Building Permit is required. Plans to construct new building, add or alter the existing building configuration, change in use, add or alter structural, mechanical, electrical or plumbing features of the project must be reviewed and approved through a separate building plan check / permit process. (Bldg.)_____
- [S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]*
6. 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]*
7. Prior to issuance of building permits, applicant shall secure all utility agencies approvals for the proposed project. (Bldg.)_____
- [S.C.M.C – Title 15 Building Construction]*
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, Green, and Fire Codes. (Bldg.)_____

[S.C.M.C – Title 8 – Chapter 8.16 – Fire Code, Title 15 Building and Construction Chapters 15.08, 15.12, 15.16, 15.20, 15.21, Title 16 Subdivisions, Title 17 Zoning

9. Prior to the issuance of building permits, the owner or designee shall pay all applicable development fees in effect at the time, which may include, but are not limited to, Regional Circulation Financing and Phasing Program (RCFPP), park acquisition and development, water and sewer connection, drainage, Public Facility Construction, transportation corridor, Avenida La Pata Supplemental Road Fee and school fees, etc. (Bldg.)_____ *[S.C.M.C. – Title 15 Building and Construction, Chapters 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]*
10. Prior to the Building Division's approval to pour foundations, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer that is licensed to do surveying or land surveyor has certified that the forms for the building foundations conform to the front, side and rear setbacks are in conformance to the approved plans. *[S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24]* (Bldg.)_____
11. 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. (Bldg.)_____ *[S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24]*
12. Fire sprinkler system required throughout. Required to all existing Group R occupancies and U-1 garages when an additional story is added to the structure regardless of the area involved. *[S.C.M.C – Title 15 – Chapter 15.08]* (Bldg.)_____
13. Prior to the issuance of any permits, in the event that Grading Plans are required due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, 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.)_____
14. Prior to the issuance of any permits, in the event that Grading Plans are required due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, the 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.)_____

15. Prior to the issuance of any permits, in the event that Grading Plans are required due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, the 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.)_____
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 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.)_____
17. Prior to the issuance of any permits, in the event that Grading Plans are required due to anticipated soil processing placing or recompacting 50 cubic yards of soil or more, the owner shall demonstrate to the satisfaction of the City Engineer that the project meets all requirements of the Orange County National Pollutant Discharge Elimination System (NPDES) Storm Drain Program, and Federal, State, County and City guidelines and regulations, in order to control pollutant run-off. The owner shall submit for review, and shall obtain approval of the City Engineer for, plans for regulation and control of pollutant run-off by using Best Management Practices (BMP's). *[Citation – Section 13.40 of the SCMC]* (Eng.)_____
18. Prior to 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.)_____
19. 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, unless a waiver is obtained from the City Manager, the owner or designee shall construct sidewalk along the property frontage. Although sidewalk does currently exist, this requirement 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. When adequate right of way does not exist, the City may require a Condition of Approval requiring a sidewalk easement in order to install compliant sidewalk. Since the street right-of-way is approximately 5 feet behind the curbface a sidewalk easement is anticipated to be required to be granted to the City for the sidewalk to go up and around the drive approach.

- B. An Engineering Department Encroachment Permit is required for any work in the public right-of-way.

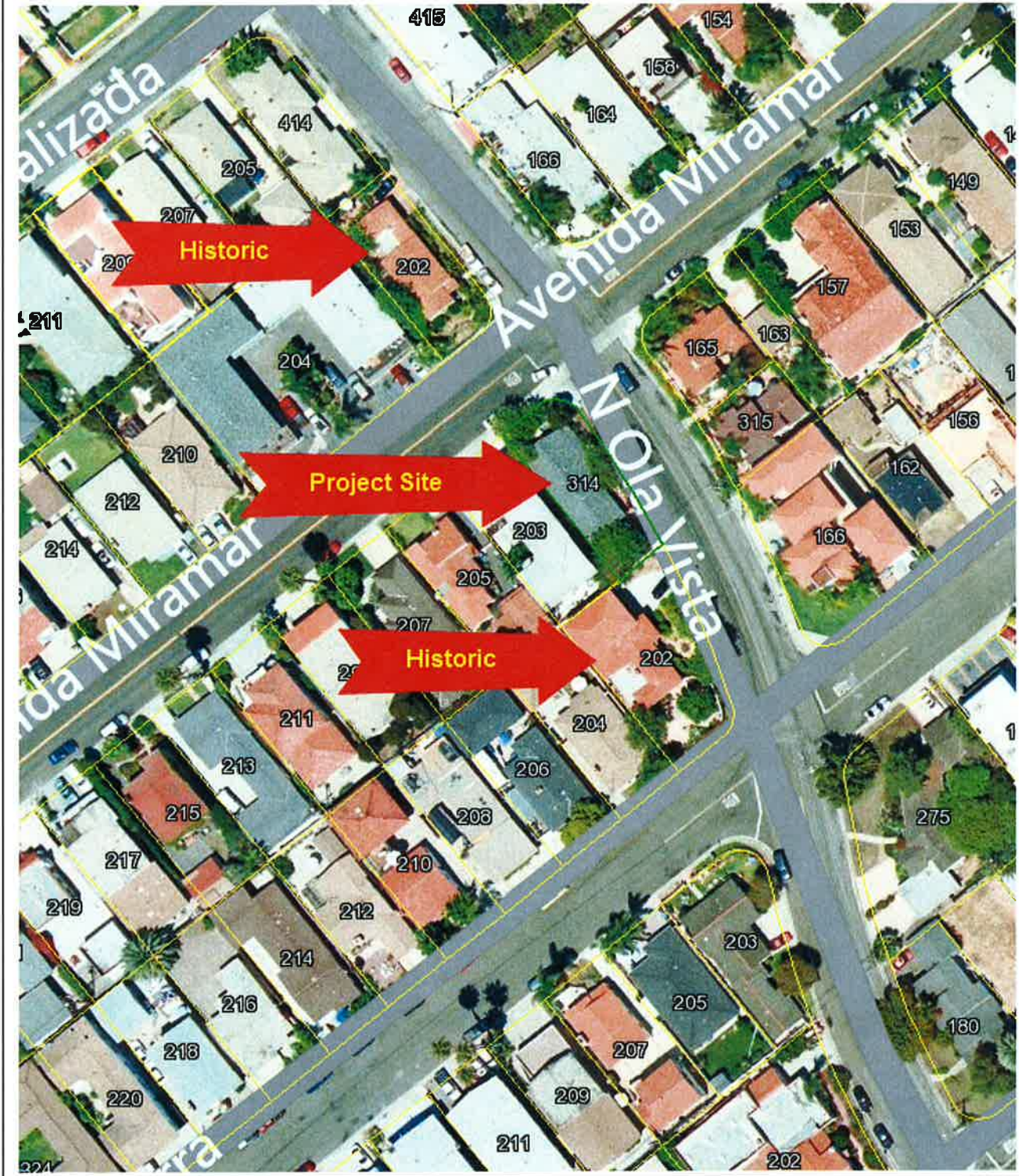
All Conditions of Approval are standard, unless indicated as follows:

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



LOCATION MAP

CHP14-396/MEP14-395, Berardi Duplex
314 North Ola Vista



No scale

PRIMARY RECORD

Other Listings

Review Code _____ Reviewer _____ Date _____

Page 1 of 3

Resource Name or #: 202 AVENIDA SERRA

P1. Other Identifier:

- P2. Location:** Not for Publication Unrestricted **a. County** Orange
 and (P2b and P2C or P2d. Attach a Location Map as necessary.)
b. USGS 7.5' Quad **Date** T ; R ; 1/4 of 1/4 of Sec ; **B.M.**
c. Address 202 Avenida Serra **City** San Clemente **Zip** 92672
d. UTM: Zone ; mE/ mN

e. Other Locational Data: Assessor Parcel Number: 058-122-20

P3a. Description:

The property contains a one-story single family residence with an irregular plan and wood-frame construction. Designed in the Spanish Colonial Revival style, it has a low-pitch hip roof with clay tiles. The exterior walls are clad with original smooth stucco. The fenestration consists of original wood double-hung and casement windows throughout the residence. Spanish Colonial Revival elements of the residence include exposed rafter tails, a bay window, and an open quarter-circle above the entrance door. Landscape features include a tall stucco wall as well as a low stucco wall enclosing a courtyard. A large two-story addition has been made to the residence featuring a two-car garage. The residence is in good condition. Its integrity is good.

P3b. Resources Attributes: 02 Single Family Property

- P4. Resources Present:** Building Structure Object Site District Element of District Other



P5b. Description of Photo:

East elevation, west view. May 2006.

P6. Date Constructed/Sources:

- Historic Both
 Prehistoric

1941 (F) Building Permit

P7. Owner and Address:

Wixted, Margaret A.
202 Avenida Serra

P8. Recorded by:

Historic Resources Group, 1728
Whitley Avenue, Hollywood, CA
90028

P9. Date Recorded: 9/21/2006

P10. Survey Type:

City of San Clemente Historic
Resources Survey Update

P11. Report Citation: None.

- Attachments:** NONE Location Map Sketch Map Continuation Sheet Building, Structure, and Object Record
 Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record
 Artifact Record Photograph Record Other:

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 3

NRHP Status Code 5D

Resource Name or #: 202 AVENIDA SERRA

B1. Historic Name: (Unknown)

B2. Common Name: (Unknown)

B3. Original Use: Single-family residential

B4. Present Use: Single-family residential

B5. Architectural Style: Spanish Colonial Revival

B6. Construction History:

B7. Moved? No Yes Unknown

Date: Original Location:

B8. Related Features:

B9a. Architect: (Unknown)

b. Builder: Smith & Halseth

B10. Significance: Theme San Clemente in the '30s and '40s.

Area City of San Clemente

Period of Significance 1937-1949 Property Type Residential Applicable Criteria A

This one-and two-story single family residence was built for Fred Carlson in 1941. It was constructed by Smith & Halseth. This property is a typical example of the Spanish Colonial Revival style as represented in San Clemente. This property appears eligible as a contributor to a potential local historic district under Criterion A for its association with San Clemente in the '30s and '40s. It is recommended for retention on the Historic Structures List.

B11. Additional Resource Attributes: 02 Single Family Property

B12. References: San Clemente Building Permits; Historic Resources Survey; Leslie Heumann and Associates, 1995.

B13. Remarks: (none)

B14. Evaluator: Historic Resources Group, Hollywood, CA

Date of Evaluation: 9/21/2006

(This space reserved for official comments.)



CONTINUATION SHEET

Page 3 of 3

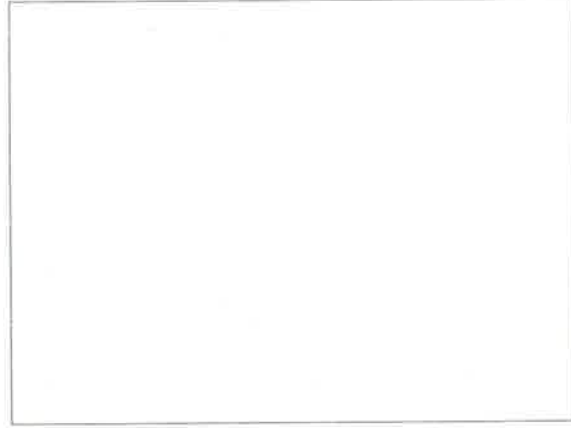
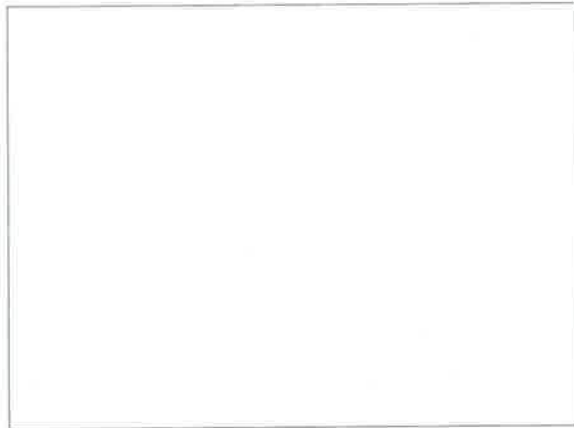
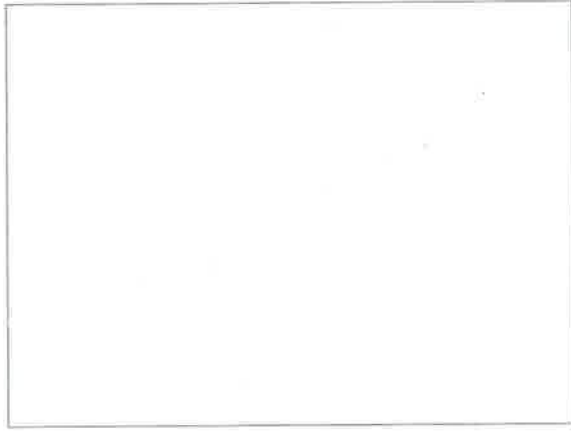
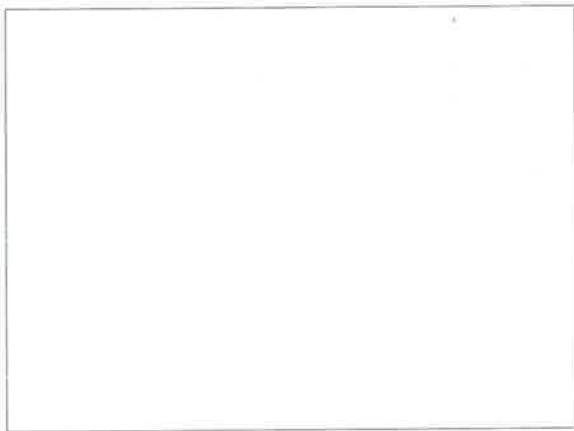
Resource Name or #: 202 AVENIDA SERRA

Recorded by: Historic Resources Group

Date: 9/21/2006

Continuation Update

Photographs of the Subject Property, Continued:



PRIMARY RECORD

Other Listings
Review Code _____ Reviewer _____ Date _____

Page 1 of 3 Resource Name or #: 202 AVENIDA MIRAMAR

P1. Other Identifier:

P2. Location: Not for Publication Unrestricted a. County Orange
and (P2b and P2C or P2d. Attach a Location Map as necessary.)
b. USGS 7.5' Quad Date T; R; 1/4 of 1/4 of Sec; B.M.
c. Address 202 Avenida Miramar City San Clemente Zip 92672
d. UTM: Zone; mE/ mN

e. Other Locational Data: Assessor Parcel Number: 058-121-15

P3a. Description:

The property contains a one-story single family residence with a rectangular plan and wood-frame construction. Designed in the Spanish Colonial Revival style, it has a low-pitch side-gable roof with clay tiles and exposed rafter tails. The exterior walls are clad with lightly textured stucco. A shed roof is over the entryway on the primary facade, while a side-gable is above the entryway on the Ola Vista elevation. Elements of the Spanish Colonial Revival style include exposed rafter tails and a stucco chimney. A breezeway is between the residence and its garage. The fenestration consists of original wood casement and fixed windows throughout the residence. The entrance to the residence features the original door. The residence is in good condition. Its integrity is good.

P3b. Resources Attributes: 02 Single Family Property

P4. Resources Present: Building Structure Object Site District Element of District Other



P5b. Description of Photo:

East elevation, west view. May 2006.

P6. Date Constructed/Sources:

Historic Both
 Prehistoric

1928 (E) Tax Assessor

P7. Owner and Address:

Boullion, Susan J. & Rodriguez, Steve A.
202 Avenida Miramar

P8. Recorded by:

Historic Resources Group, 1728
Whitley Avenue, Hollywood, CA
90028

P9. Date Recorded: 9/20/2006

P10. Survey Type:

City of San Clemente Historic
Resources Survey Update

P11. Report Citation: None.

Attachments: NONE Location Map Sketch Map Continuation Sheet Building, Structure, and Object Record
 Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record
 Artifact Record Photograph Record Other:

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 3

NRHP Status Code 3D

Resource Name or #: 202 AVENIDA MIRAMAR

B1. Historic Name: (Unknown)

B2. Common Name: (Unknown)

B3. Original Use: Single-family residential

B4. Present Use: Single-family residential

B5. Architectural Style: Spanish Colonial Revival

B6. Construction History:

B7. Moved? No Yes Unknown

Date: Original Location:

B8. Related Features:

B9a. Architect: (Unknown)

b. Builder: (Unknown)

B10. Significance: Theme Ole Hanson/Spanish Village by the Sea Area City of San Clemente

Period of Significance 1925-1936 Property Type Residential Applicable Criteria A

This one-story single family residence was built in 1928. This property is a typical example of the Spanish Colonial Revival style as represented in San Clemente. This property appears eligible as a contributor to a potential National Register district under Criterion A for its association with the Ole Hanson/Spanish Village by the Sea period of development. It also appears eligible at the local level as a contributor to a potential historic district. It is recommended for retention on the Historic Structures List.

B11. Additional Resource Attributes: 02 Single Family Property

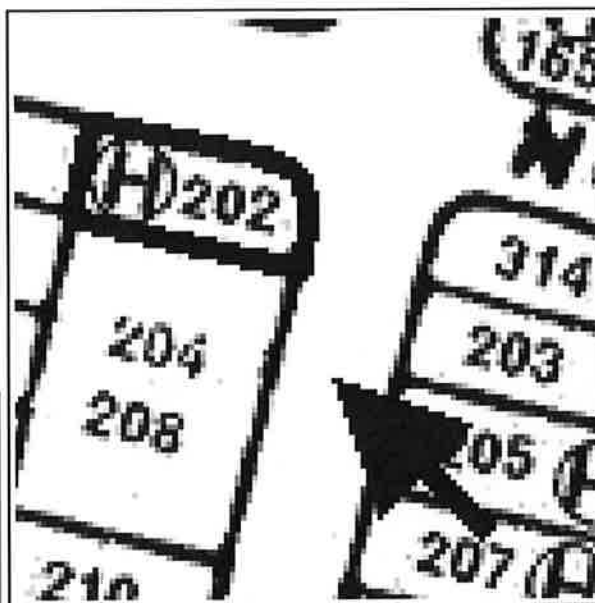
B12. References: Orange County Tax Assessor Records; Historic Resources Survey, Leslie Heumann and Associates, 1995.

B13. Remarks: (none)

B14. Evaluator: Historic Resources Group, Hollywood, CA

Date of Evaluation: 9/20/2006

(This space reserved for official comments.)



CONTINUATION SHEET

Page 3 of 3

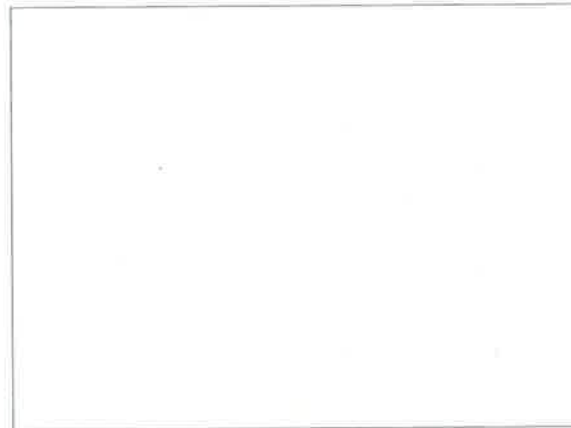
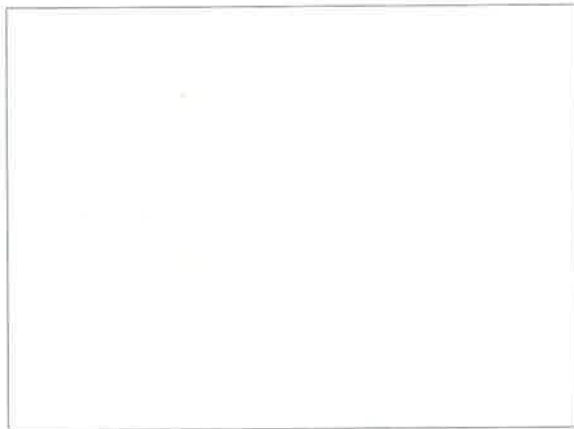
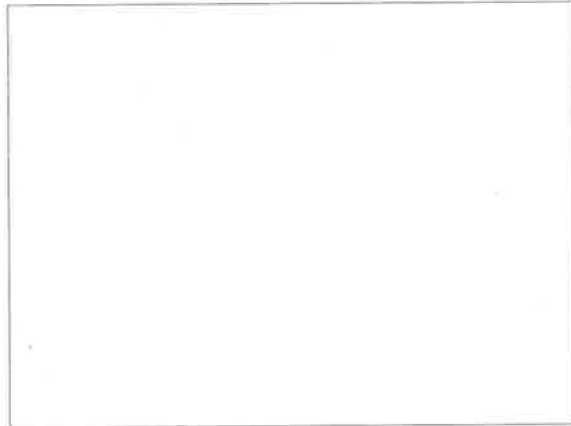
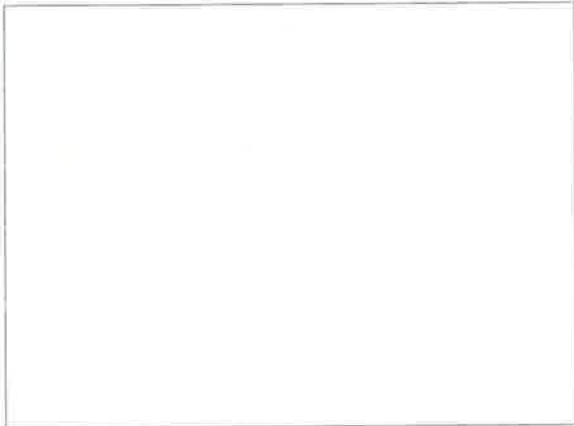
Resource Name or #: 202 AVENIDA MIRAMAR

Recorded by: Historic Resources Group

Date: 9/20/2006

Continuation Update

Photographs of the Subject Property, Continued:



Mr. Buchanan discussed the investment made in this area, and the substantial amount of work, effort, and time that he has put into developing a project that he believes the new General Plan encourages. The DRSC acknowledged and thanked the applicant for his desire to invest capital into the city.

Subcommittee Member Darden stated that she does not perceive the project to be far away from an acceptable level of massing. Questions were raised about what could be done for her to be satisfied with the massing of the project. Subcommittee Member Darden stated that there is no specific amount of mass reduction that she can recommend, that some small changes could conceivably reduce the mass appropriately.

The DRSC all agreed that the project, in terms of design, is ready to be reviewed at the Planning Commission level. Cliff Jones, Secretary of the DRSC, noted that based on the DRSC review thus far, staff has not developed design recommendations as detailed as would normally be presented because of the concerns over massing. The DRSC asked that the detailed staff review be included in the staff report for the Planning Commission. Subcommittee Member Darden noted that the staff report would reflect the DRSC's individual recommendations.

B. Cultural Heritage Permit 14-396/Minor Exception Permit 14-395, Berardi Duplex (Ciampa)

A request for a second story addition to a legal nonconforming duplex that is adjacent to a historic house. The project site is located at 314 North Ola Vista.

Associate Planner John Ciampa summarized the staff report.

The applicant, Mario Berardi, stated that he has shown the plans to the neighboring property owners and they are supportive of the proposed project.

Subcommittee Member Ruehlin asked staff is the proposed application increased the square footage of the duplex by more than 50 percent. Staff confirmed that the addition was under 50 percent of the existing square footage of the duplex.

The DRSC had concerns with the following aspects of the project:

- As designed, the architectural quality of the design would have a negative visual impact on the adjacent historic houses. DRSC requested an improved fenestration and architectural design.

- The mansard roof gives the duplex a dated design and should be a pitched roof similar to the existing roof. The DRSC was in favor of increasing the roof height to improve the roof design.
- The north and east elevations need additional articulation to improve the architectural quality and transition from the first floor to the proposed second floor.
- Additional second story roof elements should be added to improve the design quality.
- The second floor balconies should be centered over the openings below.
- The proposed railings should be compatible with the building's architecture.

Subcommittee Chair Crandell discussed design modifications to improve the design of the project which included: popping out a portion of the east and north elevations and adding a roof element to break up the elevations, improve the transition to the second floor addition, and add architectural interest to the project design. He also requested the water heater be relocated to a new location so that it would not be visible from the street.

Subcommittee Darden stated that the revised project could also be improved to create a sense of entry for unit one.

The applicant agreed to make the recommended modifications to improve the project and address DRSC's concerns.

The DRSC requested the applicant make the recommended modifications and return back to review the project again before moving to the Planning Commission.

3. NEW BUSINESS

None

4. OLD BUSINESS

None

5. ADJOURNMENT

Adjourn to the Regular Meeting of the Design Review Subcommittee to be held January 28, 2015 at 3:00 p.m. in Conference Room A, Community Development Department, 910 Calle Negocio, Suite 100, San Clemente, CA 92673.

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING OF THE
DESIGN REVIEW SUBCOMMITTEE
JANUARY 28, 2015**

Subcommittee Members Present: Bart Crandell, Julia Darden and Jim Ruehlin

Staff Present: Jim Pechous, Cliff Jones, Sean Nicholas and John Ciampa

1. MINUTES

Minutes from January 14, 2015 meeting

2. ARCHITECTURAL REVIEW OF THE FOLLOWING ITEM

**A. Cultural Heritage Permit 14-396/Minor Exception Permit 14-395,
Berardi Duplex (Ciampa)**

A request for a second story addition to a legal nonconforming duplex that is adjacent to two historic houses. The project site is located at 314 North Ola Vista within the Residential Medium (RM) zoning district.

Associate Planner John Ciampa summarized the staff report.

Subcommittee Member Ruehlin asked staff if the mechanical equipment would be visible from the adjacent apartment building. Staff responded stating that the equipment would not be visible based on the height of the building and the line of sight to the mechanical equipment.

Subcommittee Member Darden asked the applicant if he would be willing to paint the roof well the same color as the roof to help blend it in with the roof in case it is visible from any adjacent decks. The applicant responded stating they would comply with the request.

Subcommittee Chair Crandell stated that the duplex is taking on a Monterey design and if the first and second story windows were centered over each other it would improve the uniformity and the design of the building. He showed examples of the window designs and configurations to the applicant, staff, and the other Subcommittee members. The applicant responded stating they would comply with the request.

Chair Crandell also stated that the roof plan and elevations were not consistent. He showed the applicant where the inconsistencies were located on the plans and how the design could be revised. The applicant assured the Subcommittee the roof and elevations would be modified to accurately reflect the proposed project design.

The other Subcommittee members agreed with Chair Crandell's comments on the roof design and recommended modifications to the windows.

Member Darden stated that she did not feel the ornamental elements added under the gabled roofs were necessary because of the architectural style of the house and could be eliminated. The other Subcommittee members agreed and the applicant stated that he would eliminate the feature.

The Subcommittee requested the applicant show the revised plans to the Subcommittee prior to moving forward to the Planning Commission to ensure the recommended modifications were addressed and the project was ready for Planning Commission. The applicant agreed to comply with the Subcommittee's request.

B. Discretionary Sign Permit 13-243, SC Professional Plaza Monument Sign, 653 Camino De Los Mares (Nicholas)

A request for a new monument sign for an existing multi-tenant commercial buildings located at 653 Camino De Los Mares within the Community Commercial (CC2) Zoning District.

Associate Planner Cliff Jones summarized the staff report.

The applicant, Blair with Signs Plus, clarified that the issue was the modern design of the edges of the sign.

The Subcommittee agreed that the recommended stucco columns on the side will make the sign more "Spanish" in appearance.

The applicant indicated he is concerned about durability of a faux wood, so he would prefer to keep the aluminum design on the trellis. On that issue, the Subcommittee recommended using wood rather than faux wood or aluminum.

The Subcommittee agreed that the design had improved from the previous design. The Subcommittee indicated there are some concerns regarding the height of the monument sign in total. Additionally there was some concerns regarding the color scheme used for the individual tenant names.

The Subcommittee suggested looking at that more and being more complimentary to the design of the building will help the overall look and visibility of the signage.

The Subcommittee also provided comments regarding the name plate copy and indicated its' design was too modern and needed to be revised.

Larry Culbertson
240 Ave. Rosa
San Clemente, CA. 92672

January 26, 2015

San Clemente Planning Commission
Design Review Subcommittee

RE: CHP 14-396/MEP 14-395

Dear Commissioners:

The second story addition proposed for 314 North Ola Vista will have an adverse effect on street parking. I understand that the City permitted this duplex with only 2 uncovered off street parking spaces in 1961. But today we have a horrible parking situation in our downtown and older neighborhoods. It is getting worse and there does not seem to be a solution in sight. It makes absolutely no sense to allow new construction or alterations to existing buildings that would make the situation even worse.

Our Municipal Code, Chapter 17.72 – Nonconforming Structures and Uses, states that the intent of the City is to, “encourage improvements to Nonconforming Structures to increase their compatibility with surrounding properties, enhance the quality of development and to have structures and land uses become conforming over time.”

This addition will do none of those three things. This addition will in no way make the building be more compatible with the surrounding properties. The quality of the property would actually be diminished because it would provide two additional bedrooms and a bathroom (which guarantees additional people and vehicles) without providing adequate parking. The project would not help take the property closer to conformity. It would make it less likely that it would ever be replaced with a conforming structure.

This project would not be allowed if 50 percent or greater of the exterior walls would be altered. I have asked staff to confirm the percentage.

Please do not allow the Nonconforming Structures and Use code to be used to expand a structure if that expansion would result in a detrimental effect to the community.

Thank You

Larry Culbertson





