



STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: April 20, 2016

PLANNER:

Sarah Geldmacher, Planning Intern
Sean Nicholas, Associate Planner

Handwritten initials in blue ink, "SG" for Sarah Geldmacher and "SN" for Sean Nicholas, written over the printed names.

SUBJECT:

Minor Architectural Permit 16-084, Powell Residence, a request to consider a second story addition to a residence with a nonconforming front yard setback.

LOCATION:

433 Avenida Vaquero

ZONING/GP:

Residential Low density zone and Coastal Zone Overlay (RL-CZ-SR11)

BACKGROUND:

- The subject site is 6,500 square feet and is improved with a single-story 1,603 square foot single family residence with a 540 square foot garage. The applicant requests an interior remodel and a 476 square foot second story addition. If approved, the residence will be 2,709 square feet of habitable floor area.
- The residence is nonconforming because of a 13 foot, front yard setback to a garage, where an 18 foot setback is required. The home was constructed with this setback in 1963.
- Zoning Ordinance Table 17.16.100C requires Zoning Administrator approval of a Minor Architectural Permit (MAP) to expand the gross floor area of a nonconforming residence by less than 50 percent, provided the project meets MAP required findings.
- The proposed 476 square foot addition is a 22 percent expansion of gross floor area. The proposed addition meets all development standards, including height and setbacks.
- The proposed project meets the required findings for a Minor Architectural Permit in the following ways:
 - The architectural treatment of the project complies with the San Clemente General Plan, the Zoning Ordinance, and the City's Design Guidelines in that the project maintains the character of the residence and meets all other development standards.
 - The proposed addition is in keeping with the character of the neighborhood, as there are nearby two-story properties of similar mass and scale.
 - The proposal is not detrimental to the orderly and harmonious development of the City, as the addition is consistent with the scale and massing of other residences in the neighborhood and is conditioned to meet City Code requirements.

- Staff supports the proposed addition because it meets required findings and is consistent with current development standards.
- Staff has not received any comments from the public as of the date this report was prepared.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve MAP 16-084, Powell Residence, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution No. ZA 16-011
Exhibit A, Conditions of Approval
2. Location Map
3. Photographs of existing neighborhood
Plans



LOCATION MAP

ATTACHMENT 2

MAP 16-084, Powell Residence
433 Avenida Vaquero



No scale



Subject property (center) and neighboring homes



Neighboring properties



Nearby two-story residence at 351 Avenida Vaquero

ATTACHMENT 1

RESOLUTION NO. ZA 16-011

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR ARCHITECTURAL PERMIT 16-084, POWELL RESIDENCE, A REQUEST TO CONSTRUCT A SECOND STORY ADDITION TO A SINGLE FAMILY RESIDENCE AT 433 AVENIDA VAQUERO

WHEREAS, on March 3, 2016 an application was submitted and on March 10, 2016, deemed complete, by Jim Van Schaack, 219 Avenida Princesa, San Clemente, CA, 92672, for a Minor Architectural Permit (MAP) to construct a 476 square foot second story addition at 433 Avenida Vaquero, the legal description being Lot 31, of Tract 4938, APN 691-243-08; 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 that this project be found categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301(e) because it involves a minor addition to an existing structure; and

WHEREAS, on March 10, 2016, the City's Development Management Team reviewed the proposed project and found it to be in compliance with the General Plan, Zoning Ordinance, and other applicable requirements, pursuant to the attached Conditions of Approval; and

WHEREAS, on April 20, 2016, the Zoning Administrator held a duly noticed public hearing on the subject application and considered evidence presented by the City staff, the applicant, and other interested parties.

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

Section 1: The project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301(e) because it involves a minor addition to an existing structure which will not have an adverse impact on the environment.

Section 2: With regard to MAP 16-084, the Zoning Administrator finds as follows:

- A. The architectural treatment of the project complies with the San Clemente General Plan, in that the property is consistent with the surrounding development of the neighborhood and meets all required development standards.
- B. The architectural treatment of the project complies with the Zoning Ordinance, including, but not limited to, standards for height, setbacks, and color, in that the addition will be in character with the existing residence and will comply with all development standards for the Residential Low density zone.

- C. The architectural treatment of the project complies with the City's Design Guidelines, in that the project maintains the character of the residence and the addition meets all required development standards.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood in that the scale and massing of the project is consistent with nearby two-story residences.
- E. The proposal is not detrimental to the orderly and harmonious development of the City, in that the property will remain a single-family residence and the proposed additions are consistent with the development of the neighborhood.

Section 3: The Zoning Administrator of the City of San Clemente hereby approves Minor Architectural Permit 16-084, Powell Residence, subject to the above Findings and the Conditions of Approval attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Zoning Administrator of the City of San Clemente on April 20, 2016.

SAN CLEMENTE ZONING ADMINISTRATOR

James Pechous, Zoning Administrator

**CONDITIONS OF APPROVAL
MAP 16-084, POWELL RESIDENCE**

Planning

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. MAP 16-084 shall become null and void if the use is not commenced within three (3) years from the date of the approval thereof. Since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development. *[Citation - Section 17.12.150.A.1 of the SCMC]* (PIng.)_____

4. A use shall be deemed to have lapsed, and MAP 16-084 shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the California Building Code, as amended. *[Citation - Section 17.12.150.C.1 of the SCMC]* (PIng.) _____
5. The owner or designee shall have the right to request an extension MAP 16-084, if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall be subject to review and approval in compliance with section 17.12.160 of the Zoning Ordinance. *[Citation - Section 17.12.160 of the SCMC]* (PIng.) _____
6. Prior to the issuance of building permits, the applicant or designee shall include within the first four pages of the working drawings a list of all conditions of approval imposed by the final approval for the project. *[Citation – City Quality Assurance Program]* (PIng.) _____
7. Prior to issuance of certificate of occupancy, the project shall be develop in conformance with the site plan, floor plans, elevations, details, and any other applicable submittals approved by the Zoning Administrator on April 20, 2016, subject to the Conditions of Approval. Any deviation from the approved plans or other approved submittal shall require that the owner or designee submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Zoning Administrator or Planning Commission. *[Citation - Section 17.12.180 of the SCMC]* (PIng.) _____
8. Prior to issuance of a certificate of occupancy, the applicant must update all exterior finishes so that the color and finish of the addition matches that of the existing structure and the entire structure presents a maintained and updated appearance. ■ ■ (PIng.) _____

Building

9. A separate Building Permit is required. Plans to construct new building, add or alter the existing building configuration, change in use, add or alter structural, mechanical, electrical or plumbing features of the project must be reviewed and approved through a separate building plan check / permit process. *[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]* (Bldg.) _____
10. Project has not been reviewed for Building Code compliance. Prior to issuance of building permits, code compliance will be reviewed during building plan check. *[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]* (Bldg.) _____

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11. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to, the Zoning Ordinance, Grading Code, Security Ordinance, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 of the California Code of Regulations as adopted by the City including, but not limited to the California Administrative, Building, Electrical, Plumbing, Mechanical, Energy, Green, and Fire Codes. *[S.C.M.C – Title 8 – Chapter 8.16 – Fire Code, Title 15 Building and Construction- Chapters 15.08, 15.12, 15.16, 15.20, 15.21, Title 16 Subdivisions, Title 17 Zoning]* (Bldg.)_____
12. Prior to the issuance of building permits, the owner or designee shall pay all applicable development fees in effect at the time, which may include, but are not limited to, Regional Circulation Financing and Phasing Program (RCFPP), park acquisition and development, water and sewer connection, drainage, Public Facility Construction, transportation corridor, Avenida La Pata Supplemental Road Fee and school fees, etc. *[S.C.M.C. – Title 15 Building and Construction, Chapters 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]* (Bldg.)_____
13. Prior to issuance of building permits, the owner or designee shall submit two copies minimum of soils and geologic report, prepared by a registered geologist and/or soil engineer, which conforms to City standards and all other applicable codes, ordinances, statutes and regulations. The soils report shall accompany the building plans, engineering calculations, and reports. *[S.C.M.C – Title 15 – Chapter 15.08 – Appendix Chapter 1 – Section 106.1.4]* (Bldg.)_____
14. Prior to the Building Division's approval to pour foundations, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer that is licensed to do surveying or land surveyor has certified that the forms for the building foundations conform to the front, side and rear setbacks are in conformance to the approved plans. *[S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24]* (Bldg.)_____
15. Prior to the Building Division's approval of the framing inspection, the owner or designee shall submit evidence to the satisfaction of the City Building Official or designee that a registered civil engineer that is licensed to do surveying or land surveyor has certified that the height of all structures are in conformance to the approved plans. *[S.C.M.C – Title 15 – Chapter 15.08, Title 17- Chapter 17.24]* (Bldg.)_____
16. Fire sprinkler system required throughout as follows:
 - A. All new Group R occupancies, including the attached garages;
 - B. All existing Group R occupancies and U-1 garages when the total floor area is increased by 50% of the existing area over a 2-year period;
 - C. All existing Group R occupancies and U-1 garages when the total area is increased by 750 square feet or more over a 2-year period;
 - D. All existing Group R occupancies and U-1 garages when an additional story is added to the structure regardless of the area involved;

- E. An automatic sprinkler system shall be installed throughout any existing Group R Occupancy building when the floor area of the alteration or combination of an Addition and Alteration, within any two year period, is 50% or more of area of the existing structure and where the scope of the work exposes building framing and facilitates sprinkler installation and is such that the Building/Fire Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building;
- F. Any addition to existing building that has fire sprinklers installed.

[S.C.M.C – Title 15 – Chapter 15.08]

(Bldg.)_____

Engineering

- 17. Prior to issuance of any permits for a combined construction valuation over \$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, prepared by a registered civil engineer. The owner or his designee shall be responsible for the construction of all required frontage improvements as approved by the City Engineer including but not limited to the following:
 - A. Per City Municipal Code Section 12.08.010 (A), when building permit valuations exceed \$50,000, the owner or designee shall construct sidewalk along the property frontage. This includes construction of compliant sidewalk around drive approach or other obstructions to meet current City standards (2% cross fall) when adequate right-of-way exists. Since the street right-of-way is approximately 8 feet behind the curbface a sidewalk easement will not be required to be granted to the City. Additionally, sidewalk improvements may be required for repair of any vertical deviations greater than ½ inch along the existing sidewalk.
 - B. In the event that areas of sidewalk or other street improvements are disturbed or damaged during the construction project, the applicants shall be responsible for replacing said sidewalk or other street improvements prior to the finalization of any Engineering or Building Permits. *[Citation – Section 15.36, 12.08.010, and 12.24.050 of the SCMC]* ■ (Eng.)_____
- 18. An Engineering Department Encroachment Permit shall in place prior to the commencement of any work in the public right-of-way.

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

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