



STAFF REPORT

SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: May 4, 2016

PLANNER: John Ciampa, Associate Planner 

SUBJECT: Minor Cultural Heritage Permit (MCHP) 16-059, Thomas Residence Roof Deck, a request to consider the expansion of the second floor deck and construct new stairs and roof deck for a house located adjacent to a historic resource.

LOCATION: 214 West Avenida Valencia

ZONING/GP: Residential Low (RL)

BACKGROUND:

- The project site is a 5,429 square foot lot located in south/west San Clemente at 214 West Avenida Valencia. The two story, 1,792 square foot house is a contemporary Spanish design and constructed in 1973. The topography of the area slopes east to west, downhill towards the ocean, with each lot approximately two feet lower than the property to the east.
- The project site is located adjacent to a historic resource at 212 West Avenida Valencia. The historic resource was constructed in 1929 and is listed as a historic structure for its association with the Ole Hanson/Spanish Village by the Sea period of development. Additional information about the property is provided as Attachment 3.
- The applicant is proposing to expand the second floor deck on the west elevation and add stairs for a proposed roof deck. The roof deck would be inset five feet from the sides and partially screened on all four sides by a mansard roof. See attached plans for elevations and a roof plan of the project.
- Zoning Ordinance Section 17.16.100 requires Zoning Administrator approval of a Minor Cultural Heritage Permit (MCHP) to allow exterior modifications to a residential structure that is adjacent to a historic resource.
- The Cultural Heritage Subcommittee (CHSC) reviewed the project on March 23, 2016. The CHSC recommends extending the mansard roof around the sides and rear of the roof to screen the roof deck railing and to provide more privacy for the adjacent property owners. The applicant agreed with the recommendation and revised the plans to extend the mansard roof along the sides and rear elevations.
- This request satisfies the required findings for a Minor Cultural Heritage Permit based on the following:
 - The deck extension and new stairs and deck design is consistent with the Design Guideline's because the improvements are a Spanish design with the use of wood decking, wrought iron railings, and terra cotta roof tile.

- The extension of the second floor deck and stairs up to the roof deck are located on the west elevation to avoid any negative visual impacts to the historic house that is located to the east.
- The project is in keeping with the character of the neighborhood given the design is consistent with the house and existing deck and there are eight other roof decks on the 200 block of West Avenida Valencia.
- The public was notified of this hearing item and staff has not received comments on this item to date; however a letter was received prior to the DRSC meeting and included as Attachment 6.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve MCHP 16-059, Thomas Residence Roof Deck, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution ZA16-016
 Exhibit A Conditions of Approval
2. Location Map
3. DPR Form for 212 West Avenida Valencia
4. CHSC Meeting Minutes
5. Photos
6. Public Comment Letter
 Plans

ATTACHMENT 1

RESOLUTION NO. ZA 16-016

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CULTURAL HERITAGE PERMIT 16-059, THOMAS RESIDENCE ROOF DECK, A REQUEST TO EXPAND THE SECOND FLOOR DECK AND CONSTRUCT STAIRS AND A ROOF DECK FOR A HOUSE LOCATED ADJACENT TO A HISTORIC RESOURCE LOCATED AT 214 WEST AVENIDA VALENCIA

WHEREAS, on February 9, 2016 an application was submitted, and deemed complete on April 8, 2016, by Westin Gaudet, 30386 Esperanza #100 Rancho Santa Margarita, CA 92688, a request to expand the second floor deck and construct new stairs and a roof deck. The project site is in the Residential Low (RL) zoning district. The legal description is Lot 7, Block 16, of Tract 822, and Assessor's Parcel Number 692-221-26; and

WHEREAS, the Planning Division has completed an initial environmental assessment of the above matter in accordance with the California Environmental Quality Act (CEQA) and recommends that the Planning Commission determine the project categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303(e) the project is limited to the development of an accessory structure such as a deck and stairs; and

WHEREAS, on March 3, 2016 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 March 23, 2016, the City's Cultural Heritage Subcommittee considered the project and supports the project with the design changes incorporated into the project; and

WHEREAS, on May 4, 2016, 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 the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303(e) the project is limited to the development of an accessory structure such as a deck, stairs, and roof deck; and

Section 2: With regard to Minor Cultural Heritage Permit (MCHP) 16-059, the Zoning Administrator finds as follows:

- A. The proposed architectural treatment of the project complies with the San Clemente General Plan in that the house will remain a single family residence, the design will respect the adjacent historic resource, and the project is in

character with the neighborhood as there are eight other homes on the block with roof decks.

- B. The project complies with the Zoning Ordinance development standards outlined in the San Clemente Municipal Code including height, setbacks in that the deck extension, new stairs, and new roof deck comply with the required setbacks and height requirements for the RL zoning designation.
- C. The architectural treatment and massing of the project has been reviewed and is consistent with the City's Design Guidelines in that the proposed project is a traditional Spanish design. The deck extension, stairs, roof deck designs are consistent with the design guidelines with the use of wood decking, wrought iron railings, and terra cotta roof tile. The visibility of the roof deck is screened by the extension of the mansard roof along the sides and rear elevations.
- D. The general appearance of the proposed project is consistent with the surrounding neighborhood in that the project is a compatible design with the existing house and the neighborhood. Roof decks are common in the area because there are eight other roof decks on the 200 block of West Avenida Valencia.
- E. The proposed project will not be detrimental to the public health, safety, or welfare, or be materially injurious to the properties and improvements in the vicinity, in that the use is proposed on a developed site in an urban area and will be required to meet the California Building Code and Orange County Fire Authority regulations.
- F. The proposed project will not have negative visual or physical impacts upon the adjacent historic structures in that the deck extension and stairs up to the roof deck are located on the west elevation to avoid any negative visual impacts to the historic house that is located to the east. To screen the railing of the roof deck the mansard roof is proposed to be extended on the side and rear elements. The increase height for the mansard roof will provide more privacy for the occupants of the historic site and the adjacent properties.

Section 3: The Zoning Administrator of the City of San Clemente hereby approves MCHP 16-059 Thomas Residence Roof Deck, allowing the construction of a deck extension, new stairs, and new roof deck located at 214 West Avenida Valencia, subject to the above Findings and conditions of approval.

PASSED AND ADOPTED at a regular meeting of the Zoning Administrator of the City of San Clemente on May 4, 2016.

SAN CLEMENTE ZONING ADMINISTRATOR

James Pechous, Zoning Administrator

EXHIBIT A

**CONDITIONS OF APPROVAL
MCHP 16-059, Thomas Residence Roof Deck**

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 May 4, 2016, 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. (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.)_____
4. 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 May 4, 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.) _____
 5. The owner or designee shall have the right to request an extension of MCHP 16-059 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 by the final decision making authority that ultimately approved or conditionally approved the original application. *[Citation - Section 17.12.160 of the SCMC]* (PIng.)_____
 6. Minor Cultural Heritage Permit 16-059 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.)_____
 7. A use shall be deemed to have lapsed, and MCHP 16-059 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.) _____
 8. 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.) _____
 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. 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.)_____

11. 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]

12. 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]

13. 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]

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

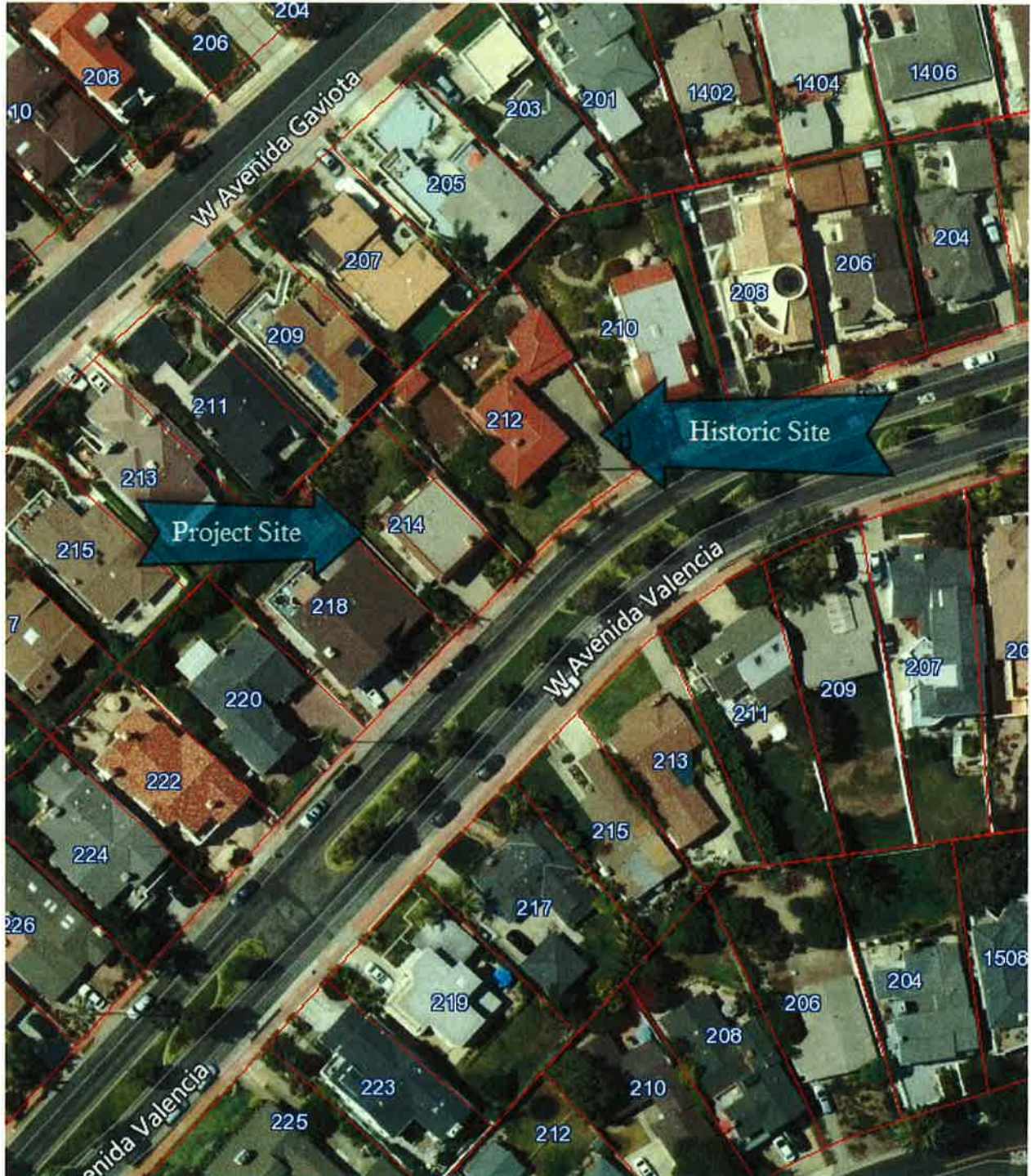
- Denotes a modified standard Condition of Approval
- ■ Denotes a project specific Condition of Approval




LOCATION MAP

ATTACHMENT 2

MCHP 16-059, Thomas Residence Roof Deck
214 West Avenida Valencia



No scale 

PRIMARY RECORD

Other Listings

Review Code _____ Reviewer _____ Date _____

Page 1 of 3

Resource Name or #: 212 W AVENIDA VALENCIA

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 212 W Avenida Valencia City San Clemente Zip 92672

d. UTM: Zone; mE/ mN

e. Other Locational Data: Assessor Parcel Number: 692-221-25

P3a. Description:

The property contains a two-story single family residence with a rectangular plan and wood-frame construction. Designed in the Spanish Colonial Revival style, it has both a hip roof and front-gable roof, clad with clay tiles. The exterior walls are clad with smooth stucco. The fenestration consists of original wood casement windows throughout the residence. There is also an original fixed round window. Spanish Colonial Revival elements of the residence include exposed rafter tails and a brick and tile chimney. The residence includes a breezeway with recessed entry and the original entrance door. A wing wall runs between the residence and a detached 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
1929 (F) Building Permit

P7. Owner and Address:
Factor, Rebecca Joan
212 W Avenida Valencia

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

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NRHP Status Code 3D

Resource Name or #: 212 W AVENIDA VALENCIA

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: E.W. Klausen

b. Builder: O.M. Berg

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 two-story single family residence was built for William Thom in 1929. It was designed by E.W. Klausen and constructed by O.M. Berg. This property is a distinctive 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: 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

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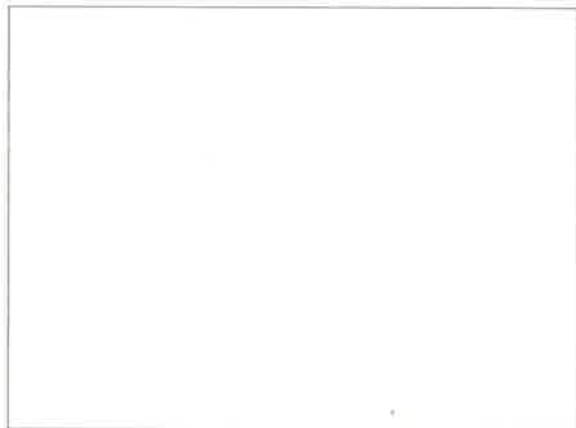
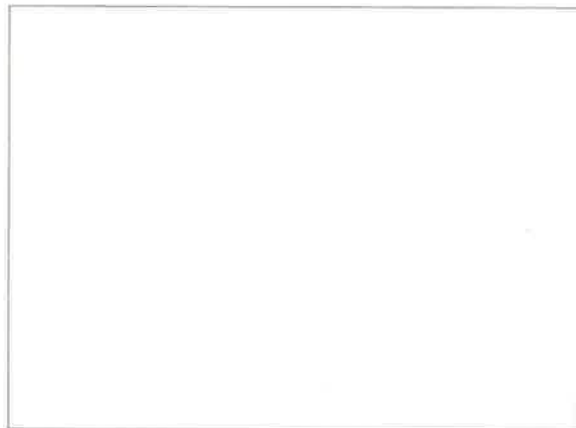
Resource Name or #: 212 W AVENIDA VALENCIA

Recorded by: Historic Resources Group

Date: 9/21/2006

Continuation Update

Photographs of the Subject Property, Continued:



**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING OF THE
DESIGN REVIEW SUBCOMMITTEE
March 23, 2016**

Subcommittee Members Present: Bart Crandell, Wayne Eggleston, Jim Ruehlin

Staff Present: Cliff Jones, John Ciampa, Amber Gregg

1. MINUTES

The minutes of the Design Review Subcommittee meeting of March 09, 2016 were approved.

2. ARCHITECTURAL REVIEW OF THE FOLLOWING ITEMS:

A. 214 West Avenida Valencia - Minor Cultural Heritage Permit 16-059 - Thomas Residence Roof Deck (Ciampa)

A request to expand the second floor deck and add a roof deck to a house located adjacent to a historic resource. The project is located at 214 West Avenida Valencia in the Residential Low zoning designation (RL).

Associate Planner John Ciampa summarized the staff report.

The Design Review Subcommittee made the following comments either individually or as a group:

- Screening of the roof railing should be provided along all four elevations to block more of the view of the railing and ensure the project does not have a negative visual or physical impact to the adjacent historic house. The additional screening would also provide more privacy to the adjacent property owners.

The Subcommittee recommended the project move forward to the Zoning Administrator for consideration with the suggested modification.

B. Minor Cultural Heritage Permit 16-098 - 1705 North El Camino Real - Album Mural (Gregg)

A request to install a mural on the east side of the mixed use building located at 1705 North El Camino Real in the North Beach Study Area, in the Mixed Use zoning district and within the Architectural, Central Business District and Coastal Zone Overlays (MU1-A-CB-CZ), and is located across the street from the historic Miramar Theater.



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Ciampa, John

From: Larry Culbertson <larryculbertson@cox.net>
Sent: Wednesday, March 23, 2016 11:18 AM
To: Ciampa, John
Subject: MCHP 16-059

John,
I am concerned with the potential invasion of privacy that the proposed project could have on all abutting properties. Formal notification of neighbors regarding this project has not been done, correct? They may not get a chance to weigh in until Planning Commission sees it, right? Please pass my concerns on to DRSC.
Larry