



STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: May 4, 2016

PLANNER: Amber Gregg, Senior Planner

SUBJECT: **Minor Architectural Permit 15-457, Saldana Residence**, a request to consider an addition to a nonconforming single-family residence for a two car garage and habitable living space.

LOCATION: 303 West Avenida De Los Lobos Marinos

ZONING/GP: Residential Low, Coastal Zone Overlay (RL-CZ)

BACKGROUND:

- The project site is a 12,500 square foot parcel, located on a coastal canyon, and was developed in 1948 with a single family home. The garage was constructed on the adjacent parcel, directly south of the site, which is owned by a different party.
- The proposed project is a first and second floor addition of 928 square feet to the existing 1,856 square foot home. The applicant is also proposing a new two car garage.
- The house is non-conforming due to the existing front yard setback of 3.2 feet, where 11.5 feet is required (median front yard setback is 11.5 feet).
- Pursuant to the Zoning Ordinance Nonconforming Section, Table 17.72.050, a single-family home may be expanded a maximum of 50% and remain nonconforming with the approval of a Minor Architectural Permit (MAP).
- The total size of the house, if the addition is approved, would be 2,775 square feet; not exceeding the 50% maximum.
- Staff has evaluated the project and determined that the addition, and resulting total square footage of the residence, is consistent with the neighborhood. The home will maintain its two-story, carriage architectural style, which is keeping in character with the neighborhood.
- There is a street tree on-site that is identified as being removed to install a sidewalk. Staff evaluated the street tree, and although it is a healthy specimen, its removal is required in order to construct the driveway and two car garage. The applicant shall install new street trees to the code requirement of one tree per 25 linear feet of street frontage (Condition 10).
- In regard to the Coastal Canyon, staff reviewed the topographical map and performed a field visit and determined the coastal canyon edge. The applicant also reviewed the project with the Coastal Commission Staff regarding the rear yard setback and noted that they recommended utilizing the string line setback. This is the same setback that was utilized for recent developments adjacent to the project site.

- In both canyon setback measurements (string line or 15 feet from canyon edge), the project complies with the requirements.
- Staff has reviewed the findings for the MAP, and believes that they can be met for the following reasons:
 - The scale, mass, form, and materials of the project are in character with the neighborhood. Nonconforming front yard setbacks are not uncommon in the surrounding neighborhood due to the Coastal Canyon where the City strives to keep development closer to the street and out of the biological resource.
 - There will be no negative impact to the surrounding residences as the addition is modest and keeping with the scale of the neighborhood, and the residence will continue to function as a single-family home. The addition of the two car garage will help improve street parking as parking will now be provided on-site.
- Public notification has been completed per requirements, and staff has not received comments on this item to-date.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve MAP 15-457, Saldana Residence, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution 16-017
Exhibit A-Conditions of Approval
2. Location Map
3. Photographs
Plans

ATTACHMENT 1

RESOLUTION NO. ZA 16-017

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR ARCHITECTURAL PERMIT 15-457, SALDANA RESIDENCE, A REQUEST TO CONSIDER AN EXPANSION OF A LEGAL-NONCONFORMING RESIDENCE LOCATED AT 303 WEST AVENIDA DE LOS LOBOS MARINOS

WHEREAS, on November 25, 2015, an application was submitted by Michael Luna and Associates, 1531 North El Camino Real, San Clemente, CA 92672, for Minor Architectural Permit (MAP) 15-457, a request to consider an expansion of a legal-nonconforming residence located at 303 West Avenida De Los Lobos Marinos. The subject site is in the Residential Low Density and Coastal Zone zoning districts (RL-CZ). The site's legal description is Lot 41, of Block 213, of Tract 852 and Assessor's Parcel Number 692-312-41; and

WHEREAS, the Planning Division completed an initial environmental assessment of the above matter in accordance with California Environmental Quality Act (CEQA) and recommends that the Zoning Administrator determine this project categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301(e) because the project involves an addition to an existing single-family home in an urban area that increases existing floor area to less than 2,500 square feet; and

WHEREAS, on June 11, 2015 and June 25, 2015, the City's Development Management Team reviewed the proposed project for compliance with the General Plan, Zoning Ordinance, and other applicable requirements; and

WHEREAS, on July 22, 2015, 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 the project involves an addition to an existing single-family home in an urban area that increases existing floor area no more than fifty percent.

Section 2: With regard to MAP 15-457, the Zoning Administrator finds as follows:

- A. The architectural treatment of the project complies with the San Clemente General Plan, in that the project will remain a single family home in a single-family land use designation. The project is consistent with policies related to maintaining the character of neighborhoods and ensuring projects are compatible with surrounding development in that the project maintains its two-story character and unique architecture.

The total square footage of the resulting residence is consistent with the surrounding neighborhood.

- B. The architectural treatment of the project complies with the Zoning Ordinance in areas including, but not limited to, height, setback, color, etc. in that the project complies with development standards with the exception of the front yard setback which renders the property legal-nonconforming.
- C. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines in that the scale, mass, form, setbacks, and materials match the existing structure and are compatible with adjacent structures and the pattern of development in the neighborhood. Nonconforming front yard setbacks are not uncommon in the surrounding neighborhood due to the Coastal Canyon where the City strives to keep development closer to the street and out of the biological resource.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood in that the residence will continue to be a single-family home. The existing neighborhood has an eclectic mix of architectural styles, both one- and two-stories; the proposed project is classic coastal bungalow style. In addition nonconforming front yard setbacks are not uncommon in the surrounding neighborhood due to the Coastal Canyon where the City strives to keep development closer to the street and out of the biological resource.
- E. The proposal is not detrimental to the orderly and harmonious development of the City in that the scale, mass, form, and materials of the project and is in character with the neighborhood as specified in subsection D; and the project will continue to be a single family home in a single family zoning district.

Section 3: The Zoning Administrator of the City of San Clemente hereby approves MAP 15-457, Saldana 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 May 4, 2016.

SAN CLEMENTE ZONING ADMINISTRATOR

James Pechous, Zoning Administrator

**CONDITIONS OF APPROVAL
MAP 15-457, Saldana Residence**

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 15-457 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 subject applications 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 of the subject application 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 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. *[Citation - Section 17.12.180 of the SCMC]* (PIng.) _____
8. 50 percent of the front yard setback area shall have a surface that remains permeable and is to be landscaped and permanently maintained, as provided for in Sections 17.68.040 of the Zoning Ordinance. *[Citation - Section 17.68.040 of the SCMC]* ■(PIng.) _____
9. All walls, including retaining walls, shall comply with the Municipal code requirements. ■(PIng.) _____
10. The project shall provide one street tree per 25 linear feet of street frontage. ■(PIng.) _____

Coastal Commission

11. Prior to the issuance of building permits, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that approval by the California Coastal Commission has been obtained for the project. *[Citation - Division 20 of the Public Resources Code & Section 17.56.050 of the S.C.M.C.]* (PIng.) _____

12. 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.)_____
13. 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.)_____
14. Prior to issuance of building permits, applicant shall secure all utility agencies approvals for the proposed project. *[S.C.M.C – Title 15 Building Construction]* (Bldg.)_____
15. 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.)_____
16. 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.)_____
17. Prior to issuance of building permits, the owner or designee shall submit a copy of the City Engineer approved 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. (Bldg.)_____ *[S.C.M.C – Title 15 – Chapter 15.08 – Appendix Chapter 1 – Section 106.1.4]*
18. 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.)_____

19. 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.)_____
20. Fire sprinkler system required throughout as follows:
- All new Group R occupancies;
 - 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;
 - 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;
 - All existing Group R occupancies and U-1 garages when an additional story is added to the structure regardless of the area involved;
 - 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;
 - Any addition to existing building that has fire sprinklers installed.
- [S.C.M.C – Title 15 – Chapter 15.08]* (Bldg.)_____
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, 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 SMC]*
(Eng.)_____
19. 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 SMC]*
(Eng.)_____
20. 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 SMC]*
(Eng.)_____

21. 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 SMC]* (Eng.)_____
22. 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 SMC]* (Eng.)_____
23. 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 SMC]* (Eng.)_____
24. Prior to issuance of any permits, 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: *[Citation – Section 15.36, 12.08.010, and 12.24.050 of the SMC]* ■ (Eng.)_____
- 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, unless a waiver is obtained. This 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. Since the street right-of-way is approximately 10 feet behind the curbface a sidewalk easement is not anticipated to be required to be granted to the City.

- 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.
25. An Engineering Department Encroachment Permit shall be in place prior to the commencement of any work in the public right-of-way. (Eng.)_____

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

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



LOCATION MAP

MAP 15-457, Saldana Residence
303 West Avenida De Los Lobos Marinos





**Michael
Luna**
ASSOCIATES
Architects

PHOTO KEY MAP

Project: Saldana Residence
Address: 303 Avenida De Los Lobos Marinos
San Clemente, CA, 92672

1531

El Camino Real

Suite A

San

Clemente

California

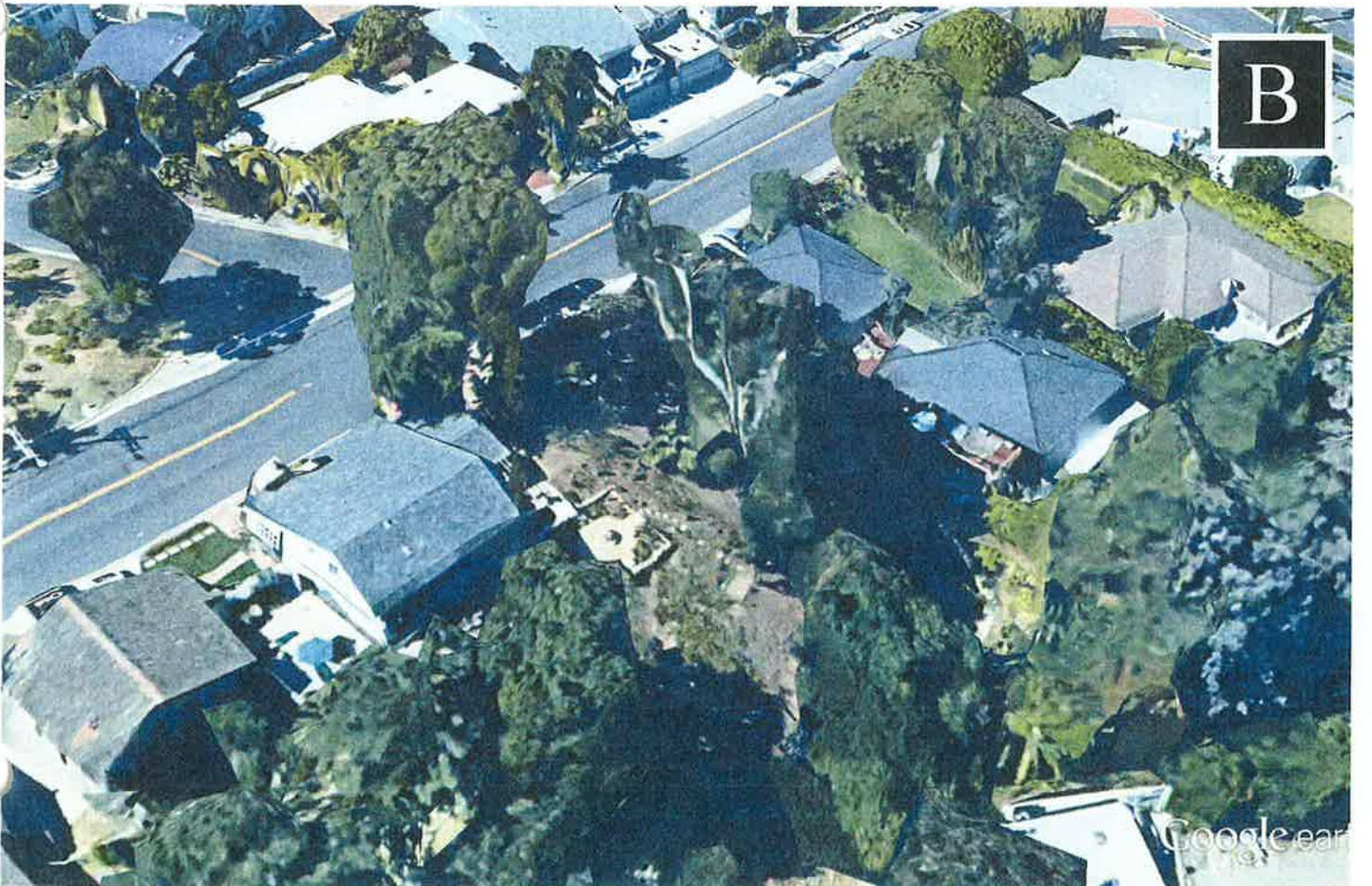
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