



STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: June 8, 2016

PLANNER: John Ciampa, Associate Planner *JC*

SUBJECT: **Minor Exception Permit 16-121, Thornton Wall**, a request to consider a wall exceeding 42 inches in height, but not to exceed six feet in height, in a street side yard setback.

LOCATION: 4040 Calle Ariana/401Calle Alicia

ZONING/GP: Residential Low Density (RL-10)

BACKGROUND:

- The project site is a 10,000 square-foot lot with a two story, single-family house and a two car garage located in the Cypress Shores Community.
- The parcel is a corner lot with street frontage on three of the four sides. See Attachment 2 for details.
- The applicant proposes to construct a six-foot high stucco wall in the required street side yard setback along Calle Alicia. The new wall would be located in the same place as the existing 42-inch tall wall. The applicant requests the increase in the allowed wall height to maximize the use of the outdoor area for the uniquely shaped lot and increase the privacy for the area. The wall is also required to comply with the Building Code requirements for pools barriers, which requires a minimum barrier height of five feet.
- Zoning Ordinance Section 17.24.090.C.6, allows for an increase in the permitted height of a wall up to six feet in a required setback with approval of a Minor Exception Permit (MEP).
- Although the parcel is a generous size, development is constrained by setback requirements due to the property being a corner lot and its unique shape.
- The wall would be located on the property line which is setback 3.5 feet from the face of the curb. The area between the curb and the wall, in the HOA right-of-way, will be planted with Stare Jasmine and Wolly Thyme to soften the appearance of the wall.
- The community has private streets so no sidewalks are proposed or required as part of the request.
- The Cypress Shores Home Owners Association has reviewed the request and approved the increased wall height (Attachment 3).
- The proposed wall is not anticipated to create any negative impacts to the subject property or the adjacent properties for the following reasons:

AGENDA ITEM 4-A

- The area in front of the wall and curb will be landscaped to soften the wall's appearance;
 - The wall would not impede the line of sight of drivers leaving or passing the property; and
 - The wall is consistent with the overall street scene of the Cypress Shores neighborhood where the majority of properties have structures and walls over 42-inches in height in close proximity to the front and street side yard setbacks.
- Staff has not received any public input regarding this project.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve MEP 16-121, Thornton Wall, subject to the attached Resolution.

Attachments:

1. Resolution ZA 16-023
2. Vicinity Map
3. HOA Approval
4. Photographs of Surrounding Area Plans

RESOLUTION NO. ZA 16-023

**A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF
SAN CLEMENTE, CALIFORNIA, APPROVING MINOR EXCEPTION
PERMIT 16-121, THORNTON WALL, TO ALLOW A SIX-FOOT HIGH
WALL TO BE CONSTRUCTED IN THE REQUIRED STREET SIDE
YARD SETBACK OF A SINGLE-FAMILY RESIDENCE LOCATED AT
4040 CALLE ARIANA/401 CALLE ALICIA**

WHEREAS, on March 30, 2016, an application was submitted to the City and on April 28, 2016, deemed complete by Stuart and Liza Thornton at 514 Avenida La Costa, San Clemente, CA 92672, for a Minor Exception Permit to allow a six-foot high wall to be constructed in the required street side yard setback of a single-family residence located at 4040 Calle Ariana/401 Calle Alicia, the legal description being Lot 66 of Tract 4202, APN 060-231-66; and

WHEREAS, the Planning Division completed an initial environmental assessment of the above matter in accordance with California Environmental Quality Act (CEQA) and determined this project is categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303 because the project is construction of a minor structure accessory to an existing single-family residence; and

WHEREAS, on April 14 and April 18, 2016 the City's Development Management Team considered the application and supported the project as conditioned; and

WHEREAS, on June 8, 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: This project is categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303 because the project is construction of a minor structure accessory to an existing single-family residence.

Section 2: The requested encroachment into the street side yard setback area 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 property will continue to be a single-family residence and the wall will provide a larger, useable outdoor area for the property owners.

Section 3: Neighboring properties will not be adversely affected as a result of the conditional approval of the Minor Exception Permit in that the proposed wall will not impede a driver's vehicular line of sight when leaving or passing by the property, nor is it anticipated to create any negative massing impacts as viewed from the street or

neighboring properties given that the proposed wall is in character with the neighborhood because a majority of other homes have walls exceeding 42 inches in close proximity to the street frontages. The proposed landscaping in front of the wall will blend with the overall street scene with minimal impact.

Section 4: The proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity, in that the walls will be constructed in compliance with all required Building, Safety and Fire codes, and the proposed wall will not create any line of sight issues for drivers leaving or passing the property.

Section 5: The Zoning Administrator of the City of San Clemente hereby approves MEP 16-121, Thornton Wall, 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 June 8, 2016.

SAN CLEMENTE ZONING ADMINISTRATOR

James Pechous, Zoning Administrator

EXHIBIT A

**CONDITIONS OF APPROVAL
MINOR EXCEPTION PERMIT (MEP) 16-121
Thornton Wall**

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. MEP 16-121 shall become null and void if the structure is not commenced within three (3) years from the date of the approval thereof. *[Citation - Section 17.12.150.A.1 of the SCMC]* (PIng.)_____

4. The owner or designee shall have the right to request an extension of MEP 15-265 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 17.12.160 of the Zoning Ordinance. *[Citation - Section 17.12.160 of the SCMC]* (PInG.)_____
5. The project shall be develop in conformance with the site plan, elevations, details, and any other applicable submittals approved by the Zoning Administrator on June 8, 2016, subject to the Conditions of Approval.

Any deviation from the approved site plan, elevations, details, 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.)_____

- * 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

MEP 16-121, Thornton Wall
4040 Calle Ariana/401 Calle Alicia



No scale 

Cyprus Shore
COMMUNITY ASSOCIATION



3922 CALLE ARIANA • SAN CLEMENTE, CALIFORNIA 92672
(949) 369-5200

Wednesday, January 27, 2016

Mr. & Mrs. Thornton
4040 Calle Ariana
San Clemente, CA
92672

**RE: 4040 Calle Ariana, Lot 066, Thornton Residence
Landscaping Approval**

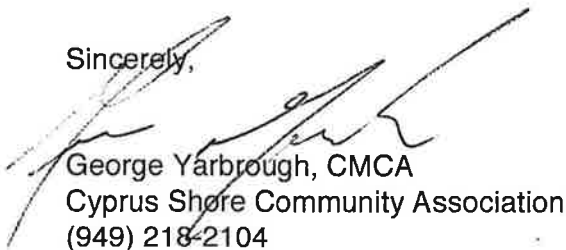
Dear City of San Clemente,

The Architectural Review Committee has reviewed the plans for the landscaping of the residence above and has APPROVED the plans with the following conditions.

1. Pool gates to meet city code.
2. Gas lines to meet city code.
3. All trees NEVER to exceed roof height.
4. All mainline and irrigation valves to be on private property.
5. Owner to continuously maintain Landscaping in right of way areas.
6. Wall on Calle Alicia will require minor exception from the city.

Should you have any questions please feel free to contact me.

Sincerely,



George Yarbrough, CMCA
Cyprus Shore Community Association
(949) 218-2104

ARCHITECTURAL REVIEW COMMITTEE
CYPRUS SHORE COMMUNITY ASSOCIATION

cc: Resident file
ARC





