



## STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: December 21, 2016

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**PLANNER:** Arlen Beck, Planning Intern *AB*

**SUBJECT:** **Minor Exception Permit 16-373, Hennings' Wall**, a request to consider a six-foot high wall within the front yard setback of a multi-family development.

**LOCATION:** 414 - 416 North Ola Vista

**ZONING/GP:** Residential-Medium Density and Coastal Zone Overlay (RM/CZ)

**BACKGROUND:**

- The site is a 3,950 square foot lot on the southwest corner of the intersection of West Avenida Palizada and North Ola Vista.
- In 1957, the site was developed with an approximately 2,002 square-foot, duplex. The lot is located across the street from two historic structures and abuts another historic structure to the rear. Refer to Attachment 2 for a vicinity map.
- The applicant requests a Minor Exception Permit (MEP) to construct a six-foot high block wall in the 15-foot front yard setback. The proposed wall has a white stucco finish.
- Zoning Ordinance Section 17.24.90(C)(6) requires Zoning Administrator approval of a Minor Exception Permit (MEP) to allow walls, fences, or shrubs in a front yard setback higher than three feet and six inches, up to a maximum of six feet.
- The applicant states they want the wall around the side and front of their unit to create a private yard and safe play area for their children.
- Staff does not support the MEP since the project does not meet required findings. The proposed wall would have negative visual impacts on the neighborhood because the proposed wall is not in character with abutting properties on West Avenida Palizada, particularly lots facing the intersection of North Ola Vista. There are no six-foot high solid walls in the front yards of these properties. There are "open" walls, fences, and hedges over three feet six inches high that maintain visibility of the street scene and homes, such as wrought iron guardrails. The proposed wall is located in the front yard of a property facing a prominent intersection of the City. The intersection is often used to access the Pier Bowl and Downtown from El Camino Real and Interstate 5. The intent of the front yard setback is to provide open space for an attractive, landscaped street scene. The proposed wall will restrict visibility of the street scene at the intersection and along West Avenida Palizada, contrary to this intent. This would result in negative visual impacts to the neighborhood.
- The public was notified of this hearing item as required by the Municipal Code.

- Several public comments have been received in support of the project, see Attachment 6.

**ALTERNATIVES**

- There are two alternatives for the request:
  1. The Zoning Administrator may deny MEP 16-373 if the project does not meet required findings. This action is appealable to the City Council.
  2. The Zoning Administrator may table this item, so the applicant can work with staff to make design changes sufficient enough to meet required findings for MEP approval. If this alternative is pursued, the item must be tabled to advertise and distribute public notices. The site abuts historic structures so a Minor Cultural Heritage Permit (MCHP) is required, which must be noted in public notices. Also, staff may need to consult with the Design Review Subcommittee (DRSC) before the item is reconsidered by the Zoning Administrator. During the review process, staff recommended a solid wall that would not exceed three feet six inches with an "open" guardrail or picket design on top of wall not to exceed six feet in total. The applicant was not supportive of the modified design.

**RECOMMENDATION**

STAFF RECOMMENDS THAT the Zoning Administrator deny MEP 16-373, Hennings' Fence, subject to the attached Resolution.

**Attachments:**

1. Resolution ZA16-041
2. Vicinity Map
3. Photographs of neighborhood
4. Applicant's correspondence
5. Applicant submitted examples of fences in front yard set back
6. Public Comments
7. Plans

# ATTACHMENT 1

## RESOLUTION NO. ZA 16-041

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DENYING MINOR EXCEPTION PERMIT 16-373, HENNINGS' FENCE, WITHOUT PREJUDICE; A REQUEST TO ALLOW A SIX-FOOT HIGH WALL IN THE REQUIRED FRONT YARD SETBACK OF A DUPLEX LOCATED AT 416 NORTH OLA VISTA**

**WHEREAS**, on November 14, 2016, a complete application was submitted by Steve and Jessie Hennings, 416 N. Ola Vista, San Clemente, CA 92672, for Minor Exception Permit 16-373; a request to consider a height exception for a six-foot high fence in the required front yard setback area of a duplex, where a three foot six inch high fence is allowed. The subject site is located in the Residential Medium zoning district, Coastal Overlay (RM/CZ) at 416 N. Ola Vista. The site's legal description is Lot 1 of Tract 779 and Assessor's Parcel Number 058-121-14; and

**WHEREAS**, the City's Development Management Team reviewed the subject application on October 27, 2016, for consistency with the General Plan and compliance with the San Clemente Municipal Code; and

**WHEREAS**, on December 21, 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 Zoning Administrator finds the following:

- A. The neighboring properties will be adversely affected as a result of the conditional approval of the Minor Exception Permit in that the proposed fence is not in character with the neighborhood. There are no six-foot high fences in the front yard of adjacent properties with common characteristics.
- B. The height of the fence, wall or hedge will be unsightly or incompatible with the character of or uses in the neighborhood because:
  1. The proposed wall is not in character with abutting properties on West Avenida Palizada, particularly lots facing the intersection of North Ola Vista. There are no six-foot high solid walls in the front yards of these properties. There are walls, fences, and hedges over three feet six inches high with "open" space, such as wrought iron guardrails, that maintain visibility of the street scene and homes.
  2. The proposed wall is located in the front yard of a property facing a prominent intersection of the City. The intersection is often used to access the Pier Bowl and Downtown from El Camino Real and Interstate 5. The intent of the front

yard setback is to provide open space for an attractive, landscaped street scene. The proposed wall will restrict visibility of the street scene at the intersection and along West Avenida Palizada, contrary to this intent. This would result in negative visual impacts to the neighborhood.

**Section 2:** The Zoning Administrator of the City of San Clemente hereby denies MEP 16-373, Hennings' Fence, subject to the above Findings.

**PASSED AND ADOPTED** at a regular meeting of the Zoning Administrator of the City of San Clemente on December 21, 2016.

SAN CLEMENTE ZONING ADMINISTRATOR

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Cecilia Gallardo-Daly, Zoning Administrator





# ATTACHMENT 2

## LOCATION MAP

MEP 16-373, Hennings' Fence 416 N. Ola Vista





# ATTACHMENT 3

## Photographs of Neighborhood

1. Front of house from across N. Ola Vista, facing South West.



2. Front Yard Setback Area of subject property and properties facing west.





3. Example of “open” fence in front yard setback at 415 N. Ola Vista.



4. Example of partially open hedge in front yard set back at 212 W. Avenida Palizada.





5. Example of “open” fence in front yard setback at 209 W. Avenida Palizada.



6. Historic structure across the street.





7. View of N. Ola Vista street scene facing South.



8. View of intersection of W. Avenida Palizada and N. Ola Vista.

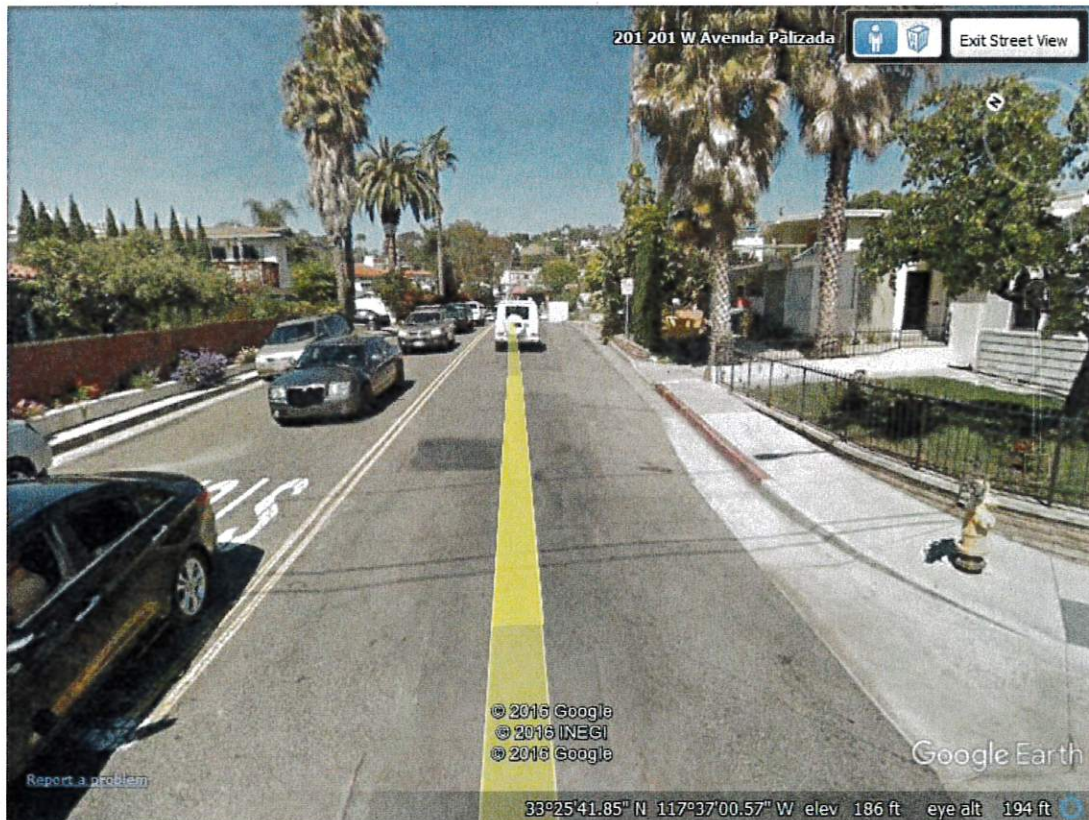




9. View of W. Avenida Palizada street scene facing west.



10. View of W. Avenida Palizada street scene facing East.





## Lampert - Dias Architects, Inc.

### NARRATIVE : REQUEST FOR A CULTURAL HERITAGE PERMIT FOR A NEW FENCE

**416 N OLA VISTA , SAN CLEMENTE, CA 92672**

Date: October 6, 2016

PROJECT: 416 N Ola Vista, San Clemente, CA 92672

The project is a duplex located on the corner of Ola Vista and Avenida Palizada. This is a very busy corner with lots of traffic at this 3 way intersection. Fortunately there is a stop sign so that all of the traffic stops.

The duplex was probably built in the 1950's or 1960's and has no yard area except for the small area in front of the duplex and adjacent to Avenida Palizada.

The owners, Steve and Jessie Hennings live in the larger of the two units with their two little boys. The unit is a two bedroom and one bath. There is a two car garage dividing their unit from their tenant who is in a one bedroom, one bath unit.

Their two small children cannot play outside because of the proximity to the roads and to the lack of privacy in the yard area. It is a very dangerous situation.

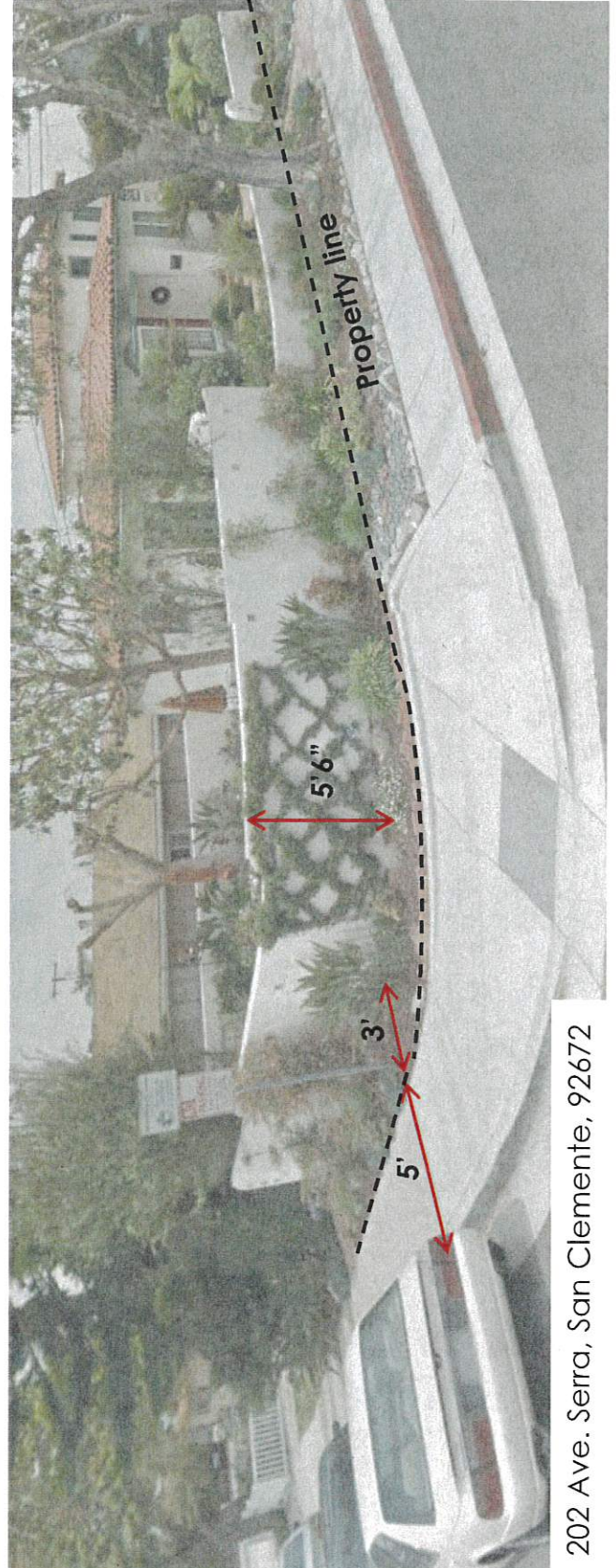
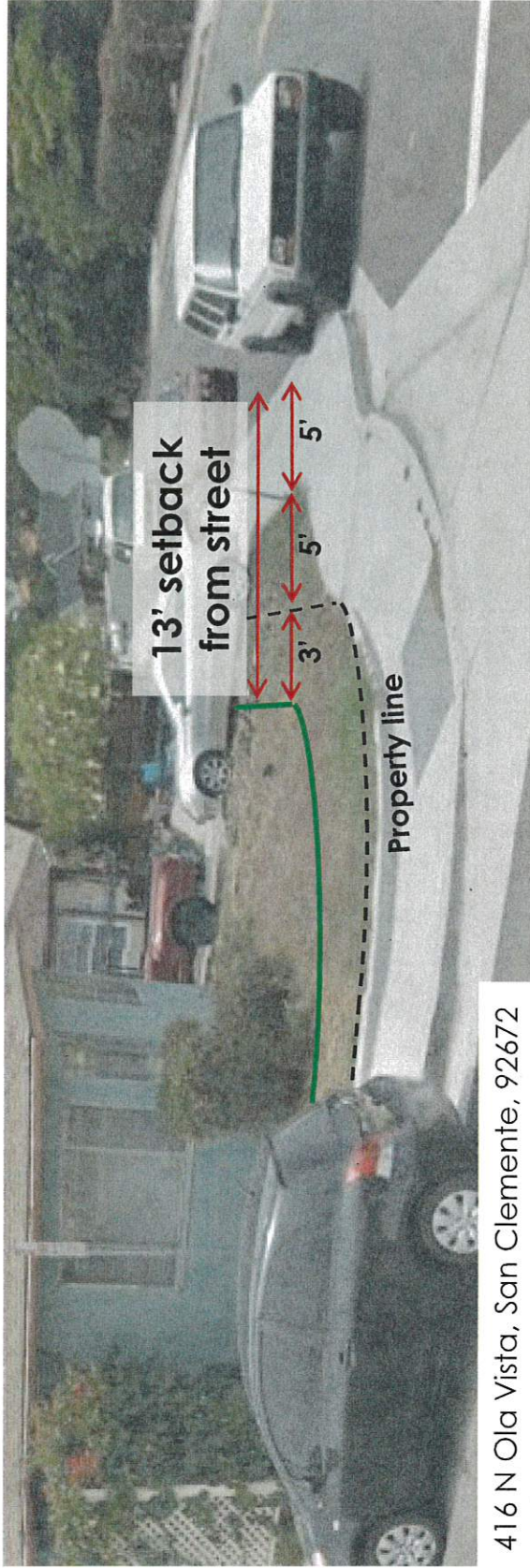
They would like to add a fence around the side and front of their unit to create a private yard and safe play area for the boys. The side facing Avenida Palizada is considered the front per the city records. They would like a 6 foot high wall on this side. They have proposed a lower fence in other areas around the house.

The drawing that we have provided shows the fence configuration that the Hennings family would prefer. It sets the fence back from the property line to allow for visibility and planting.

Also, because there is a stop sign at this busy 3 way intersection, all of the cars are stopping and with the new fence set back from the street the cars are able to see clearly if there is a car around the corner. therefore visibility is not a going to be a problem.

We have included in the Power point presentation a number of similar corner lots in San Clemente with tall corner fences in place that are both attractive and safe.

# Side by side setback comparison





**HENNINGS RESIDENCE**  
**416 N Ola Vista**  
**San Clemente, CA**

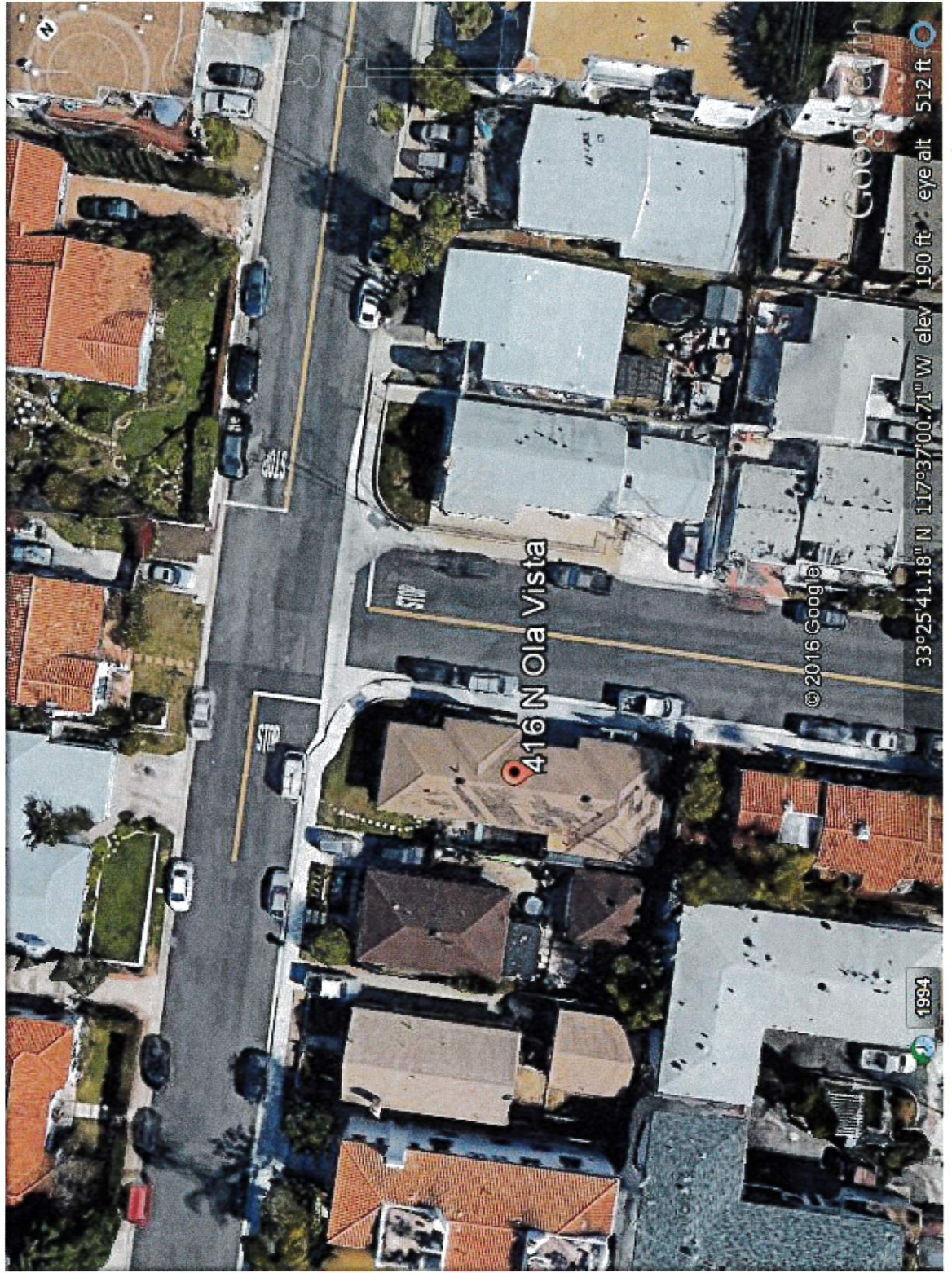
**FENCE ADDITION TO AN  
EXISTING CORNER LOT**



**Lampert - Dias Architects, Inc.**

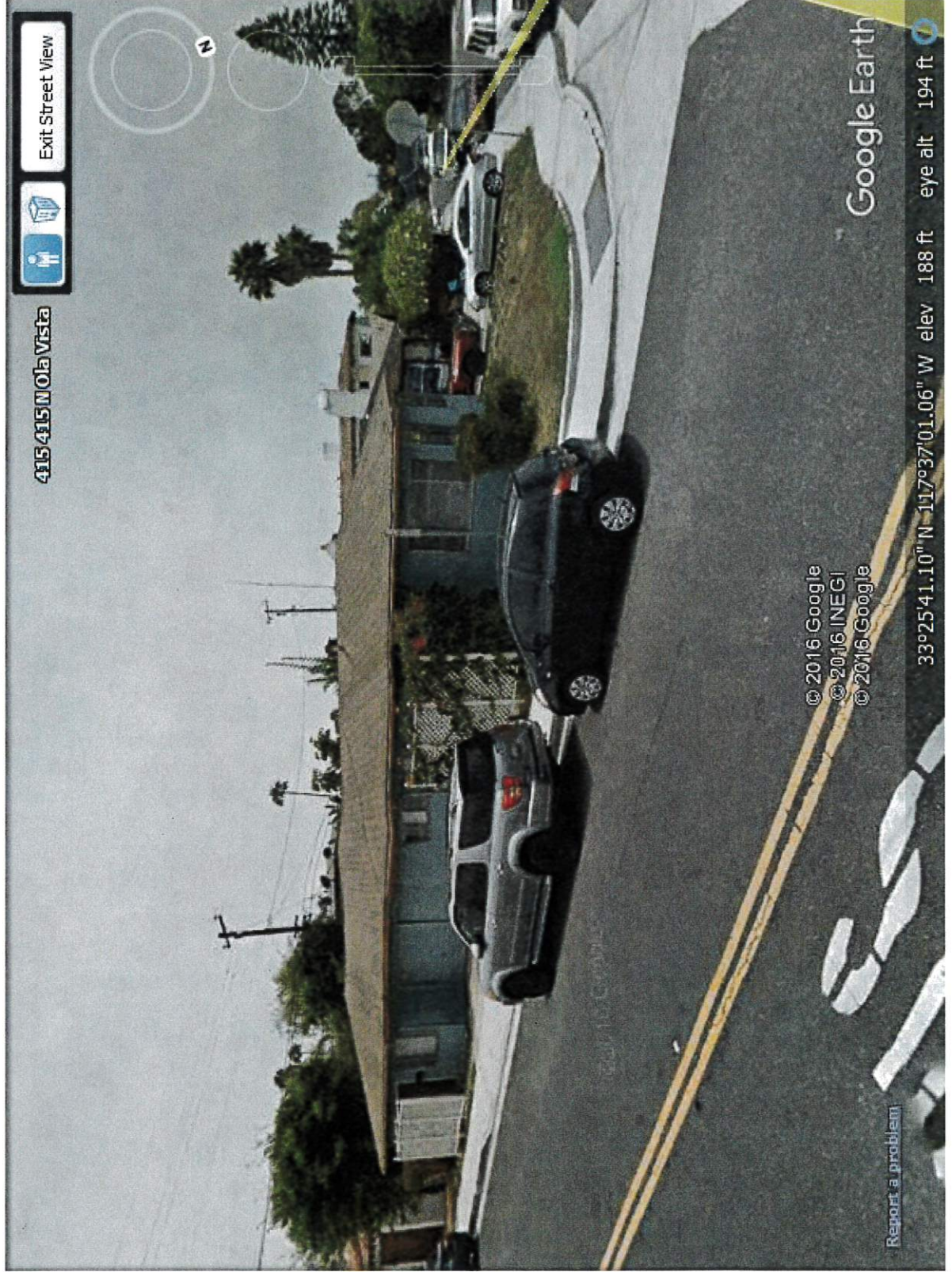


# Aerial View: 416 North Ola Vista



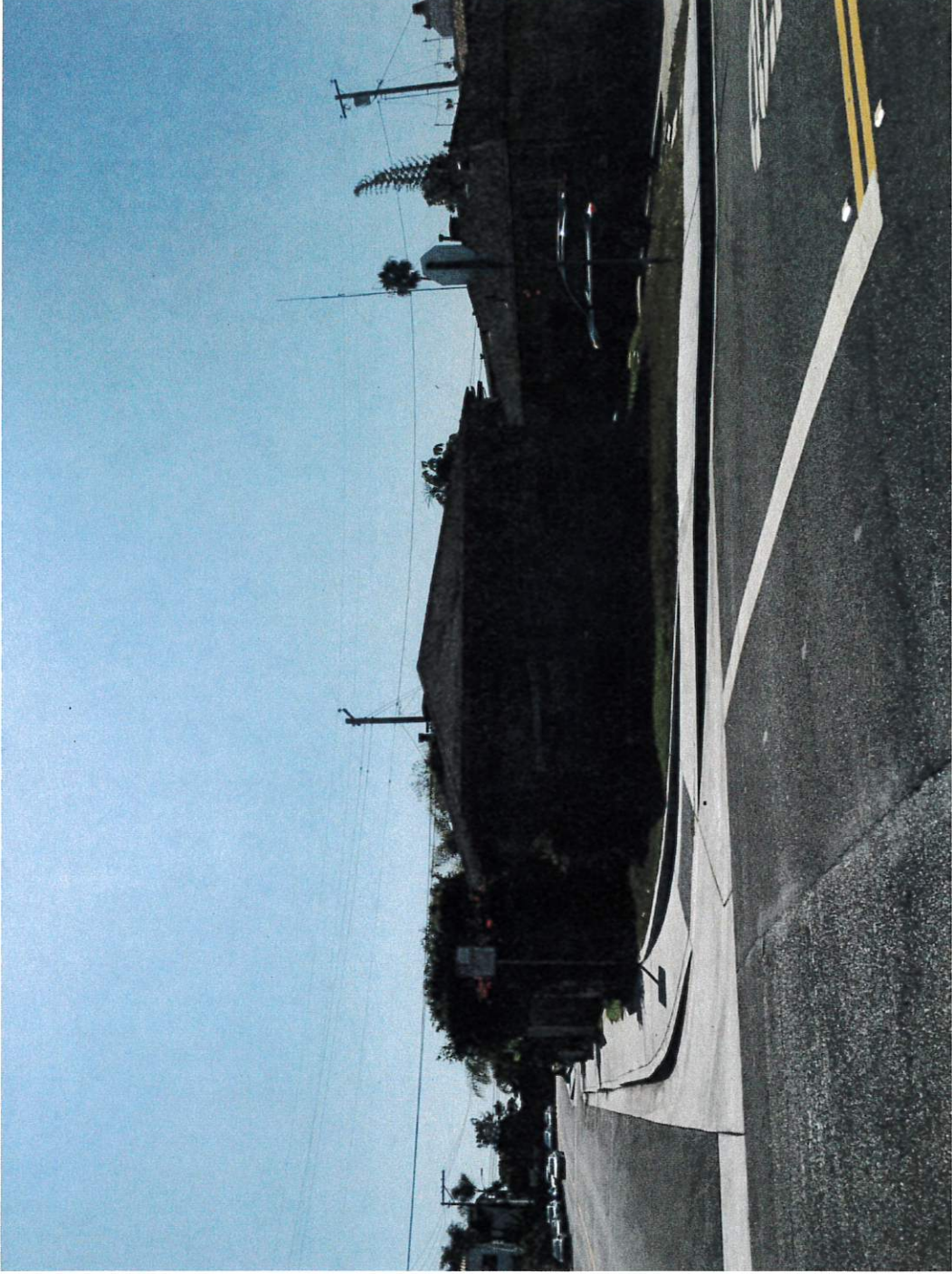


# Existing house





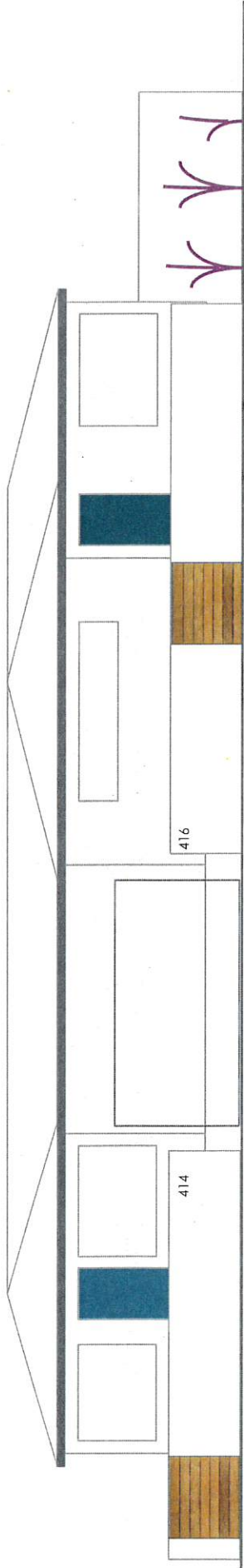
Existing house



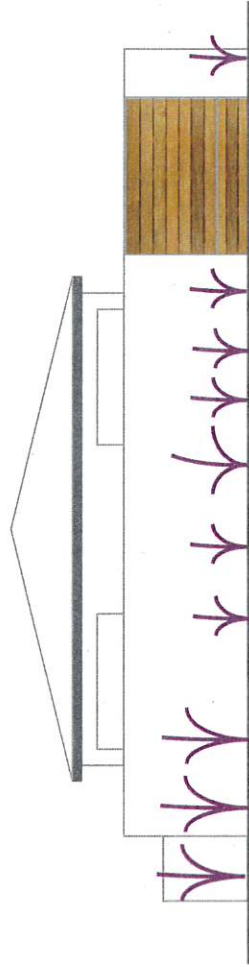
View from Palizada







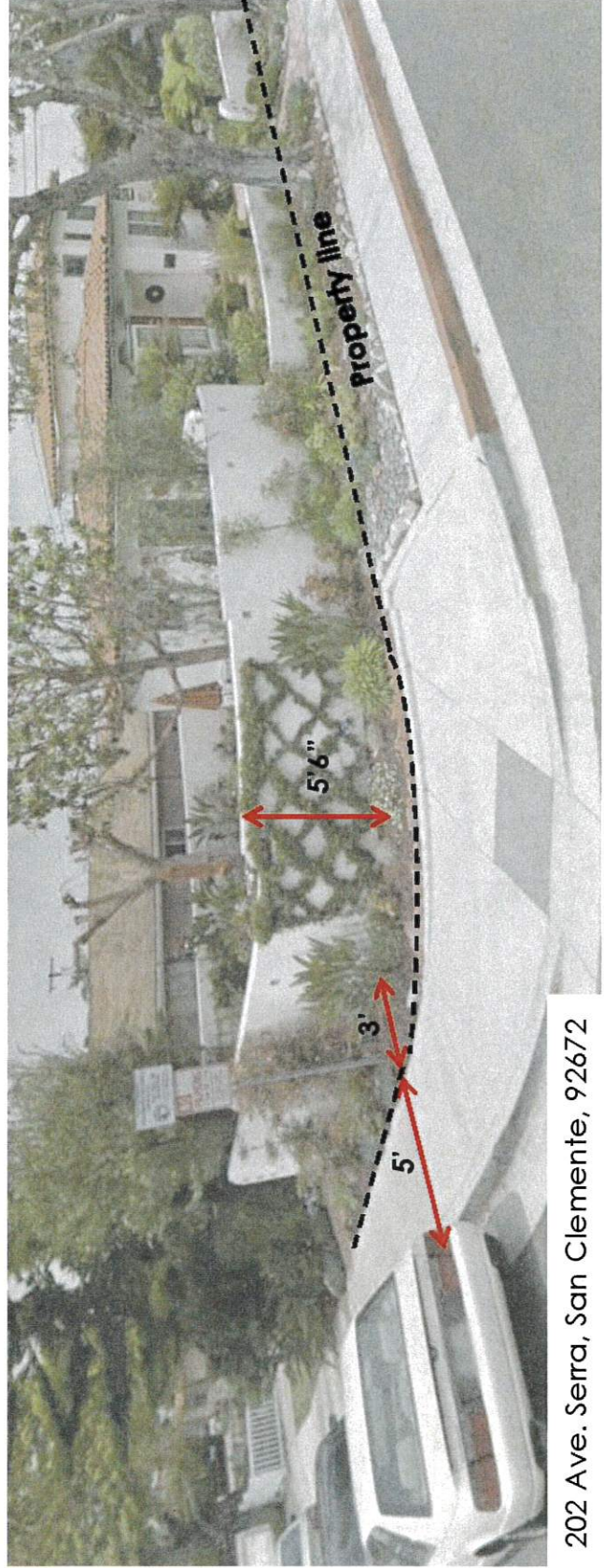
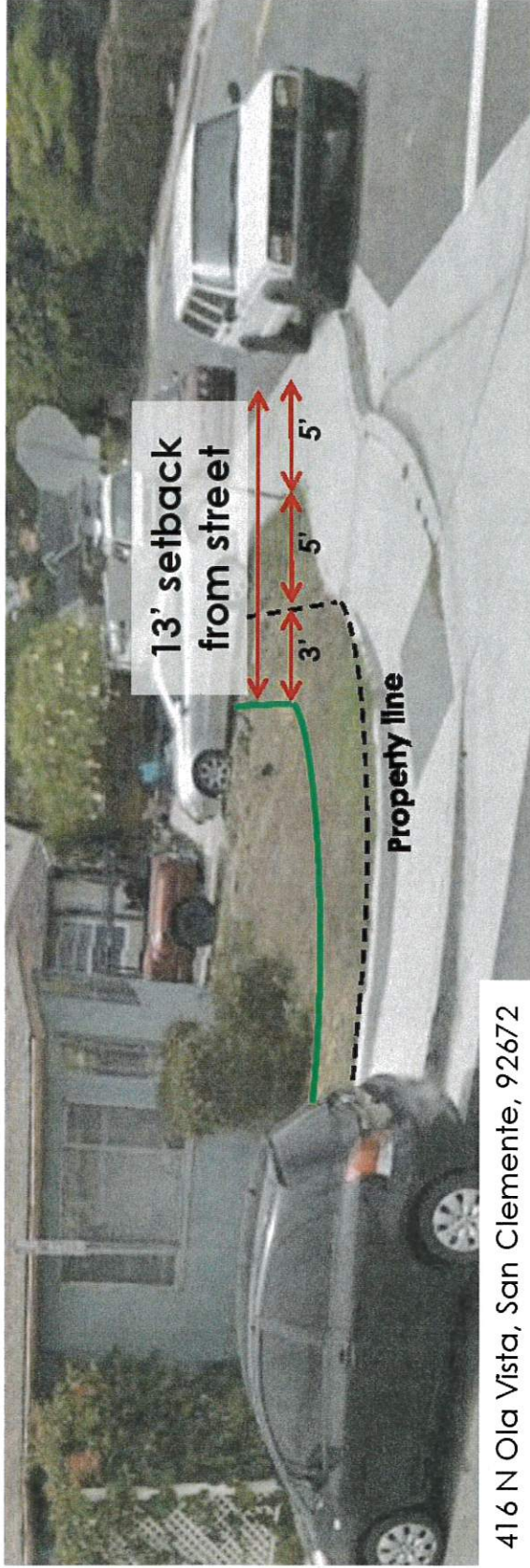
OLA VISTA SIDE FENCE



PALIZADA SIDE FENCE



# Side by side setback comparison





# The Neighborhood

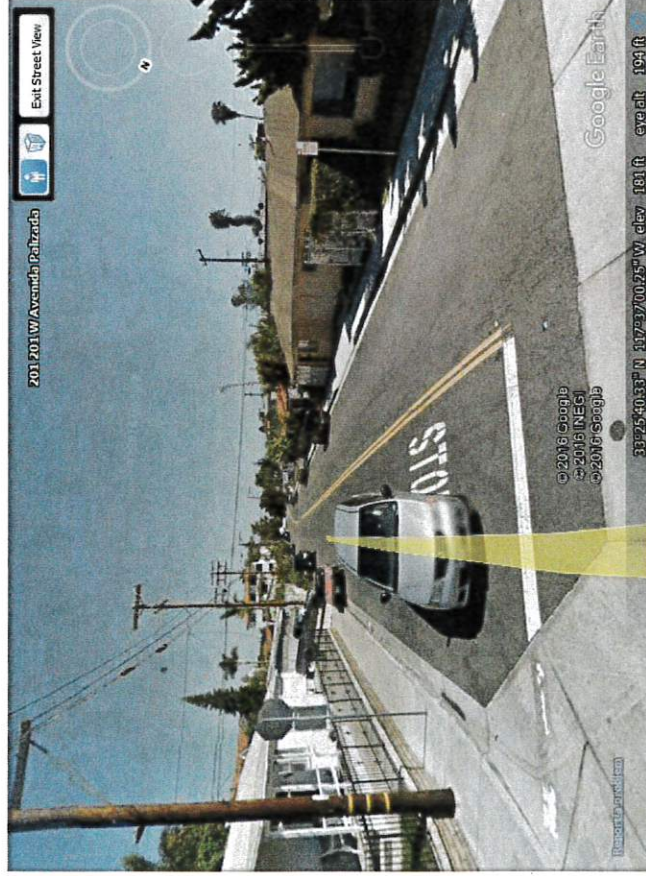


The neighborhood consists mostly of duplex and triplex apartments as well as small single family homes built from the 1940's to the 1970's



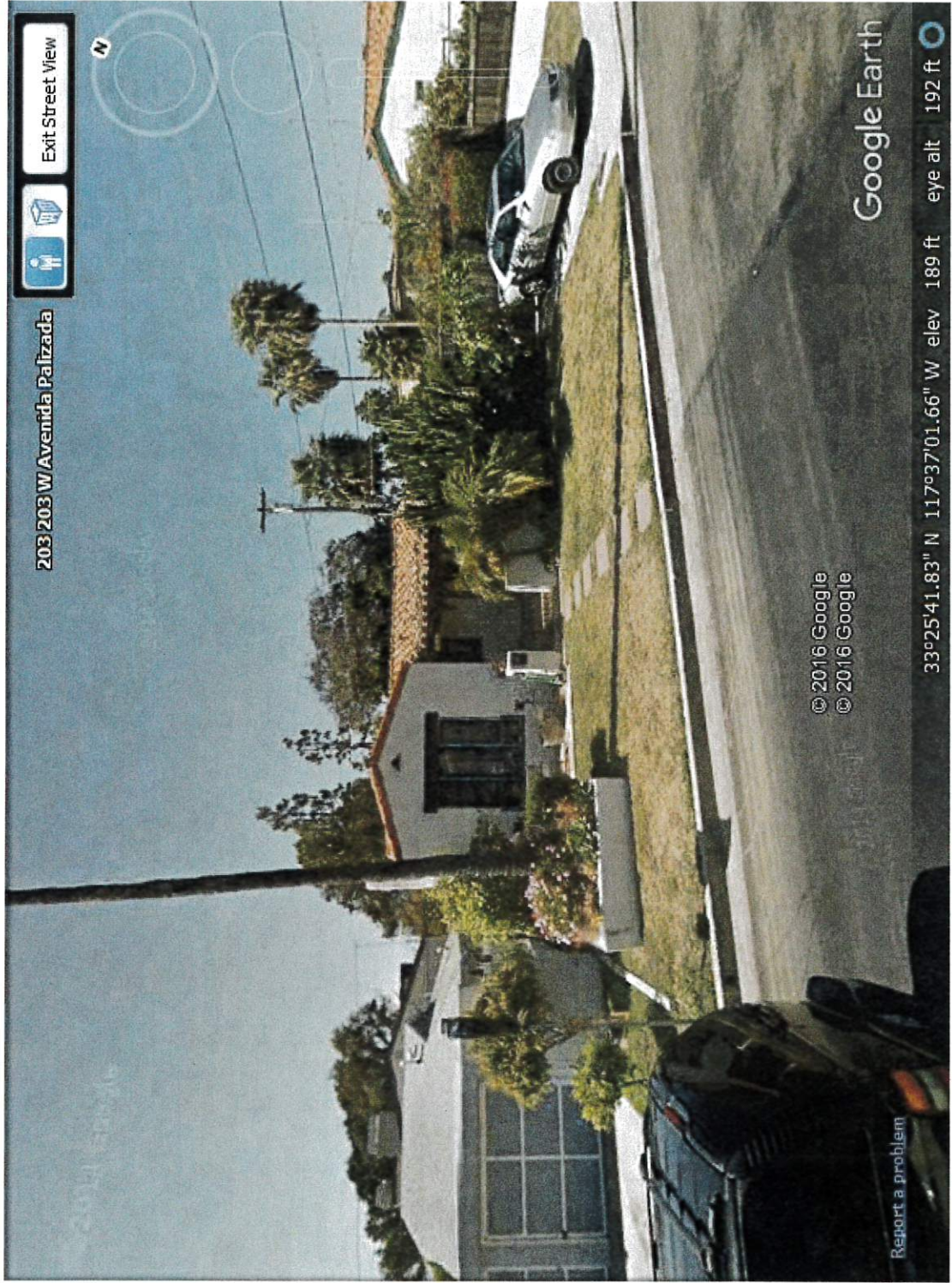
# The Neighborhood

- The surrounding neighborhood is made up primarily of older 1940's, 1950's, 60's and 70's duplex, triplex units and some single family homes





# The neighborhood - across the street - across Palizada





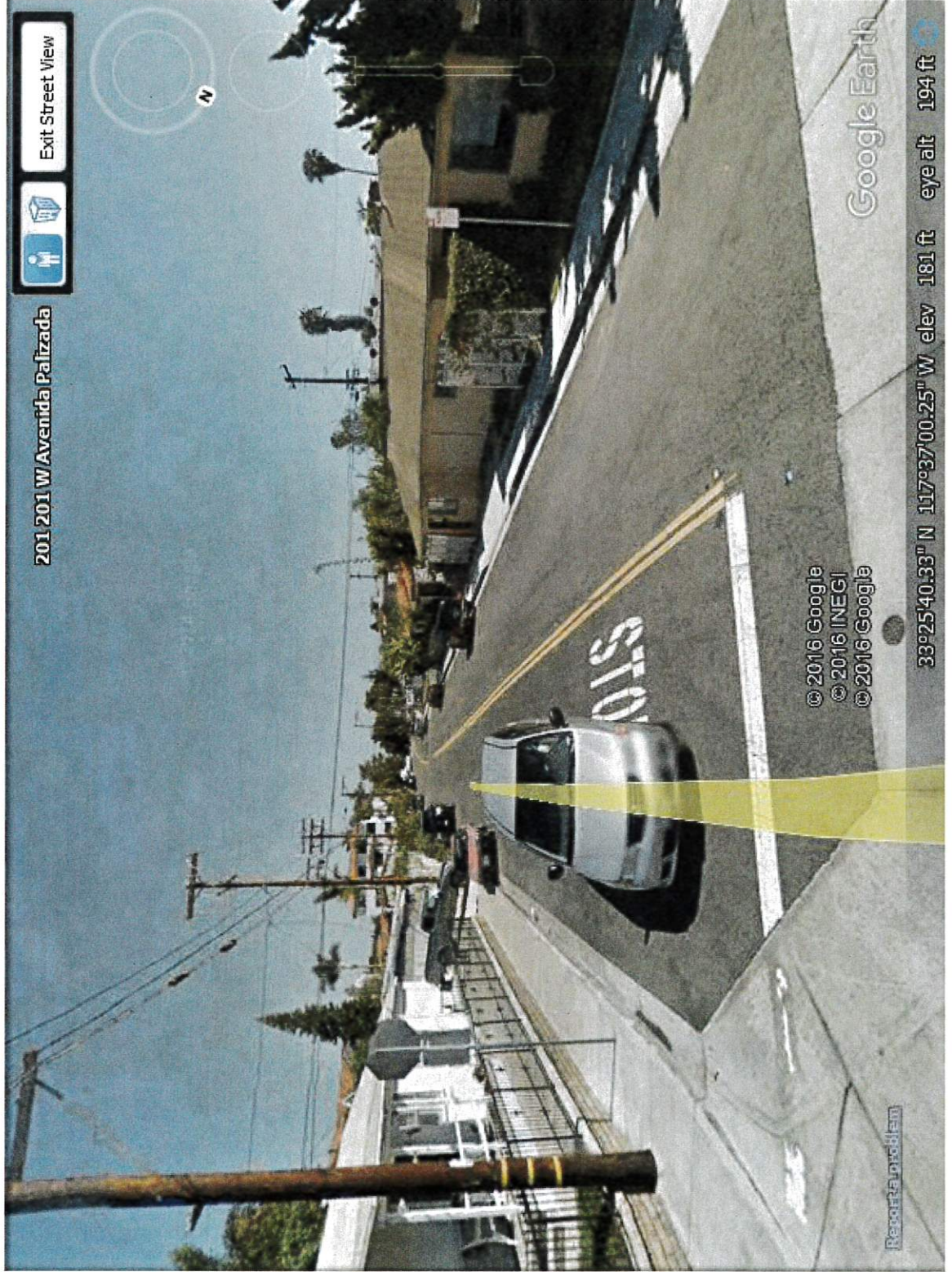
# The Neighborhood - View toward the ocean down Palizada





# The Neighbors to the South

## View down Ola Vista



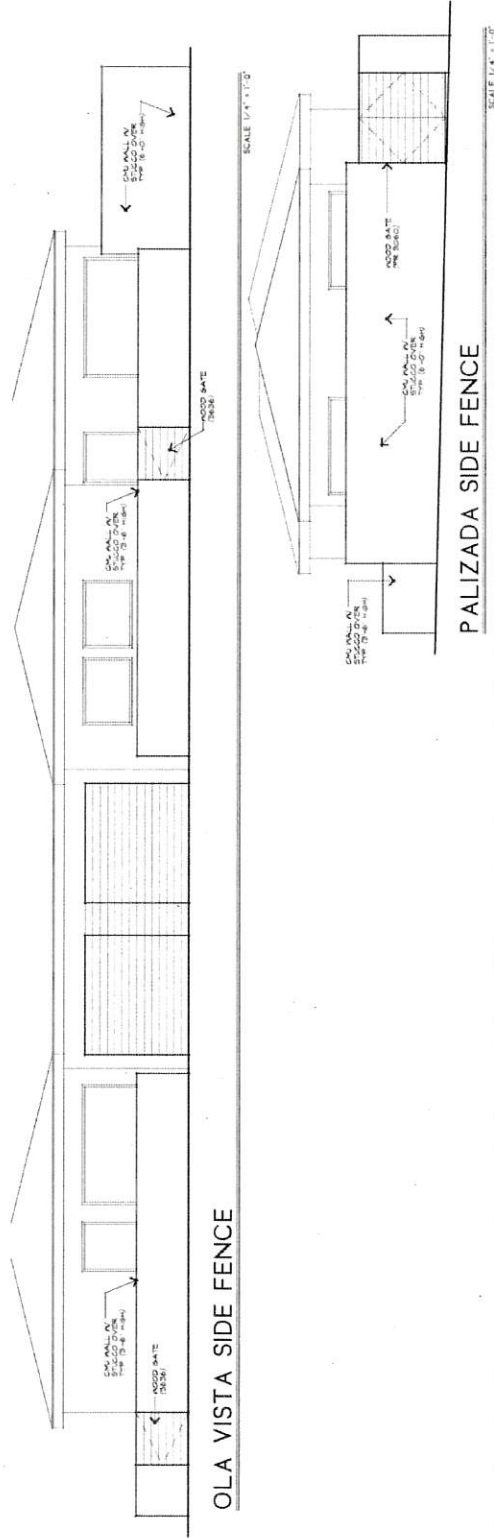


# Neighbors to the North East- View up Palizada





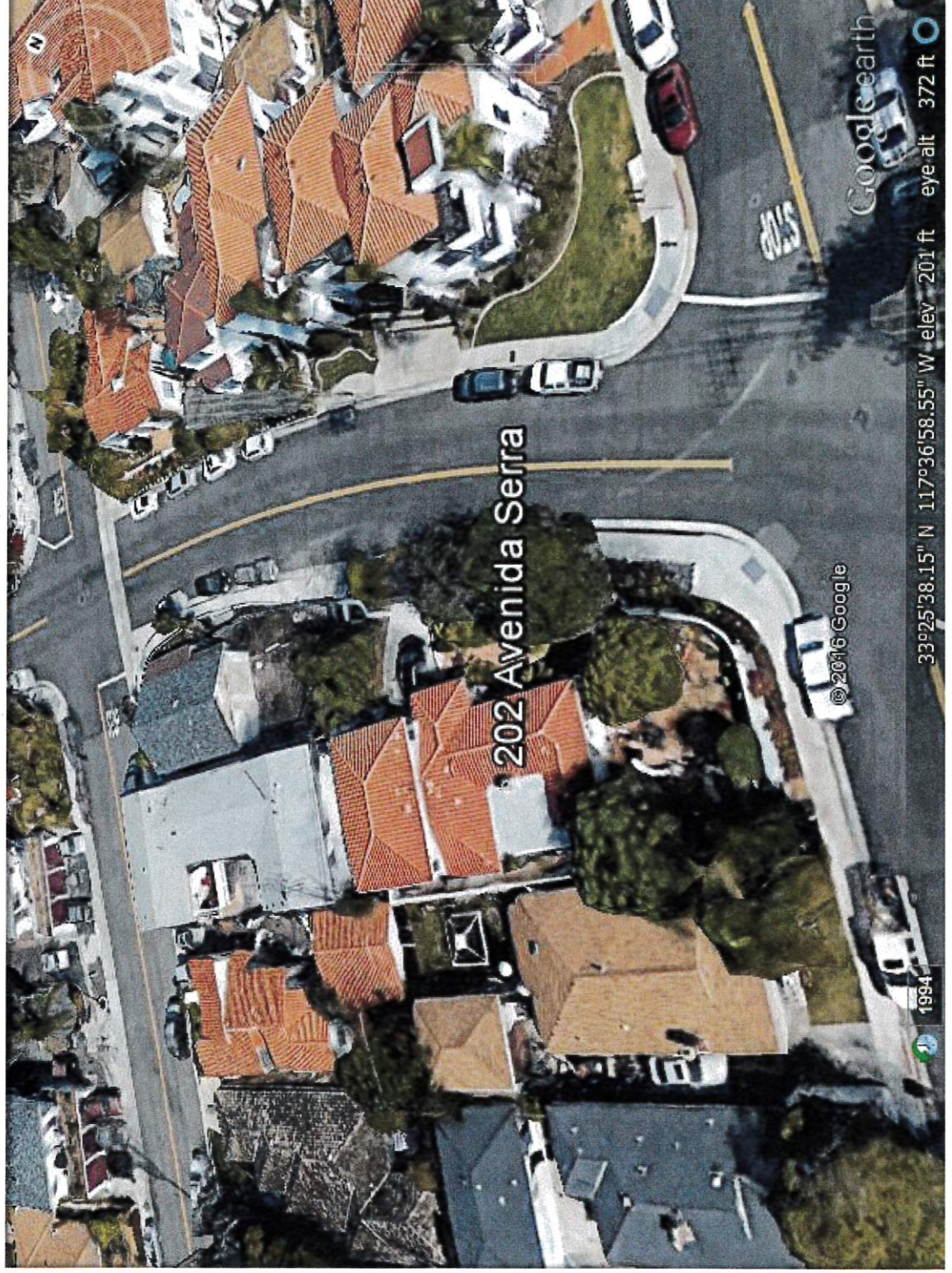
# The Proposed Project Elevations





# Similar Projects in the Neighborhood

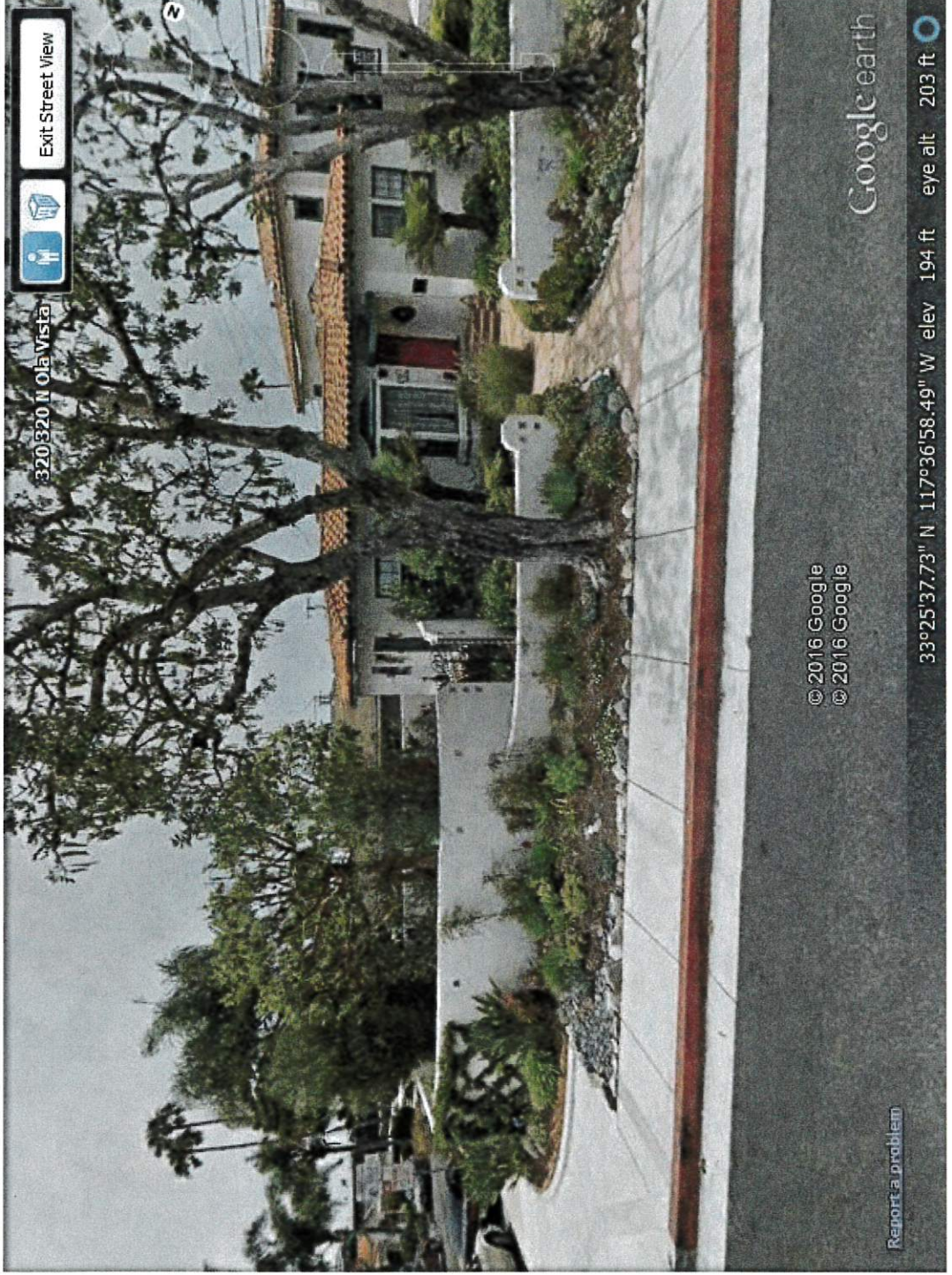
## Example # 1 - 202 Avenida Serra





# Similar Projects in the Neighborhood

## Example # 1 - 202 Avenida Serra





# Similar Projects in the Neighborhood

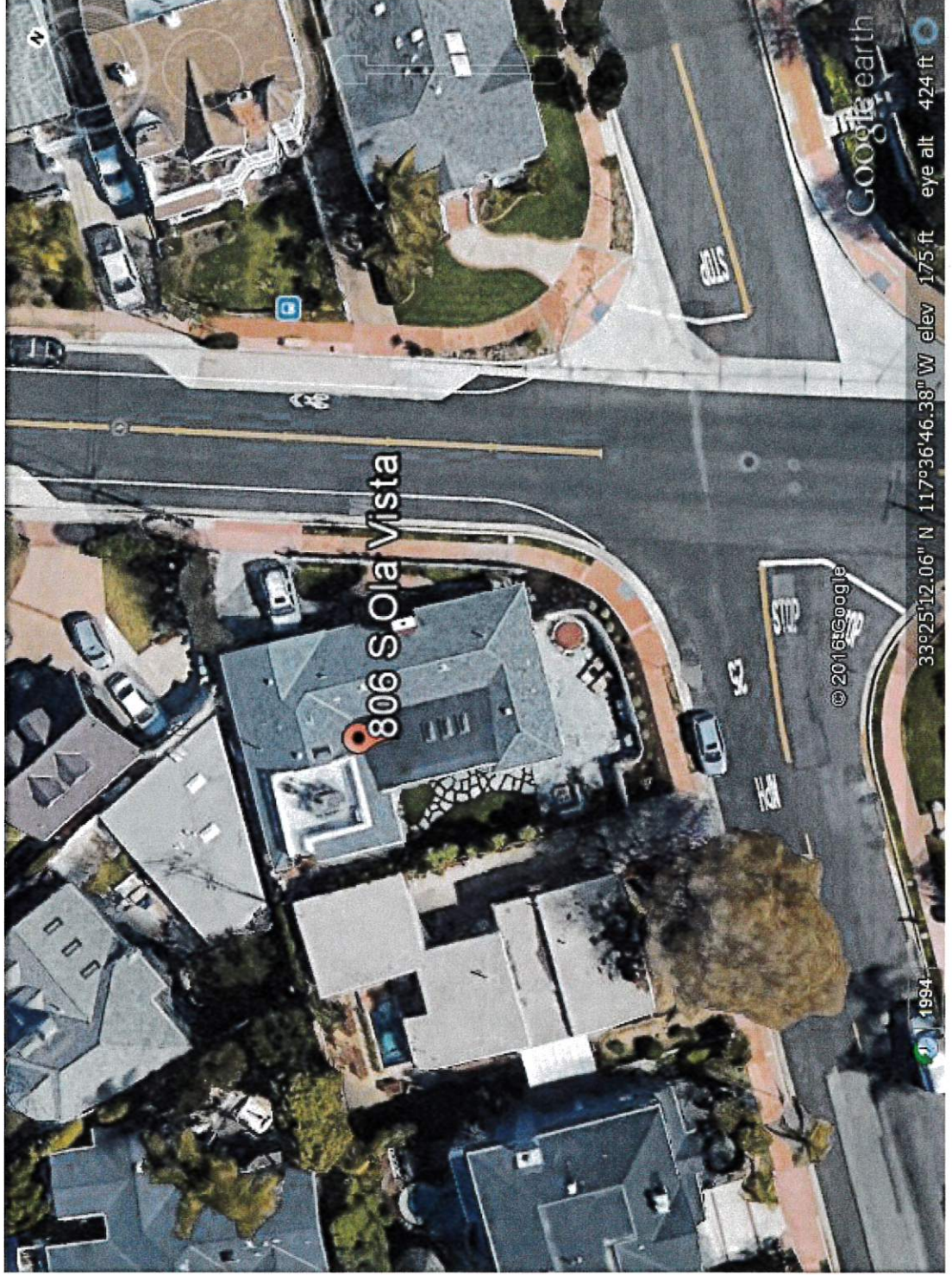
## Example # 1 - 202 Avenida Serra





# Similar Projects in the Neighborhood

## Example # 2 - 805 South Ola Vista





# Similar Projects in the Neighborhood

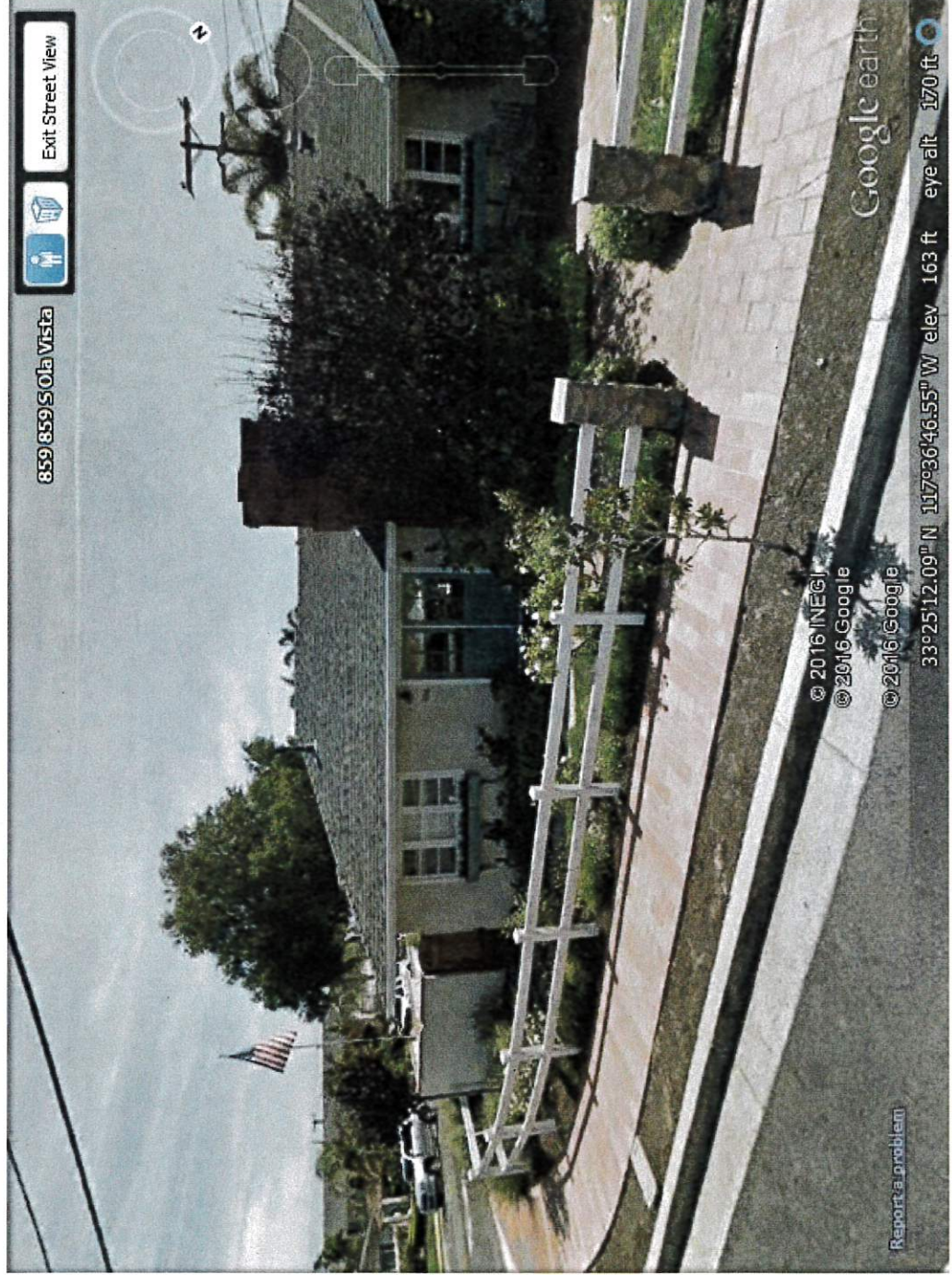
## Example # 2 - 805 South Ola Vista





# Similar Projects in the Neighborhood

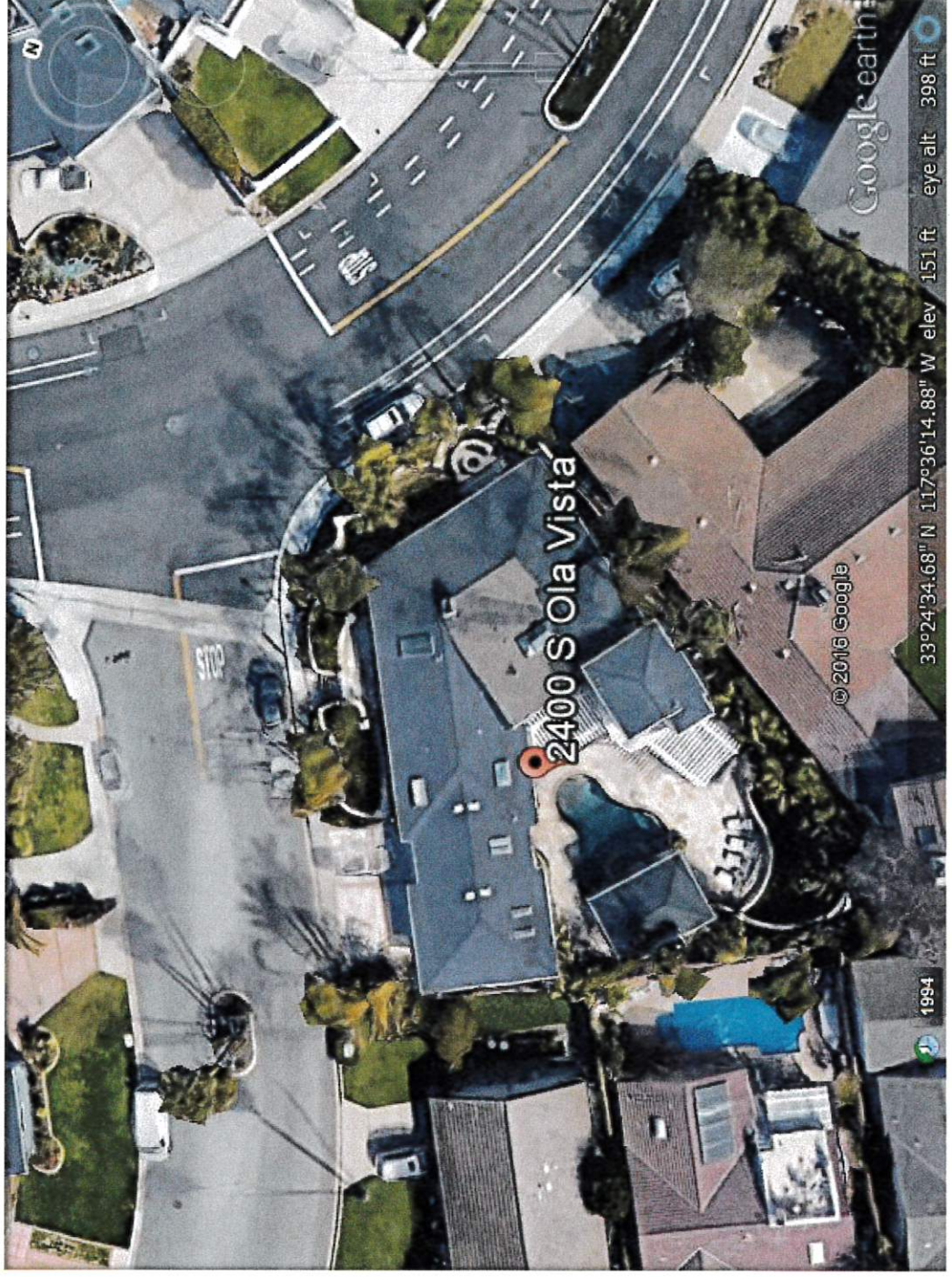
## Example # 2 - 805 South Ola Vista





# Similar Projects in the Neighborhood

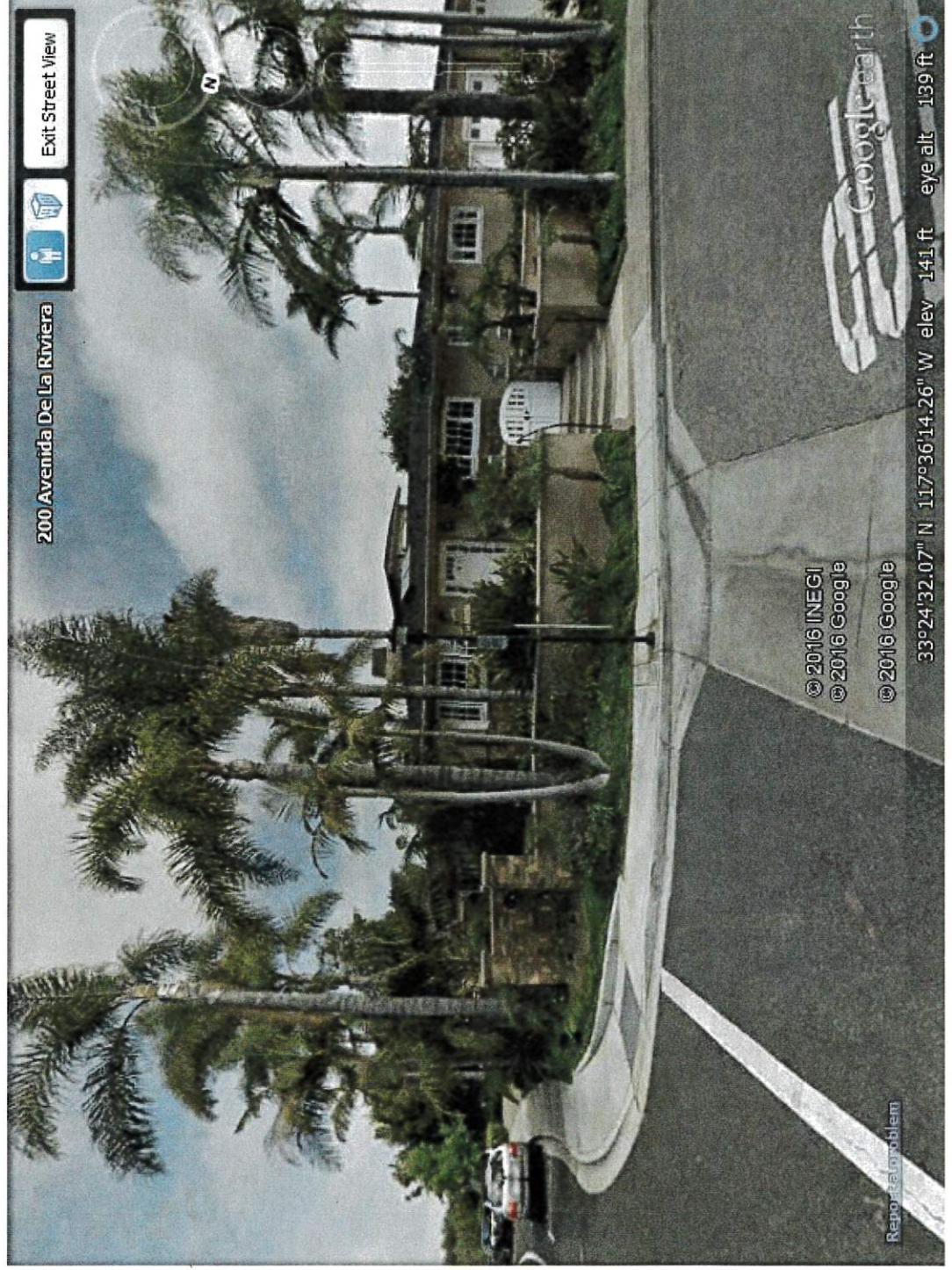
## Example # 3 - 2400 South Ola Vista





# Similar Projects in the Neighborhood

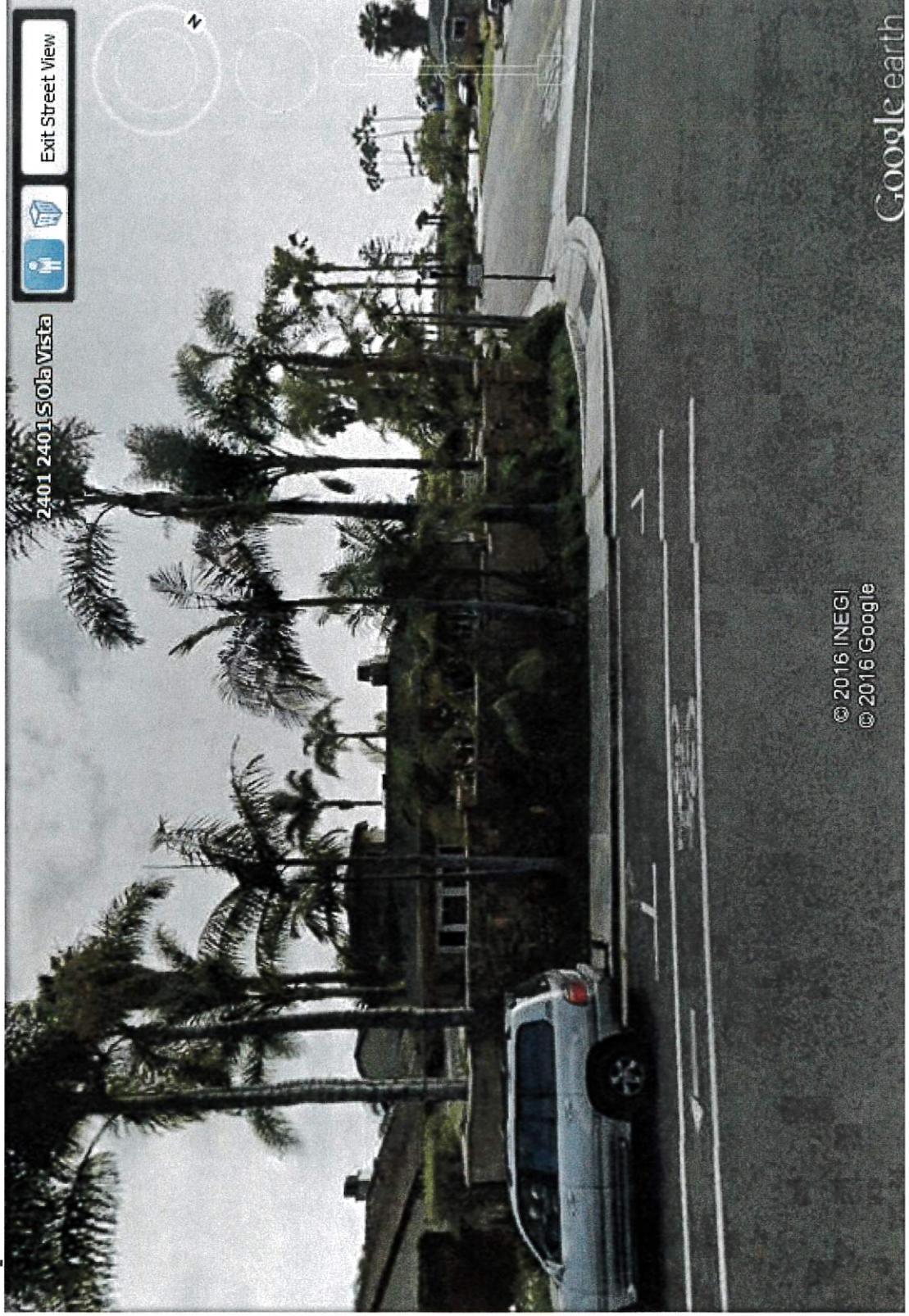
## Example # 3 - 2400 South Ola Vista





# Similar Projects in the Neighborhood

## Example # 3 - 2400 South Ola Vista



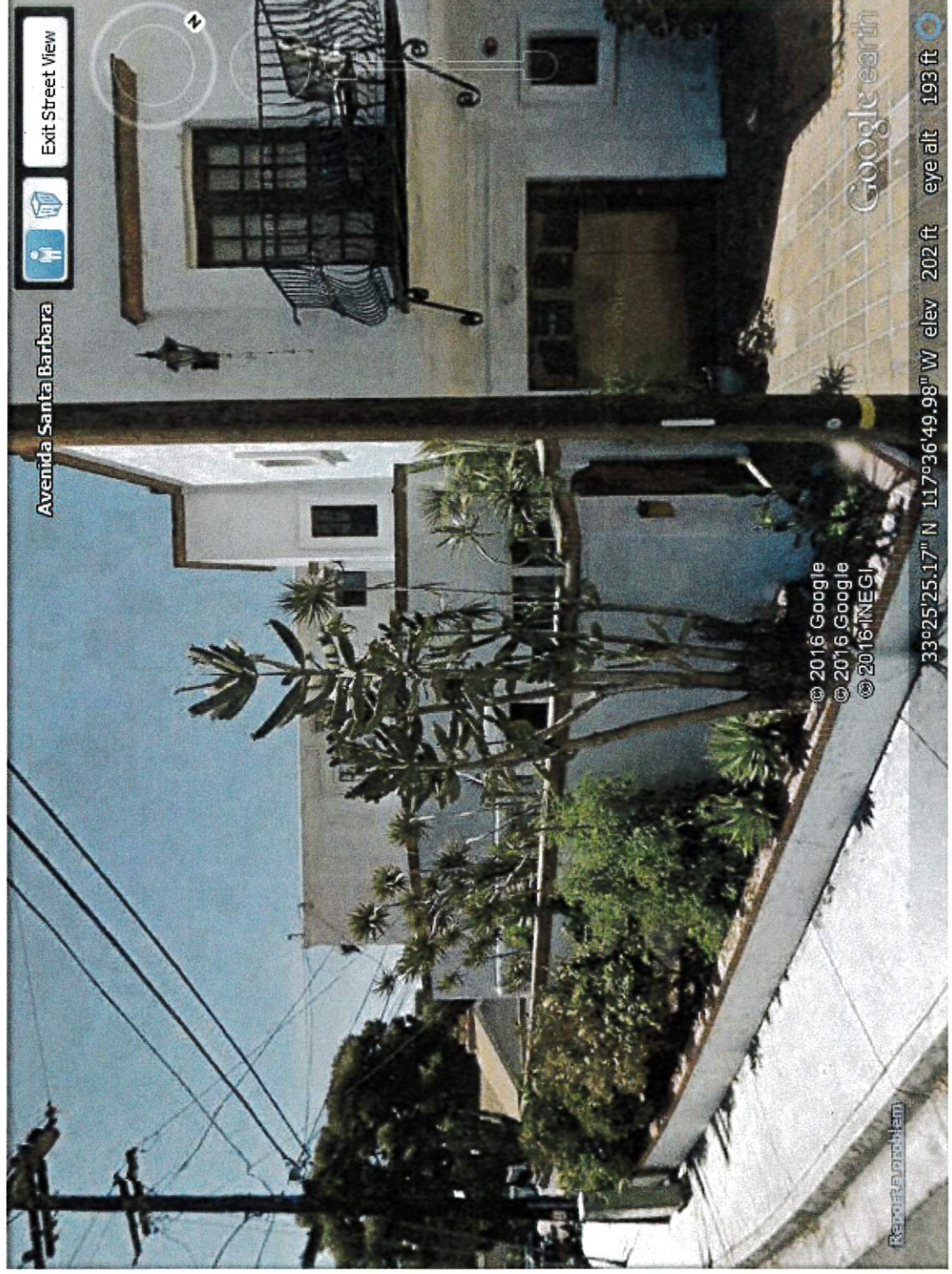
© 2016 INEGI  
© 2016 Google

Google earth



# Similar Projects in the Neighborhood

## Example # 4 - Ola Vista & Rosa - SW Corner





# Similar Projects in the Neighborhood

## Example # 4 - Ola Vista & Rosa - SW Corner





# ATTACHMENT 6

## Public Comment:

1. Michael Speed sent an e-mail commenting: I'm Mike Speed and live at 232 West Avenida Palizada and have gone over the plans for a proposed wall at 426 N Ola Vista and I believe it will upgrade the look of that corner significantly.

Please consider the Minor Exception Permit 16-373 for the Hennings' Fence located at 416 N Ola Vista, San Clemente, CA 92672.

I would greatly appreciate your approval.

Best Regards,

Mike Speed

2. Cynthia Speed sent an e-mail commenting: Hi--I live at 232 W Avenida Palizada and travel this corner multiple times a day. I have studied the plans of the Hennings' project and think it is a great idea. Their landscaping wall plan will not only beautify that busy corner but will also offer a safety feature. I hope you will give them a pass permit to move forward with this project.

Thank you,

Cindy Speed

PS. I am writing on behalf of Minor Exception Permit 16-373 for the Hennings' Fence located at 416 N Ola Vista, San Clemente, CA 92672

3. Jen Steele sent an e-mail commenting:  
Hi,

I am writing in behalf of Minor Exception Permit 16-373 for the Hennings' Fence located at 416 N Ola Vista, San Clemente, CA 92672.

I am their neighbor. I live about 2 houses down at 159 west avenida Palizada. I asked The Hennings to go over their plans for the fence with me and I loved the idea. I believe this fence will look beautiful and will truly enhance our neighborhood, especially the corner of Ola vista and Palizada.

I hope that this plan will be approved.

Sincerely,  
Jen Steele

4. Nerda Goings send an e-mail commenting:

To Planning San Clemente City,



Minor Exception Permit 16-373 for Hennings Fence at 416 N. Ola Vists, SC CA 92672.

Hi there, we live close by on Avenida Acapulco, but are building the house at 176 Avenida Cabrillo, SC CA 92672. We've known the Hennings since they were kids, they are great people and have good intentions to make their home upgrades a lovely addition to the city of San Clemente. We have looked at their plans and give it a big thumbs up. I drive down Palizada and turn left on Ola Vista every day, and I know that the Hennings plans will make a world of difference to that corner. It's just what it needs and it's going to be beautiful.

Sincerely, Nedra Goings

Neighbor, homeowner and friend

5. To whom it may concern,

My name is Courtney Morris. I live at 157 Avenida Miramar (Unit B). I am a friend and neighbor of the Hennings family, who have shown me the plans for the wall they would like to build\* around their property to beautify the area. I love the idea and can assure you the Hennings have the best intentions for this project. They have hundreds of friends and family here in San Clemente that will support them in this project.

I hope you will take this into consideration as you make your decision.

Best,  
Courtney Morris