



# STAFF REPORT

## SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: May 17, 2017

**PLANNER:** David Carrillo, Community Development Technician *DC*

**SUBJECT:** **Minor Cultural Heritage Permit 16-428, Minor Exception Permit 17-044, Lavi Residence,** a request to expand a nonconforming residence less than 50 percent and allow a fence on top of an existing retaining wall with a combined height that exceeds 42 inches in the front yard and street side yard setbacks.

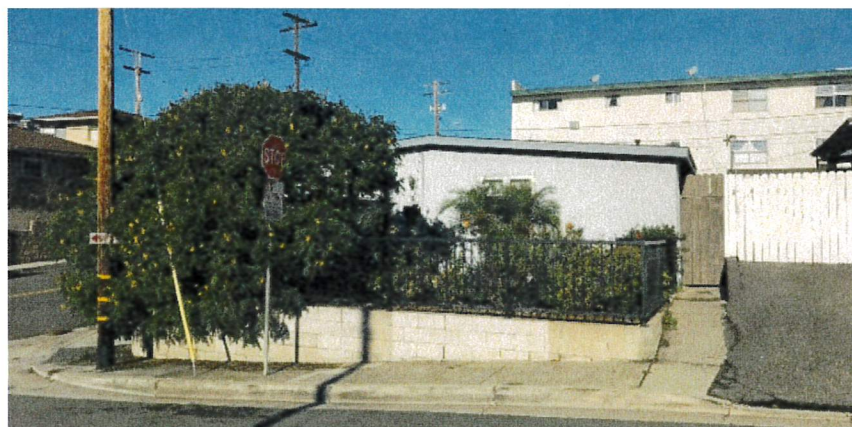
**LOCATION:** 162 Avenida Rosa

**ZONING/GP:** Residential Medium Zoning District and Architectural and Coastal Zone Overlay Districts (RM-A-CZ)

**BACKGROUND:**

- The site is a 4,584 square foot (sq. ft.) lot located at the northeast corner of South Ola Vista and Avenida Rosa. Surrounding uses include single-family homes, multi-family homes and mixed-use buildings to the north of the property.
- In 1951, the site was developed with a 1,000 sq. ft. single-story residence with a one-car garage in the Mid-Century style of architecture. Figure 1 below shows the front of the residence.
- The residence has nonconforming setbacks. The left (south) side of the residence has a four-foot, five-inch street side yard setback where 10 feet is required. The right (north) side of the residence has a three-foot, six-inch interior-side yard setback where five feet is required.

**Figure 1 - Photograph of Existing Conditions**



- The project converts the one-car garage into a master bathroom and walk-in closet. The project also adds a 257 sq. ft. one-car garage and a 188 sq. ft. one-car carport to the rear of the home. This will increase the gross floor area by 26 percent, from 1,000 sq. ft. to 1,257 sq. ft. The addition meets development standards. The retaining wall's height ranges from three inches to a maximum of four feet, three inches.
- The project involves the improvement of the unfinished retaining wall along South Ola Vista and Avenida Rosa. The applicant proposes to apply stucco finish to add visual interest to the corner lot.
- The applicant also requests a Minor Exception Permit (MEP) to allow a three-foot, six-inch high wrought-iron fence installed above the retaining block wall without permits. The wall is adjacent to the sidewalk along Avenida Rosa and South Ola Vista.
- Per Building Code, a 42-inch high wrought-iron fence is required above a retaining wall when the wall is 30 inches high or more. The existing wrought-iron fence is less than 42 inches high so it must be modified to meet Building Code requirements where the retaining wall is 30 inches or higher.
- Zoning Ordinance Table 17.16.100 (B) requires Zoning Administrator approval of a Minor Cultural Heritage Permit (MCHP) to expand a nonconforming residence's gross floor area by less than 50% and construct an accessory structure on properties in the Architectural Overlay District.
- Zoning Ordinance Section 17.24.090 (c)(6) requires Zoning Administrator approval of a MEP to increase the maximum height of a fence in front yards and street-side yards (within 5 feet of property line) up to a maximum of six feet.
- On February 15, 2017, the Design Review Subcommittee reviewed the project and supported it.
- The project is a minor addition and remodel because it does not significantly alter a building's design. The project substantially leaves the existing footprint and structure intact. For minor additions and remodels, the Zoning Ordinance does not require projects to convert buildings to Spanish Colonial Revival architecture.
- The project meets the required findings for project approval because:
  - The project's design, scale, and massing are compatible with surrounding development and in character with the neighborhood. The neighborhood consists of one-and-two story residential buildings that includes single-family residential sites and multi-family developments. With the addition, the house is smaller in scale, mass, density, and lot coverage than the development potential of the Residential Medium Zoning District (see Table 1, Attachment 4).
  - The project makes the site more conforming to parking requirements. A covered parking space is added for a total of two parking spaces, as the Zoning Code requires for a single-family residence. Also, the garage opening is moved from the street to face the rear yard. This eliminates the nonconforming street-facing garage setback.
  - The project improves the buildings appearance. It adds articulation on the left elevation facing South Ola Vista by constructing the new garage beyond the house's street-side yard setback. Also, the garage door is moved away from the street so it is screened.
  - Some properties within the neighborhood have walls and fences with a six foot height along the street frontage. See Attachment 3 for photographs of examples.

- The open wrought-iron fence maintains visibility of the residence so it does not have negative visual impacts on the neighborhood.
- The wrought-iron fence above the wall does not obstruct views to-and-from the driveway. Therefore, Engineering staff does not have safety concerns with this project.
- The project is categorically exempt from CEQA as a Class 1 and Class 3 exemption pursuant to CEQA Guidelines Section 15301, Existing Facilities and Section 15303 (e), New Construction or Conversion of Small Structures because the project involves the construction of a garage and carport. This exemption applies to 1) additions to a residence in an urbanized zone that do not exceed 50 percent of the existing floor area and 2) the construction of an accessory structure such as fences. The project meets this criteria.
- To date, staff has not received public comments on this application.

### **RECOMMENDATION**

Based on the information in the staff report and subject to the required Findings and Conditions of Approval, staff recommends that the Zoning Administrator:

1. Determine the project is Categorical Exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 (Class 1) and Section 15303 (Class 3); and
2. Approve MCHP 16-428/MEP 17-044, Lavi Residence, subject to attached Resolution ZA 17-014, and Conditions of Approval.

### **Attachments:**

1. Resolution No. ZA 17-014  
Exhibit A - Conditions of Approval
2. Location Map
3. Images of Existing Conditions and Adjacent Walls/Fences
4. Table 1 – RM Development Standards

# ATTACHMENT 1

## RESOLUTION NO. ZA 17-014

**A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CULTURAL HERITAGE PERMIT 16-428/MINOR EXCEPTION PERMIT 17-044, LAVI RESIDENCE, A REQUEST TO EXPAND A NONCONFORMING RESIDENCE LESS THAN 50 PERCENT AND ALLOW A FENCE ON TOP OF AN EXISTING RETAINING WALL WITH A COMBINED HEIGHT THAT EXCEEDS 42 INCHES IN THE FRONT YARD AND STREET SIDE YARD SETBACKS OF A SINGLE-FAMILY RESIDENCE LOCATED AT 162 AVENIDA ROSA**

**WHEREAS**, on December 5, 2016, an application was submitted and deemed complete on January 5, 2017 by Larry Lavi, 162 Avenida Rosa, San Clemente, CA 92672, for Minor Cultural Heritage Permit (MCHP) 16-428/Minor Exception Permit (MEP) 17-044, a request to expand a nonconforming residence less than 50 percent and allow a fence on top of an existing retaining wall with a combined height that exceeds 42 inches in the front yard and street-side yard setback of a single-family residence located at 162 Avenida Rosa in the Residential Medium Zone within the Architectural and Coastal Overlay Districts (RM-A-CZ). The legal description being Lot 37, of Tract 779 and Assessor's Parcel Number 058-091-21; 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 as a Class 1 and Class 3 exemption pursuant to CEQA Guidelines Section 15301 and Section 15303(e) because the project: 1) is an addition to a residence in an urbanized area that does not exceed 50 percent of the existing floor area and 2) involves the construction of an accessory structure; and

**WHEREAS**, on December 15, 2016, 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 February 15, 2017, the Design Review Subcommittee held a duly noticed public meeting on the subject application and reviewed the project plans and other evidence presented by the City staff and the applicant; and

**WHEREAS**, on May 17, 2017, 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:** Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Zoning Administrator, and the facts outlined below, the City Council hereby finds and determines that the proposed project is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301 and Section 15303(e) because the project involves the construction of one garage and one carport.

The Class 1 exemption specifically exempts from further CEQA review the operation, repair, maintenance, and minor repair of existing public or private structures, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. This exemption covers additions to existing structures that do not exceed 50 percent of the existing floor area. Here, the proposed project adds 445 square feet to the existing single-family residence and will not increase the floor area of the residence by more than 50 percent of the existing floor area. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive. Thus, the project qualifies for the Class 1 exemption.

The Class 3 exemption specifically exempts from further CEQA review the construction and location of limited numbers of new, small facilities or structures that includes accessory structures, such as the proposed fence.

Furthermore, none of the exceptions to the use of the Class 1 and Class 3 categorical exemption identified in State CEQA Guidelines section 15300.2 apply. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time. There are no unusual circumstances surrounding the project that result in a reasonable possibility of a significant effect on the environment. There are no especially sensitive resources on the project site or in the vicinity. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings, or similar resources. The project does not include any hazardous waste sites, and the project will not cause a substantial adverse change in the significance of a historical resource. Thus, the Class 1 and 3 exemption applies, and no further environmental review is required.

**Section 2:** With regard to Minor Cultural Heritage Permit 16-428, the Zoning Administrator finds as follows:

- A. The architectural treatment of the project complies with the San Clemente General Plan in that the project's design, scale, and massing are compatible with surrounding development and in character with the neighborhood. The project demonstrates "*sensitivity to the contextual influences of adjacent properties and the neighborhood*" per General Design Guidelines II.B and II.B.3. The neighborhood consists of one-and-two story residential buildings that includes single-family residential sites and multi-family developments. With the addition, the house is smaller in scale, mass, density, and lot coverage than the development potential of the Residential Medium Zoning District

- B. The architectural treatment of the project complies with the Zoning Code in areas including, but not limited to, height, setback, color, etc. in that:
1. The project makes the site more conforming to parking requirements. A covered parking space is added for a total of two parking spaces, as the Zoning Code requires for a single-family residence. Also, the garage opening is moved from the street to face the rear yard. This eliminates the nonconforming street-facing garage setback; and
  2. The project's design, scale, and massing are compatible with surrounding development and in character with the neighborhood. The project demonstrates "*sensitivity to the contextual influences of adjacent properties and the neighborhood*" per General Design Guidelines II.B and II.B.3. The neighborhood consists of one-and-two story residential buildings that includes single-family residential sites and multi-family developments. With the addition, the house is smaller in scale, mass, density, and lot coverage than the development potential of the Residential Medium Zoning District.
- C. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines in that:
1. The project demonstrates "*sensitivity to the contextual influences of adjacent properties and the neighborhood*" per the requirements of General Design Guidelines II.B and II.B.3. The project's design, scale, and massing are compatible with surrounding development and in character with the neighborhood. The neighborhood consists of one-and-two story residential buildings that includes single-family residential sites and multi-family developments. With the addition, the house is smaller in scale, mass, density, and lot coverage than the development potential of the Residential Medium Zoning District;
  2. The project improves the buildings appearance. It adds articulation on the left elevation facing South Ola Vista by constructing the new garage beyond the house's street-side yard setback. Also, the garage door is moved away from the street so it is screened. And, the addition creates depth and enhances the home's articulation on the left elevation along South Ola Vista by constructing the new garage beyond the existing setback, consistent with Design Guideline II.C.3, "*Avoid long and relieved wall planes. As a general principle, relieve building surfaces with recesses that provide strong shadow and visual interest*"; and
  3. The proposed fence is constructed of wrought-iron which is an encouraged material in the Architectural Overlay.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood in that the project's design, scale, and massing are compatible with surrounding development and in character with the neighborhood. The neighborhood consists of one-and-two story residential buildings that includes

single-family residential sites and multi-family developments. With the addition, the house is smaller in scale, mass, density, and lot coverage than the development potential of the Residential Medium Zoning District.

E. The proposal is not detrimental to the orderly and harmonious development of the City in that:

1. The project's design, scale, and massing are compatible with surrounding development and in character with the neighborhood. The neighborhood consists of one-and-two story residential buildings that includes single-family residential sites and multi-family developments. With the addition, the house is smaller in scale, mass, density, and lot coverage than the development potential of the Residential Medium Zoning District;
2. The project makes the site more conforming to parking requirements. A covered parking space is added for a total of two parking spaces, as the Zoning Code requires for a single-family residence. Also, the garage opening is moved from the street to face the rear yard. This eliminates the nonconforming street-facing garage setback;
3. The project improves the buildings appearance. It adds articulation on the left elevation facing South Ola Vista by constructing the new garage beyond the house's street-side yard setback. Also, the garage door is moved away from the street so it is screened; and
4. The proposed fence is constructed of wrought-iron which is an encouraged material in the Architectural Overlay.

F. The proposed project is a minor remodel and it is not practical or desirable, in this particular case, to attempt conversion to a Spanish Colonial Revival style. The proposed changes, however, improve the quality and architectural integrity of the proposed project in that:

1. The project is a minor addition and remodel because it does not significantly alter a building's design. The project substantially leaves the existing footprint and structure intact;
2. The project improves the buildings appearance. It adds articulation on the left elevation facing South Ola Vista by constructing the new garage beyond the house's street-side yard setback. Also, the garage door is moved away from the street so it is screened; and
3. With the addition, the house is smaller in scale, mass, density, and lot coverage than the development potential of the Residential Medium Zoning District;
4. The proposed fence is constructed of wrought-iron which is an encouraged material in the Architectural Overlay.

- G. The proposed project complies with the purpose and intent of the Architectural Overlay District in that:
1. The project is a minor addition and remodel because it does not significantly alter a building's design. The project substantially leaves the existing footprint and structure intact;
  2. The project's design, scale, and massing are compatible with surrounding development and in character with the neighborhood. The neighborhood consists of one-and-two story residential buildings that includes single-family residential sites and multi-family developments. With the addition, the house is smaller in scale, mass, density, and lot coverage than the development potential of the Residential Medium Zoning District;
  3. The project improves the buildings appearance. It adds articulation on the left elevation facing South Ola Vista by constructing the new garage beyond the house's street-side yard setback. Also, the garage door is moved away from the street so it is screened; and
  4. The proposed fence is constructed of wrought-iron which is an encouraged material in the Architectural Overlay.

**Section 3:** With regard to Minor Exception Permit 17-044, the Zoning Administrator finds as follows:

- A. The requested minor exception will not interfere with the purpose of the zone or the standards of the zone in which the property is located, in that:
1. The Zoning Ordinance specifies a Minor Exception Permit can be requested to allow walls/fences to be a maximum of six feet high in the front yard and street-side yard setbacks, which is proposed;
  2. The fence is in character with the neighborhood as there are other examples in the front yard and street-side yard of properties in the neighborhood with a similar height, such as properties located at 165 Avenida Rosa and 202 Avenida Rosa;
  3. The open wrought-iron fence maintains visibility of the residence so it does not have negative visual impacts on the neighborhood; and
  4. The wrought-iron fence above the wall does not obstruct views to-and-from the driveway. Therefore, Engineering staff does not have safety concerns with this project.
- B. The neighboring properties will not be adversely affected as a result of the approval or conditional approval of the Minor Exception Permit, in that the height of the proposed fence and wall is in character with the neighborhood because:



1. The open wrought-iron fence maintains visibility of the residence so it does not have negative visual impacts on the neighborhood;
  2. The wrought-iron fence above the wall does not obstruct views to-and-from the driveway. Therefore, Engineering staff does not have safety concerns with this project; and
  3. The fence is in character with the neighborhood as there are other examples in the front yard and street-side yard of properties in the neighborhood with a similar height, such as properties located at 165 Avenida Rosa and 202 Avenida Rosa.
- C. The approval or conditional approval of the Minor Exception Permit will not be detrimental to the health, safety or welfare of the general public in that:
1. The open wrought-iron fence maintains visibility of the residence so it does not have negative visual impacts on the neighborhood;
  2. The wrought-iron fence above the wall does not obstruct views to-and-from the driveway. Therefore, Engineering staff does not have safety concerns with this project;
  3. The fence is in character with the neighborhood as there are other examples in the front yard and street-side yard of properties in the neighborhood with a similar height, such as properties located at 165 Avenida Rosa and 202 Avenida Rosa; and
  4. The wrought-iron fence above the wall will serve as a safety barrier required by the Building Code for retaining walls.
- D. The height of the fence, wall or hedge will not be unsightly or incompatible with the character of or uses in the neighborhood in that:
1. The open wrought-iron fence maintains visibility of the residence so it does not have negative visual impacts on the neighborhood;
  2. The wrought-iron fence above the wall does not obstruct views to-and-from the driveway. Therefore, Engineering staff does not have safety concerns with this project;
  3. The fence is in character with the neighborhood as there are other examples in the front yard and street-side yard of properties in the neighborhood with a similar height, such as properties located at 165 Avenida Rosa and 202 Avenida Rosa; and
  4. The proposed fence is constructed of wrought-iron which is an encouraged material in the Architectural Overlay.

E. The height of the wall will not have negative visual impacts upon the street scene or obstruct views of traffic to and from driveways.

1. The open wrought-iron fence maintains visibility of the residence so it does not have negative visual impacts on the neighborhood; and
2. The wrought-iron fence above the wall does not obstruct views to-and-from the driveway. Therefore, Engineering staff does not have safety concerns with this project.

**Section 4:** The Zoning Administrator of the City of San Clemente hereby approves MCHP 16-428/MEP 17-044, Lavi 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 17, 2017

SAN CLEMENTE ZONING ADMINISTRATOR

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Bill King, Zoning Administrator

**CONDITIONS OF APPROVAL  
MCHP 16-428/MEP 17-044 LAVI 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. Minor Cultural Heritage Permit 16-428/Minor Exception Permit 17-044 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 Minor Cultural Heritage Permit 16-428/Minor Exception Permit 17-044 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 MCHP 16-428/MEP17-044 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 purchase and installation, materials shall be reviewed and approved by the Planning Division.  
(■■PIng.) \_\_\_\_\_
8. 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.) \_\_\_\_\_
9. 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.) \_\_\_\_\_
10. 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.) \_\_\_\_\_
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. Any motor, machinery, pump, etc. associated with heating, ventilation and air conditioning (HVAC) equipment or with the operation of any pool, spa, fountain, etc. shall be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance in accordance with Section 8.48.050. Submission of written proof that said equipment complies with the standards prescribed in Section 8.48.050 may be required by the City. (Bldg.)\_\_\_\_\_
- [S.C.M.C – Title 15 – Chapter 15.08]*
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.*[S.C.M.C. – Title 15 Building and Construction, Chapters 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]* (Bldg.)\_\_\_\_\_
14. 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. *[S.C.M.C – Title 15 – Chapter 15.08 – Appendix Chapter 1 – Section 106.1.4]* (Bldg.)\_\_\_\_\_
15. 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.)\_\_\_\_\_
16. 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.)\_\_\_\_\_
17. Fire sprinkler system required throughout as follows:
- i. All new Group R occupancies, including the attached garages;
  - ii. 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;
  - iii. 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;
  - iv. All existing Group R occupancies and U-1 garages when an additional story

- is added to the structure regardless of the area involved;
- v. 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;
- vi. 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 SCMC]* (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 SCMC]* (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 SCMC]* (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 SCMC]* (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 5 feet behind the curbface a sidewalk easement is anticipated to be required to be granted to the City prior to final of Building Permits.
- 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 in place prior to the commencement of any work in the public right-of-way.

26. A portion of the existing front retaining wall appears to be partially within the street right-of-way. Unless an Administrative Encroachment Permit is applied for by the property owner and approved by the City Engineer, the portion of encroaching wall shall be removed and rebuilt to be within the property. *[Citation – Section 15.36, 12.08.010, and 12.24.050 of the SCMC]* ■■ (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

# ATTACHMENT 2

MCHP 16-428/MEP 17-044 Lavi Residence  
162 Avenida Rosa



No scale

SITE PHOTOGRAPHS



Front view of project site



Street-side view of project site

# ATTACHMENT 3



Wrought iron fence above block wall (project site)



Adjacent wall/fence (east of 162 Avenida Rosa)

# ATTACHMENT 3



Adjacent wall/fence (south of 162 Avenida Rosa)



Adjacent wall/fence (southeast of 162 Avenida Rosa)

# ATTACHMENT 4

**Table 1 – RM Development Standards**

Standard	Allowed	Proposed	Complies with the Code
<u>Density</u> (Maximum)	2 Units	1 Unit	Yes
<u>Lot Coverage</u> (Maximum)	55%	36.1%	Yes
<u>Building Height</u> (Maximum)	25'	9'-8"	Yes