



STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: December 20, 2017

- PLANNER:** David Carrillo, Community Development Technician *zc*
- SUBJECT:** **Minor Exception Permit 17-317/Minor Architectural Permit 17-323, Hobcraft Residence Addition**, a request to allow a 1,360 square-foot second-story addition to a residence that continues a nonconforming side yard setback.
- LOCATION:** 253 Vista Marina
- ZONING/GENERAL PLAN:** Residential Low Zoning district and Coastal Zone and Special Residential 1 Overlay districts (RL-CZ-SR1)

PROJECT SUMMARY:

- The site is a 5,775 square-foot interior lot with surrounding residential land uses. In 1968, the site was developed with a single-family residence with an attached in-bank garage, similar to neighboring properties. Due to topography conditions, in-bank garages are typical in the subject neighborhood. Figure 1 below is an image of the site.

Figure 1 – Existing Site Conditions



- The residence is legal-nonconforming because the south (right) elevation of the residence encroaches into the required side yard setback area by two feet, two inches. The setback is three feet, 10 inches, where six feet is required. The nonconforming setback exists because development standards changed since the residence was constructed.
- The applicant proposes to construct a 1,360 square-foot second-story addition that includes two bedrooms, two bathrooms, a laundry room, and a mechanical room.

Attachment 3 provides renderings of the proposed project. The proposed addition expands the home's floor area by 48 percent to 3,989 square feet.

- The applicant requests a Minor Exception Permit to allow the addition to continue the nonconforming side yard setback. The project meets all other development standards.
- The project also involves new retaining walls within the front yard setback in compliance with the maximum height of three feet, six inches. The new retaining walls will replace a nonconforming retaining wall and provide areas for landscaping.
- Zoning Ordinance Table 17.16.100(A) requires Zoning Administrator approval of a Minor Architectural Permit (MAP) to expand a nonconforming structure's gross floor area less than 50 percent.
- Zoning Ordinance Section 17.16.090(C) requires approval of a Minor Exception Permit (MEP) to allow the continuation of a legal-nonconforming side yard setback.
- The project meets required findings for approval because:
 - The project's mass and scale are consistent with the Zone in that the project results in a two-story home with an in-bank garage at street level on a sloped lot. There are other examples of such homes on the block, including the adjacent property.
 - The project is a two-story single-family home with an in-bank garage in a neighborhood consisting of two and three-level single family homes consistent with Urban Design Element UD-5.10, which requires that *"scale and massing of development be compatible with its surroundings and with the General Plan."*
 - The project's design adds to the varied architectural styles found in the neighborhood.
 - The proposed addition and remodel meets development standards other than the minor exception requested.
 - The minor exception is consistent with the pattern of development in the neighborhood. There are properties in the vicinity with legal nonconforming setbacks that have undergone discretionary review, such as the properties located at 257 Vista Marina , 261 Vista Marina, and 263 Vista Marina.
 - The development must comply with all code requirements including but not limited to Fire Code, California Building Code, and the San Clemente Municipal Code, including the City's Noise Ordinance. A building permit and inspections will be required to ensure building safety requirements are met.
- The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities) because the project expands a residence's floor area less than 50 percent on a site that is not environmentally sensitive and that has adequate public services and facilities to support the project.
- Public comments have not been received on this item.

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 Categorically Exempt from the requirements of the CEQA pursuant to CEQA Guidelines Section 15301 (Class 1:Existing Facilities); and

2. Adopt Resolution ZA 17-044, approving Minor Exception Permit 17-317/Minor Architectural Permit 17-323, Hobcraft Residence Addition, subject to the attached Resolution and conditions of approval.

Attachments:

1. Resolution ZA 17-044
Exhibit A - Conditions of Approval
2. Location Map
3. Photos and Renderings
Plans

ATTACHMENT 1

RESOLUTION NO. ZA 17-044

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR EXCEPTION PERMIT 17-317/MINOR ARCHITECTURAL PERMIT 17-323, HOBcraft RESIDENCE ADDITION, A REQUEST TO ALLOW A 1,360 SQUARE FOOT SECOND-STORY ADDITION TO A LEGAL-NON CONFORMING RESIDENCE THAT CONTINUES A NONCONFORMING SIDE YARD SETBACK, LOCATED AT 253 VISTA MARINA

WHEREAS, on September 27, 2017, an application was submitted, and completed on November 7, 2017 by Scott Hudgins, 1107 South Coast Highway, Laguna Beach, California, 92651, for Minor Exception Permit (MEP) 17-317 and Minor Architectural Permit (MAP) 17-323; a request to allow a 1,360 square foot second-story addition to a legal-non conforming residence that continues a nonconforming side yard setback. The subject site is located at 253 Vista Marina in the Residential Low Zoning District and the Coastal Zone and Special Residential 1 Overlays (RL-CZ-SR1). The site's legal description is Lot 39 of Tract 1495, and Assessor's Parcel Number is 692-263-03; and

WHEREAS, the Planning Division has completed an initial environmental assessment of the above matter in accordance with the California Environmental Quality Act (CEQA) and recommends the Zoning Administrator determine the project is Categorically Exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities). This is recommended because the project expands a residence's floor area less than 50 percent on a site that is not environmentally sensitive and that has adequate public services and facilities to support the project; and

WHEREAS, on October 5, 2017 and November 16, 2017, the City's Development Management Team (DMT) reviewed the proposed project for compliance with the General Plan, Zoning Ordinance, and other applicable City ordinances and codes; and

WHEREAS, on December 20, 2017, the Zoning Administrator of the City of San Clemente held a duly noticed public hearing on the subject application, considered written and oral comments, and facts and evidence presented by the applicant, City staff, and other interested parties.

NOW, THEREFORE, The Zoning Administrator of the City of San Clemente does hereby resolve as follows:

Section 1. Incorporation of Recitals.

The Zoning Administrator hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the Zoning Administrator as fully set forth in this resolution.

Section 2. CEQA Findings.

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 Zoning Administrator hereby finds and determines that the proposed project is Categorically Exempt from CEQA pursuant to State CEQA Guidelines Section 15301(e) (Class 1: Existing Facilities).

The Class 1 exemption specifically exempts from further CEQA review the minor alteration of existing structures; and the construction of additions to existing structures not resulting in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The key consideration is whether the project involves negligible or no expansion of an existing use. Here, this project is a 1,360 square foot second-story addition to a nonconforming single-family residence in an urbanized area. The addition expands the existing gross floor area by 48 percent. Thus, the project qualifies for the Class 1 exemption.

Furthermore, none of the exceptions to the use of the Class 1 categorical exemption identified in State CEQA Guidelines section 15300.2 apply. The project is not located in a particularly sensitive environment, and will not impact an environmental resource of hazardous or critical concern. The project is in a developed residential area. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time. The project increases the original gross floor area by 48 percent, allowing only a two percent increase of the original gross floor area in the future. There are no unusual circumstances surrounding the project that result in a reasonably possibility of a significant effect on the environment. There are no sensitive resources such as endangered species or wetlands on the project site since the project site is in a developed area. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings, or similar resources. There are no scenic resources within close proximity of the project site. The project site is surrounded with single-family homes. 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. The project is a residential development with no historical resource abutting the project site. Thus, the Class 1 exemption applies, and no further environmental review is required.

Section 3. Minor Exception Permit Findings

With respect to Minor Exception Permit (MEP), 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 building's scale, massing, and setbacks are in character with and compatible with adjacent properties;

2. The project meets development standards for the RL-CZ-SR1 Zone, except for the minor exception requested;
 3. The proposed project improves the function of the residence within a zoning district intended for residential uses in that it provides for an updated exterior in character with surrounding properties in the neighborhood; and
 4. The minor exception is consistent with the pattern of development in the neighborhood. There are properties in the vicinity with legal nonconforming setbacks that have undergone discretionary review, such as the properties located at 257 Vista Marina , 261 Vista Marina, and 263 Vista Marina.
- 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:
1. The project is proposed in an urban area and is required to meet the California Building Code and Orange County Fire Authority regulations,
 2. The building's scale, massing, and setbacks are in character with and compatible with adjacent properties;
 3. The proposed addition will not be built any closer to the neighboring property, at 255 Vista Marina, than the existing nonconforming building elevation, in that the project:
 - i. Maintains the same side yard setback, three feet, 10 inches, as the existing south elevation; and
 - ii. Proposes a flat roof without an overhang on the south elevation.
 4. The minor exception is consistent with the pattern of development in the neighborhood. There are properties in the vicinity with legal nonconforming setbacks that have undergone discretionary review, such as the properties located at 257 Vista Marina , 261 Vista Marina, and 263 Vista Marina.
- 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 project is proposed in an urban area and is required to meet the California Building Code and Orange County Fire Authority regulations, and
 2. The building's scale, massing, and setbacks are in character with and compatible with adjacent properties; and
 3. The project meets development standards for the RL-CZ-SR1 Zone, except for the minor exception requested.
 4. The minor exception is consistent with the pattern of development in the neighborhood. There are properties in the vicinity with legal nonconforming

setbacks that have undergone discretionary review, such as the properties located at 257 Vista Marina , 261 Vista Marina, and 263 Vista Marina.

Section 4. Minor Architectural Permit Findings

With respect to Minor Architectural Permit (MAP) 17-226, the Zoning Administrator finds as follows:

A. The architectural treatment of the project complies with the San Clemente General Plan in that:

1. The project proposes to reduce the existing retaining walls in the front yard setback to the max height requirement of three feet, six inches, and maintain that area with landscaping. The project also improves the site's street view by improving articulation through the use of varied building materials, interrupted wall planes, and a flat roof overhang, consistent with Land Use Element Policy LU-1.04, which requires that *"single-family residential houses and sites be designed to convey a high level of architectural and landscape quality in accordance with the Urban Design Element and Zoning Code, and in consideration of varied and distinct building elevations, facades, and masses (avoiding undifferentiated "box-like" structures); and*
2. The project is a two-story single-family home with an in-bank garage in a neighborhood consisting of two and three-level single family homes consistent with Urban Design Element UD-5.10, which requires that *"scale and massing of development be compatible with its surroundings and with the General Plan."*
3. The project meets setback standards to provide space and buffers between land uses, other than the minor exception requested that is in character with setbacks of several residences in the area. The project has a design and materials that are high quality. The building's scale and massing is in character with and compatible with adjacent properties, consistent with Land Use Element Policy LU-1.06. Residential Infill: *"We require that new residential development be compatible with adjacent structures and land uses and we require: ... b) use of complementary building materials, colors, and forms, while allowing flexibility for distinguished design solutions."*

B. The architectural treatment of the project complies with the Zoning Ordinance including, but not limited to, height, setback, and color, etc., in that:

1. The applicant is requesting approval of Minor Exception Permit 17-317 to allow the continuation of a nonconforming side yard setback,
2. The project meets development standards for the RL-CZ-SR1 Zone, except for the minor exception requested; and

3. The building's scale, massing, and setbacks are in character with and compatible with adjacent properties.
- C. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines in that the project demonstrates "*sensitivity to the contextual influences of adjacent properties and the neighborhood*" per the requirements of 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 project's design adds to the varied architectural styles found in the RL-CZ-SR1 Zone and the project is a two-story single-family home with an in-bank garage in a neighborhood consisting of two and three-level single family homes.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood in that:
1. The project's design adds to the varied architectural styles found in the RL-CZ-SR1 Zone,
 2. The project is a two-story single-family home with an in-bank garage in a neighborhood consisting of two and three-level single family homes,
 3. The building's scale, massing, and setbacks are in character with and compatible with adjacent properties; and
 4. The new retaining walls in the front yard setback provide more visibility of landscaping from Vista Marina.
- E. The proposal is not detrimental to the orderly and harmonious development of the City in that:
1. The project is proposed in an urban area and is required to meet the California Building Code and Orange County Fire Authority regulations,
 2. The project's mass, density, and scale are consistent with the RL-CZ-SR1 Zone, and in character with neighborhood; and
 3. The project meets development standards for the RL-CZ-SR1 Zone, except for the minor exception requested.

Section 5. Zoning Administrator Approval.

Based on the foregoing recitals and findings above, and the written and oral comments, facts, and evidence presented, the City of San Clemente Zoning Administrator approves Minor Exception Permit 17-317 and Minor Architectural Permit 17-323, Hobcraft Residence Addition, subject to the above Findings, and the Conditions of Approval set forth in Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City of San Clemente Zoning Administrator on December 20, 2017.

Cecilia Gallardo-Daly, Zoning Administrator

CONDITIONS OF APPROVAL
MINOR EXCEPTION PERMIT 17-317, MINOR ARCHITECTURAL PERMIT 17-323,
HOBcraft RESIDENCE ADDITION

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 Exception Permit 17-317/Minor Architectural Permit 17-323 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 Exception Permit 17-317/Minor Architectural Permit 17-323 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 Minor Exception Permit 17-317/Minor Architectural Permit 17-323 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. 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.)_____
8. 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.)_____
9. 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.)_____
10. 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.)_____
11. Prior to the issuance of building permits, the owner or designee shall submit plans that identify the intended use of each building or portion of building and obtain

approval of the Building Official. *[S.C.M.C – Title 15 – Chapter 15.08]*
(Bldg.)_____

12. 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.)_____

13. 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.)_____

14. 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.)_____

15. 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.)_____

16. 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.)_____

17. Underground utilities required. Overhead wiring shall not be installed outside on private property. All utility services located within any lot to be installed underground if the property is to be developed with a new or relocated main building.

[S.C.M.C – Title 15 – Chapter 15.12-Electrical Code]

(Bldg.)_____

18. 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 SCMC]* ■ (Eng.)_____

A. Per City Municipal Code Section 12.08.010 (A), when building permit valuations exceed \$50,000, the owner or designee shall construct 4 foot wide 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 2-3 feet behind the curbface a sidewalk easement is anticipated to be required to be granted to the City for the sidewalk and portion necessary to go around the drive approach. Due to the short distance fro the curb for the garage and the topographic grade changes it is recommended that a waiver be granted for the portion of sidewalk around the drive approach.

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.

19. There is an existing small retaining wall along the southern property line that is built up to the current property line. In the event sidewalk is continued to the southern property to the south, the owner of 253 Vista Marina should cooperate with removal of this wall to ensure continuous sidewalk can be built. *[Citation – Section 15.36, 12.08.010, and 12.24.050 of the SCMC]*

■ (Eng.)_____

■ Denotes a modified standard Condition of Approval.

■ ■ Denotes a project specific Condition of Approval



Location Map

Project: MEP 17-317/MAP 17-323

Address: 253 Vista Marina





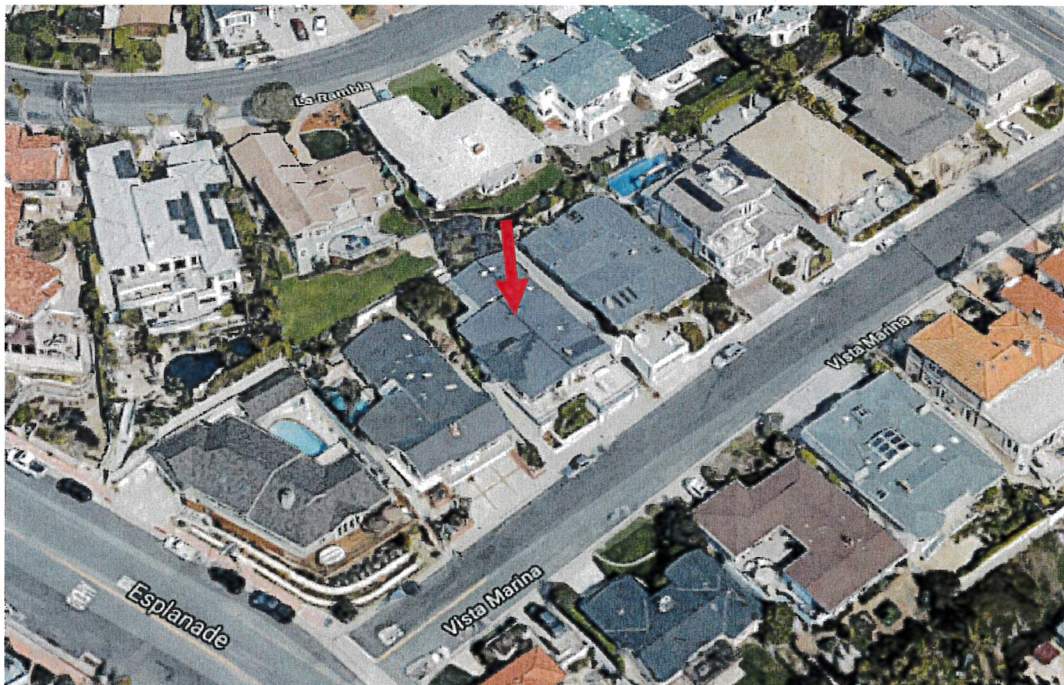
PHOTOGRAPHS AND RENDERINGS

MEP 17-317/MAP 17-323

253 Vista Marina



View of existing residence from Vista Marina.



Google aerial view of subject site.



PHOTOGRAPHS AND RENDERING

MEP 17-317/MAP 17-323

253 Vista Marina



Architectural renderings.