



STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: September 20, 2018

PLANNER: Katie Crockett, Associate Planner *VC*

SUBJECT: **Minor Architectural Permit 18-455, Minor Exception Permit 18-456, Franzen Remodel,** a request to allow an addition to a nonconforming residence and a minor exception to allow a second floor deck to encroach into the front yard setback.

LOCATION: 210 Calle Lasuen

ZONING/GENERAL PLAN: Residential-Low Zoning District and Coastal Zone Overlay (RL-CZ)

PROJECT SUMMARY:

- The project site is a 5,678 square-foot lot. It is developed with a 2,650 square-foot single-family residence and attached two-car (370 sq. ft.) garage. The existing residence is one-story at the front and two at the rear. The residence is legal-nonconforming because the rear setback is 5'3", where 10' is required by Code.
- The applicant proposes a 1,140 square-foot two-story addition to the residence. The addition expands the home's floor area by 43 percent to 3,681 square feet. The applicant also proposes a minor exception to allow a second floor deck to encroach into the 20-foot front yard setback by two feet (10% of the required front yard setback), resulting in a minimum front setback for the second floor deck of 18 feet. The total encroachment of the second floor deck accounts for approximately three percent of the total front yard setback area.
- Zoning Ordinance Section 17.72.050A requires Zoning Administrator approval of a Minor Architectural Permit (MAP) to expand a nonconforming structure's gross floor area by less than 50 percent. With a MAP, the project may maintain the nonconforming rear setback because the proposed expansion is less than 50 percent of the existing floor area and the project does not remove or alter 50 percent or more of the exterior walls.
- Zoning Ordinance Section 17.16.090C requires Zoning Administrator approval for Minor Exceptions to the maximum encroachments contained in Table 17.24.080(B).
- It should be noted that the property currently has sub-standard access to the garage at the rear of the property. Based upon the plans provided, the clearance between the property line and the house is a minimum of just below 8'2." The proposed project maintains this access width. While staff does have concerns about this access issue,

without a specific Code-required width to provide access to the garage, staff supports the maintenance of the driveway because the project: 1) does not obstruct or narrow the driveway access to make the situation worse, and 2) does not exceed thresholds that require the property to be brought into compliance with current code requirements.

Figure 1 – Existing Site Conditions



- Staff believes the required findings can be made to approve the project, as set forth in the Findings of the attached Resolution, because:
 - The project improves the appearance of the site consistent with the General Plan;
 - The project is consistent with the City's Design Guidelines and is in character with the neighborhood with regard to the building's scale massing, and setbacks. There are one-and two-story houses in the area including a two-story house directly to the west. Nonconforming setbacks are common in the neighborhood and several properties in the vicinity were granted similar minor exceptions including an encroachment into the required front setback at 1904 Calle de los Alamos;
 - The granting of the minor exceptions allows for additional articulation of the front elevation which improves the streetscape, while allowing for maximum living space and functional outdoor areas for the property owner.
- The property is located within the Coastal Zone Overlay (CZ). The property is within the exclusion area and meets criteria in Categorical Exclusion Order No. E-82-1 so the project does not require review by the California Coastal Commission.
- Staff recommends the project be found categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, (Class 1: Existing Facilities) because:
 - The project involves an addition to an existing structure that does not result in an increase of 50 percent or more of floor area; and
 - No exceptions identified in CEQA Guidelines Section 15300.2 are applicable.

- Staff has not received comments from the public related to this proposal.

RECOMMENDATION

Staff recommends that the Zoning Administrator:

1. Determine the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities); and
2. Adopt Resolution ZA 18-036, approving Minor Architectural Permit (MAP) 18-455, Minor Exception Permit (MEP) 18-456, Franzen Remodel, subject to the included conditions of approval.

Attachments:

1. Resolution ZA 18-036
Exhibit A - Conditions of approval
2. Location Map
3. Plans

ATTACHMENT 1

RESOLUTION NO. ZA 18-036

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR ARCHITECTURAL PERMIT 18-455 AND MINOR EXCEPTION PERMIT 18-456, FRANZEN REMODEL, TO ALLOW AN ADDITION TO A NONCONFORMING RESIDENCE INCLUDING A SECOND FLOOR DECK PROPOSED TO ENCROACH INTO THE FRONT YARD SETBACK AT 210 CALLE LASUEN

WHEREAS, on July 3, 2018, an application was submitted by Dustin Morris, 134 Avenida Mateo, San Clemente, CA 92672 (the "Applicant"), for Minor Architectural Permit (MAP) 18-455 and Minor Exception Permit (MEP) 18-456, Franzen Remodel, and deemed complete on August 23, 2018; a request to allow an addition to a nonconforming residence and to allow a minor exception for a second floor deck to encroach into the front yard setback. The site is located at 210 Calle Lasuen in the Residential-Low Density Zoning District and Coastal Overlay Zone (RL-CZ). The site's legal description is Lot 8 of Block 15 of Tract 852 and Assessor's Parcel Number 692-302-08; 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 CEQA Guidelines Section 15301 (Class 1, Existing Facilities). This is recommended because the proposed project involves an addition that increases existing floor area less than 50 percent and no exceptions identified in CEQA Guidelines Section 15300.2 are applicable; and

WHEREAS, the site is within the exclusion area identified in Categorical Exclusion Order No. E-82-1, and the project consists of development excluded by the California Coastal Commission from the requirement of a Coastal Development Permit; and

WHEREAS, on June 12, 2018 and August 16, 2018, 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 supports the project with the conditions of approval; and

WHEREAS, on September 20, 2018, 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 (Class 1, Existing Facilities).

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, but is not limited to, interior or exterior alterations, additions to existing structures that will not result in an increase of more than 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less. Here, the proposed project involves the addition of less than 50 percent of the floor area of the structure and less than 2,500 square feet. 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 will not result in a cumulative impact from successive projects of the same type in the same place, over time, given the proposed use is consistent with General Plan policies and development of the site is limited by Zoning regulations. There are no unusual circumstances surrounding the project that result in a reasonable possibility of a significant effect on the environment. 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, given there are none adjacent to the site. Thus, the Class 1 exemption applies, and no further environmental review is required.

Section 3. Minor Architectural Permit Findings.

With respect to Minor Architectural Permit (MAP) 18-455, 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's size, scale, architecture, setbacks, and materials are consistent with applicable design guidelines and development standards, except for the requested minor exceptions that are in character with the neighborhood. Therefore, the project is consistent with the Land Use Element Residential Land Uses Goal: *"Achieve a mix of residential neighborhoods and housing types that meets the diverse economic and*

physical needs of residents, that is compatible with existing neighborhoods and the surrounding environmental setting, and that reflects community expectations for high quality”;

2. The project improves the aesthetic condition of the property and neighborhood, consistent with Land Use Element Policy LU-1.04. Single-Family Residential Uses: *“We require that single-family 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
 3. The project features 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 Code in areas including, but not limited to height, setback, color, etc., in that:
1. The project maintains the two-story scale of the existing residence and is within the maximum height for the zone. Therefore, the project is consistent with General Plan Urban Design Policy UD-5.10 which requires *“the scale and massing of development be compatible with its surroundings and with the General Plan, applicable specific plan, and or area plan;”* and
 2. The building’s scale, massing, and colors and materials are consistent with development standards, except for the requested minor exceptions that are in character and compatible with adjacent properties. There are one-and two-story houses in the area with several two-story homes in direct proximity to the subject property, including the residence abutting to the west.
- 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 is consistent with this policy because it is in character with the scale and size of other two-story houses in the neighborhood and is of a high quality architecture with attention to detail; and
 2. The project demonstrates consistency with General Design Guidelines II.C.3. by utilizing elements such as the porch overhang and other articulations at the front of the building to break up the additional mass of the second story addition.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood in that:

1. The proposed project complies with applicable development standards and allowed minor exceptions. Existing nonconforming setbacks are common in the neighborhood and several properties in the vicinity were granted similar minor exceptions for small encroachments or reductions of required setback areas including 1904 Calle de los Alamos and 217 Calle Roca Vista; and
 2. The building's scale, massing, and setbacks are consistent with development standards and in character and compatible with adjacent properties. There are one-and two-story houses in the area with two-story houses in the immediate vicinity, including the house directly to the west of the site. The project maintains a roofline consistent with other homes on adjacent properties in the area.
- E. The proposal is not detrimental to the orderly and harmonious development of the City in that:
1. The project meets minimum development standards set forth by the Zoning Ordinance and the use is proposed on a developed site in an urban area; and
 2. The building's scale, massing, and setbacks are consistent with development standards and allowable minor exceptions and in character and compatible with adjacent properties. There are one-and two-story houses in the area with two-story houses in the immediate vicinity, including the house directly to the west of the site. The project maintains a roofline consistent with other homes on adjacent properties in the area.

Section 4. Minor Exception Permit Findings.

With respect to Minor Exception Permit (MEP) 18-456, 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 purpose of the RL zone is to provide for the development of low-density, single-family residential neighborhoods with single-family detached dwellings. The subject minor exceptions do not increase the density and serve to allow the owner to maximize the living space for the single-family residence permitted by the zone, while incorporating attractive architectural articulation and functional outdoor spaces; and
 2. The granting of minor exceptions for small encroachments into the front setback for a deck and front porch is permitted in the zone as an allowable minor exception.
- 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. Encroachments into setbacks are common for the neighborhood, some of which are permitted by right, some which are legal nonconforming, and some which were approved through similar minor exceptions by the City. Examples of nearby properties that received minor exceptions permits to encroach into setbacks or reduce the required setback include 1904 Calle de los Alamos and 217 Calle Roca Vista; and
 2. The proposed deck and front porch contribute to architectural interest and articulation on the street front that positively impact the streetscape as opposed to an unarticulated two-story residence built up to the front setback. The encroachments add a transition to break up the massing and help to blend the residence with the one- and two-story homes in the vicinity.
- 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 granting of minor exceptions for small encroachments into the front setback for a deck and front porch is permitted by the Zoning Code as an allowable minor exception and similar encroachments are common in the project area, including minor exceptions for encroachments into required setbacks or reductions of the required setbacks granted for the properties at 1904 Calle de los Alamos and 217 Calle Roca Vista; and

Section 5. Zoning Administrator Approval.

Based on the foregoing recitals and findings, and the written and oral comments, facts, and evidence presented, the City of San Clemente Zoning Administrator approves Minor Architectural Permit (MAP) 18-455 and Minor Exception (MEP) 18-456, Franzen Remodel, subject to 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 September 20, 2018.

Cecilia Gallardo-Daly, Zoning Administrator

CONDITIONS OF APPROVAL
MAP 18-455/MEP 18-456

1. The applicant shall defend, indemnify, and hold harmless the City of San Clemente and its officers, employees, and agents from and against any claim, action, proceeding, fines, damages, expenses, and attorneys' fees, against the City, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City concerning this project, including but not limited to any approval or condition of approval of the City Council, Planning Commission, or City Planner. Applicant shall pay all costs, The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter. If the applicant fails to so defend the matter, the City shall have the right, at its own option, to do so and, if it does, the applicant shall promptly pay the City's full cost of the defense.
■ (PIng.)_____
2. Within thirty (30) days of 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. 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.)_____
4. The project shall be developed in substantial conformance with the site plan, elevations, details, photographs, and any other applicable submittals approved by the Zoning Administrator on September 20, 2018.
(PIng.)_____
5. 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 and City Planner 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 as shown on the approved construction drawings.
6. Prior to the Building Division's approval of the framing inspection, the applicant shall submit evidence to the satisfaction of the City Building Official and City Planner 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.
7. 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 12.5 feet behind curbface, a sidewalk easement is not anticipated to be required to be granted to the City for the sidewalk.
 - B. The existing frontage has a drive approach that is not in line with the driveway and appears in conflict with the proposed patio/deck. The drive approach shall be reconstructed to better line up with the driveway to meet City Engineering Standards.
 - C. In the event that areas of sidewalk or other street improvements are disturbed or damaged during construction of the project, the applicant shall be responsible for replacing said sidewalk or other street improvements prior to finalization of any Engineering or Building Permits.
8. An Engineering Department Encroachment Permit shall be in place prior to the commencement of any work in the public right-of-way. *[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 a modified standard Condition of Approval.
- ■ Denotes a project specific Condition of Approval



City of San Clemente

MAP 18-455 & MEP 18-456

210 Calle Lasuen

