




STAFF REPORT

SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: September 20, 2018

PLANNER: Veronica Morones, Assistant Planner 

SUBJECT: **MAP 18-093, MEP 18-136, Henneforth Residence Addition**, a request to consider an addition to a nonconforming residence that continues a 3-foot 6-inch nonconforming side yard setback.

LOCATION: 1505 South Ola Vista

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

PROJECT SUMMARY:

- The site is a 4,950 square-foot lot in a neighborhood of one-and-two story residences.
- The site is developed with a 960 square-foot single-family residence and 280 square-foot attached garage constructed in 1952. The northern side of the residence has a side yard setback of 3-feet 6-inches where 4-feet 6-inches is required. As a result, the residence is nonconforming. Figure 1 below is an image of the site.

Figure 1 – Existing Site Conditions



- The applicant proposes an 854 square-foot addition that continues the 3-foot 6-inch nonconforming side yard setback at the northern rear corner of the lot. The proposed addition expands the residence from 1,244 gross square feet to 2,098 gross square

feet, including the attached garage. The project also includes a facade remodel and minor deck expansion.

- The remodel results in approximately a 7-inch increase to the overall height of the residence, but maintains the single-story nature of the existing home.
- The project maintains more than 50 percent of exterior walls.
- Zoning Ordinance Table 17.72.050.A. requires Zoning Administrator approval of a Minor Architectural Permit to expand a nonconforming single-family residence containing less than 1,400 square feet up to a maximum of 2,100 square feet if the project maintains the nonconformity.
- Zoning Ordinance Section 17.16.090.C.18.b. requires Zoning Administrator approval of a Minor Exception Permit to continue a nonconforming side yard setback up to within 30-inches of the property line.
- On August 15, 2018, the Design Review Subcommittee (DRSC) reviewed the project and supports it as proposed. For details, refer to Attachment 3 for the DRSC meeting minutes and staff report.
- Staff believes the findings can be made because:
 - The project improves the appearance of the site consistent with the General Plan, development standards, and City Design Guidelines; and
 - The project is consistent with the character of the neighborhood. The scale, massing, and setbacks are compatible with adjacent residential properties. The project maintains the one-story scale and maximum height of the residence. There are one-and two-story houses in the vicinity, with a one-story house and two-story house on either side of the site; and
 - 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 149 Avenida Princesa, 227 Avenida Princesa and 202 Avenida Valencia.
- 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 10,000 square feet or more of floor area and is not in an environmentally sensitive area; and
 - No exceptions identified in CEQA Guidelines Section 15300.2 are applicable.
- Public comments have not been received on this item.

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 18-037, approving Minor Architectural Permit (MAP) 18-093 and Minor Exception Permit (MEP) 18-136, Henneforth Residence Addition, subject to the included conditions of approval.

Attachments:

1. Resolution ZA 18-037
Exhibit A - Conditions of Approval
2. Location Map
3. Photos
Plans (under separate cover)

ATTACHMENT 1

RESOLUTION NO. ZA 18-037

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR ARCHITECTURAL PERMIT 18-093 AND MINOR EXCEPTION PERMIT 18-136, HENNEFORTH RESIDENCE ADDITION, TO ALLOW AN ADDITION TO A NONCONFORMING RESIDENCE THAT CONTINUES A NONCONFORMING SIDE YARD SETBACK ON A SITE LOCATED AT 1505 SOUTH OLA VISTA

WHEREAS, on February 26, 2018, an application was submitted by Joshua Snyder, 29 Paseo Carla, San Clemente, CA, 92673, for a Minor Architectural Permit (MAP) and Minor Exception Permit (MEP), and deemed complete on August 20, 2018; a request to consider an addition to a nonconforming, single-family residence that continues a nonconforming side yard setback located at 1505 South Ola Vista, the legal description being Lot 21 of Block 1 of Tract 852, Assessor's Parcel Number 692-172-03; 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 is an addition to an existing structure that does not result in an increase of 10,000 square feet or more of floor area and is not in an environmentally sensitive area; and

WHEREAS, on March 8, 2018 and June 7, 2018, the City's Development Management Team (DMT) reviewed the proposed project and determined it complies with the General Plan, Zoning Ordinance, and other applicable City ordinances and codes. The DMT supports the project with conditions of approval set forth in Exhibit A; and

WHEREAS, on August 15, 2018, the City's Design Review Subcommittee (DRSC) considered and supports the project as proposed; 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 additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet if 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. The use of this exemption is specifically applicable to types of existing facilities involving negligible expansion of use. This project involves the addition of floor area to a single family residence, intended for the continued use of the residential property. 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 it will not impact an environmental resource of hazardous or critical concern because the project is in an enclosed residential area. The project will not result in a cumulative impact from successive projects of the same type in the same place over time because the lot is developed and there is limited space for improvements. There are no unusual circumstances surrounding the project that result in a reasonable possibility of a significant effect on the environment because there are no especially sensitive resources, endangered species, or wetlands 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 it will not cause a substantial adverse change in the significance of a historical resource. Thus, the Class 1 exemption applies, and no further environmental review is required.

Section 2. Minor Architectural Permit Findings

With respect to Minor Architectural Permit (MAP 18-093), 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 development standards and design guidelines, other than the minor exception requested. 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...”*
 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 features high quality design and materials. 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 one-story scale and height of the residence in a neighborhood and zone that allows for two stories and a higher scale than the project. 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.”*
 2. The building’s scale, massing, and setbacks are in character with and compatible with adjacent properties. There are one-and two-story houses in the area with one-story houses on both sides of the site. The project maintains the one-story roofline of the house in a zone that allows two stories and a maximum height of 25 feet.
- 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 one-and two-story houses in the neighborhood.
 2. The project modifies the building to provide variation and interest. This will improve the look of the structure and neighborhood.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood in that:

1. The proposed project meets development standards other than the minor exception requested.
 2. The requested exception is consistent with side yard setbacks maintained by other homes in this neighborhood.
 3. The building's scale, massing, and setbacks are in character with and compatible with adjacent properties. There are one-and two-story houses in the area with one-story houses on both sides of the site. The project maintains the one-story roofline of the house in a zone that allows two stories and a maximum height of 25 feet.
- 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, other than the minor exception requested, and the use is proposed on a developed site in an urban area.
 2. The building's scale, massing, and setbacks are in character with and compatible with adjacent properties. There are one-and two-story houses in the area with one-story houses on both sides of the site. The project maintains the one-story roofline of the house in a zone that allows two stories and a maximum height of 25 feet.

Section 3. Minor Exception Permit Findings

With respect to Minor Exception Permit (MAP 18-136), the Zoning Administrator finds as follows:

- A. The approval of the Minor Exception Permit will not interfere with the purpose of the zone or the standards of the zone, in that:
1. The project meets development standards for the zone other than the minor exception requested.
 2. The proposed project improves the appearance and function of a 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.
 3. The building's scale, massing, and setbacks are in character with and compatible with adjacent properties. There are one-and two-story houses in the area with one-story houses on both sides of the site. The project maintains the one-story roofline of the house in a zone that allows two stories and a maximum height of 25 feet.

4. The continuation of the nonconforming setback is located at the rear of the property so it is screened from the public right-of-way.
- B. The neighboring properties will not be adversely affected as a result of the approval of the Minor Exception Permit, in that:
1. The scale and massing of the proposed project are in character with the surrounding one-and two-story developments in the neighborhood.
 2. The continuation of the nonconforming setback is for an addition that is single-story in height, and is in character with the neighboring residential property's single-story massing.
- C. The approval of the minor exception will not be detrimental to the health, safety or welfare of the general public in that:
1. The scale and massing of the proposed project are in character with development in the neighborhood.
 2. The continuation of the nonconforming setback is located at the rear of the property so it is screened from the public right-of-way.
 3. Other buildings in this neighborhood maintain comparable nonconforming setbacks.

Section 4. 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) 18-093 and Minor Exception Permit (MEP) 18-136, Henneforth Residence Addition, 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 18-093 AND MEP 18-136, HENNEFORTH RESIDENCE ADDITION

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 days after project approval, the owner or designee shall submit written consent to all of these imposed conditions to the Community Development Director or designee. The owner or designee understands that the resolution will be of no force or effect unless such written consent is submitted to the City.
[Citation – City Attorney Legal Directive] (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. Development shall be in substantial conformance with the site plan, elevations, and any other applicable submittals approved by the Zoning Administrator on September 20, 2018. (PIng.) _____
5. 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 SMC]* (Eng.)_____
6. 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 SMC]* (Eng.)_____

7. 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.)_____
8. 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.)_____
9. 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 SCMC]* (Eng.)_____
10. 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; storm drains; and erosion control. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____
11. 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. 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 sidewalk along the property frontage. This includes construction of compliant

sidewalk around drive approach to meet current City standards (2% cross fall) when adequate right-of-way exists. Since the street right-of-way is approximately 7.5 feet behind the curbface a sidewalk easement is not anticipated to be required to be granted to the City.

- 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.

- 12. The applicant shall comply with all applicable provisions of the San Clemente Municipal Code, adopted ordinances, and state laws. (PIng.) _____

All Conditions of Approval are standard, unless indicated as follows:

- Denotes a modified standard Condition of Approval.
- Denotes a project specific Condition of Approval



City of San Clemente

Project: MAP 18-093 & MEP 18-136

Address: 1505 S. Ola Vista

