



# STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: 12/5/2019

**PLANNER:** Erin Guy, Community Development Technician

**SUBJECT:** **Minor Architectural Permit 19-261 and In-Concept Review 19-176**, a request to construct an 83 square foot addition to an existing legal nonconforming accessory structure, and construction of a new two-story single family residence and detached garage.

**LOCATION:** 314 La Rambla

**ZONING/GENERAL PLAN:** The subject property is zoned Residential Low Density, and is a Coastal Bluff lot within the Coastal Zone (CZ) overlay. The General Plan Land Use Element designates the property as Residential Low Density.

**PROJECT SUMMARY:**

- The subject property is a 20,995 square foot Coastal Bluff lot and is the result of a previous lot subdivision of the property at 323 West Paseo de Cristobal. A 2,073 square foot, two-story structure was constructed on the site in 1956 that includes a three-car garage on the lower level, and pool house on the upper level. A patio and retaining wall were also constructed on site in 1956, prior to the passage of the Coastal Act. The existing garage and pool house structure is legal non-conforming, with a front yard setback of 5 feet, where a 20 foot front yard setback is required. The site does not contain a single-family residence; the garage and pool house previously served as accessory structures to the existing single-family residence at 323 West Paseo de Cristobal until the subject property was sold to a different owner.

**Figure 1 – Existing Site Conditions**



- The proposed project includes alterations to the nonconforming pool house as follows:
  - 1) An 83 square foot addition at the rear of the nonconforming pool house and garage structure;
  - 2) Addition of a new roof element to the nonconforming pool house and garage structure;
  - 3) Exterior façade remodel of the existing pool house and garage structure; and
  - 4) Conversion of the second floor from a pool house into a guest house.

The proposed additions increase the gross floor area from 2,073 square feet to 2,156 square feet. The 83 square foot addition meets all required setbacks of the Residential Low zone, Coastal Overlay, and the Local Coastal Program Land Use Plan. The maximum height of the new roof element is 15 feet and does not exceed the maximum height of a detached accessory structure.

- The applicant also proposes to construct a new two-story, 6,028 square foot single-family home with a roof top deck and a new 469 square foot detached garage. The new buildings would be constructed behind the existing street facing garage and pool house structure. The proposed new structures meet all setback and height requirements of the Residential Low zone and Coastal Overlay.
- Construction of the proposed single-family home and detached garage does not require a discretionary application, nor does it require a public hearing. However, because development of the site requires Coastal Commission approval, an administrative In-Concept Review application is required. In accordance with Zoning Ordinance Section 17.12.090, multiple applications may be combined and processed concurrently, with the highest review authority (i.e., Zoning Administrator) being responsible for making a decision on all applications.
- 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. With a MAP, the existing detached accessory structure may maintain its nonconforming front yard setback if the proposed expansion is less than 50 percent of the existing floor area, and 50 percent or less of the exterior walls is removed or altered. The proposed additions expand the nonconforming structure by 4 percent, and alter the exterior walls by 37 percent and therefore consistent with the City's provisions for alterations to nonconforming structures (Zoning Ordinance Section 17.72.050).
- The Development Management Team (DMT) reviewed the project and recommends approval with the conditions provided in Exhibit A of Attachment 1.
- Staff believes the required findings can be made to approve the project, as set forth in the Findings of the attached Resolution, because:
  - The proposed single family home and detached garage conform to the Local Coastal Program Land Use Plan (LUP). The proposed construction maintains the required 25 foot bluff top setback and incorporates landscape with native and drought tolerant species and low volume irrigation. The proposed project includes a Wave Run-up and Coastal Hazards Survey to comply with LUP Policy HAZ-1, requiring a hazards review of all new development. The proposed additions and new structures meets the development standards of the Residential Low density zone and Coastal Overlay zone. The nonconforming structure maintains a similar

nonconforming front yard setback to the property immediately adjacent at 319 La Rambla.

- The additions are in character with the scale and massing of buildings in the neighborhood. The project maintains a two-story roofline and rooftop deck, similar to the property immediately adjacent at 318 La Rambla.
- The addition expands the floor space less than 50 percent, and modifies exterior walls less than 50 percent. Therefore, the project may maintain the existing nonconforming front yard setback.
- The architectural treatment of the new structures and additions are inline with the character of the neighborhood. The project uses traditional building materials and design elements such as wood siding and white trim, similar to the architectural treatment of the immediately adjacent property at 323 West Paseo de Cristobal.

### **RECOMMENDATIONS**

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 California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303 (Class 3: New Construction); and
2. Adopt Resolution ZA 19-022, approving Minor Architectural Permit (MAP) 19-261 and In-Concept Review (ICRES) 19-176, Pickle Residence, subject to the conditions of approval.

#### ***Attachments:***

1. Resolution ZA 19-022  
Exhibit A - Conditions of Approval
2. Location Map
3. Plans

RESOLUTION NO. ZA 19-022

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR ARCHITECTURAL PERMIT 19-261 AND IN-CONCEPT REVIEW 19-176, PICKLE RESIDENCE, A REQUEST TO EXPAND A LEGAL NONCONFORMING ACCESSORY STRUCTURE LOCATED AT 314 LA RAMBLA.

WHEREAS, on July 30, 2019, an application was submitted by applicant Paul Douglas of P.O. Box 3686, Dana Point, CA 92629, for Minor Architectural Permit 19-261 and In-Concept Review 19-176, a request to expand a legal non-conforming detached pool house and garage structure located at 314 La Rambla, and deemed complete on November 13, 2019. The subject site is in the Residential Low Density Zone. The site's legal description is Lot 31, of Tract 822 and Assessor's Parcel Number 692-272-13; 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 is categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303 (a) because the project proposes a new single family home in an urbanized area, as well as additions to an existing legal non-conforming structure; and

WHEREAS, on August 15, 2019 and October 31, 2019, the City's Development Management Team reviewed the proposed project for compliance with the General Plan, Zoning Ordinance, and other applicable requirements; and

WHEREAS, in accordance with City and State requirements, notice of the public hearing was published in the *San Clemente Times* newspaper on November 21, 2019, posted at the project site, and mailed to all property owners within 300 feet of the subject parcel; and

WHEREAS, on December 5, 2019, the Zoning Administrator of the City of San Clemente held a duly noticed public hearing on the subject application, and continued the item to a date certain of December 19, 2019; and

WHEREAS, on December 19, 2019, 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 hereby resolves 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 15303 (Class 3: New Construction). This exemption covers, but is not limited to, one single family residence or, or a second dwelling unit in a residential zone. In urbanized areas, up to three single family residences may be constructed or converted. Here, the proposed project involves the expansion of floor area by 83 square feet to an existing non-conforming pool house and garage structure, and the construction of a new single family residence and detached garage. The overall project is a 4 percent expansion (2,073 square feet to 2, 156 square feet) of the non-conforming structure's gross floor area and will not increase the floor area of the nonconforming structure by more than 50 percent of the existing floor area, or result in more than three new single family residences. The construction of a one new single family residence and detached garage is also proposed, but does not increase the floor area of the nonconforming structure. Thus, the project qualifies for the Class 3 exemption.

Furthermore, none of the exceptions to the use of the 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, given the proposed use is consistent with General Plan policies and Zoning regulations, which were studied and addressed in the General Plan EIR. Development of the site is limited by standards for density, setbacks, lot coverage, parking, height, etc. 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. Thus, the Class 3 exemption applies, and no further environmental review is required.

Section 3. Minor Architectural Permit Findings

With respect to Minor Architectural Permit (MAP) 19-261, the Zoning Administrator finds as follows:

- A. The architectural treatment of the project complies with the San Clemente General Plan, in that:
  - 1. The General Plan Land Use Element encourages *“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.*” The project’s size, scale, architecture, setbacks, and materials are consistent with development standards and design guidelines. Therefore, the project is consistent with General Plan residential land uses goals.

2. Land Use Element Policy LU-1.04, Single-Family Residential Uses, states: *“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.”* The project improves the aesthetic condition of the property and neighborhood by providing updated building materials such as wood shingle siding and copper accents. Therefore, the project is consistent with Policy LU-1.04.
  3. Land Use Element Policy LU-1.06, Residential Infill, states: *“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.”* The project features high quality design and materials to include wood shingle siding, copper accents, and architectural arch accents. The building’s scale and massing are in character with and compatible with adjacent properties. Therefore, the project is consistent with Policy LU-1.06.
  4. Local Coastal Program Land Use Plan policy LU-5, Single-Family Residential Uses, states: *“Require that single-family houses and sites be designed to convey a high level of architectural and landscape quality...”* The proposed façade remodel and new construction provide the use of update building materials and architectural features that provide distinct building elevations and varied massing, to include the use of arch ways, oriel windows, and columns. Therefore, the project is consistent with Policy LU-5.
- 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. General Plan Urban Design Policy UD-5.10 encourages *“the scale and massing of development be compatible with its surroundings and with the General Plan, applicable specific plan, and or area plan.”* The project maintains a two story roofline with a rooftop deck, similar to the two story property immediately adjacent to the subject site. Therefore, the project is consistent with Policy UD-5.10.
  2. The building’s scale, massing, and setbacks are in character with and compatible with adjacent properties, some of which have existing nonconforming front yard setbacks at the immediately adjacent property at

316 La Rambla.

3. Local Coastal Program Land Use Plan Policy LU-3, Maintenance of Neighborhood Character, states: *“Maintain elements of residential streets that unify and enhance the character of neighborhoods, including parkways, street trees, and compatible setbacks.”* The proposed project maintains a nonconforming front yard set back similar to that of the property immediately adjacent at 319 La Rambla. The proposed project, while providing an updated building façade and new building materials, maintain a non-descript craftsman architectural style complimentary to the property immediately adjacent at 323 West Paseo de Cristobal. Therefore, the project is consistent with Policy LU-3.
- 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 existing front yard setbacks of many properties in the neighborhood and along La Rambla.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood in that:
1. The project’s scale, massing, and setbacks are in character with and compatible with adjacent two-story buildings.
  2. The project maintains similar exterior materials and design to those of other properties in the neighborhood to include wood shingle siding and solid wood doors.
  3. Local Coastal Program Land Use Plan Policy LU-3, Maintenance of Neighborhood Character, states: *“Maintain elements of residential streets that unify and enhance the character of neighborhoods, including parkways, street trees, and compatible setbacks.”* The proposed project maintains a nonconforming front yard set back similar to that of the property immediately adjacent at 319 La Rambla. The proposed project, while providing an updated building façade and new building materials, maintain a non-descript craftsman architectural style complimentary to the property immediately adjacent at 323 West Paseo de Cristobal. Therefore, the project is consistent with Policy LU-3.
- E. The proposal is not detrimental to the orderly and harmonious development of the City in that:

1. The proposal involves development on an existing residential lot in an urban area developed with other single-family residences.
2. The proposed project complies with all applicable development standards, and is in keeping with the architectural style of the neighborhood and the City's design guidelines.
3. The proposed project complies with all applicable regulations of the Local Coastal Program Land Use plan to include maintaining the required 25 foot bluff top setback and incorporating landscape with native and drought tolerant species and low volume irrigation. The proposed project includes a Wave Run-up and Coastal Hazards Survey to comply with LUP Policy HAZ-1, requiring a hazards review of all new development.

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) 19-261 and In-Concept Review 19-176, Pickle Residence, 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 December 19, 2019.

---

Cecilia Gallardo-Daly, Zoning Administrator



CONDITIONS OF APPROVAL  
MINOR ARCHITECTURE PERMIT 19-261 AND IN-CONCEPT REVIEW 19-176

**1.0 GENERAL CONDITIONS OF APPROVAL**

- |     |   |              |
|-----|---|--------------|
| 1.1 | Within 30 days of receipt of the signed conditions of approval, the applicant shall submit to the City Planner a signed acknowledgement concurring with all conditions of approval on a form to be provided by the City, unless an extension is granted by the City Planner.  | Planning     |
| 1.2 | 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. | Planning     |
| 1.3 | Use and development of this property shall be in substantial conformance with the approved plans, material boards and other applicable information submitted with this application, and with these conditions of approval. Any modifications to the project shall be reviewed by the City Planner in accordance with Zoning Ordinance Section 17.12.180.  | Planning     |
| 1.4 | The applicant shall comply with all applicable current and future provisions of the San Clemente Municipal Code, adopted ordinances, and state laws.  | All          |
| 1.5 | Use of the subject property shall conform to all occupancy requirements, including posting of signs related to the maximum occupancy limitations.   | Code<br>Comp |
| 1.6 | MAP 19-261 and ICRES 19-176 shall be deemed to have expired if within three years of approval the project is not commenced, or the project permitted by the approved application has lapsed, as defined by Zoning Ordinance Section 17.12.150.  | Planning     |

- 1.8 A 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 the building plan check / permit process. *S.C.M.C Title 15 Building Construction - Chapters and codes applicable to this project* Building\*\*
- 4.0 PRIOR TO ISSUANCE OF BUILDING PERMITS**
- 4.1 The working drawings shall include within the first four pages a list of all conditions of approval included in this resolution. Planning
- 4.4 The applicant shall demonstrate to the City Planner that the project has secured approval from the California Coastal Commission. Planning
- 4.13 The applicant shall submit, and the City Engineer shall approve, frontage improvement plans. In the event the project valuation is \$50,000 or more per Municipal Code 12.08, the applicant shall be responsible for the construction of all required frontage improvements as approved by the City Engineer including but not limited to the following: Eng/  
Planning  
\*\*
- A. Sidewalk, including construction of compliant sidewalk along the frontage and 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 curb face, a sidewalk easement is not anticipated to be required to be granted to the City.
  - B. The sidewalk shall be constructed of tiles per City Standard ST-5 or ST-5A.
  - C. Contractor shall replace any damaged street improvements resulting from construction activities to the satisfaction of the City Inspector.
- (SCMC Chapter 15.36 and Sections 12.08.010, and 12.24.050)
- 4.14 Due to the lack of an ability to turn vehicles around on-site without multiple turning movements, the courtyard parking shown in the covered carport area shall not count as required parking for this or future applications unless approved otherwise by the City Engineer. *[Citation – Section 15.36 of the SCMC]* Eng\*\*
- 4.15 Prior to the issuance of any permits, 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\*\*
- 4.16 Prior to the issuance of any permits, 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 Eng \*\*

- 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]*
- 4.17 Prior to the issuance of any permits, 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 \*\*
- 4.18 Prior to the issuance of any permits, 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 \*\*
- 4.19 Prior to the issuance of any permits, 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 SCMC]* Eng \*\*
- 4.20 Prior to the issuance of any permits, 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 \*\*
- 5.0 PRIOR TO FINAL INSPECTION**
- 5.5 The applicant shall submit, and must obtain approval from the City Planner, a letter from a registered landscape architect confirming that landscaping and irrigation have been installed in accordance with the approved plans. Planning

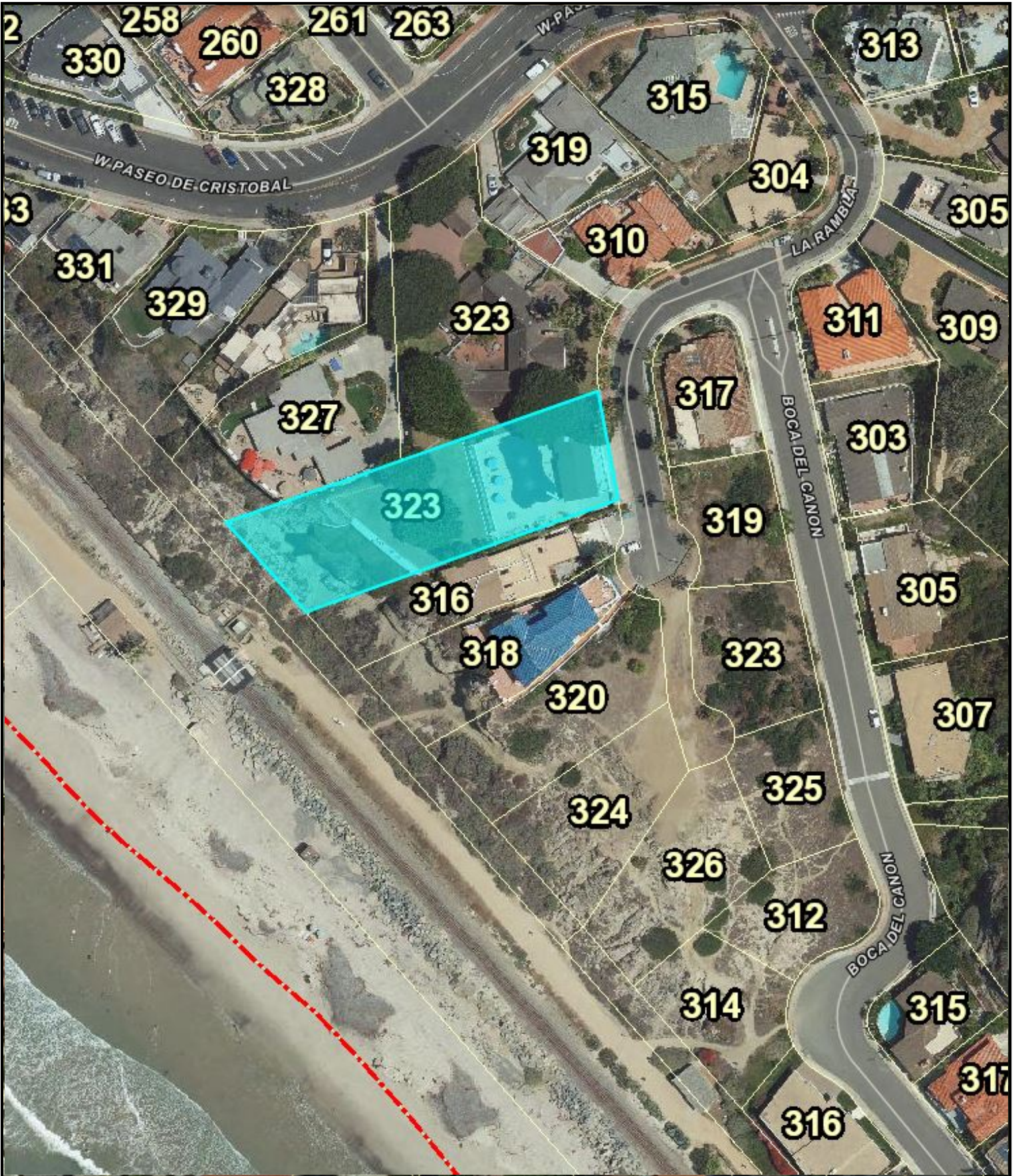
**8.0 ENFORCEMENT AUTHORITY—VIOLATIONS OF CONDITIONS**

- 8.1 The Applicant (including any property owners and managers, and their designees) shall use her/his best judgment and best management practices to ensure residential activities on the premises will be conducted in a manner that will not be disruptive to neighbors. The property owner shall be responsible for ensuring compliance with the San Clemente Municipal Code (SCMC), and all conditions of approval contained herein. The Applicant (including any property owners and managers, and their designees) hereby understands that noncompliance with regulations and conditions of approval, shall be immediate grounds for citation pursuant to SCMC Section 8.52.030(Y), which states, "It is declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this City to maintain such premises in such manner that ... A structure, improvement, property, and/or land use is not in compliance with terms and/or conditions of any City of San Clemente issued permit or approval," and any subsequent revision of this section of the code. *[Citation - Section 8.52.030(Y) of the SCMC]*
- Code  
Comp \*\*
- 8.3 The Applicant (including any property owners and managers, and their designees) understands and acknowledges that short-term lodging and boarding house uses are not permitted with the approval of this permit. Short-term lodging units (STLUs) and boarding houses require City-approval, and any unpermitted STLU or boarding house operations are prohibited. Applicant, property owner, and any successors in interest of the property shall be responsible for ensuring that all residential uses abide by the City's zoning requirements for the subject zone. *[Citation - Section 17.04.060(B) & 17.32.030/17.36.020/17.40.030/17.52.030 of the SCMC]*
- Code  
Comp \*\*
- 8.4 The Applicant (including any property owners and managers, and their designees) shall ensure that discharge of washwater and other pollutants is prohibited from entering the storm drain system. Applicant must prevent pollutants (e.g. sediment, trash, food waste etc.) and any washwater used during cleanup from entering the storm drain system.
- Code  
Comp  
WQ  
\*\*
- 8.5 The Applicant (including any property owners and managers, and their designees) shall use her/his best judgment and best management practices to ensure residential activities on the premises will be conducted in a manner that will not be disruptive to neighbors. The property owner shall be responsible for ensuring compliance with the San Clemente Municipal Code (SCMC), and all conditions of approval contained herein. The Applicant (including any property owners and managers, and their
- Code  
Comp  
\*\*

designees) hereby understands that noncompliance with regulations and conditions of approval, shall be immediate grounds for citation pursuant to SCMC Section 8.52.030(Y), which states, "It is declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this City to maintain such premises in such manner that ... A structure, improvement, property, and/or land use is not in compliance with terms and/or conditions of any City of San Clemente issued permit or approval," and any subsequent revision of this section of the code. [Citation - Section 8.52.030(Y) of the SCMC].

Furthermore, alterations to residential structures so as to illegally increase density are inherently dangerous to the public health, safety, and welfare by placing undue burden on public resources and facilities (such as public parking availability, public infrastructure like water, power, and sewer), placing unknowing tenants in illegally constructed living quarters lacking properly-approved fire/life-safety ingress/egress, and other applicable sections of the SCMC. Such violations of these conditions of approval may be enforced by any means authorized by law, including but not limited to, criminal prosecution, civil action for restraining order and injunctive relief, receivership, administrative or abatement proceedings. The remedies provided in the SCMC are intended to be cumulative and not exclusive, and may be pursued individually, consecutively, or in conjunction with each other.

- \* Denotes a modified Standard Condition of Approval
- \*\* Denotes a project-specific Condition of Approval



**City of San Clemente**

Project: MAP 19-261/ICRES 19-176

Address: 314 La Rambla

