



STAFF REPORT

SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: June 18, 2020

PLANNER: Kyle Webber, Community Development Technician

SUBJECT: **Minor Exception Permit 19-435/Staff Waiver of Minor Architectural Permit 19-338, Grulla Addition,** A request to construct a first-story addition at the rear of a residential building with a minor exception to continue the nonconforming side yard setback, demolition of unpermitted unit, and interior remodel.

LOCATION: 206 Avenida De La Grulla

ZONING/GENERAL PLAN: The residence is located in the Residential Medium Density Zone and Coastal Zone Overlay District, and in the Coastal Exclusion Zone per Exclusion Order No. E-82-1.

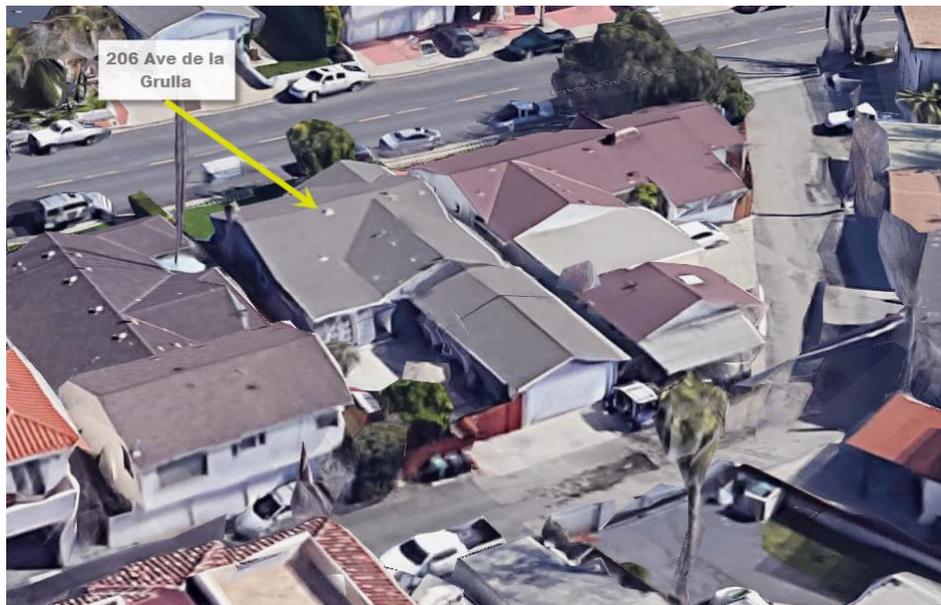
PROJECT SUMMARY:

- The site is a 4,500 square-foot lot. A single-story, 1,356 square foot single-family residence with a 360 square foot detached garage was originally built on the lot in 1957. The residence is nonconforming in two ways: 1) an unpermitted 156 square foot room exists on property attached to the detached garage; and 2) side yard setback of 4 feet 6 inches at the house on the west property line where 5 feet is required. The properties immediately to either side are one-story single-family homes, while the street also has many two-story buildings. Figure 1 and 2 illustrate the existing site conditions.

Figure 1 – Existing Site Conditions (front)

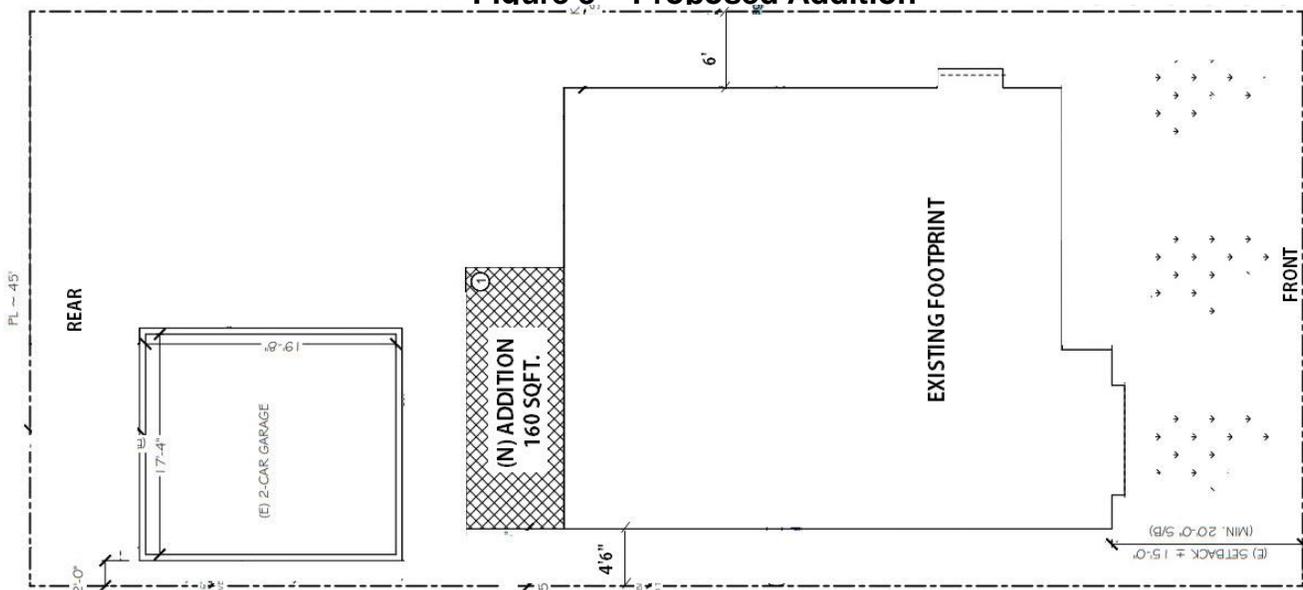


Figure 2 – Existing Site Conditions (rear aerial)



- The proposed project includes a 160 square foot addition at the rear of the home. The applicant also proposes to remove the 156 square foot unpermitted room currently attached to the garage. The requested exception would allow the addition to continue the existing legal nonconforming side yard setback of 4 feet 6 inches. The proposed addition would be a 12 percent increase of permitted habitable space on the lot, taking the residence from 1,356 square feet to 1,516 square feet. Expansions less than 50 percent of a nonconforming structure’s gross floor area are permitted with approval of a Minor Architectural Permit (MAP). The addition matches the architectural aesthetic of the existing building and will not be visible from the street facing the front of the house. Figure 3 illustrates the location and size of the proposed addition.

Figure 3 – Proposed Addition



- The project meets development standards, except as existing nonconforming conditions, as shown in Table 1 below:

Table 1: Development Standards

	Code Requirements	Proposed Site Plan	Complies with Requirements
Density:	1 Unit/1,800 s.f.	1 Unit	Yes
Building Height (Maximum)	25'	16'	Yes
Setbacks (Minimum):			
• Front	15'	15'	Yes
• Garage	18'	In rear	Yes
• Side Yard	5'	4'-6" / 6'	No
• Rear Yard	5'	34' / 10' (Garage)	Yes
Lot Coverage	55%	41.7%	Yes
Required Parking (Minimum):	2 spaces	1 spaces	No*
Front Yard Landscaping Req. (Minimum):	50%	Above 50%	Yes

* Single-family homes with a single-car garage or carport constructed prior to 1962 are exempt from Zoning Ordinance Chapter 17.72 (Nonconforming Structures and Uses).

- Zoning Ordinance Section 17.16.090C requires Zoning Administrator approval for Minor Exceptions to allow the continuation of a legal nonconforming side yard setback within 30 inches of the property line.
- Zoning Ordinance Section 17.72.050A requires Zoning Administrator approval of a MAP to expand a nonconforming structure's gross floor area by less than 50 percent.
- Per Section 17.16.110.C(e), the project is eligible for a Staff Waiver (SW) of a MAP because the addition does not exceed 500 square feet or increase the residence's height. The City Planner is designated to act on Staff Waivers; however, when multiple applications are reviewed, they are processed concurrently with a decision made by the highest review authority, per Section 17.12.090. For this project, the highest review authority is the Zoning Administrator for the Minor Exception Permit.
- The Development Management Team (DMT) reviewed the project and recommends approval with the conditions provided in Exhibit A of Attachment 1.
- The project meets the required findings, as set forth in the Findings of the attached Resolution, because:
 - The project complies with the Zoning Ordinance in that the project meets all development standards including setbacks, height, front yard landscape coverage, and lot coverage, except the existing nonconforming setbacks and parking, which are permitted to remain pursuant to SCMC provisions for legal nonconforming single-family residences.
 - The architectural treatment of the project complies with the General Plan, Zoning Ordinance, and the City's Design Guidelines since the addition is in character with

the scale and massing of buildings in the neighborhood and maintains the one-story roofline of the house in a zone that allows two stories and a maximum height of 25 feet.

- The Staff Waiver allows the house to be modestly expanded less than 500 square feet so the building remains in character with the neighborhood.
- The side yard setback exception is located adjacent to an interior-property line mostly, or entirely, screened from public view.
- The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities) because the proposed project involves an addition to an existing structure less than 10,000 square feet in an area that is not environmentally sensitive and all public services and facilities are available.
- Staff has received no public comments related to this application.

RECOMMENDATION

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 15301 (Class 1: Existing Facilities); and
2. Adopt Resolution ZA 20-017, approving Minor Exception Permit 19-435, and Staff Waiver of Minor Exception Permit 19-338, Grulla Addition, subject to conditions of approval.

Attachments:

1. Resolution ZA 20-017
Exhibit A - Conditions of Approval
2. Location Map
3. Plans

RESOLUTION NO. ZA 20-017

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR EXCEPTION PERMIT 19-435, AND STAFF WAIVER OF MINOR ARCHITECTURAL PERMIT 19-338, GRULLA ADDITION, A REQUEST TO EXPAND A LEGAL NONCONFORMING SINGLE-FAMILY RESIDENCE AT 206 WEST AVENIDA DE LA GRULLA

WHEREAS, on November 19, 2019, an application was submitted by applicant Truplans of 630 S. Glassell St., #201 Orange, CA 92866, and deemed complete on May 11, 2020 for Minor Exception Permit 19-435, and Staff Waiver of Minor Architectural Permit 19-338, a request to expand a legal nonconforming single-family residence and continue a nonconforming side yard setback, located at 206 Avenida de la Grulla. The subject site is in the Residential Medium zoning district. The site's legal description is Lot 14, of Block 3, of Tract 820 and Assessor's Parcel Number 692-363-38; 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 1 exemption pursuant to CEQA Guidelines Section 15301(e) because the project proposes an addition to a single-family home in an urban area that involves a negligible expansion of an existing use; and

WHEREAS, on March 5, 2020 and May 7, 2020, 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 June 4, 2020, posted at the project site, and mailed to all property owners within 300 feet of the subject parcel; and

WHEREAS, on June 18, 2020, 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. Coastal Land Use Plan Findings.

With respect to the Coastal Land Use Plan the Zoning Administrator finds the project is consistent with policy LU-5, Single-Family Residential Uses, which requires single-family houses and sites be designed to convey a high level of architectural and landscape quality with the following considerations:

- A. Varied and distinct building elevations, facades, and masses (avoiding undifferentiated "box-like" structures), in that;
 - 1. The project maintains the existing facades and massing as seen from the street view with added depth and articulation to the rear of property with the approved square foot addition.
- B. Building scale and massing that is compatible with existing development, in that;
 - 1. The continuation of the nonconforming setback is for an addition that is single-story in height, at the rear of the property, not visible from the public view, and is in character with the existing single-story massing.
- C. Use of landscaping to complement the architectural designs of structures, in that;
 - 1. Existing landscaping complies with required landscape standards on site and is in character with the surrounding residential neighborhood.
- D. Reduced area and width of paving in front yards for driveway and garage access, in that;
 - 1. Required onsite parking is provided at the rear of the property and no paved driveway exists in the front yard area.
- E. Location and design of garages so that they do not dominate the appearance of the dwelling from the street, in that.
 - 1. Access to the onsite garage is located at the rear of the property with no visibility of the garage from the street.

Section 3. 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). 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 expansion of living space by 160 square feet to an existing nonconforming single-family residence. The overall project is a 12 percent (160 sq. ft. of 1,356 sq.ft.) expansion of the existing single-family residence's gross floor area, and will not increase the floor area of the structure by more than 50 percent of the existing floor area, or more than 2,500 square feet. The project does not change the existing use of the site. 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 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 reasonably 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 1 exemption applies, and no further environmental review is required.

Section 4. Minor Exception Permit Findings

With respect to Minor Exception Permit (MEP 19-435), 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. Aside from the minor exception requested, the project meets all applicable development standards for the zone, including maximum lot coverage and maximum allowed height.
 2. The proposed project improves the appearance and function of a residence within a zoning district intended for residential uses in that it removes an unpermitted section of the house and provides for an updated exterior architecture 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. There are properties within the immediate vicinity and general area that maintain similar nonconforming side yard setbacks. The project maintains the one-story roofline of the house in a zone that allows two stories and a maximum height of 25 feet.
- 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, at the rear of the property, not visible from the public view, 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. Other buildings in this neighborhood maintain comparable side yard setbacks.
 2. Building permits are also required to ensure the project complies with all building, fire, and safety standards.

Section 5. Staff Waiver of Minor Architectural Permit Findings

With respect to Staff Waiver of Minor Architectural Permit (MAP) 19-338, 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, aside from the requested exception. 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 removing an unpermitted habitable living space, providing new construction consistent with the existing architectural design on the property, and maintaining a large percentage of landscaping in the front yard setback area. 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 building’s scale, massing, and quality design are in character with and compatible with adjacent properties. Therefore, the project is consistent with Policy LU-1.06.
- 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 the one-story scale and height of the residence in a neighborhood and zone that allows for two stories. 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 also have nonconforming side yard setbacks. There are one-and two-story houses in the area, with one-story houses immediately adjacent to both sides of the site.
- 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. The addition to the structure is at the rear half of the property and not visible from the public view.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood in that:

1. The building's scale, massing, and setbacks are in character with and compatible with adjacent properties. The project maintains exterior materials and design similar to other properties in the neighborhood.
- E. The proposal is not detrimental to the orderly and harmonious development of the City in that:
1. The proposal involves the expansion of an existing home on a developed site in an urban area. The proposed project complies with all applicable development standards, with the exception of the continuation of the legal non-conforming side yard setback requested, and is in keeping with the architectural style of the neighborhood and the City's design guidelines.

Section 6. 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 Exception Permit 19-435, and Staff Waiver of Minor Architectural Permit 19-338, Grulla 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 June 18, 2020.

Cecilia Gallardo-Daly, Zoning Administrator

CONDITIONS OF APPROVAL
 MINOR EXCEPTION PERMIT 19-435, AND STAFF WAIVER OF MINOR
 ARCHITECTURAL PERMIT 19-338, GRULLA ADDITION

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 |
| 1.6 | MEP 19-435, and SW MAP 19-338 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 | The building needs to comply with the latest addition of the California Residential Code, The plumbing Code, the mechanical code and the California Green building code. | 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

Improvements

4.13 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: Public Works**

- A. Sidewalk, including construction of compliant sidewalk along the property frontage and around obstructions to meet current City standards (2% cross fall) when adequate right-of-way exists, unless a waiver is applied for and approved by the City Manager. Since the street right-of-way is approximately 5 feet behind the curb face, a sidewalk easement is not anticipated to be required to be granted to the City.
- B. 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)

5.0 PRIOR TO FINAL INSPECTION

5.4 The applicant shall demonstrate to the satisfaction of the City Engineer and City Maintenance Manager that all street improvements have been completed and accepted and that any damage to new or existing street right-of-way during construction has been repaired/replaced. *(SCMC Title 12)* Public Works

7.0 OPERATIONAL CONDITIONDS OF APPROVAL

7.17 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, Code Comp **

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]*

7.18 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]*

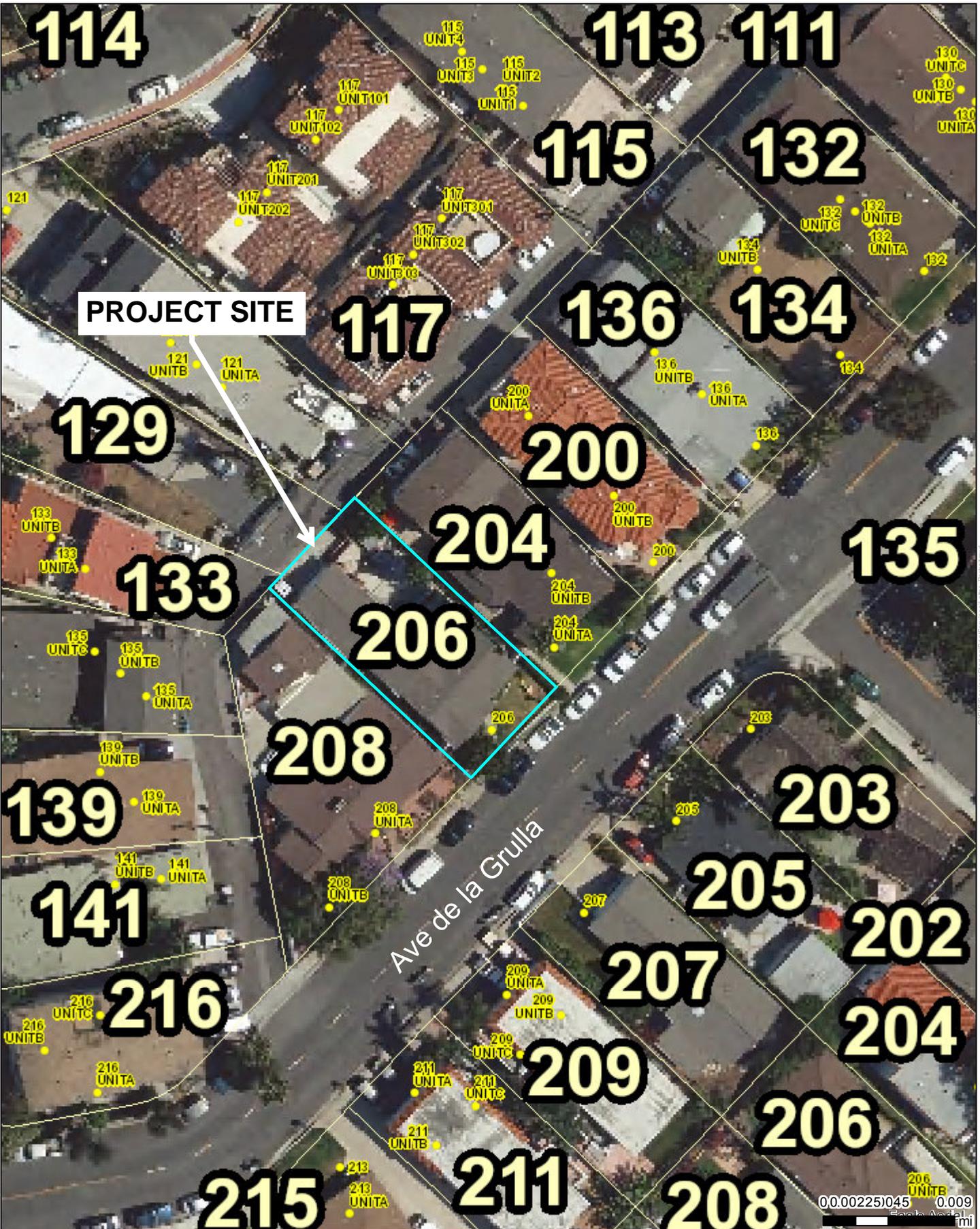
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7.19 The Applicant (including any property owners and managers, and their designees) shall ensure that discharge of washwater and other pollutants is prohibited from entering the storm drain system. Applicant must prevent pollutants (e.g. sediment, trash, food waste etc.) and any washwater used during cleanup from entering the storm drain system.

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* Denotes a modified Standard Condition of Approval

** Denotes a project-specific Condition of Approval



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206 Avenida de la Grulla
MEP 19-435 / SW MAP 19-338