



STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: April 22, 2021

PLANNER: Gabriel Perez, City Planner

SUBJECT: Minor Exception Permit 20-338, Castro Pool Barrier, a request to consider a 6 foot tall wall in the front yard setbacks of the property located at 510 Avenida Teresa.

LOCATION: 510 Avenida Teresa

ZONING/GENERAL PLAN: The residence is located in the Residential Low Density Zone of and in the Special Residential 1 Overlay.

BACKGROUND:

- The subject property is a 7,112 square foot lot. An approximately 1,603 square foot single-family residence with an attached garage was originally built on the lot in 1964. The residence front yard setback area fronts Avenida Teresa. Adjacent lots consists of similar sized lots with a mixture of single story and 2-story single-family residences. Figure 1 and 2 below demonstrates the existing site and neighborhood conditions.

Figure 1 – Existing Site Conditions



Figure 2 – Existing Conditions – Avenida Teresa looking North



Figure 3 – Existing Front Yard Wall



PROJECT SUMMARY:

- The proposed project includes the addition of a 6 foot tall masonry wall and wood panel combination in the front yard setback area. The masonry wall is partially constructed without City approvals as shown in photos in Figure 3. The required front yard setback is 20 feet from the front lot line to the primary structure. The wall is proposed to be setback 5 feet 5 inches from the front yard property line, with a 5 foot width planter for landscaping between the proposed wall and an existing 2 foot high garden wall at the property line. The front yard wall is proposed with 25 foot of frontage along Avenida Teresa and a return along 45 feet of the side lot line to serve as fencing surrounding a proposed 20 foot by 11 foot front yard pool. The applicant applied for a pool building permit for a pool in the front yard, but the permit has not been approved. The wall is proposed as a 6 foot tall combination masonry with pilasters and 24 inch horizontal hardwood accents along the top portion of the wall. Masonry pilasters, 6

feet 5 inches in height, with dark brown capstones are spaced approximately every 6 feet along the wall frontage. Masonry portions of the wall is proposed to be covered with white stucco. Horizontal hardwood materials are proposed for the front yard entry gate and the side yard entry gate. Figure 4 illustrates the proposed wall design.

- The purpose and intent of stricter fence heights established in the Zoning Ordinance for front yard setback areas is to, *“provide for an open street scene, to allow the primary structures on a street to be visible and to contribute to the visual character of the neighborhood, and to allow for unobstructed views of traffic to and from driveways”*. The proposed project includes 4 feet and 6 inches of a solid masonry wall, with the remaining 24 inches of the wall consisting of hardwood horizontal accents. The wall would obscure views into the front yard including a substantial portion of the front yard setback area. Staff is not supportive of the 6 foot tall solid wall in this neighborhood, as it would detract from an open street scene and the existing character of the neighborhood. The neighboring residence at 508 Avenida Teresa was observed to have an existing 6 foot tall view obscuring wall within the front yard setback, approximately 10 feet front the front property line.
- The Engineering Division expressed concern about the proposed wall location and does not recommend fences and landscaping within 10 feet of the curbface. The Engineering Division recommends wall heights within 10 feet of curbface be limited to 3 feet 6 inches in height in order to help reduce conflicts with traffic and adjacent driveway line of sight. Engineering staff visited the subject site and evaluated the constructed wall. The driveway line of sight concerns still stand after the site visit.
- Zoning Ordinance Section 17.16.090C requires Zoning Administrator approval for Minor Exception Permits (MEP) to allow fences, walls, and hedges over 42 inches in height in front yard setback areas.
- Staff communicated to the applicant the inability of staff to make MEP findings in support of the proposed project due to Engineering concerns regarding driveway line of sight safety and Planning Division concerns of the project’s consistency with the visual character of the neighborhood. Staff offered a meeting with both Engineering and Planning Divisions to explore alternative wall design and locations that staff could support. The applicant elected not to pursue the meeting and is intent to proceed with Zoning Administrator consideration of the proposed wall location and design.

Figure 4 – Proposed Finished Wall Design



- The Development Management Team (DMT) reviewed the project and does not recommend approval.
- Staff received no public comments related to this application.
- Staff believes the required findings cannot be made to approve the project, as set forth in the Findings of the attached Resolution, because:
 - The Residential Low land-use designation permits the development of low-density, single-family residential neighborhoods with fences walls and hedges that conform to a strict height requirement to maintain an open street scene, preserve the visibility of primary structures; enhance neighborhood character, and provide unobstructed views of traffic to and from driveways. The proposed wall would detract from the open street scene that exists on Avenida Teresa, as the wall would be located approximately 5 feet from the back of the existing sidewalk and would obscure views into a significant portion of the front yard.
 - There are only two single family residential properties on Avenida Teresa observed with a wall height that exceeds 3 feet 6 inches in the front yard setbacks. These observed walls were approximately 6 feet in height and setback 10 feet from the front property line. The proposed wall is approximately 5 feet from the property line, thereby limiting the open street scene and obstructing views of traffic.
 - The Engineering Division identified the location of the proposed front yard wall conflicts with traffic and adjacent driveway line of sight and therefore would be detrimental to the health, safety or welfare of the general public. The Engineering Division identified that walls within the front yard setback at 6 feet in height at a minimum of distance of 10 feet from the front lot line could be supported as they would not present traffic safety concerns.

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. Adopt Resolution ZA 21-011, denying Minor Exception Permit (MEP) 20-338, Castro Pool Barrier.

Attachments:

1. Resolution ZA 21-011
2. Location Map
3. Location Photos
4. Project Plans

RESOLUTION NO. ZA 21-011

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DENYING MINOR EXCEPTION PERMIT NUMBER 20-338, CASTRO POOL BARRIER, A REQUEST TO INSTALL A 6-FT TALL WALL IN THE RESIDENTIAL FRONT SETBACK AREA, WHERE A MAXIMUM HEIGHT OF 42 INCHES IS ALLOWED AT 510 AVENIDA TERESA.

WHEREAS, on February 17, 2021, an application was submitted by applicant Reynaldo Castro of 510 Avenida Teresa, San Clemente, CA 92672, for Minor Exception Permit 20-338, a request to allow a wall 6 feet in height within the front yard setback at 510 Avenida Teresa, and deemed complete on September 19, 2019. The subject site is in the Residential Low zoning district. The site's Assessor's Parcel Number is 057-233-10; 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 that the Zoning Administrator determine the project is Categorically Exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 3: New Construction and Conversion of Small Structures) because the project involves construction of an exterior wall which is an appurtenance to an existing single family residential home; and

WHEREAS, on March 25, 2021, 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, posted at the project site, and mailed to all property owners within 300 feet of the subject site; and

WHEREAS, on April 22, 2021, 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 if fully set forth in this resolution.

Section 2. CEQA Findings: CEQA does not apply to the project, pursuant to CEQA Guidelines Section 15270, because the project is being denied; and

Section 3. Minor Exception Permit Findings

With respect to Minor Exception Permit Number 20-338, the Zoning Administrator finds as follows:

- A. The requested minor exception will interfere with the purpose of the zone or the standards of the zone in which the property is located, in that:
 1. The Residential Low land-use designation permits the development of low-density, single-family residential neighborhoods with fences walls and hedges that conform to a strict height requirement to maintain an open street scene, preserve the visibility of primary structures; enhance neighborhood character, and provide unobstructed views of traffic to and from driveways. The proposed wall would detract from the open street scene that exists on Avenida Teresa as the wall would be located approximately 5 feet from the back of the existing sidewalk and would obscure views into a significant portion of the front yard.
 2. The front yard wall is proposed at a location that the City's Engineering Division identified as a concern due to obstructed views of traffic to and from driveways caused by the wall.
 3. There are only two single family residential properties on Avenida Teresa observed with a wall height that exceeds 3' 6" in the front yard setback. These observed walls were approximately 6 feet in height and setback 10 feet from the front property line. The proposed wall is approximately 5 feet from the property line, thereby limiting the open street scene and obstructing views of traffic.
- B. The neighboring properties will be adversely affected as a result of the approval or conditional approval of the Minor Exception Permit; in that:
 1. The Engineering Division has identified the location of the proposed front yard wall as a concern for the potential to present conflicts with traffic and adjacent driveway line of sight. The Engineering Division identified that walls at 6 feet in height at a minimum of distance of 10 feet from the front lot line would not present traffic safety concerns and could be supported.
 2. The proposed wall would be located a height of 6 feet approximately 5 feet from the front property line and view obscured, which is uncharacteristic of the neighborhood, which has an existing open street scene that is intended for single family residential neighborhoods.
- C. The approval or conditional approval of the Minor Exception Permit would be detrimental to the health, safety or welfare of the general public, in that:

1. The Engineering Division has identified the location of the proposed 6' front yard wall as a concern for potential conflicts with traffic and adjacent driveway line of sight. The Engineering Division identified that walls at 6 feet in height at a minimum of distance of 10 feet from the front lot line would not present traffic safety concerns and could be supported. Due to these safety issues, the wall encroachment into the front yard setback is not suitable.
- D. The height of the wall will be incompatible with the character of or uses in the neighborhood, in that:
1. The proposed wall would be located a height of 6 feet, approximately 5 feet from the front property line and view obscured, which is uncharacteristic of the neighborhood with an existing open street scene that is intended for single family residential neighborhoods.
 2. There are only two single family residential properties on Avenida Teresa observed with a wall height that exceeds 3 feet 6 inches in the front yard setback. These observed walls were approximately 6 feet in height and setback 10 feet from the front property line. The proposed wall is approximately 5 feet from the property line, thereby limiting the open street scene and obstructing views of traffic.
 3. The proposed wall would create driveway line of sight concerns uncharacteristic of other existing front yard walls at single family residences in the vicinity.
- B. The height of the fence, wall, or hedge will have negative visual impacts upon the street scene or obstruct views of traffic to and from driveways.
1. The proposed wall would be located a height of 6 feet, approximately 5 feet from the front property line and view obscured, which is uncharacteristic of the neighborhood with an existing open street scene that is intended for single family residential neighborhoods in the City's Zoning Ordinance.
 2. The Engineering Division has identified the location of the proposed front yard wall as a concern for the potential to present conflicts with traffic and adjacent driveway line of sight. The Engineering Division identified that walls at 6 feet in height at a minimum of distance of 10 feet from the front lot line would not present traffic safety concerns and could be supported.
 3. There are only two single family residential properties on Avenida Teresa observed with a wall height that exceeds 3 feet 6 inches in the front yard setback. These observed walls were approximately 6 feet in height and setback 10 feet from the front property line. The proposed wall is approximately 5 feet from the property line, thereby limiting the open street scene encouraged in the City's Zoning Ordinance and obstructing views of traffic.

Section 4. Zoning Administrator Denial

Based on the foregoing recitals and findings, and the written and oral comments, facts, and evidence presented, the City of San Clemente Zoning Administrator Denies Minor Exception Permit Number 20-338.

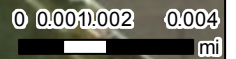
PASSED AND ADOPTED at a regular meeting of the City of San Clemente Zoning Administrator on April 22, 2021.

Cecilia Gallardo-Daly, Zoning Administrator









Printed: 4/14/2021 @ 10:20 PM

© GIS Services Staff for Public Works & Planning



LEGEND

-  City Boundary
-  Address Points
-  Parcels
- Streets RGB**
-  Green: Band_2
-  Red: Band_1
-  Blue: Band_3

Site Photos of 510 Avenida Teresa with Existing Wall



Photos of Adjacent Residence (508 Avenida Teresa) with 6 foot wall within the front setback area



Neighborhood Photos along Avenida Teresa



508 Avenida Teresa



The blockwall will have horizontal IPE hardwood accents between the pilasters. The top of the pilasters are customized made dark brown capstones. The block wall will be stucco covered and white in color.

510 Avenida Teresa
Existing Residence



The fences and gates are horizontal IPE hardwood. Gates on the north and south side of the driveway. The fence height is 72". The gate heights are 72".

Pool Barrier
Linear Feet - 76'
Cost - \$5,718
Garden Walls - 120'
Linear Feet
Cost - \$3,437
Entry Gate
Linear Feet - 13.5'
Cost - 1,159

1. 6" Pool Barrier
 - a. 5' from sidewalk
 - b. Common wall to 508 Avenida Teresa
2. 6' Entry Gate
 - a. Common wall to 512 Avenida Teresa
3. 2' Garden Wall
 - a. 5' garden area
 - b. Adjacent to sidewalk

PLAN LEGEND

- 6" Pool Barrier
- Pilaster
- ||||| 2' Garden Wall
- 6" IPE Wood Fence
- - - - 64" IPE Wood Gate

PLAN NOTES

1. CONSTRUCTION WILL COMPLY TO THE CITY'S REGULATIONS.
 - a. Bl-7 Block Wall

512 Avenida Teresa

Property Line is the back of the sidewalk.

Property Line

Sidewalk

2' Garden Wall

5' Garden Area

Avenida Teresa

Driveway

6' Entry Gate

2' Garden Wall

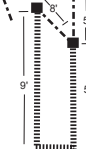
Sidewalk

43'

25'

35'

5.5'



CASTRO HOME
510 AVENIDA TERESA
SAN CLEMENTE, CA 92672
TERI & REY CASTRO

THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED, OR COPIED IN ANY MANNER OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO A THIRD PARTY WITHOUT FIRST OBTAINING THE WRITTEN PERMISSION AND CONSENT OF OWNER. IN THE EVENT OF UNAUTHORIZED REUSE OF THESE PLANS BY A THIRD PARTY, THE THIRD PARTY SHALL BE HELD LIABLE THEREFOR.

NO.	DATE	DESCRIPTION

CASTRO POOL BARRIER PLAN

PROJECT MANAGER :	KM
DESIGNER :	KM
DRAWN BY :	
REVIEWED BY :	-
1ST BLDG. DEPT. SUBMITTAL :	-
ISSUED FOR CONSTRUCTION :	-
JOB NUMBER :	-
CAD FILE NAME :	A100

DATE: 08/27/20 SHEET: A1.0

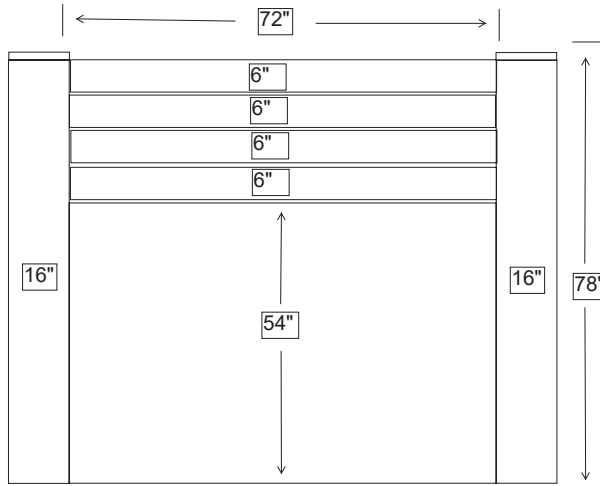


1/4"=1'-0"

510 Avenida Teresa
Existing Residence



The blockwall will have horizontal IPE hardwood accents between the pilasters. The top of the pilasters are customized made dark brown capstones. The block wall will be stucco covered and white in color.



1. 6" Pool Barrier
 - a. 5' from sidewalk
 - b. Common wall to 508 Avenida Teresa
2. 6' Entry Gate
 - a. Common wall to 512 Avenida Teresa
3. 2' Garden Wall
 - a. 5' garden area
 - b. Adjacent to sidewalk

PLAN LEGEND

- 6" Pool Barrier
- Pilaster
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PLAN NOTES

1. CONSTRUCTION WILL COMPLY TO THE CITY'S REGULATIONS.
 - a. Bl-7 Block Wall



The fences and gates are horizontal IPE hardwood. Gates on the north and south side of the driveway. The fence height is 72". The gate heights are 72".

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DO NOT SCALE PLANS

REVISIONS		
NO.	DATE	DESCRIPTION

CASTRO POOL
BARRIER PLAN

PROJECT MANAGER:	KM
DESIGNER:	KM
DRAWN BY:	
REVIEWED BY:	-
1ST BLDG. DEPT. SUBMITTAL:	-
ISSUED FOR CONSTRUCTION:	-
JOB NUMBER:	-
CAD FILE NAME:	A100

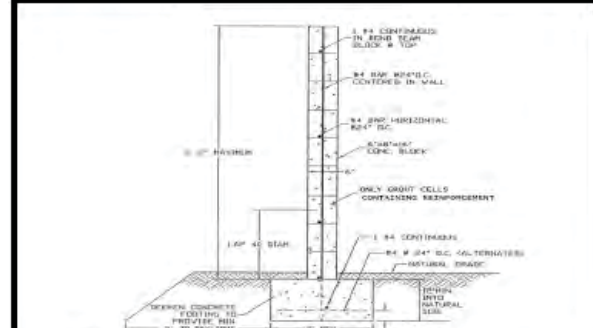
DATE: 08/27/20 SHEET: A1.0





Freestanding 6' Block Wall/Fence 6" Block (Non-Retaining)

BI-7



- NOTES:**
1. Masonry units shall be grade A conforming to ASTM C90 and manufactured in accordance with concrete masonry association standards.
 2. Portland Cement concrete shall conform to ASTM C150
 3. Concrete shall have a minimum strength of 4,500 psi at 28 days (no Deputy Inspection required)
 4. Mortar shall be freshly prepared and uniformly mixed in a ratio of 1 part cement, 1/2 part lime putty, 4 1/2 parts sand and shall conform to ASTM C270. If plastic type cement is used, the lime putty shall be omitted.
 5. Grout shall be of fluid consistency. Ratio by volume 1 part cement, 3 parts sand or 1 part cement, 3 parts sand and 2 parts pea gravel.
 6. Reinforcing steel shall be deformed bars conforming to ASTM A615 grade 40.
 7. No sections of the wall may be within 3 feet of any fire hydrant, post indicator valve and/or Fire Department connection area.

City of San Clemente, Building Division, 910 Calle Negocio, Suite 100, San Clemente, CA 92673
Phone (949) 361-8300 Fax (949) 361-8281 - www.san-clemente.org

P:\Ainsworth\docs\BI-7 Freestanding Block Wall-Fence Detail Rev 02/10/15

CASTRO HOME

510 AVENIDA TERESA
SAN CLEMENTE, CA 92672

TERI & REY CASTRO

THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED, OR COPIED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION AND CONSENT OF OWNER. IN THE EVENT OF UNAUTHORIZED REUSE OF THESE PLANS BY A THIRD PARTY, THE THIRD PARTY SHALL BECD OTHER VIOLATIONS.

NO.	DATE	DESCRIPTION

CASTRO POOL
BARRIER PHOTOS

PROJECT MANAGER :	KM
DESIGNER :	KM
DRAWN BY :	
REVIEWED BY :	
1ST BLDG. DEPT. SUBMITTAL :	
ISSUED FOR CONSTRUCTION :	
JOB NUMBER :	
CAD FILE NAME :	A100

DATE: 08/14/20	SHEET: P0.0
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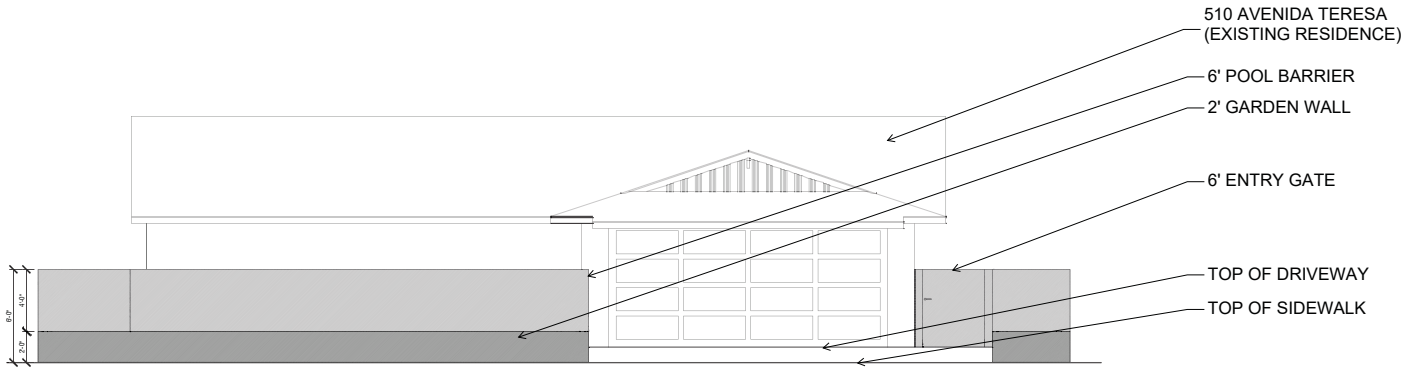
ALL DRAWINGS ACCOMPANYING THESE LANDSCAPE DRAWINGS HAVE NOT BEEN PREPARED BY OR UNDER THE DIRECTION OF KELLY MATHEISON. THEREFORE ASSUMES NO LIABILITY FOR THE COMPLETENESS OR CORRECTNESS OF THE DRAWINGS.

CITY PROGRESS SET - 08/14/2020

- 1. 6' Pool Barrier
 - a. 5' from sidewalk
 - b. Common wall to 508 Avenida Teresa
- 2. 6' Entry Gate
 - a. Common wall to 512 Avenida Teresa
- 3. 2' Garden Wall
 - a. 5' garden area
 - b. Adjacent to sidewalk

ELEVATION NOTES

- 1. CONSTRUCTION WILL COMPLY TO THE CITY'S REGULATIONS.
 - a. Bl-7 Block Wall



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 SAN CLEMENTE, CA 92672
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DO NOT SCALE PLANS

REVISIONS		
NO.	DATE	DESCRIPTION

CASTRO POOL ELEVATION

PROJECT MANAGER:	KM
DESIGNER:	KM
DRAWN BY:	
REVIEWED BY:	-
1ST BLDG. DEPT. SUBMITTAL:	-
ISSUED FOR CONSTRUCTION:	-
JOB NUMBER:	-
CAD FILE NAME:	A100

