



STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: August 18, 2022

PLANNER: David Carrillo, Assistant Planner

SUBJECT: **Minor Exception Permit 22-091, McCormick Residence,** a request to reduce the required minimum front yard setback by less than one foot to accommodate a second-story addition, and to exceed the maximum height limit for walls in the front yard setback area by nine inches, for a retaining wall in the public right-of-way adjoining the subject property.

LOCATION: 115 West Avenida Cadiz

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

PROJECT SUMMARY:

- The project site is a 4,400 square-foot interior lot located west of South El Camino Real. Surrounding land uses include one- and two-story single-family residences, and commercial uses to the east along South El Camino Real. The site is developed with a 1,308 square-foot one-story single-family residence and a 404 square-foot detached two-car garage. The single-family residence currently has nonconforming setbacks at the front and west side of the property. The existing residence is set back from the front property line by 19 feet, 5 inches where 20 feet is required, and to the west, the structure is set back three feet, six inches where four feet is required. Additionally, a retaining wall, located in the public right-of-way, adjoins a historic sidewalk and the subject property, and retains soil for a front yard. The retaining wall ranges in height between one foot, five inches and four feet, three inches. Figure 1 below is an image of the site.

Figure 1 – Existing Site Condition



- The applicant is requesting a Minor Exception Permit to 1) reduce the minimum required front yard setback by seven inches to 19 feet, five inches, and 2) exceed the maximum front yard wall height limit by nine inches to a height of four feet, three inches.
- This request accommodates the addition of 120 square feet of interior living space on the first floor, 824 square feet of interior living space on a new second story, and 181 square feet for a new second-story deck. Additionally, the request is to legalize an existing retaining wall located in the front yard which encroaches into the public right-of-way and exceeds the maximum wall height of three feet, six inches.
- The project will eliminate the nonconforming side yard setback on the west side, but maintain the nonconforming front yard setback. However, the applicant is requesting the reduction of the minimum required front yard setback to 19 feet, five inches, to allow the existing living area to maintain the existing front yard setback, and to allow the second story addition to match the existing residence's front yard setback.
- Zoning Ordinance Section 17.16.090 requires Zoning Administrator approval of a Minor Exception Permit (MEP) to allow a decrease of not more than 15 percent of the required front or rear yard setbacks.
- Zoning Ordinance Section 17.24.180 requires approval of a MEP to allow an increase in the permitted height of retaining walls up to a maximum of six feet for walls located in the front yard setback area.
- Municipal Code Section 12.20.015 requires discretionary approval for projects in the public right-of-way, if discretionary approval is required for a similar project on the adjoining private property.
- The exception maintains neighborhood compatibility and the general street appearance of the street since the property is subject to landscape requirements that maintain a soft buffer between the public right-of-way and the primary structure, consistent with neighboring properties.
- Considering the location of adjacent driveways and the distance between the retaining wall and curb face, the Engineering Division determined there are sufficient angles of sight, in conjunction with Conditions of Approval, which require the property owner to maintain a transparent safety guardrail above the retaining wall, in perpetuity, to prevent vehicle line-of-sight issues.
- Conditions of Approval require the property owner to obtain an Encroachment Permit from the Engineering Division for the existing retaining wall in the public right-of-way adjoining the subject property.
- The project meets required findings for approval because:
 - The residential use of the property will continue as intended by the Residential Low Zone and Coastal Zone Overlay District, and the exception does not significantly alter the neighborhood's street scene consisting of distinct architectural styles, landscaped front yards, and historic sidewalk pavers
 - The project will eliminate the nonconforming side yard setback on the west side
 - The project maintains parking opportunities on site with the existing detached two-car garage and extended driveway, and therefore alleviates parking congestion on West Avenida Cadiz
 - Conditions of Approval require the property owner maintain a transparent safety guardrail above the retaining wall, in perpetuity, to prevent vehicle line-of-sight issues

- Some neighboring properties consist of front yard retaining walls which taper to a taller height on the west side due to the natural downward slope of West Avenida Cadiz towards the ocean. The height of retaining walls vary depending on each property's original grading.
- The existing retaining wall maintains a pedestrian-friendly environment and an open-street scene where the single-family residence remains visible and contributes to the neighborhood's mix of architectural styles
- A useable flat front yard is maintained leveled with the single-family residence and helps preserve the historic sidewalk pavers from potential damage derived from construction on the wall to reduce the height
- The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities) and 15305 (Class 5: Minor Alterations in Land Use Limitations) because project involves 1) a first and second story addition totaling less than 10,000 square feet in an area which is not environmentally sensitive and where all public services and facilities are available to allow for maximum development permissible in the General Plan, and 2) a decrease of the required minimum front yard setback by five inches and an increase of the maximum wall height limit for wall in the front yard setback area by nine inches on a lot where the average slope is 5.4% and land use and density does not change.
- The site is within the Categorical Exclusion Order Area within the Coastal Zone and therefore does not require review and approval by the California Coastal Commission.
- A public comment has been received on this item and is provided in Attachment 3. The comment opposes the project for reasons related to private views, natural light and solar exposure concerns, and future requests for exceptions by other neighbors.

RECOMMENDATION

Staff recommends that the Zoning Administrator:

1. Determine the project is Categorically Exempt from the requirements of the CEQA pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities) and 15305 (Class 5: Minor Alterations in Land Use Limitations) ;
2. Adopt Resolution ZA 22-014, approving Minor Exception Permit 22-091, McCormick Residence, subject to attached conditions of approval.

Attachments:

1. Resolution ZA 22-014
Exhibit A - Conditions of Approval
2. Location Map
3. Public Comment
4. Plans

ATTACHMENT 1

RESOLUTION NO. ZA 22-014

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR EXCEPTION PERMIT 22-091, MCCORMICK RESIDENCE, TO REDUCE THE REQUIRED MINIMUM FRONT YARD SETBACK BY LESS THAN ONE FOOT TO ACCOMMODATE A SECOND-STORY ADDITION, AND TO EXCEED THE MAXIMUM HEIGHT LIMIT FOR WALLS IN THE FRONT YARD SETBACK AREA BY NINE INCHES FOR A RETAINING WALL IN THE PUBLIC RIGHT-OF-WAY ADJOINING A SINGLE-FAMILY RESIDENCE LOCATED AT 115 WEST AVENIDA CADIZ

WHEREAS, on an application was submitted by Steve and Kristen McCormick, 48 North Mill Road, West Windsor, NJ 08550 for Minor Exception Permit (MEP) 22-091, and deemed complete on July 15, 2022; a request to reduce the required minimum front yard setback by less than one foot to accommodate a second-story addition, and to exceed the maximum height limit for walls in the front yard setback area by nine inches at a single-family residence located at 115 West Avenida Cadiz within the Residential Low Zoning District and Coastal Zone Overlay District (RL-CZ). The site's legal description is N TR 822 BLK 3 LOT 52 and Assessor's Parcel Number 692-143-39; 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) and 15305 (Class 5: Minor Alterations in Land Use Limitations). This is recommended because the project involves 1) a first and second story addition totaling less than 10,000 square feet in an area which is not environmentally sensitive and where all public services and facilities are available to allow for maximum development permissible in the General Plan, and 2) a decrease of the required minimum front yard setback by five inches and an increase of the maximum wall height limit for wall in the front yard setback area by nine inches on a lot where the average slope is 5.4% and land use and density does not change; and

WHEREAS, on May 31, 2022 and June 23, 2022, 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; and

WHEREAS, on August 18, 2022, 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) and 15305 (Class 5: Minor Alterations in Land Use Limitations).

The Class 1 and Class 5 exemptions specifically exempt from further CEQA review the operation, repair, maintenance, and minor repair of existing public or private structures, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination, and minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. These exemptions cover, but is not limited to, interior or exterior alterations, additions to existing structures that will not result in an increase of more than 10,000 square feet in an area which is not environmentally sensitive and where all public services and facilities are available to allow for maximum development permissible in the General Plan, and setback variances not resulting in the creation of any new parcel. Here, the proposed project is located in a developed residential area, and involves a first and second story addition totaling less than 10,000 square feet, and a decrease of the required minimum front yard setback by five inches and an increase of the maximum wall height limit for walls in the front yard setback area by nine inches for a wall within the adjoining public right-of-way fronting the lot. The project does not increase or otherwise change the existing use of the site. Thus, the project qualifies for the Class 1 and Class 5 exemptions.

Furthermore, none of the exceptions to the use of the Class 1 and Class 5 categorical exemptions 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. For consistency with the General Plan on neighborhood compatibility, future project proposals of the same type will be limited on the degree of setback deviations through the application of the General Plan, Design Guidelines, and Zoning Code. Additionally, lot coverage and landscaping standards preserve front yards adjoining the public right-of-way. There are no unusual circumstances surrounding the project that result in a reasonably possibility of a significant effect on the environment. There are no endangered species or wetlands on the project site or in the vicinity. The project maintains the residential use as intended by the General Plan and Zoning Code. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings, or similar resources. The project does not include any hazardous waste sites, and the project will not cause a substantial adverse change in the significance of a historical resource. Thus, the Class 1 and Class 5 exemptions apply, and no further environmental review is required.

Section 3. Minor Exception Permit Findings

With respect to Minor Exception Permit (MEP) 22-091, the Zoning Administrator finds as follows:

- A. The requested minor exception will not interfere with the purpose of the zone or the standards of the zone in which the property is located, in that:
 1. The residential use of the property will continue as intended by the Residential Low Zone and Coastal Zone Overlay District, and the exception does not significantly alter the neighborhood's street scene consisting of distinct architectural styles, landscaped front yards, and historic sidewalk pavers;
 2. The property is subject to all development standards of the Residential Low Zone and Coastal Zone Overlay District as neighboring properties in the same zone, with the exception of the second-story addition built to the reduced front-yard setback of 19 feet, 5 inches, and the existing front yard retaining wall remaining nine inches above the maximum wall height limit; and
 3. The project maintains parking opportunities on site with the existing detached two-car garage and extended driveway, and therefore alleviates parking congestion on West Avenida Cadiz.
- B. The neighboring properties will not be adversely affected as a result of the conditional approval of the Minor Exception Permit, in that:
 1. The second-story addition is proposed entirely within the subject property, and maintaining the existing over-height front yard retaining wall encroaching into the public right-of-way helps preserve historic sidewalk pavers, allows for adequate sidewalk width, and does not create vehicle line-of-sight issues;
 2. The project will eliminate the nonconforming side yard setback on the west side;
 3. Conditions of Approval require the property owner maintain a transparent safety guardrail above the retaining wall, in perpetuity, to prevent vehicle line-of-sight issues;
 4. The request does not preclude neighboring properties from being used as intended by the Residential Low Zone and Coastal Zone Overlay District;
 5. The exception maintains neighborhood compatibility and street appeal since the property is subject to landscape requirements that maintain a soft buffer between the public right-of-way and the primary structure, consistent with neighboring properties; and
 6. Prior to the issuance of a building permit, the project is required to meet the California Building Code and Orange County Fire Authority regulations.

- C. The approval or conditional approval of the Minor Exception Permit will not be detrimental to the health, safety or welfare of the general public, in that:
1. The second-story addition is proposed entirely within the subject property, and maintaining the existing over-height front yard retaining wall encroaching into the public right-of-way helps preserve historic sidewalk pavers, allows for adequate sidewalk width, and does not create vehicle line-of-sight issues;
 2. The project will eliminate the nonconforming side yard setback on the west side;
 3. Conditions of Approval require the property owner maintain a transparent safety guardrail above the retaining wall, in perpetuity, to prevent vehicle line-of-sight issues;
 4. The request does not preclude neighboring properties from being used as intended by the Residential Low Zone and Coastal Zone Overlay District;
 5. The exception is requested to accommodate a second-story addition with a deck at the front elevation. The deck is proposed with open railing, which mitigates building mass impacts to the neighborhood;
 6. The exception maintains neighborhood compatibility and street appeal since the property is subject to landscape requirements that maintain a soft buffer between the public right-of-way and the primary structure, consistent with neighboring properties; and
 7. Prior to the issuance of a building permit, the project is required to meet the California Building Code and Orange County Fire Authority regulations
- D. The height of the retaining wall will not be unsightly or incompatible with the character of or uses in the neighborhood, in that:
1. Some neighboring properties consist of front yard retaining walls which taper to a taller height on the west side due to the natural downward slope of the West Avenida Cadiz towards the ocean. The height of retaining walls varies depending on each property's original grading degree;
 2. The existing retaining wall consists of white stucco and a brick cap, consistent with other retaining walls on West Avenida Cadiz; and
 3. The existing retaining wall maintains a pedestrian-friendly environment and an open-street scene where the single-family residence remains visible and contributes to the neighborhood's mix of architectural styles.

- E. The height of the retaining wall will not have negative visual impacts upon the street scene or obstruct views of traffic to and from driveway, in that:
1. Some neighboring properties consist of front yard retaining walls which taper to a taller height on the west side due to the natural downward slope of the West Avenida Cadiz towards the ocean. The height of retaining walls varies depending on each property's original grading degree;
 2. The existing retaining wall consists of white stucco and a brick cap, consistent with other retaining walls on West Avenida Cadiz;
 3. The project preserves the general topography of the neighborhood and does not exceed the height of walls of properties to the east which are at a higher elevation above sea level;
 4. The existing retaining wall maintains a pedestrian-friendly environment and an open-street scene where the single-family residence remains visible and contributes to the neighborhood's mix of architectural styles; and
 5. Considering the location of adjacent driveways and the distance between the retaining wall and curb face, the Engineering Division determined there are sufficient angles of sight, in conjunction with Conditions of Approval which require the property owner maintain a transparent safety guardrail above the retaining wall, in perpetuity, to prevent vehicle line-of-sight issues.
- F. The additional height is necessary, given topographical constraints, in that:
1. A useable flat front yard is maintained leveled with the single-family residence and helps preserve the historic sidewalk pavers from potential damage derived from construction on the wall to reduce the height.

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 Exception Permit 22-091, McCormick 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 August 18, 2022.

Cecilia Gallardo-Daly, Zoning Administrator

CONDITIONS OF APPROVAL
MINOR EXCEPTION PERMIT 22-091, MCCORMICK RESIDENCE

1.0 GENERAL CONDITIONS OF APPROVAL

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|-----|---|----------------|
| 1.1 | Within 30 days of approval of this application, 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. Failure to submit this acknowledgement may be grounds to revoke this approval. | 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. | 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
Comp |
| 1.6 | Minor Exception Permit 22-091 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 front yard setback exception is exclusively granted for 1) the existing single-story residence, and 2) the construction of a | Planning
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second-story addition and second-story deck with open railing at 19 feet, 5 inches from the front property line. Any other development proposed to the reduced front yard setback shall require an amendment to Minor Exception Permit 22-091, pursuant to Zoning Ordinance Section 17.12.180, Applicant Requests to Change Approved Applications.

- 1.9 The wall height exception to exceed the maximum height limit by nine inches, is exclusively granted for the front yard retaining wall within the public right-of-way which adjoins the subject property Planning
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4.0 PRIOR TO ISSUANCE OF BUILDING PERMITS

- 4.1 Working drawings consisting of the development of the second-story addition and second-story deck built to the reduced front yard setback shall include within the first four pages a list of all conditions of approval included in this resolution. Planning
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- 4.15 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
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- A. Sidewalk, including construction of compliant sidewalk along the property frontage and around obstructions such as the drive approach, utilities, and trees 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 10 feet behind the curb face, a sidewalk easement is not anticipated to be required.
- B. Contractor shall replace any damaged street improvements resulting from construction activities to the satisfaction of the City Inspector.
- C. Improvements such as garden walls, etc. within the street right of way require the approval of an Administrative Encroachment Permit to be approved by the City Engineer prior to the issuance of building permits.

(SCMC Chapter 15.36 and Sections 12.08.010, and 12.24.050)

- 4.16 An Encroachment Permit shall be obtained from the Engineering Division for the existing retaining wall in the public right-of-way adjoining the subject property. Public
Works
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- 4.17 The owner of designee shall submit plans to the satisfaction of the City Engineer for improvements within the street right-of-way. Improvements are subject to the approval of an Administrative Encroachment Permit to be approved by the City Engineer and recorded on the title of the property. Public
Works
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7.0 OPERATIONAL CONDITIONS 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, 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.

Code
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7.18 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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7.19 The Applicant (including any property owners and managers, and their designees) shall maintain a transparent guardrail fence above the existing retaining wall in perpetuity.

Planning
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7.20 In the event the City Planner and/or City Engineer determine the guardrail fence or retaining wall to be of concern, modifications may be requested to address concerns.

Planning
Public
Works
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* Denotes a modified Standard Condition of Approval

** Denotes a project-specific Condition of Approval

CONDITIONS OF APPROVAL
MINOR EXCEPTION PERMIT 22-091, MCCORMICK RESIDENCE

1.0 GENERAL CONDITIONS OF APPROVAL

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|-----|---|----------------|
| 1.1 | Within 30 days of approval of this application, 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. Failure to submit this acknowledgement may be grounds to revoke this approval. | 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. | 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
Comp |
| 1.6 | Minor Exception Permit 22-091 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 front yard setback exception is exclusively granted for 1) the existing single-story residence, and 2) the construction of a | Planning
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second-story addition and second-story deck with open railing at 19 feet, 5 inches from the front property line. Any other development proposed to the reduced front yard setback shall require an amendment to Minor Exception Permit 22-091, pursuant to Zoning Ordinance Section 17.12.180, Applicant Requests to Change Approved Applications.

- 1.9 The wall height exception to exceed the maximum height limit by nine inches, is exclusively granted for the front yard retaining wall within the public right-of-way which adjoins the subject property Planning
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4.0 PRIOR TO ISSUANCE OF BUILDING PERMITS

- 4.1 Working drawings consisting of the development of the second-story addition and second-story deck built to the reduced front yard setback shall include within the first four pages a list of all conditions of approval included in this resolution. Planning
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- 4.15 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
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A. Sidewalk, including construction of compliant sidewalk along the property frontage and around obstructions such as the drive approach, utilities, and trees 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 10 feet behind the curb face, a sidewalk easement is not anticipated to be required.

B. Contractor shall replace any damaged street improvements resulting from construction activities to the satisfaction of the City Inspector.

C. Improvements such as garden walls, etc. within the street right of way require the approval of an Administrative Encroachment Permit to be approved by the City Engineer prior to the issuance of building permits.

(SCMC Chapter 15.36 and Sections 12.08.010, and 12.24.050)

- 4.16 An Encroachment Permit shall be obtained from the Engineering Division for the existing retaining wall in the public right-of-way adjoining the subject property. Public
Works
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- 4.17 The owner of designee shall submit plans to the satisfaction of the City Engineer for improvements within the street right-of-way. Improvements are subject to the approval of an Administrative Encroachment Permit to be approved by the City Engineer and recorded on the title of the property. Public
Works
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7.0 OPERATIONAL CONDITIONS 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, 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.

Code
Comp
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7.18 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
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7.19 The Applicant (including any property owners and managers, and their designees) shall maintain a transparent guardrail fence above the existing retaining wall in perpetuity.

Planning
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7.20 In the event the City Planner and/or City Engineer determine the guardrail fence or retaining wall to be of concern, modifications may be requested to address concerns.

Planning
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** Denotes a project-specific Condition of Approval



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City of San Clemente, CA

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LOCATION MAP
115 W. AVENIDA CADIZ

Carrillo, David

From:
Sent:
To:
Subject:

Dear Planning Commission,

As owners of the house directly to the east of the McCormick residence, we believe we are very much affected by the remodeling work proposed here. We would like to take this opportunity to speak up and voice our concerns about the changes the McCormicks are planning on their property.

While we have made attempts to get a hold of the plans, we have not been able to see the proposed designs. Nonetheless, we have been able to ascertain that the McCormicks are proposing an exception to the front yard setback so as to accommodate a second story that would rely on a first story violation of the current setback. Although we don't know the exact nature of the second story addition, we must assume that the upper floor will project upward and frontward, thus requiring the lower story incursion into the setback. We are opposed to this for several reasons.

1. Our view: As the planners know, we are also proposing a remodel to our house. For various reasons, including common decency and consideration for our neighbors, we have proposed a single story remodel which will not obscure the view of our uphill neighbors. In our remodel, we went to great lengths to preserve the view from our front windows. Our NW corner windows provide our family with a wonderful view of the ocean and sunsets. It is one of the most charming and valuable parts of our small house. Part of our design process involved finding a proper style that would accommodate an asymmetrical window layout so as to preserve the NW view from our living room. All this is meant to emphasize the value we place on our NW corner windows and the view they afford us.

We are well aware that the McCormicks are entitled to build a second story, however, we had hoped that they would show some restraint when imposing on the view of the sky and ocean from inside our house. We are disturbed at the prospect of a large and imposing building facade which will certainly affect the nature of our view from our living room and front porch. The city code requires that these types of variances may be granted provided that they do not adversely affect the neighbors or neighborhood. In addition to the direct encroachment on the setback, we are opposed to any variance that will encourage these and other neighbors to build second story additions that push outward and skyward with facades that often resemble rectangular blocks. I, and others in our neighborhood feel that these types of structures are totally out of character for our neighborhood and detract from the charm and beauty of our city.

2. Natural light and solar issues: We believe that the upper story addition will affect the natural light that will flow into our west windows. A large second story that occupies the maximally allowed height would negatively impact the natural lighting through our windows. While a second story may be the inevitable outcome here, we had hoped that some prudence would guide the design choices of the architects and owners. We are in the process of obtaining a light study to see how such a proposed structure will affect our natural light as well as the solar panels we are planning to put on our roof. We hope the city will take these effects into consideration while deliberating on the design choices.

3. Precedent: I have been approached by several neighbors who received the city's mailer about the proposed changes. In several cases, these were unsolicited conversations. People have come to me, upset about what the McCormick's are proposing. They are upset because they feel that the "rules of the road" are being attacked in an insidious way that might invite further incursions into their "viewspace". They are worried about other neighbors who might have ambitions of improving their view at the expense of those uphill from them. We and our neighbors feel that by giving an inch here and there, the city is sending the wrong message and encouraging future fights between neighbors. We know of several neighbors who have done remodels. When it came to the front setback, they realized that the setback was the setback. That meant they started there and worked back from that point and NOT the converse. The city should rule on the side of fairness and precedent so as to help avoid heartache and anxiety of those who will become involved in future disputes such as these.

Thank you for your kind consideration in this important matter for us and our neighborhood.

Sincerely,

Roger C. Sohn, MD, MBA

ZONING DEVELOPMENT STANDARDS			
ZONE: RES LOW			
STANDARDS	REQUIRED	EXISTING	PROPOSED
LOT AREA:	6000 SF	4400 SF	4400 SF
LOT WIDTH:	60 FT	40 FT	40 FT
FRONT SETBACK TO STRUCTURE:	20 FT	19.4 FT	19.4 FT
FRONT SETBACK TO GARAGE:	18 FT	N/A-REAR	N/A-REAR
INTERIOR SIDE SETBACK (LEFT):	4 FT	10.6 FT	10.6 FT
INTERIOR SIDE SETBACK (RIGHT):	4 FT	3.5 FT	4.1 FT
REAR YARD SETBACK:	10 FT	35.5 FT	28.1 FT
LOT COVERAGE, MAX:	50%	39% (1712 SF)	42% (1832 SF)
BUILDING HEIGHT, MAX:	25 FT	12 FT	24.9 FT
PARKING SPACES, COVERED:	2	2	2

LOT AREA = 4400 SF
 (E) BUILDINGS FOOTPRINT = 1712 SF
 (E) LOT COVERAGE = 39%
 (N) BUILDING FOOTPRINT = 1832 SF
 (N) LOT COVERAGE = 42%

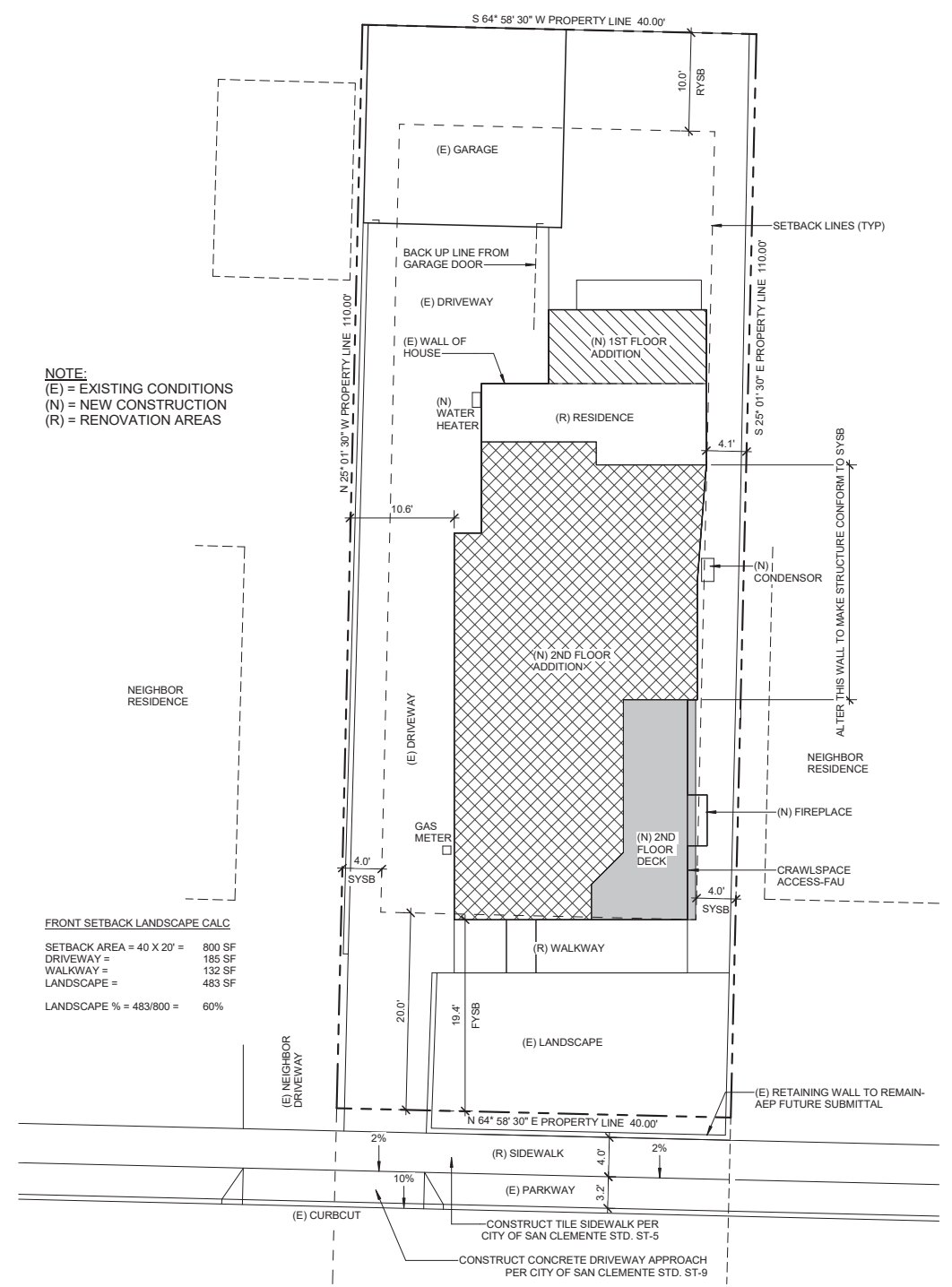
PROJECT DESCRIF
 MINOR EXCEPTION PERMIT: A REQUEST FOR A 3% REDUCTION OF THE FRONT SETBACK. Sections 17.32.040 (note 3. A minor adjustment to the required front yard setback is available through the approval of a Minor Exception Permit, in accordance with, Section 17.16.090.) and 17.16.090, 18.c. (A decrease of not more than 15 percent of the required front or rear yard with the combined total not to exceed 20 percent) of the San Clemente Municipal Code.
 RENOVATION OF (E) ONE STORY HOUSE. (N) CONFORMING ONE-STORY ADDITION TO REAR OF HOUSE. (N) SECOND FLOOR ADDITION TO ADD BEDROOMS/BATHS. (N) SECOND STORY DECK.

- CAROLYN A. DIAS A.I.A.
- P.O. BOX 4565
SAN CLEMENTE
CALIFORNIA 92674
- TEL 949 492 7301
FAX 949 492 0829

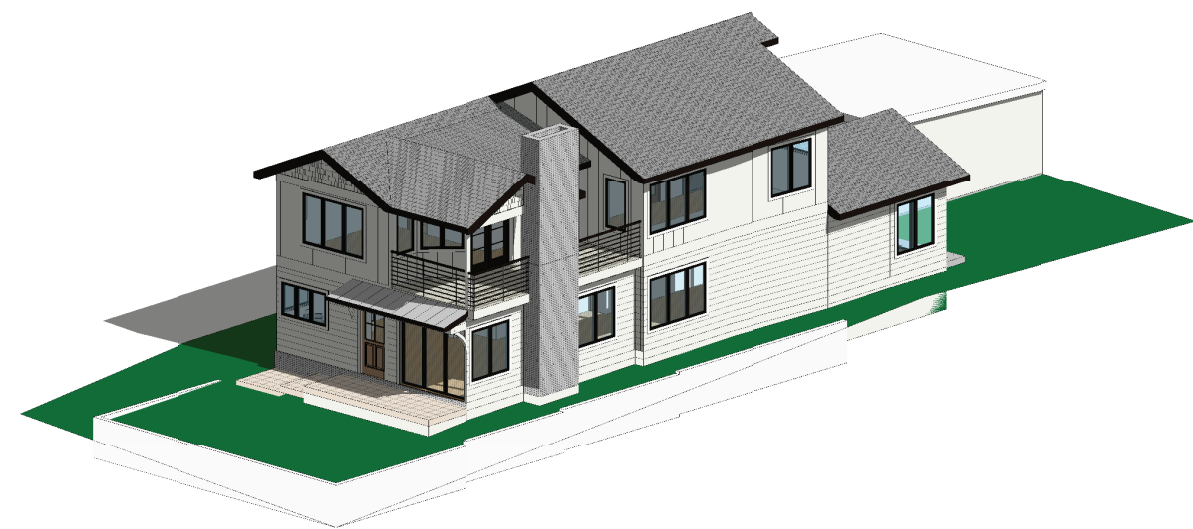
(E) & PROPOSED FLOOR AREAS		
FLOOR AREAS (PROPOSED)		
Name	Area	Comments
(E) FIRST FLOOR	1308 SF	1
(N) 1ST FL ADDITION	120 SF	2 (N) FOOTPRINT: 1832 SF
(N) 2ND FL ADDITION	824 SF	3 TOTAL LIVING AREA: 2252 SF
(N) 2ND FL DECK	181 SF	4
(E) GARAGE	404 SF	5

LEGAL DESCRIPTION
 LOT 52, BLOCK 3, TRACT NO. 822
 115 W. AVENIDA CADIZ
 SAN CLEMENTE, CA
 APN # 692-143-39
 USE: SINGLE FAMILY RESIDENTIAL

PROJECT DATA
 LAND USE: SINGLE FAM RESIDENTIAL
 SAN CLEMENTE ZONING: RES-LOW
 OCCUPANCY: R-3
 CONSTRUCTION TYPE: V-B
 EXIST HOUSE - ONE STORY
 PROPOSED HOUSE - TWO STORY
 SPRINKLERED (DEFERRED SUBMITTAL)
 LOT AREA = 4400 SF
 GROSS FLOOR AREA = 1824 SF
 LOT COVERAGE = 41%



1 SITE PLAN
 1/8" = 1'-0"



2 AERIAL PERSPECTIVE

McCORMICK RESIDENCE

ADDITION/RENOVATION

115 W. AVENIDA CADIZ
 SAN CLEMENTE, CA 92627

DESIGN DRAWINGS
 MEP DRAWINGS

PROPOSED SITE PLAN
 PROJECT DATA
 EXTERIOR
 PERSPECTIVE

DRAWN K. SPRAGUE
 DATE 05.24.2022

REVISION	DATE
△	06.22.2022
△	
△	
△	

SHEET NUMBER

■ LAMPERT DIAS ARCHITECTS, INC.

■ CHRISTINE LAMPERT A.I.A.

■ CAROLYN A. DIAS A.I.A.

■ P.O. BOX 4565
SAN CLEMENTE
CALIFORNIA 92674

■ TEL 949 492 7301
FAX 949 492 0829



McCORMICK RESIDENCE

ADDITION/RENOVATION

115 W. AVENIDA CADIZ
SAN CLEMENTE, CA 92627

**DESIGN DRAWINGS
MEP DRAWINGS**

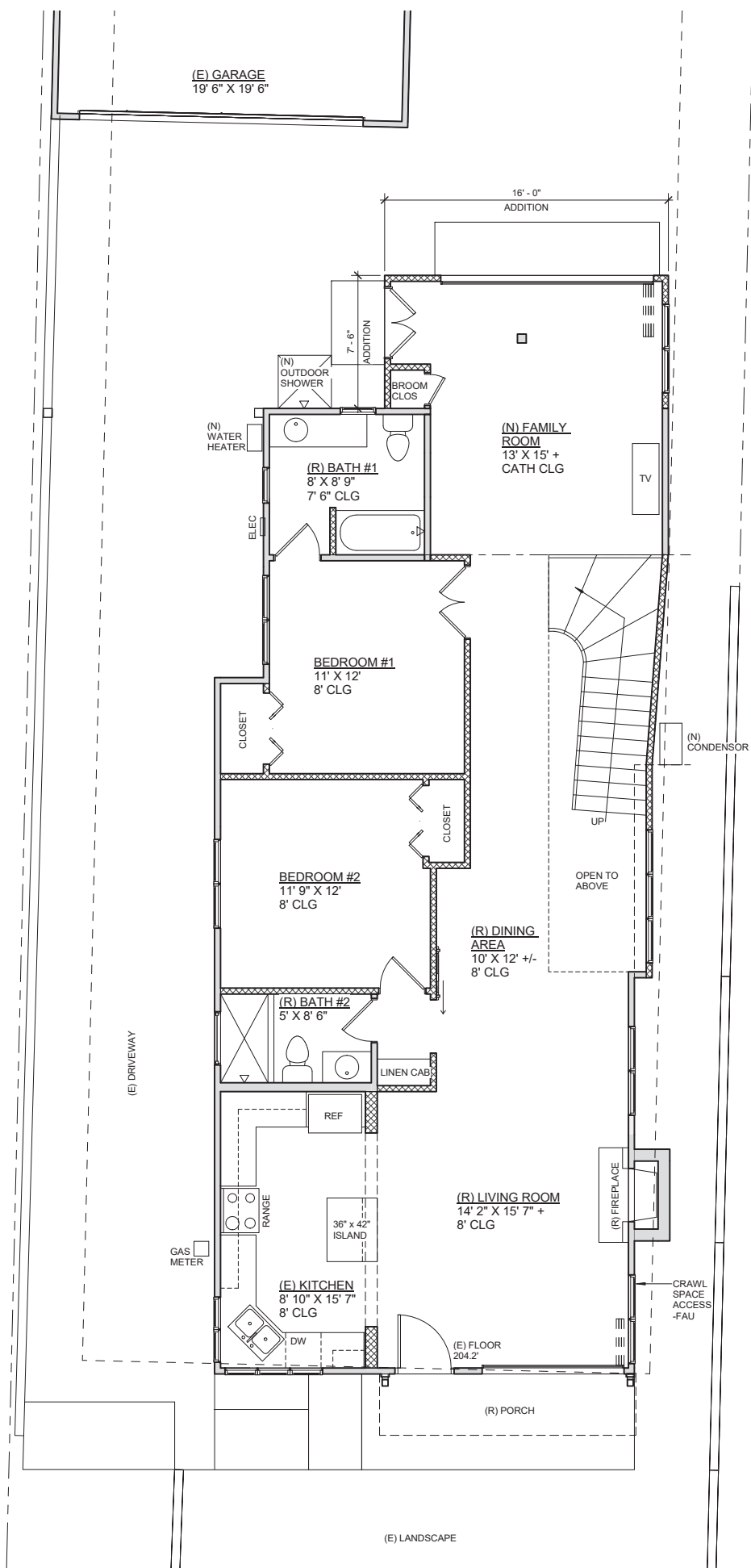
**PROPOSED
FIRST FLOOR PLAN
SECOND FLOOR PLAN**

DRAWN K. SPRAGUE
DATE 05.24.2022

REVISION DATE
△ 06.22.2022

SHEET NUMBER

A-2



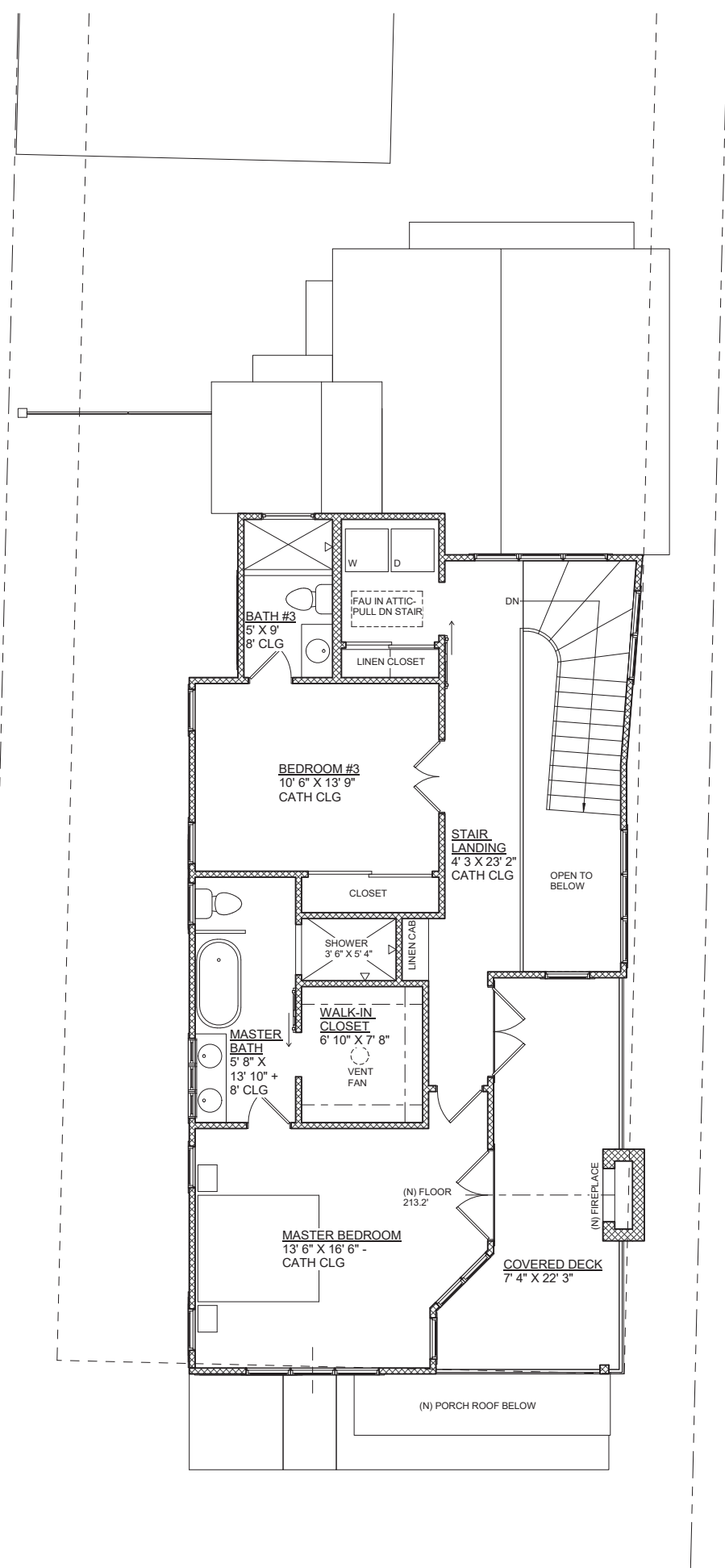
① FIRST FLOOR
1/4" = 1'-0"

FLOOR AREAS (PROPOSED)		
Name	Area	Comments
(E) FIRST FLOOR	1308 SF	1
(N) 1ST FL ADDITION	120 SF	2 (N) FOOTPRINT: 1832 SF
(N) 2ND FL ADDITION	824 SF	3 TOTAL LIVING AREA: 2252 SF
(N) 2ND FL DECK	181 SF	4
(E) GARAGE	404 SF	5

WALL LEGEND
 ———— EXIST. WALLS TO REMAIN
 - - - - - NEW WALLS

NOTE: ALL WINDOWS AND DOORS ARE NEW

NOTE:
 (E) = EXISTING CONDITIONS
 (N) = NEW CONSTRUCTION
 (R) = RENOVATION AREAS



② SECOND FLOOR
1/4" = 1'-0"

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**McCORMICK
RESIDENCE**

ADDITION/RENOVATION

115 W. AVENIDA CADIZ
SAN CLEMENTE, CA 92627

DESIGN DRAWINGS

MEP DRAWINGS

**PROPOSED ROOF
PLAN**

DRAWN K. SPRAGUE
DATE 05.24.2022

REVISION DATE

△ 06.22.2022

△ _____

△ _____

△ _____

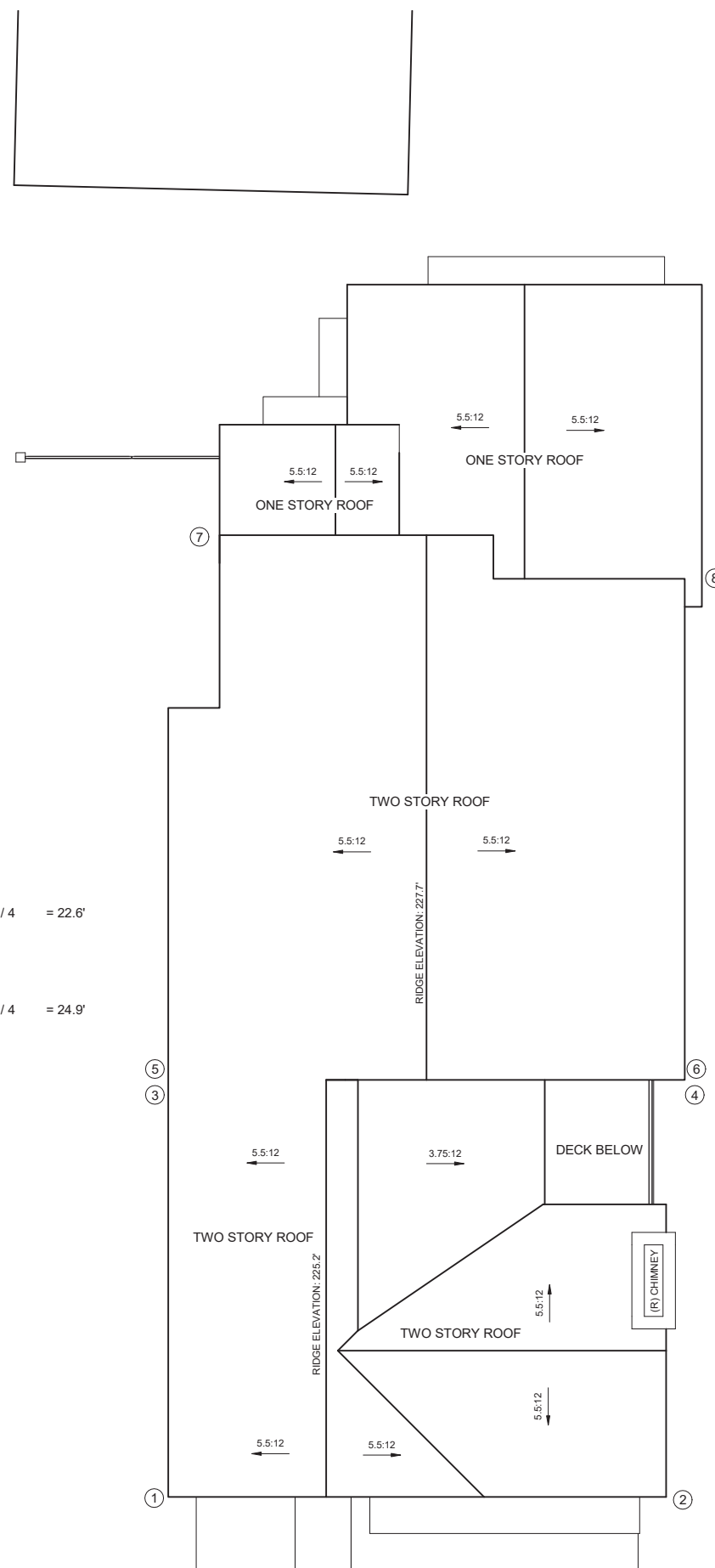
SHEET NUMBER

A-3

HEIGHT ANALYSIS

	①	②	③	④		
A. TOP OF RIDGE	225.2	225.2	225.2	225.2		
ORIGINAL GRADE	<u>202.5</u>	<u>202.4</u>	<u>203.2</u>	<u>202.2</u>	90.5 / 4	= 22.6'
	22.7	22.8	22.0	23.0		
B. TOP OF RIDGE	227.7	227.7	227.7	227.7		
ORIGINAL GRADE	<u>203.2</u>	<u>202.2</u>	<u>203.3</u>	<u>202.4</u>	99.7 / 4	= 24.9'
	24.5	25.5	24.4	25.3		

NOTE: HEIGHTS ARE MEASURED FROM ORIGINAL GRADE. REFER TO TOPOGRAPHIC SURVEY PLAN, RDM SURVEYING, DATED 1/17/22.



① ROOF PLAN
1/4" = 1'-0"

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McCORMICK RESIDENCE

ADDITION/RENOVATION

115 W. AVENIDA CADIZ
SAN CLEMENTE, CA 92627

DESIGN DRAWINGS MEP DRAWINGS

PROPOSED EXTERIOR ELEVATIONS

DRAWN K. SPRAGUE
DATE 05.24.2022

REVISION DATE
06.22.2022

SHEET NUMBER

A-4



1 FRONT ELEVATION (NORTHWEST)
1/4" = 1'-0"



2 RIGHT ELEVATION (SOUTHWEST)
1/4" = 1'-0"



3 REAR ELEVATION (SOUTHEAST)
1/4" = 1'-0"



4 LEFT ELEVATION (NORTHEAST)
1/4" = 1'-0"