



## STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Meeting Date: January 22, 2014

**PLANNER:** Sean Nicholas, Associate Planner *SN*

**SUBJECT:** Conditional Use Permit (CUP) 13-481, Bill Brewster Racing and Manufacturing, a request to consider establishing an automotive repair facility for the Bill Brewster Racing and Manufacturing company located at 130 Calle Iglesia within the Business Park planning area four within the Rancho San Clemente Specific Plan.

### REQUIRED FINDINGS

Prior to approval of the proposed project, the following findings shall be made. The draft Resolution, provided as Attachment 1, and analysis section of this report provide an assessment of the project's compliance with these findings.

#### ***Conditional Use Permit, Section 17.16.060***

- a. The proposed use is permitted within the subject zone pursuant to the approval of a Conditional Use Permit and complies with all the applicable provisions of this title, the San Clemente General Plan and the purpose and intent of the zone in which the use is being proposed.
- b. The site is suitable for the type and intensity of use that is proposed.
- c. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity.
- d. The proposed use will not negatively impact surrounding land uses.

### BACKGROUND

The applicant proposes to operate an automotive repair and small scale manufacturing facility. Bill Brewster's Racing only works on Porsches and the manufacturing component would be for specialized parts they manufacture onsite that are utilized in the automotive enhancements they make to the vehicles. The company has been located in San Clemente since 1990 and is in need of this new location for additional square footage because their business has grown.

#### ***Site***

The subject property is a 60,112 square foot lot with a 25,706 square foot industrial building. The applicant is proposing to take over tenant space B, which is 15,922 square feet. The site has 30 existing parking spaces for use by all the tenants, and with this

project seven parking spaces will be added to meet the additional needs of establishing the automotive repair use.

***DMT***

The City's Development Management Team (DMT) reviewed the project on December 12, 2013, and supports the use request, subject to the proposed conditions of approval.

***Noticing***

Public notification was completed in accordance with State Law and Municipal Code regulations. To date, staff has received one inquiry from the public and they were in support of the project.

**PROJECT DESCRIPTION**

The proposed use of the tenant space will be the various components of Bill Brewster Racing and Manufacturing. This includes automotive repair, manufacturing of specialized parts, office, and storage. The applicant is a long time business owner in San Clemente, and his business is growing and needs the additional square footage. Currently, the facility is located in the Los Molinos Business District, and the new larger facility will allow for all of the various components of their business to be under one roof.

The project is being proposed in Planning Area 4 of the Rancho San Clemente Specific Plan. This is the only area of the Business Park zoned for automotive repair. There are several other existing automotive repair facilities in the vicinity.

The previous use of the site was manufacturing. Manufacturing, office, and storage are all permitted uses in the Business Park pursuant to the Ranch San Clemente Specific Plan.

As a component of the project the applicant will extend the parking to add seven parking spaces. This area where the new parking is being added is currently the delivery bay. Discussing the issue with the other tenant and the property owner they agree the area is not needed (Attachment 3).

Table 1 shows a breakdown of the parking requirements by use for the building (including the proposed and existing tenants) pursuant to Municipal code Section 17.64.050:

**Table 1: Parking by Use**

<b>Use (square footage of total building)</b>	<b>Parking Requirement</b>	<b>Number of Parking Spaces Required</b>	<b>Total Spaces Provided</b>
Office (4,780 square feet)	1 space/300 square feet	16	16
Warehouse (15,186 square feet)	1 space/2,000 square feet	8	8
Light Manufacturing (2,950 square feet)	1 space/500 square feet	6	6
Automotive Repair (2,790 square feet)	1 space/400 square feet	7	7
<b>TOTAL (25,706 square feet)</b>		<b>37</b>	<b>37</b>

**PROJECT ANALYSIS*****Conditional Use Permit***

The automotive repair use requires a Conditional Use Permit. The small scale manufacturing and office uses proposed for the space are permitted by right. The addition of seven parking spaces assures the project meets the on-site parking requirements. Additionally, this portion of the Rancho San Clemente Business Park was originally selected for automotive repair because of its physical separation from residential uses. Several other automotive repair facilities exist in the area for over 15 years without impacts to the surrounding uses. Given there is no parking impacts, and similar uses have been successfully been in operation in the area for years, staff's position is that all applicable findings can be made to support the Conditional Use Permit request.

**GENERAL PLAN CONSISTENCY**

The proposed use is consistent with the Land Use Element of the City's General Plan. General Plan Policy 1.0(IV)(A)(1) which states, "To accommodate a range of land uses which provide for the basic needs of existing and future residents, including housing, commercial services, employment, entertainment, recreation, personal services, and similar uses." This new location will promote the continued growth of a business that has been located in San Clemente for over 20 years and continues to be successful. The location where the proposed project will be located is designated for this type of automotive use with the approval of a Conditional Use Permit, and the project meets all applicable Zoning Ordinance requirements including consistency with the General Plan and Rancho San Clemente Specific Plan.

**ENVIRONMENTAL REVIEW**

The Planning Division processed and completed an initial environmental assessment for this project in accordance with the California Environmental Quality Act (CEQA). The Planning Division has determined the project is categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303, because the project consists of the conversion of an existing structure from one use to another.

**ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES**

1. The Planning Commission can concur with staff and approve CUP 13-481.  
*This action would allow Bill Brewster to open all components of their business under one roof as they propose to do.*
2. The Planning Commission can, at its discretion, add, modify or delete provisions of the proposed project or conditions.  
*The Planning Commission can require additional conditions addressing potential concerns regarding the use, parking, or noise concerns onsite.*
3. The Planning Commission can deny CUP 13-481.  
*This action would not allow the applicant to have automotive repair onsite, but the applicant could still have offices, storage, and manufacturing onsite. The applicant would also have the ability to appeal the decision to the City Council.*

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission approve CUP 13-481, Bill Brewster Racing and Manufacturing, subject to the attached Resolution and Conditions of Approval.

*Attachments:*

1. Resolution
2. Location Map
3. Letters from the applicant and property owner
4. Images  
Plans

RESOLUTION NO. PC 14-001

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE  
PERMIT 13-481, BILL BREWSTER RACING AND MANUFACTURING,  
A REQUEST TO ALLOW FOR A NEW AUTOMOTIVE REPAIR  
FACILITY LOCATED AT  
130 CALLE IGLESIA**

**WHEREAS**, on November 19, 2013 an application was submitted, and on January 6, 2014 completed, by Bill Brewster Racing, 1510 Avenida De La Estrella Suite A, San Clemente, CA, 92672, to establish an automotive repair facility at 130 Calle Iglesia, within the Rancho San Clemente Specific Plan Business Park Planning Area 4, the legal description being Lot 3, of Tract 13467, Assessor's Parcel Number 690-641-03; and

**WHEREAS**, on December 12, 2013, the City's Development Management Team reviewed the application for compliance with the General Plan, Zoning Ordinance, and other applicable requirements, and provided conditions of approval for the project; and

**WHEREAS**, the Planning Division processed and completed an initial environmental assessment for this project in accordance with the California Environmental Quality Act (CEQA). The Planning Division has recommended the Planning Commission determine that the project is categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303, because the project involves the conversion of an existing structure from one use to another; and

**WHEREAS**, on January 22, 2014, the Planning Commission held a duly noticed public hearing on the subject application and considered evidence presented by City staff, the applicant, and other interested parties.

**NOW, THEREFORE**, the Planning Commission of the City of San Clemente hereby resolves as follows:

**Section 1:** The Planning Commission finds that the project is categorically exempt from the California Environmental Quality Act (CEQA) as a Class 3 exemption pursuant to CEQA Guidelines Section 15303, because the project involves the conversion of an existing structure from one use to another.

**Section 2:** With respect to Conditional Use Permit 13-481, the Planning Commission finds as follows:

- A. The proposed use is permitted within the subject zone pursuant to the approval of a Conditional Use Permit and complies with all the applicable provisions of this title, the San Clemente General Plan and the purpose and intent of the zone in which the use is being proposed, in that the proposed use will be conducted entirely indoors and there are several other automotive repair facilities within close proximity that have operated without issue. Planning area 4 of the Rancho San

Clemente Specific Plan business park was identified for these types of uses with the approval of a Conditional Use Permit, because of its separation from residential uses and a reduced impact to surrounding uses.

- B. The site is suitable for the type and intensity of use that is proposed, in that this portion of the Rancho San Clemente Specific Plan Business Park has been identified for automotive repair uses with the approval of a Conditional Use Permit because of the distance from residential uses, and the proposed project will operate completely indoors reducing additional impacts to surrounding uses.
- C. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity, in that this portion of the Rancho San Clemente Specific Plan Business Park has been identified for automotive repair uses with the approval of a Conditional Use Permit because of the distance from residential uses, and the proposed project will operate completely indoors reducing additional impacts to surrounding uses.
- D. The proposed use will not negatively impact surrounding land uses, in that this portion of the Rancho San Clemente Specific Plan Business Park has been identified for automotive repair uses with the approval of a Conditional Use Permit because of the distance from residential uses, and the proposed project will operate completely indoors reducing additional impacts to surrounding uses.

**Section 3:** The Planning Commission hereby approves Conditional Use Permit 13-481, Bill Brewster Racing and Manufacturing, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit 1.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of San Clemente on January 22, 2014.

\_\_\_\_\_  
Chair

**TO WIT:**

**I HEREBY CERTIFY** that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of San Clemente on January 22, 2014, and carried by the following roll call vote:

<b>AYES:</b>	<b>COMMISSIONERS:</b>
<b>NOES:</b>	<b>COMMISSIONERS:</b>
<b>ABSTAIN:</b>	<b>COMMISSIONERS:</b>
<b>ABSENT:</b>	<b>COMMISSIONERS:</b>

\_\_\_\_\_  
Secretary of the Planning Commission

**EXHIBIT 1**

**CONDITIONS OF APPROVAL\***  
 Conditional Use Permit 13-481  
 Bill Brewster Racing and Manufacturing

**GENERAL CONDITIONS****Planning Division**

1. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City of San Clemente and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the "Indemnitees") from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either (i) the City's approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act ("CEQA"), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an "Action") within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City's full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City. *[Citation – City Attorney Legal Directive]* (PIng.)\_\_\_\_\_
2. Thirty (30) days after project approval, the owner or designee shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)\_\_\_\_\_
3. Conditional Use Permit 13-481 shall become null and void if the use is not commenced within three (3) years from the date of the approval thereof. The use

shall be deemed to have commenced on the date the use becomes legally operational, including issuance of a Certificate of Occupancy from the City of San Clemente. *[Citation - Section 17.12.150.A.1 of the SCMC]* (PIng.)\_\_\_\_\_

A use shall be deemed to have lapsed, and Conditional Use Permit 13-481 shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the California Building Code, as amended. *[Citation - Section 17.12.150.C.1 of the SCMC]* (PIng.)\_\_\_\_\_

4. The owner or designee shall have the right to request an extension of Conditional Use Permit 13-481 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall be subject to review and approval by the final decision making authority that ultimately approved or conditionally approved the original application. *[Citation - Section 17.12.160 of the SCMC]* (PIng.)\_\_\_\_\_
5. Prior to the issuance of building permits, the owner or designee shall include within the first four pages of the working drawings a list of all conditions of approval imposed by the final approval for the project. *[Citation - City Quality Insurance Program]* (PIng.)\_\_\_\_\_ (Bldg.)\_\_\_\_\_
6. Prior to the issuance of a certificate of occupancy, the project shall be developed in conformance with the site plan, floor plans, elevations, details, and any other applicable submittals approved by the Planning Commission on January 22, 2014, subject to the Conditions of Approval.  
  
Any deviation from the approved site plan, floor plans, elevations, details, or other approved submittal shall require that the owner or designee submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Zoning Administrator. *[Citation - Section 17.12.180 of the SCMC]* (PIng.)\_\_\_\_\_
7. All activities, whether manufacturing or automotive repair, shall occur indoors. ■■ (PIng.) \_\_\_\_\_
8. In the event that noise impacts neighboring properties, the tenant must use best management practices as determined by the City Planner, to eliminate the problem and comply with the City's noise ordinances. ■■ (PIng.) \_\_\_\_\_



**Building Division**

9. A separate Building Permit is required. Plans to construct new building, add or alter the existing building configuration, change in use, add or alter structural, mechanical, electrical or plumbing features of the project must be reviewed and approved through a separate building plan check / permit process.

(Bldg.)\_\_\_\_\_

*[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]*

10. Prior to issuance of building permits, code compliance will be reviewed during building plan check.

(Bldg.)\_\_\_\_\_

*[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]*

11. Prior to issuance of building permits, applicant shall secure all utility agencies approvals for the proposed project.

(Bldg.)\_\_\_\_\_

*[S.C.M.C – Title 15 Building Construction]*

12. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to, the Zoning Ordinance, Grading Code, Security Ordinance, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 of the California Code of Regulations as adopted by the City including, but not limited to the California Administrative, Building, Electrical, Plumbing, Mechanical, Energy, Green, and Fire Codes.

(Bldg.)\_\_\_\_\_

*[S.C.M.C – Title 8 – Chapter 8.16 – Fire Code, Title 15 Building and Construction Chapters 15.08, 15.12, 15.16, 15.20, 15.21, Title 16 Subdivisions, Title 17 Zoning]*

13. Prior to the issuance of building permits, the owner or designee shall submit plans that identify the intended use of each building or portion of building and obtain approval of the Building Official.

(Bldg.)\_\_\_\_\_

*[S.C.M.C – Title 15 – Chapter 15.08]*

14. Prior to the issuance of building permits, the owner or designee shall pay all applicable development fees in effect at the time, which may include, but are not limited to, Regional Circulation Financing and Phasing Program (RCFPP), park acquisition and development, water and sewer connection, drainage, Public Facility Construction, transportation corridor, Avenida La Pata Supplemental Road Fee and school fees, etc.

(Bldg.)\_\_\_\_\_

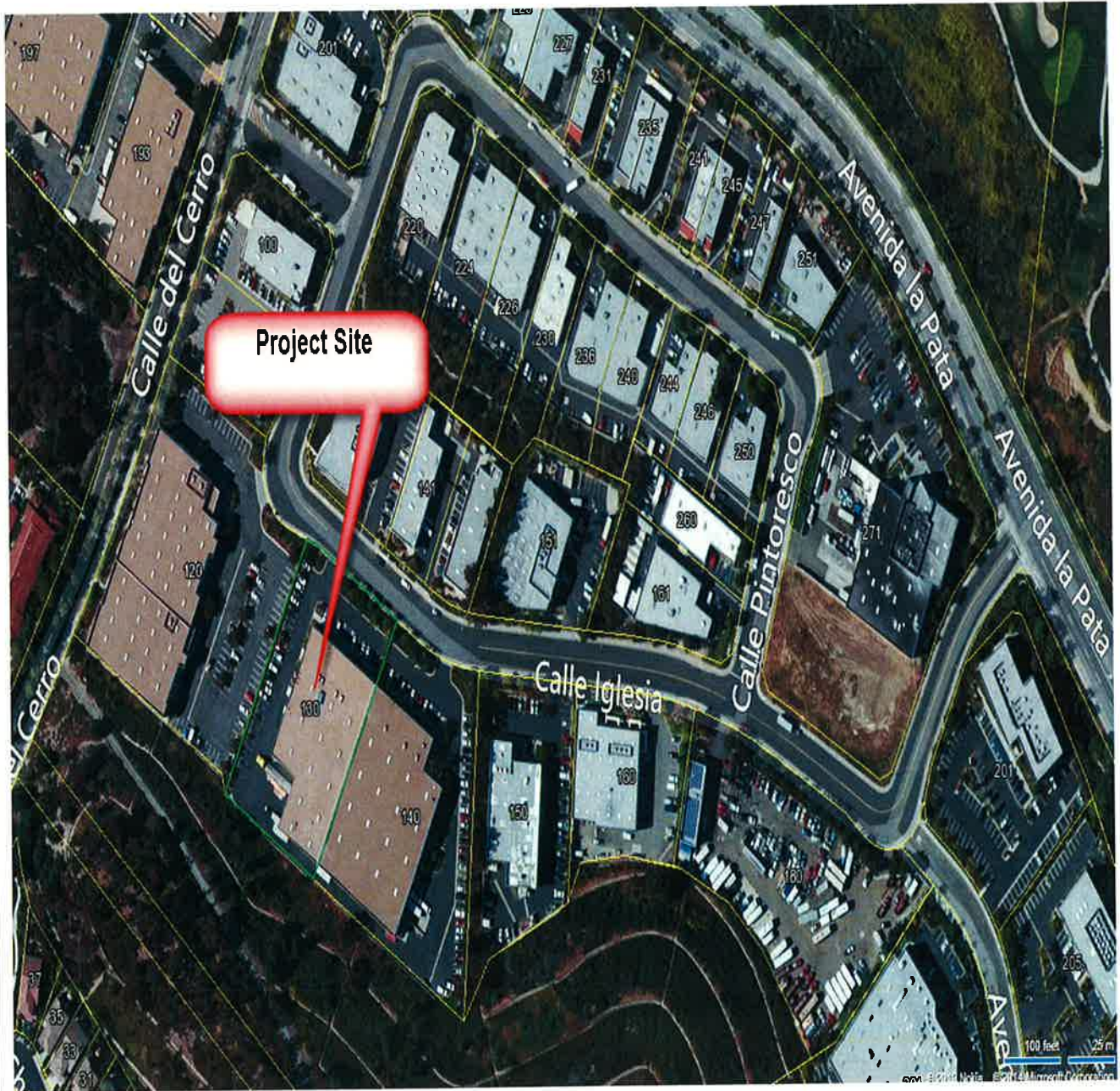
*[S.C.M.C. – Title 15 Building and Construction, Chapters 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]*

- \* All Conditions of Approval are standard, unless indicated as follows:
  - Denotes modified standard Condition of Approval
  - Denotes project specific Condition of Approval



# LOCATION MAP

CUP 13-481, Bill Brewster Racing and Manufacturing  
130 Calle Iglesia



To whom it may concern,

Bill Brewster Racing and Fabrication has been in business in San Clemente since 1990. We are a Porsche only project (restoration) car and race car builder. We have also purchased a local business recently, South Coast Mold and tooling. It has given us the opportunity to machine and fabricate parts that are used in racing and upgrading high end Porsche's. We receive daily orders for our manufacture parts and ship them throughout United States. We are currently building engines for both Jay Leno and Jerry Seinfeld and want to continue to bring this type of clientele to San Clemente.

We have expanded and moved in the past 23 years from a small one-man garage to the current 4,500 square-foot facility and need to expand again. We are looking to put both of our businesses under one roof and have found the perfect location at 130 Calle Iglestia, San Clemente. The office/warehouse at 15,000 square feet gives us enough square footage to keep us at this location for the next 10 years.

Our vision of Bill Brewster Racing and Fabrication is to be one of the highest tech, state-of-the-art, manufacturing, restoration and race car builders in United States.

Bill and Scott Brewster

To the city of San Clemente,  
I am the owner of the building located at 130 Calle  
Iglesia, San Clemente Ca. I am fully aware of the  
Conditional Use Permit Application for Bill Brewster  
Racing and Manufacturing at said location. I'm also  
aware of and approve of adding seven parking spaces to  
the South East portion of the parking lot that will  
restrict deliveries using large semi's to send location.

  
Brian Dickey  
1-949-275-8344

Dec. 17, 2013



Image 1: 130 Calle Iglesia



Image 2: Side parking area



Image 3: Additional parking in front of the unit



Image 4: Area of additional parking