



**STAFF REPORT
SAN CLEMENTE PLANNING COMMISSION**

Date: May 8, 2013

PLANNER: Denise Obrero, Social Service Programs Planner



SUBJECT: **Conditional Use Permit No. CUP 13-006, Shoreline Church,** A request to consider establishing a church and day care use in an industrial building located at 211 Avenida Fabricante in the Rancho San Clemente Business Park, legal description being Lot 5, Tract 15257, Assessor's Parcel Number 690-69-107.

REQUIRED FINDINGS

To approve the proposed project, the following findings must be made. The draft Resolution, provided as Attachment 1, and analysis section of this report assess the project's compliance with these findings.

Conditional Use Permit, Section 17.16.060

- a. The proposed uses are permitted within the subject zone, pursuant to the approval of a Conditional Use Permit, and complies with 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 the proposed uses.
- c. The proposed uses will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity.
- d. The proposed uses will not negatively impact surrounding land uses.

BACKGROUND

On January 7, 2013 the applicant, Pastor George Hulse, of The Shoreline Church, submitted an application for a Conditional Use Permit (CUP) to locate a church at 211 Avenida Fabricante. For the past thirteen years, The Shoreline Church has been renting the gymnasium at Shorecliff's Middle School in San Clemente. Over the years, their congregation increased and, therefore, Pastor Hulse has been searching for a permanent site. The project site is made up of one parcel which has a two-story 44,800 square foot office building. Surrounding land uses includes industrial, office, and retail uses. The previous use of this building, by Legacy Electronics was business and light manufacturing.

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The Rancho San Clemente Specific Plan permits churches, day care and public assembly facilities with the approval of a Conditional Use Permit.

The City's Development Management Team (DMT) reviewed the proposed project on February 7, 2013 and March 14, 2013, and supports the request, subject to the proposed conditions of approval. Public notices for this request were posted at the subject property, printed in the San Clemente Sun Post, and mailed to the owners of properties located within 300 feet of the project site. To date, staff has received no input from the public on this request.

PROJECT DESCRIPTION

The Shoreline Church would occupy the entire building, both first and second floors. The proposed remodel includes an assembly hall that would eventually seat up to 700 parishioners; 308 seats in Phase 1 construction and an additional 392 in Phase 2, depending on fundraising efforts. The applicant also proposes to provide day care for eighty children (ages of 3 to Kindergarten). Based on State requirements for outdoor play, the outdoor space will be limited to approximately 80 children. The number of children will ultimately be governed by State requirements for outdoor play space, indoor activity space and bathroom facilities.

The Shoreline Church is proposing two worship services on Sundays, at 9 a.m. and 11 a.m. A small administration staff will be on site during the weekdays from 7 a.m. to 7 p.m. A detailed typical weekly hours of operation schedule is provided under Table 2.

PROJECT ANALYSIS

Conditional Use Permit

The proposed project requires a Conditional Use Permit (CUP) to ensure there are no adverse impacts to the surrounding neighborhood. The public assembly use complies with the required development standards for properties within the subject zone as explained below.

Compatibility with existing land uses is an important consideration in the approval of a CUP. The project is located in the Rancho San Clemente Business Park. The adjacent land uses include commercial, warehousing and manufacturing. Nearby the Rancho San Clemente Business Park are residential land uses; the nearest is located across Avenida La Pata/Calle Del Cerro, approximately 1000 feet away from the church's main entrance.

Noise is a concern with any public assembly facility. The applicant is proposing to have amplified sound for services and music. The amplified sound will be conducted indoors. There are no doors or openings that will be open during worship services, so it is not anticipated that any noise will be heard outside the facility. The music is not anticipated to exceed permitted levels, per the City's Noise Control Ordinance. However, a condition of

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approval has been included to ensure the proposed use complies with the Ordinance (Condition No. 9).

Parking and Circulation

Parking requirements for this project are based on the weekend worship activities. The facility has 77 on-site parking spaces, including six disabled access parking spaces. The applicant is requesting a shared parking agreement with two adjacent property owners to allow the church to utilize the neighboring office parking spaces when the offices are closed. Per the Zoning Ordinance, the total parking required for the church and office uses is 101 spaces. Office uses require one space per 250 square feet, day care uses require one space per five children, and public assembly requires one space per four seats.

Table 2 summarizes the proposed parking for the building and the project’s compliance with the parking requirements of Section 17.64.050 of the Zoning Ordinance:

Table 2
Parking Requirements for the Proposed Church

<i>Use</i>	<i>Hours of Operation</i>	<i>Parking required</i>	<i>Parking Provided</i>
<i>Weekdays</i>			
<u>Main Assembly</u>	CLOSED	0	0
<u>Office</u> 15 Employees	7 am – 7 pm (Mon – Fri)	8	8
<u>Day Care</u> 80 children	6 am – 6 pm (Mon – Fri)	16	16
Sub Total		24	24
<i>Weekends Daytime & Evening</i>			
<u>Main Assembly</u> Phase 1 = 308 seats	6 am – 7 pm (Sat – Sun)	77	77
<u>Office</u>	CLOSED	0	0
Sub Total		77	77

The parking requirement will not require any shared parking agreements until the Main Assembly space is remodeled and expanded during Phase 2.

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The peak for office use is during regular business hours during the week while worship services peak use is on the weekend. On special occasions there may be a funeral or other public community gathering at the facility and the church wants to make sure that their facility does not impact the office use during that time. Therefore, a Condition of Approval has been included to limit the occupancy of the funeral or similar weekday community gathering to 53 spaces which supports 212 seats in the Main Assembly room. Since both uses are parked to City standards, a conflict is not anticipated to occur. Typically, Sunday School is looked at as an ancillary use to a church. Since the offices will not be in use on Sundays the church has 77 spaces available to them. Therefore, staff believes there is sufficient parking on-site and that a negative adverse impact to the surrounding area is unlikely.

Depending on fundraising efforts, the additional 392 seats in the Phase 2 remodel and additional parking requirement approval will be addressed at another time.

In regard to traffic according to the City Traffic Engineer, the business park is designed to handle thousands of workers traveling to and from work during regular business hours. Since the church's peak hours will be on the weekend, opposite of regular business hours, it is not anticipated that it will have impacts traffic impacts on the weekend.

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) states as the intent "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." The use proposed provides a public assembly facility and is in keeping with this policy.

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 1 exemption pursuant to CEQA Guidelines Section 15301, because the project involves only a negligible expansion of a use in an existing commercial development.

CONCLUSION

It is staff's position that The Shoreline Church, as conditioned, would be compatible with the surrounding uses because it provides a large worship facility near a residential developments in Rancho San Clemente and Talega. The peak use of the facility will occur on Sundays when the surrounding business uses are not in service. The project site has

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adequate parking for the use (Phase 1) and is not immediately adjacent to residential units, making the site suitable for the type and intensity of the proposed use. The subject request complies with the General Plan, meets all applicable provisions of the Rancho San Clemente Specific Plan and Zoning Ordinance, and is not anticipated to have any adverse impacts on the surrounding community. For these reasons, staff is recommending approval of the project.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff and approve CUP 13-006.
This action would allow the owner to operate the proposed use subject to the Conditions of Approval.
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 noise concerns. This action would result in any modifications being incorporated accordingly.
3. The Planning Commission can deny CUP 13-006.
This action would not allow the applicant to establish a church at the proposed location and could result in the applicant filing an appeal with the City Council.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approve CUP 13-006, The Shoreline Church, a request to establish a church at 211 Avenida Fabricante, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution
Exhibit A - Conditions of Approval
2. Location Map
3. Photographs
4. Plans

RESOLUTION

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 13-006, SHORELINE CHURCH, A REQUEST ESTABLISHING A CHURCH USE IN AN INDUSTRIAL BUILDING LOCATED AT 211 AVENIDA FABRICANTE.

WHEREAS, on January 7, 2013, an application was submitted and completed on April 8, 2013, by George Hulse, to establish a church use in an industrial building located at 211 Calle Avenida Fabricante in the Rancho San Clemente Business Park, legal description being Lot 5, Tract 15257, Assessor's Parcel Number 690-69-107; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301, because the project involves only a negligible expansion of a use in an existing commercial development; and

WHEREAS, on February 7, 2013 and March 14, 2013 the Development Management Team reviewed the project and is supportive of the request with the addition of the attached conditions of approval provided under Exhibit A; and

WHEREAS, on May 8, 2013, 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: This project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301 because the project involves only a negligible expansion of a use in an existing commercial development.

Section 2: Churches and public assembly uses are permitted within the subject zone pursuant to the approval of a Conditional Use Permit. The project complies with all the applicable provisions of the City of San Clemente General Plan, Rancho San Clemente Specific Plan, and the Zoning Ordinance. The project meets all applicable development standards.

Section 3: The site is suitable for the type and intensity of development that is proposed, in that the project complies with applicable development standards, including parking, and is not anticipated to have any adverse negative impacts to the surrounding area.

Section 4: The proposed project will not be detrimental to the public health, safety, or welfare, or be materially injurious to the properties and improvements in the vicinity, in that the applicant shall comply with all conditions of approval and all applicable codes regulations including the California Building Code and the City's Municipal Code.

Section 5: The proposed project will not negatively impact surrounding land uses, in that the church's main operating hours are on Sunday which is different then standard business hours and the church shall have no more than three hundred and eight seats in the General Assembly area to be in compliance with the parking requirements.

Section 6: The Planning Commission hereby approves CUP 13-006, Shoreline Church, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of San Clemente on May 8, 2013.

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 May 8, 2013, and carried by the following roll call vote:

- AYES: COMMISSIONERS:**
- NOES: COMMISSIONERS:**
- ABSTAIN: COMMISSIONERS:**
- ABSENT: COMMISSIONERS:**

Secretary of the Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL
Conditional Use Permit No. 13-006
The Shoreline Church

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/City Council Approval June 18, 2013]* (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 18, 2013]* (PIng.)_____
3. CUP 13-006 shall become null and void if the use is not commenced within three (3) years from the date of the approval thereof. Since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development. *[Citation - Section 17.12.150.A.1 of the SCMC]* (PIng.)_____

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use shall be deemed to have lapsed, and CUP 13-006 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 CUP 13-006 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. Signage is not part of this review. Any signage for this proposed development shall require the owner or designee to submit for review and obtain approval of a Sign Permit or Master Sign Program in accordance with the City's Sign Ordinance.

[Citation - Section 17.16.240.D& 17.16.250.D of the SCMC] (PIng.)_____

6. 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.)_____

7. To ensure compliance with the parking requirements and to not have an adverse impact to the surrounding businesses, the applicant shall have a maximum of 308 seats in the assembly hall, and shall not have an event during regular business hours during the week that would exceed a total of 52 parking spaces, and no more that 77 parking spaces on the weekend. ■■(PIng.)_____

8. Prior to issuance of 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 May 8, 2013, 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.)_____

9. In the event that noise impacts neighboring businesses, the tenant must soundproof the facility, or use other best management practices as determined by the City Planner, to eliminate the problem and comply with the City Noise Ordinance. ■■(Plng. & Code Enf.) ____

Building

10. 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. *[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]* (Bldg.)____
11. Plans must be in compliance with basic California Building Code requirements. Plans must include information indicating compliance with the California Building Code including but not limited to, type of construction, location on property, proposed building area within allowable area limits, proposed building height and number of stories within allowable height limits, proposed occupancy/use for building and/or portions of building, occupant loads in each portion of the building, exiting system, accessible path of travel leading up to and throughout the structure. *[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]* (Bldg.)____
12. 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. *[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]* (Bldg.)____
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. *[S.C.M.C – Title 15 – Chapter 15.08]* (Bldg.)____
14. Prior to issuance of building permits, code compliance will be reviewed during building plan check. *[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]* (Bldg.)____

Engineering

15. Prior to issuance of any permits, if applicable, the owner or designee shall submit for review and shall obtain the approval of the City Engineer or designee for frontage improvement plans, including but not limited to the following provisions:

[Citation – Section 15.36, 12.08.010, and 12.24.050 of the SCMC]

- (Eng.)_____
16. Per City Municipal Code Section 12.08.010 (A), when building permit valuations exceed \$50,000, the owner or designee shall construct sidewalk along the property frontage. This includes construction of compliant sidewalk up and around drive approaches to meet current City standards when adequate right-of-way exists. If necessary, a sidewalk easement may be required to be granted to the City prior to final of permits for any portion of sidewalk within the property needed to go up and around the drive approach or other obstructions. Alternatively, prior to the issuance of any permits, the property owner may apply for a Sidewalk Waiver Request for the sidewalk requirement to go up and around the drive approach due to topographic reasons. A final determination of any Sidewalk Waiver Request will need to be concluded prior to the issuance of any permits.
- A. An Engineering Department Encroachment Permit will be required for any work in the public right-of-way. The frontage improvement plan shall include detailed topographic construction detail to show that current city standards are to be met including but not limited to, the construction of sidewalk up and around drive approaches, where applicable, with a minimum width of 4 feet at no more than 2% cross fall.
17. Prior to the review of plans, soils report and documents, the owner or designee shall deposit a minimum of \$5,000.00 for Engineering Department plan check. *[Citation – Fee Resolution No. 08-81]* (Eng.)_____
18. Prior to issuance of the building permit, the owner shall pay all applicable development fees, which may include, but are not limited to, City Attorney review, park acquisition and development, water and sewer connection, drainage, grading, RCFPP, transportation corridor etc. *[Citation – Fee Resolution No. 08-81 & S.C.M.C. Title 15, Building and Construction, Sections 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]* (Eng.)_____
- i.
19. All storm water shall be conveyed directly to an approved storm drain system. No storm water from parking areas or structures shall sheet flow over the driveways or sidewalks. *[Citation – Section 15.36 of the SCMC]* (Eng.)_____
- i.
20. Prior to issuance of any permit, the owner or designee shall submit for review a project binder containing the following documents:
- A. For all projects that are greater than one (1) acre, a Notice of Intent (NOI) for coverage under the General Construction Storm Water Permit must be filed with the State Water Resources Control Board <http://www.waterboards.ca.gov/stormwtr/construction.html> and a copy of the NOI, a WDID number and a copy of the Storm Water Pollution Prevention Plan (SWPPP) must be filed with the City.

21. Prior to issuance of certificates of occupancy, the owner shall demonstrate to the satisfaction of the City Engineer and City Maintenance Manager or their designees that all frontage improvements have been completed and accepted and that any damage to new or existing street right-of-way during construction have been repaired/replaced.
 [Citation – Title 12 of the SCMC] (Eng.)____(Maint.)_____

OC Fire Authority

22. Plan Submittal: The applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified.

Prior to issuance of a building permit:

Architectural Plans (service codes PR200-PR285)

Prior to concealing interior construction:

Fire Alarm System (service code PR500-PR520), if modified, provided voluntarily, or required by code.

Fire Sprinkler System (service codes PR430-PR455), if the existing system requires modification

Hood and Duct Extinguishing System (service code PR335) - *applicable if proposed kitchen has any cooking with grease proposed.*

All Conditions of Approval are standard, unless indicated as follows:

- Denotes modified standard Condition of Approval
- ■ Denotes project specific Condition of Approval



LOCATION MAP



Not scaled 



1 AERIAL PHOTO

PROJECT IS BUILDING IN UPPER RIGHT



2. VIEW OF MAIN ENTRY