



# STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: 9/19/2019

**PLANNER:** Erin Guy, Community Development Technician

**SUBJECT:** **SAP 19-324, Stance Military Sample Sale**, a request to permit a second, one-day event at 197 Avenida La Pata. The event is proposed as a sample sale for active duty military members and their families, to include food, alcohol service, amplified music, and two inflatable bounce houses.

**LOCATION:** 197 Avenida La Pata

**ZONING/GENERAL PLAN:** The subject property is located in the Rancho San Clemente Specific Plan and is zoned Business Park within the specific plan.

**PROJECT SUMMARY:**

- The subject property is a 1.79 acre lot, with an existing 35,020 square foot commercial building that serves as the headquarter operations of Stance, a commercial sock company. Figure 1 illustrates the existing site conditions.
- Stance HQ at 197 Avenida La Pata has received a permit for one, one-day event in 2019 (SAP 19-247, Boys and Girl Club Greatness Amplified Event). The proposed event is the second, one-day event proposed at 197 Avenida La Pata for the 2019 calendar year. Zoning Ordinance Table 17.16.155A requires Zoning Administrator approval of a SAP for a property proposing to host between two and fifteen one-day events in a calendar year.
- The proposed event is a Military Sample Sale event on Friday, October 25<sup>th</sup>, 2019. The Military Sample Sale is an annual event by Stance, and the business received a Special Activities Permit (SAP) from the City in 2018 (SAP 18-577). There are no changes to the proposed site plan for 2019 from the previously approved 2018 site plan. The proposed event includes outdoor activities held in the North West corner of the parking lot including music, games, food, and beverages. The proposed event also includes indoor activities within the building at 197 Avenida La Pata to include a sample sale of Stance products within their warehouse, where occupancy limits established by Orange County Fire Authority are 90 persons maximum at any one time (Attachment 4).

- The proposed event is the second, one-day special event at 197 Avenida La Pata in 2019. Event hours are proposed from 4:30 p.m. – 7:30 p.m., with a two hour set up from 2:30 – 4:30 p.m. and a two hour clean up from 7:30 p.m. – 9:30 p.m. (Attachment 3). Expected attendance is between 400-500 people at any one time. The proposed attendance does not differ from attendance proposed in previous years. Previous SAP approvals for the event limit attendance to 500 people at any one time. The applicant provided attendance information from the 2018 event, and expressed that total attendance was around 400 people, with no more than 300 people at any one time. The applicant expressed no issues with accommodating this attendance number in terms of parking last year, as the event is late on a Friday afternoon and most businesses in the complex had closed for the weekend.
- The application states that Stance has agreed to work with other businesses in the complex to minimize parking impacts in the event that they arise. Based on previous staff evaluations of Special Activities Permits, parking needs are usually calculated as 25 spots per 100 attendees, an assumption of 3-4 persons per vehicle. There are 74 Stance owned parking spaces available for the event which would reasonably accommodate approximately 290 people. There are a total of 194 parking spaces available within the parking lots of the surrounding businesses. Staff will require signed letters of agreement from other businesses in the campus for which Stance plans to utilize their available parking during the event to accommodate an attendance up to the 500 person maximum attendance limit.
- Beer will be served by 805 Brewery to attendees 21 years old and above, and local food vendors such as Traeger Grill will be serving food at designated locations (Attachment 4). Amplified music will be provided by live entertainment or a DJ on an outside, at-grade stage, less than 30 inches in height and proposed as 9 feet by 19 feet. Two inflatable bounce houses are proposed along the west property line. A private security firm will be hired to conduct I.D. checks for the sale of alcohol and to ensure safety, with at least four security personnel to be required. Restrooms from the existing building 197 Avenida La Pata, including one ADA accessible restroom facility will be accessible to attendees, and 4 portable restrooms are proposed. The special activity area will be cordoned off with Type II barricades to promote the safety of attendees by providing a physical barrier from vehicles unknowingly entering the event area. Five 10 x 10 pop-up tents are proposed to line the North property line to be used for games, activities, and vendors during the event.
- Zoning Ordinance Table 17.16.155A requires Zoning Administrator approval of a SAP for a property proposing to host between two and fifteen one-day events in a calendar year.

**Figure 1 – Existing Site Conditions**



- Staff believes the required findings can be made to approve the event, as set forth in the Findings of the attached Resolution and supported by the recommended conditions of approval, because:
  - The proposed special activity does not differ from the approved event in previous years, for which previous Special Activities Permits were obtained administratively. Staff found no record of any code compliance complaints from previously approved events at 197 Avenida La Pata.
  - The site is suitable for the type and intensity of the special activity proposed, and the proposal includes additional safety features such as the use of Type II barricades and professional security personnel.

- The duration and intensity of the proposed activity will not negatively impact the surrounding areas, and the proposal includes conditions of approval to preempt potential nuisances such as volume controlled speakers for amplified sound.

### **RECOMMENDATIONS**

Based on the information in the staff report and subject to the required findings and conditions of approval, staff recommends that the Zoning Administrator:

1. Determine the proposed special activity is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities); and
2. Adopt Resolution ZA 19-015, approving Special Activities Permit (SAP) 19-324, Stance Military Sample Sale, subject to the conditions of approval.

### ***Attachments:***

1. Resolution ZA 19-015  
Exhibit A - Conditions of Approval
2. Location Map
3. 2019 Special Activity Narrative Letter
4. 2019 Special Activity Site Plans

## RESOLUTION NO. ZA 19-015

### A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SPECIAL ACTIVITIES PERMIT (SAP) 19-324, STANCE MILITARY SAMPLE SALE, A REQUEST FOR A SECOND, ONE-DAY SPECIAL ACTIVITY AT 197 AVENIDA LA PATA

WHEREAS, on September 9th, 2019, a complete application was submitted by applicant Carla Hogan of 2171 Via Teca, San Clemente, CA 92672, for Special Activities Permit 19-324, Stance Military Sample Sale, a request to permit a second, one-day event at 197 Avenida La Pata. The subject property is located in the Rancho San Clemente Specific Plan and is zoned Business Park within the specific plan. The site's legal description is Lot 1, of Tract 15612 and Assessor's Parcel Number 688-163-21; and

WHEREAS, the Planning Division completed an initial environmental assessment of the above matter in accordance with California Environmental Quality Act (CEQA) and recommends that the Zoning Administrator determine this project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301(e) because the project proposes a negligible and temporary impact on the current use; and

WHEREAS, on September 10th, 2019, the City's Planning Staff reviewed the proposed project for compliance with the General Plan, Zoning Ordinance, and other applicable requirements; and

WHEREAS, on September 19, 2019, 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 City Staff.

NOW, THEREFORE, the Zoning Administrator of the City of San Clemente hereby resolves as follows:

#### Section 1. Incorporation of Recitals.

The Zoning Administrator hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the Zoning Administrator as fully set forth in this resolution.

#### Section 2. CEQA Findings.

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Zoning Administrator, and the facts outlined below, the Zoning Administrator hereby finds and determines that the proposed project is Categorically Exempt from CEQA pursuant to State CEQA Guidelines Section 15301

(Class 1: Existing Facilities). This exemption covers, but is not limited to, negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Here, the proposed project involves the expansion of use on the site for no more than 7 consecutive hours. The project temporarily changes the existing use of the site for a limited period of time. Thus, the project qualifies for the Class 1 exemption.

Furthermore, none of the exceptions to the use of the Class 1 categorical exemption identified in State CEQA Guidelines Section 15300.2 apply. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time, given the proposed use is consistent with General Plan policies and Zoning regulations, which were studied and addressed in the General Plan EIR. Development of the site is limited by standards for density, setbacks, lot coverage, parking, height, etc. There are no unusual circumstances surrounding the project that result in a reasonable possibility of a significant effect on the environment. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings, or similar resources. Thus, the Class 1 exemption applies, and no further environmental review is required.

### Section 3. Special Activities Permit Findings

With respect to Special Activities Permit (SAP) 19-324, the Zoning Administrator finds as follows:

- A. The proposed use is permitted within the subject zone pursuant to the approval of a Special Activities 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:
  1. The event's duration and intensity are such that they do not permanently impact the use or development of the site, and the proposed event specifications are allowable under a SAP.
- B. The site is suitable for the type and intensity of use that is proposed, in that:
  1. The proposed event includes both indoor and outdoor activities, with outdoor activity space being limited to one section of the available outdoor lot area. The site provides space both indoors and outdoors to accommodate the number of requested attendance.
  2. A maximum attendance limit will be set at 500 people at any one time for the event, inclusive of indoor and outdoor activity areas. Extra provisions for security are being provided such as the use of type II barricades to cordon off the event space from vehicle traffic, and the use of professional security services. The event hours are limited in duration from 2:30 p.m. to 9:30 p.m.

- 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:
1. The proposed project limits the scope of the activity to one section of the available parking lot space that is bordered on 3 sides by open space and on one side by the building of the property owner, limiting impacts to the neighboring properties, and does not propose at any time to encompass the entirety of the site. Some activities are proposed to occur entirely indoors, further reducing the impact of the requested attendance size on the neighboring properties.
- D. The proposed use will not negatively impact surrounding land uses, in that:
1. The proposed scope of the event is limited to one section of the available parking lot space that is bordered on 3 sides by open space and on one side by the building of the property owner, limiting impacts to the neighboring properties, and does not propose at any time to encompass the entirety of the site. Some activities are proposed to occur entirely indoors, further reducing the impact of the requested attendance size on the neighboring properties.
  2. 74 Stance owned parking spaces available on site during the event, which can reasonably provide parking for approximately 290 people. The applicant has indicated that Stance will be working with other business owners within the campus to utilize available after hours parking to accommodate parking for the maximum allowed attendance of 500 people. Staff will require signed letters of agreement from any such business prior to the event, agreeing to allow Stance to utilize available parking during the event.

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 Special Activities Permit (SAP) 19-324, Stance Military Sample Sale, 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 September 19, 2019.

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Cecilia Gallardo-Daly, Zoning Administrator

CONDITIONS OF APPROVAL  
SPECIAL ACTIVITIES PERMIT (SAP) 19-324

**1.0 GENERAL CONDITIONS OF APPROVAL**

- |     |   |           |
|-----|---|-----------|
| 1.1 | Within 30 days of receipt of the signed conditions of approval, the applicant shall submit to the City Planner a signed acknowledgement concurring with all conditions of approval on a form to be provided by the City, unless an extension is granted by the City Planner.  | Planning  |
| 1.2 | The applicant shall defend, indemnify, and hold harmless the City of San Clemente and its officers, employees, and agents from and against any claim, action, proceeding, fines, damages, expenses, and attorneys' fees, against the City, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City concerning this project, including but not limited to any approval or condition of approval of the City Council, Planning Commission, or City Planner. Applicant shall pay all costs, The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter. If the applicant fails to so defend the matter, the City shall have the right, at its own option, to do so and, if it does, the applicant shall promptly pay the City's full cost of the defense. | Planning  |
| 1.3 | Use and development of this property shall be in substantial conformance with the approved plans, and other applicable information submitted with this application, and with these conditions of approval. Any modifications to the project shall be reviewed by the City Planner in accordance with Zoning Ordinance Section 17.12.180.  | Planning  |
| 1.4 | The applicant shall comply with all applicable current and future provisions of the San Clemente Municipal Code, adopted ordinances, and state laws.  | All       |
| 1.5 | Use of the subject property shall conform to all occupancy requirements, including posting of signs related to the maximum occupancy limitations.   | Code Comp |



**8.0 SPECIAL ACTIVITY SPECIFIC CONDITIONS OF APPROVAL**

- 8.1 The special activity is permitted on October 25<sup>th</sup>, 2019 between the hours of 2:30 p.m. and 9:30 p.m. as outlined in the event description. Any proposed change in the hours of operation shall require an amendment to SAP 19-324. Planning \*\*
- 8.2 The stage will require a building permit if it exceeds 200 square feet or 30" above grade. Building \*\*
- 8.3 The maximum occupant load for the entire event shall be limited to 500 persons, inclusive of all volunteers, guests, vendors, security personnel, and any other persons in the designated event space, as seen on the warehouse floor plan submitted. Building \*\*
- 8.4 The maximum occupant load for the warehouse at any one point in time shall be limited to 90 persons, inclusive of all volunteers, guests, vendors, security personnel, and any other persons in the designated event space, as seen on the warehouse floor plan submitted. Building \*\*
- 8.5 All site gates and warehouse roll-up doors shall remain open and unobstructed during the event time designated. Building \*\*
- 8.6 The two (2) designated event exits on the site plan shall maintain a minimum six (6) foot wide, unobstructed opening. Building \*\*
- 8.7 There shall be a minimum of one (1) ADA accessible restroom available on site. Building \*\*
- 8.8 There shall be no more than seven (7) 10 foot tent side-by-side located at the event. Should additional tents be requested through a modification to this permit, a 12 foot fire separation will be required. Building \*\*
- 8.9 This event is the second special activity day approved in 2019, under SAP 19-324, for 197 Avenida La Pata. For additional special activity days within the calendar year, up to a maximum of 15 days, Zoning Administrator approval is required. The applicant shall submit a Special Activities Permit application to the Planning Division eight (8) weeks prior to future events to allow proper application processing per State Law. Planning \*\*
- 8.10 The Applicant (including any property owners and managers, and their designees) shall use her/his best judgment and best management practices to ensure commercial activities on the Code Compliance \*\*

premises will be conducted in a manner that will not be disruptive to neighbors. The business 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.

- 8.11 If for any reason City Staff determines the special activity is not in compliance with the conditions of approval or intent of the Zoning Code related to Special Activities Permits, the permit may be revoked and/or sent to the Planning Division for modification. Any request for additional hours and/or expansion of the activity must be approved by the Planning Division as an amendment to SAP 19-324. All \*\*
  
- 8.12 The Applicant (including any property owners and managers, and their designees) shall abide by all applicable laws, including Orange County Health Department, California Department of Alcoholic Beverage Control (ABC), Orange County Fire Authority laws, and shall obtain all applicable permits prior to the event, including any permits required by Orange County Fire Authority and Department of Alcohol Beverage Control. Planning \*\*
  
- 8.13 The applicant or designee shall be responsible for resolving any problems associated with the activity and/or issues of concern raised by neighbors. Code  
Compliance  
\*\*
  
- 8.14 The activity may be closed down at the discretion of the Police Department if it becomes unreasonably loud or boisterous. Code  
Compliance  
\*\*
  
- 8.15 The activity may be closed down at the discretion of the Fire Department due to overcrowding or other hazardous conditions. Code  
Compliance  
\*\*
  
- 8.16 A minimum of four (4) security personnel shall be on site at all times while live entertainment and/or dancing activities are conducted. Security personnel shall be stationed at the front Code  
Compliance  
\*\*

entrances/exits, near the stage and within the area of the event. All security personnel shall be readily identifiable by wearing a shirt or jacket at all times while on the property containing the word “security” in 2 inch or larger letters.

- 8.17 The applicant shall inspect the property, all surrounding properties and the surrounding public right of way following the event to ensure all debris is removed

Code  
Compliance  
\*\*
- 8.18 Discharge of wash water and other pollutants is prohibited from entering the storm drain system. Applicant must prevent pollutants (e.g. sediment, trash, food waste etc.) and any wash water used during cleanup from entering the storm drain system.

Code  
Compliance  
\*\*
- 8.19 The Applicant (including any property owners and managers, and their designees) understands and acknowledges that banners and any temporary signage must meet the City’s standards as to placement and time frame displayed according to the City’s Municipal Code 17.84.010. No human, moving, or event-related signs placed off-site are permitted.

Code  
Compliance  
\*\*
- 8.20 All vendors and or entities associated with the event shall have a City of San Clemente Business License.

Code  
Compliance  
\*\*
- 8.21 Applicant or designee shall ensure that there is adequate trash receptacles for the event. Applicant or designee shall also ensure that all trash generated by event shall be disposed of.

Code  
Compliance  
\*\*
- 8.22 The Applicant (including any property owners and managers, and their designees) is required to provide recycling receptacles for all of these special events held within the City of San Clemente. For more information on this program please contact the City's Recycling Coordinator, Danna McIntosh, 949-498-9436 to coordinate placement by CR&R of recycling and trash receptacles at these events.

Code  
Compliance  
\*\*
- 8.23 Prior to October 25<sup>th</sup>, 2019, the applicant shall provide to the City Planner or designee, signed letters of agreement from any businesses entering into a temporary parking agreement with Stance, allowing the temporary use of available parking spaces not owned by Stance during the event.

Planning \*\*

\* Denotes a modified Standard Condition of Approval

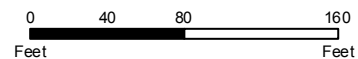
\*\* Denotes a project-specific Condition of Approval



**City of San Clemente**

Project: SAP 19-324, Stance Military Sample Sale

Address: 197 AVENIDA LA PATA



# ATTACHMENT 3

From: Carla Hogan, President Southern California Marine Corps Support Group

To: City Planners Office, City of San Clemente

Date: 9/6/19

RE: STANCE Military Family Sample Sale

## **Overview:**

The STANCE Military Family Sample Sale is a multi-faceted event that is put on jointly between STANCE and the Southern California Marine Corps Support Group. The event has a number of components including:

- Showing appreciation for the sacrifices made by Military Families through providing them with an event that features:
  - Deep discounts on STANCE Products
  - Food and Beverages provided by local vendors such as Traeger Grills, 805 Brewery and Arizona Iced Tea.
  - A kid friendly family environment featuring games, bounce houses etc.
  - An environment where families can enjoy themselves with members of the San Clemente Community outside of Camp Pendleton.

This will be the 4<sup>th</sup> year of the event. Proceeds from the event are donated to the Southern California Marine Corps Support Group's Recreational Grant Program. This partnership with the City of San Clemente's Parks and Recreation Department has provided over \$150,000 in grants since its inception in 2013.

STANCE and the San Clemente Marine Corps Support Group secured a permit from the City in 2018. Other than making this year's event more kid friendly, there are no material differences in the event and we anticipate no issues with acquiring a permit this year.

## **Event Duration:**

The event is scheduled to run from 4:30 PM to 7:30 PM on Friday, October 25<sup>th</sup> at the STANCE facility at 197 Avenida La Pata and the northern parking area for that facility.. There is typically a two-hour set up window prior to the event and approximately an hour and a half clean up time.

## **Attendance:**

Last year, the City capped attendance at the event at 500 people at any given time. We do not anticipate exceeding this number. In 2019, attendance averaged around 400. Please be aware that there are no set times for attendance and that throughout the evening no more than 300 people are on the premises at one time.

In relation to attendance within the warehouse area for the sale, we will adhere to OCFA limits of no more than 90 people at any time.

## **Alcohol Service:**

Beer is provided by 805 breweries. While last year we obtained a one-day alcohol permit from the ABC, we found out that this was not necessary if 805 was distributing. We will follow the City's direction on

this. Regardless, Beer will only be served to guests over 21 with a Valid ID, who will be given wristbands to identify them.

**Music or Live Entertainment:**

At past events, live music was provided by members of the STANCE staff. This year we are in the process of determining if we wish to continue with this or move to a DJ. Regardless, based on attendee feedback, the volume levels will be reduced to provide attendees the ability to converse at normal tones.

**Parking Plans:**

Parking will be in the area around the STANCE campus, the surrounding parking lots within the complex. STANCE will work with the surrounding businesses to minimize any impact, however as the event is on a Friday afternoon, we have not experienced any issues in the past.

**Security Plans:**

In past years, we have utilized Private Security Firms to ensure adherence ID checks for beer service, etc.

**Bathrooms:**

At past events we have utilized portable restrooms located in a trailer in the parking lot, along with ADA accessible restrooms located in the 197 building.

**Excess Trash Disposal:**

In past years, we have not exceeded the capacity of the Waste Containers located within the STANCE campus, however, in the event that this were to happen, the trash bags would be loaded into a STANCE Corporate trailer and taken to the dump on Saturday.

**Temporary Signs:**

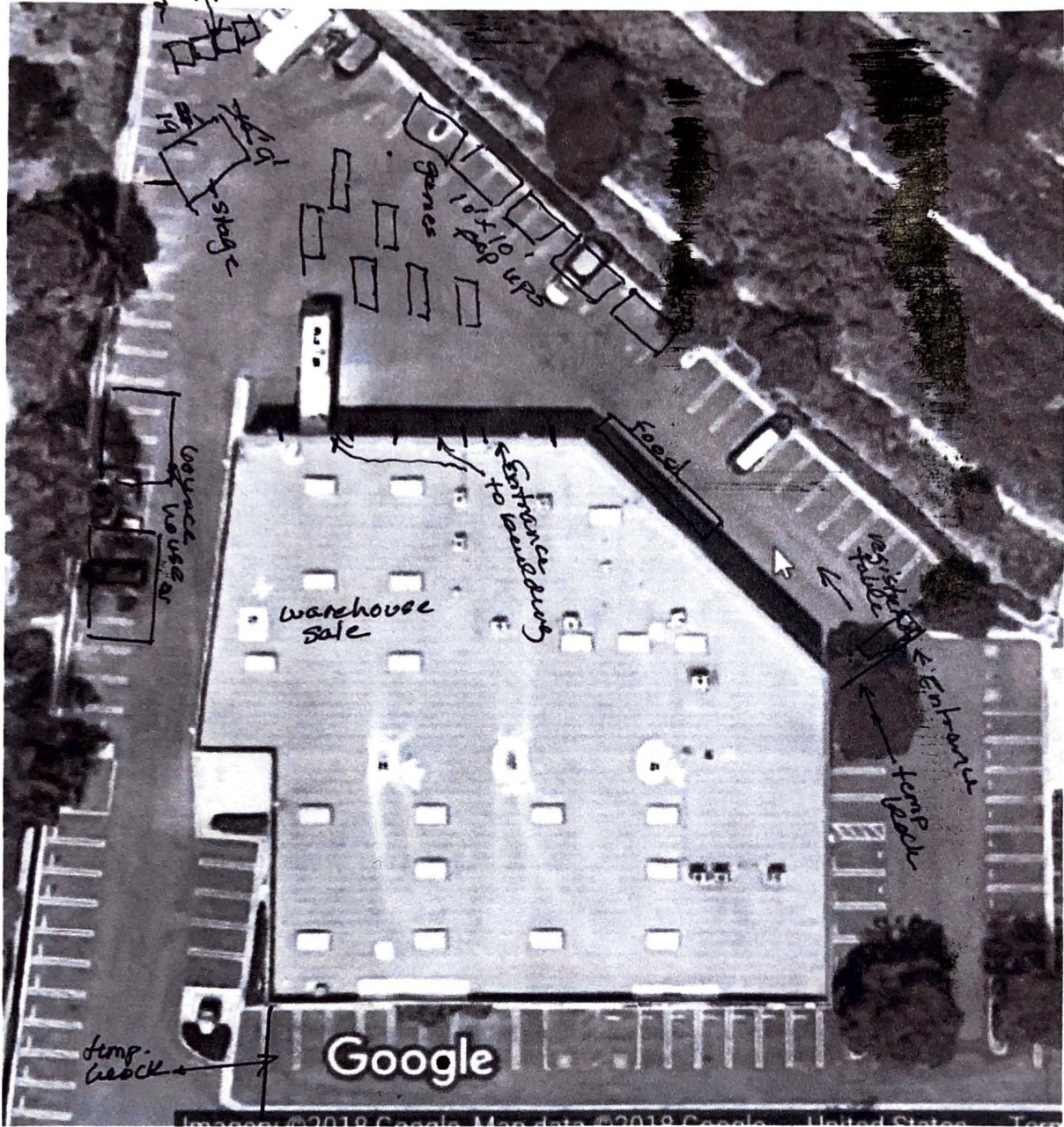
There is only one temporary sign used which is located in at the parking entrance in front of the STANCE building at 193 La Pata.

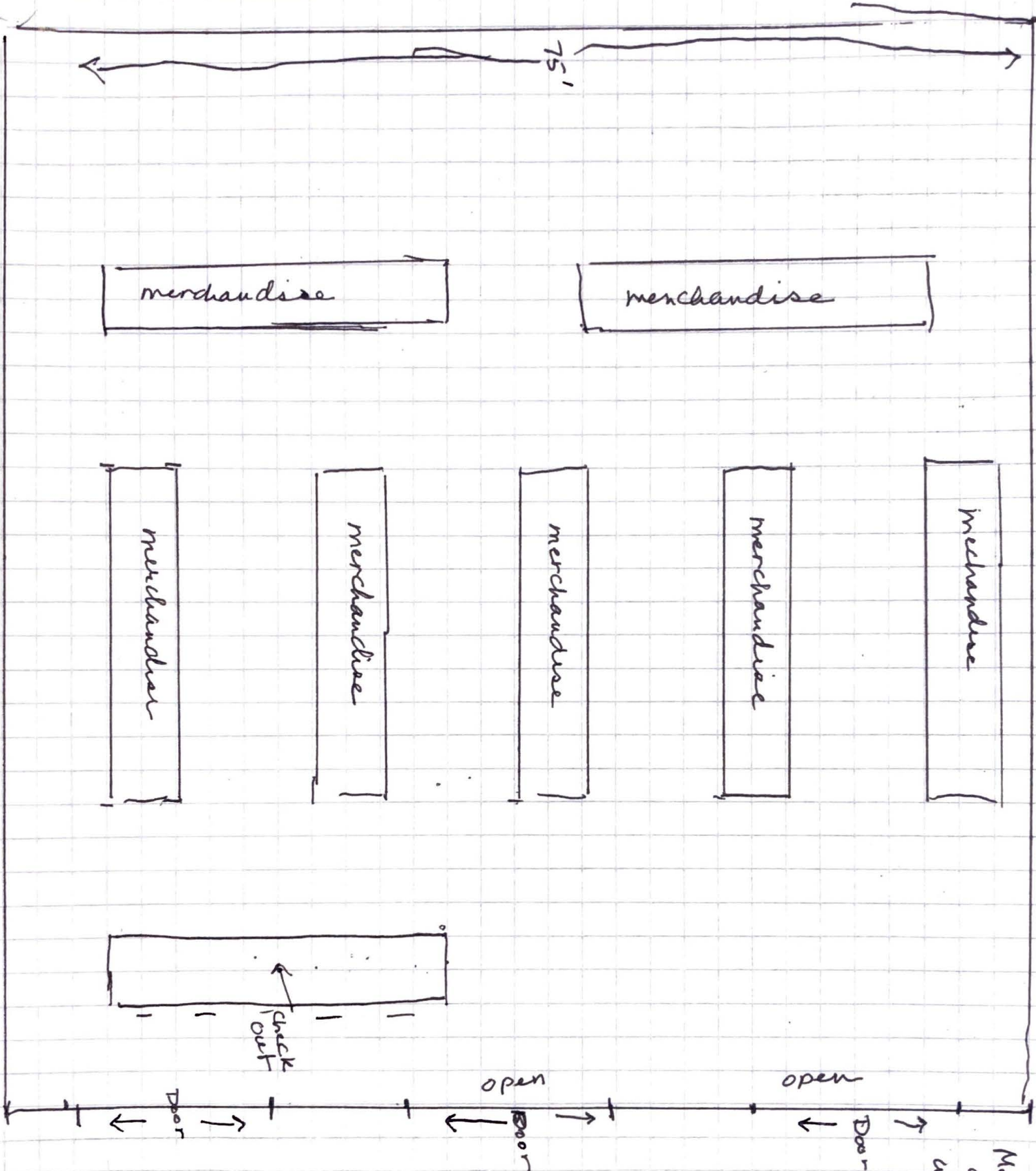
We are grateful for the assistance of the City's Planning Department in helping us to make this another memorable event for the families of those who serve our Nation.

If you have any additional questions, please don't hesitate to contact me directly.

Sincerely,

Carla Hogan  
President, Southern California Marine Corps Support Group  
949-357-5555  
[SCSUPPORTSUSMC@HOTMAIL.COM](mailto:SCSUPPORTSUSMC@HOTMAIL.COM)





Merchandise floor  
90 people max.  
includes volunteers