

**CITY OF SAN CLEMENTE  
MINUTES OF THE REGULAR MEETING  
OF THE ZONING ADMINISTRATOR  
JULY 23, 2020**

**Teleconference Only via  
[www.san-clemente.org/live](http://www.san-clemente.org/live) or Cox Channel 854**

**1. CALL TO ORDER**

Zoning Administrator Gallardo-Daly called the Adjourned Regular Meeting of the City of San Clemente Zoning Administrator to order on July 23, 2020 at 3:02 p.m. in Council Chambers located at 100 Avenida Presidio, San Clemente, California. Due to the COVID-19 Pandemic, this meeting was available to the public via live stream from the City's YouTube Channel or live on Cox Channel 854.

Staff Present:            \*Cecilia Gallardo-Daly, Zoning Administrator  
                                  \*Katie Crockett, Associate Planner  
                                  \*David Carrillo, Assistant Planner  
                                  \*Kyle Webber, Community Development Technician  
  
                                  \*Participated in meeting via teleconference

**2. MINUTES**

A. The minutes of the Zoning Administrator meeting of June 18, 2020 were received and filed.

**3. ORAL AND WRITTEN COMMUNICATION**

None

**4. PUBLIC HEARING**

A. **910 South El Camino Real Suite 101 – Minor Conditional Use Permit 20-089 – Accessory Massage at C'Siren Day Spa** (Carrillo)

A request to consider a day spa with accessory massage services at 910 S. El Camino Real, Suite 101. The day spa's primary services include skincare treatments, light therapy, meditation, and body detoxifying treatments.

David Carrillo, Assistant Planner, summarized the staff report, and added the applicant has reviewed and agrees to the conditions of approval. Staff received a public comment questioning potential parking impacts, and when the alley and adjacent parking lot would be repaired and resurfaced as it is unsafe. Staff

responded to the comment explaining the use meets the parking requirements. In regards to the maintenance of the alley and parking lot adjacent to the project site, staff directed the individual to the appropriate divisions to address these questions.

ZA Gallardo-Daly asked staff to clarify the proposed hours of operation and the allowed hours of operation as permitted by the Municipal Code.

Staff confirmed the proposed hours of operation are from 10:00 a.m. to 6:00 p.m. The San Clemente Municipal Code allows massage uses to operate between 7:00 a.m. to 9:00 p.m., and if the project is approved, the applicant could operate within the hours allowed in the Zoning Ordinance without having to amend the Minor Conditional Use Permit.

ZA Gallardo-Daly opened the public hearing, and there being no public comment received to this item, closed the public hearing.

ZA Gallardo-Daly stated she read the staff report, findings, conditions of approval, and has visited the site.

ZA Gallardo-Daly approved Minor Conditional Use Permit 20-089 based on the following findings: The massage use proposed is incidental to a primary use. It is an accessory use to the day spa and only occupies 179 square-foot within the 1,000 square-foot suite. The proposed massage services are similar to the massage establishment that occupied the suite previously and does not intensify parking. It is a land use that is allowed in the Neighborhood Commercial 2 Zone. The proposed use is permitted within the Neighborhood Commercial 2 Zone and complies with the Zoning Ordinance and the City's General Plan. The accessory massage service is ancillary to the primary use and contributes to the mix of local-serving commercial uses that help meet the needs of nearby residents. The site is suitable for the type and intensity of use. Parking requirements are satisfied. There are no exterior building or site changes proposed as part of this request. The use will be located in an existing tenant space that supported a similar use with no intensification of use is occurring. The proposed use will not be detrimental to the public health, safety or welfare. The proposed use must comply with special operational, facility, attire, sanitation, and licensing requirements in the Municipal Code along with the California Massage Therapy Council (CAMTC) requirement certifications for the technician. The proposed use will not negatively impact surrounding lands uses. The proposed day spa with accessory massage services is similar to the previous use that occupied the suite and does not intensify the use or incompatibility with surrounding land use as a conditionally permitted use in the Neighborhood Commercial 2 Zone.

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities).

Action: The Zoning Administrator approved and adopted Resolution ZA 20-020, Minor Conditional Use Permit 20-089, C'Siren Day Spa Accessory Massage, subject to the Conditions of Approval.

**B. 226 West Avenida Valencia – Minor Architectural Permit 20-063/Minor Exception Permit 20-064 – Baker Addition** (Carrillo)

A request to consider a first- and second-level addition to an existing legal nonconforming single-family home. The project also includes a request to allow an encroachment into the required front-yard setback area for a second-story deck.

David Carrillo, Assistant Planner, summarized the staff report and added he has received no public comments regarding this project. Staff stated the applicant has reviewed and agreed to the conditions of approval.

ZA Gallardo-Daly stated she read the staff report, findings, conditions of approval, and has reviewed the plans.

ZA Gallardo-Daly approved Minor Architectural Permit 20-063 and Minor Exception Permit 20-064 based on the following findings: The requested minor exception will not interfere with the purpose of the zone. The use of the property will still be a single-family residential. The neighboring properties will not be adversely affected as a result of the approval of the Minor Exception Permit. The exception is requested to accommodate a second-level deck with open railing that limits building mass impacts to the immediate neighborhood. The setback exception would not significantly alter the neighborhood street view and would not be incompatible with the character of the neighborhood. There are neighboring properties in the same zone that have exceptions for the construction of second floor decks built to the reduced front yard setback. The approval of the Minor Exception Permit will not be detrimental to the health, safety or welfare of the general public. The existing single-family home meets all development standards with the exception of the second-level deck. Prior to the issuance of a building permit, the project is required to meet the California Building Code and Orange County Fire Authority regulations.

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities) and Section 15305 (Class 5: Minor Alterations in Land Use Limitations).

Action: The Zoning Administrator approved and adopted Resolution ZA 20-021, Minor Architectural Permit 20-063 and Minor Exception Permit 20-064, Baker Addition, subject to the Conditions of Approval.

**C. 722 Camino De Los Mares – Minor Exception Permit 20-142/Staff Waiver of a Minor Architectural Permit 20-143 – Smith Residence (Crockett)**

A request to consider a 383 square foot addition to an existing single-family nonconforming residence. The residence is nonconforming with regard to the side yard setback (5 feet, where 6 feet is required), and the applicant requests to continue the existing 5-foot setback for the addition.

Katie Crockett, Associate Planner, summarized the staff report and stated she has received no public comments to this item. Staff added the applicant reviewed and agreed to the conditions of approval.

ZA Gallardo-Daly stated she read the staff report, findings, conditions of approval, and has reviewed the plans.

ZA Gallardo-Daly approved Minor Exception Permit 20-142/Staff Waiver of a Minor Architectural Permit 20-143 based on the following findings: The approval of the Minor Exception Permit will not interfere with the purpose of the zone or the standards of the zone. The proposed addition does not change the use or density of the property. A 5-foot setback is existing on both sides of the property and the new addition continues this existing setback. This setback is consistent with many properties in the immediate vicinity of the subject property. Most residences within this tract have similar side setbacks since they were permitted and constructed in the 1970s when the development standards allowed a 5-foot setback. Similar additions encroaching into the side yard setback up to 5-feet of the side property line have been permitted. The neighboring properties will not be adversely affected as a result of the approval of the Minor Exception Permit. The approval of the minor exception will not be detrimental to the health, safety or welfare of the general public. The building plans will be reviewed by the Building Division for compliance with all current building codes.

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities).

Action: The Zoning Administrator approved and adopted Resolution ZA 20-019, Minor Exception Permit 20-142 and Staff Waiver of a Minor Architectural Permit 20-143, Smith Residence, subject to the Conditions of Approval.

**D. 1245 Puerta Del Sol – Minor Conditional Use Permit 20-047 – Left Coast Tasting Room (Webber)**

A request to consider the sale of alcohol (beer) at 1245 Puerta Del Sol with hours of operations from 12:00 pm – 8:00 pm Sunday through Wednesday, 12:00 pm – 9:00 pm Thursday and Friday, and 12:00 pm – 10:00 pm on

Saturdays. The business currently operates a tasting room at 1251 Puerta Del Sol under separate permit.

Kyle Webber, Community Development Technician, summarized the staff report, and added he has received no public comments regarding this item.

ZA Gallardo-Daly asked staff to clarify several statements in the staff report as there were opposing statements between the staff report and findings.

Staff explained in the Talega Specific Plan, these findings are all connected. Left Coast Brewery has a manufacturing site located at 1245 Puerta Del Sol where they produce beer. This manufacturing site is in the Talega Specific Plan as a manufacturing use in the Light Industrial. The proposed stand alone tasting room is in a different space than the manufacturing site; therefore, is considered ancillary to the manufacturing brewing.

ZA Gallardo-Daly stated this is consistent with the Talega Specific Plan because the project is incidental to a principal use and is consistent in that Minor Conditional Use Permits allow for the sale of alcohol for on-site consumption and stand alone tasting rooms.

ZA Gallardo-Daly asked staff to confirm if the area marked "not in scope" on page A-3 of the proposed plans was the manufacturing area for the brewery.

Staff needed additional time to identify in the staff report, plans, and project file.

ZA Gallardo-Daly recessed for five minutes at 3:35 p.m. to allow staff time to identify the location of the primary use.

ZA Gallardo-Daly reconvened at 3:40 p.m.

ZA Gallardo-Daly asked staff to confirm the location of the manufacturing area for Left Coast Brewery.

Staff confirmed the principal use of the site is located at 1245 Puerta Del Sol and is identified on page A-3 of the plans. The area labelled as "not in scope", is the manufacturing area for Left Coast Brewery.

ZA Gallardo-Daly opened the public hearing, and there being no public comment received to this item, closed the public hearing.

ZA Gallardo-Daly stated she read the staff report, findings, conditions of approval, and has reviewed the plans.

ZA Gallardo-Daly approved Minor Conditional Use Permit 20-047 based on the following findings: The proposed Minor Conditional Use Permit complies with the

provisions of the San Clemente Municipal Code, Talega Specific Plan, and the San Clemente General Plan. The purpose and intent of the Light Industrial Zone is to serve a mixture of Business Park, Research and Development, Professional offices, and Light Industrial uses. The proposed use is a blend of manufacturing and supportive commercial. The proposed sale of beer for onsite consumption is ancillary to a primary manufacturing use on the property. Although the proposed use is an intensification from the current use with regard to parking; there is a surplus of parking on the property, and the proposed tasting room is consistent with the allowed uses in the Talega Specific Plan. The site is suitable for the type and intensity of the use proposed. The project is not in proximity to a residential zone. The building has a surplus of existing parking to accommodate the proposed use. The tasting room will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvement in the vicinity. The proposed use will be required to comply with the Fire Code, California Building Code, Alcohol Beverage Control licensing requirements. The proposed use will not negatively impact surrounding land uses.

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities).

Action: The Zoning Administrator approved and adopted Resolution ZA 20-018, Minor Conditional Use Permit 20-047, Left Coast Tasting Room, subject to the Conditions of Approval.

5. **NEW BUSINESS**

None

6. **OLD BUSINESS**

None

7. **ADJOURNMENT**

The meeting adjourned at 3:45 p.m. to the Adjourned Regular Meeting of the Zoning Administrator which will be held Thursday, August 20, 2020 at 3:00 p.m., via teleconference, as the August 6, 2020 meeting was previously cancelled.

Respectfully submitted,

SAN CLEMENTE ZONING ADMINISTRATOR



Cecilia Gallardo-Daly, Zoning Administrator