



STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: June 22, 2023

PLANNER: Laura Coury, Assistant Planner

SUBJECT: **Minor Conditional Use Permit | MCUP 23-001 | Petclemente**, a request to allow a full service pet grooming service facility in the Neighborhood Commercial 1.1 Zone and the Coastal Zone Overlay District and find the project is categorically exempt from the California Environmental Act under Section 15301 of the CEQA Guidelines (14 CCR § 15301, Class 1: Existing Facilities: Operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures involving negligible or no expansion of existing or former use).

LOCATION: 2727 Via Cascadita, Unit F

ZONING/GENERAL PLAN: Neighborhood Commercial 1.1 and Costal Zone Overlay District (NC1.1-CZ)

PROJECT SUMMARY:

- **Background:** The proposed use would occupy a unit in a multi-unit commercial center near the corner of Avenida Vaquero and Camino de Estrella. The single story commercial center includes 25,400 square foot of building space on 2.76 acre site. One hundred twenty-one (121) parking spaces are shared between center tenants. Current tenants in the center include the San Clemente Department of Motor Vehicle, The Salvation Army Thrift Store and Donation Center, Fired Up Smoke Shop, IBM Insurance, Shorecliff’s Bar and Grill, and Distinctive Body Art Studio. **Figure 1** below is an image of the site.

Figure 1-Existing Site Conditions



- **Proposed Project:** The applicant proposes to operate a pet grooming business in Suite F of the multi-unit center. The 1051 square foot unit is currently vacant and was formerly occupied by a hair salon. The pet grooming shop will offer bathing, grooming, nail care, teeth cleaning, ear cleaning, and other services¹. The owner would utilize the front for office space for to schedule appointments as needed. Appointments will generally occur Monday through Friday between the hours of 8 a.m. through 6 p.m.
- In addition to an MCUP, the applicant is required to obtain a kennel permit from the Coastal Animal Services Authority (CASA) of San Clemente and Dan Point. The applicant has begun to consult with CASA staff. If the MCUP is approved, an animal services officer will conduct an inspection once the shop is set up. Condition of Approval # 7.19 requires that the kennel permit be obtained prior to issuance of a business license.
 - The proposed use does not increase the demand for parking at the site. One hundred twenty-one (121) parking spaces are shared between the center tenants. The pet grooming use would require 1 parking space per 300 square feet. Based on the unit size, this equates to a parking demand of 4 parking spaces. The previous use was a hair salon requiring one spaces per 200 square feet. The requirement for the beauty salon was a more intensive use for parking. For the pet groomer, clients typically drop their pets off for services and pick up at a later time, so the demand for parking is less intensive than a personnel service use where clients remain on site. There are four spaces assigned to the unit according to the shared parking table for the 2727 Via Cascadita center.
- **Approval Authority:** Zoning Ordinance Section 17.16.070 requires Zoning Administrator approval of a Minor Conditional Use Permit (MCUP) to allow a pet grooming business within the Neighborhood Commercial 1.1 zone per the commercial use table in Section 17.36.020
- **Project Findings:** Staff supports the proposed request for the Minor Conditional Use Permit and the project meets the required finding because:
 - Required parking for the site is provided and the proposed use does not increase overall parking demand for the site;
 - No exterior building or site changes are proposed as part of this request. The building can support the proposed use with the completion of minor interior tenant improvements which would require a building permit. Before the proposed use may operate, a kennel permit and business license are required to ensure that the business is setup according to CASA requirements;
 - The project will comply with state laws requiring that pet grooming operators maintain the facility in good repair, provide proper care to animals, and clean grooming areas daily. Primary enclosures must be structurally sound, provide adequate space, be-water-proof, and protect from injury.

¹ <https://www.petclemente.com/>

- **CEQA:** The project is Categoricaly Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (14 CCR § 15301, Class 1: Existing Facilities) because:
 - The project involves only minor interior alterations to an existing building.
 - The proposed use will occur in a developed commercial center where there is no risk of risk of impacting sensitive environmental resources; and
 - The proposal will not result in cumulative impacts because there is no alteration to the physical structure or environment.
- **Public Comment:**
- Public comments have not been received on this item.

RECOMMENDATION

Staff recommends that the Zoning Administrator:

1. Determine the project is Categoricaly Exempt from the requirements of the CEQA pursuant to CEQA Guidelines Section 15301 (14 CCR § 15301, Class 1: Existing Facilities); and
2. Adopt Resolution ZA 23-011, approving Conditional Use Permit 23-001, Petclemente, subject to attached conditions of approval.

Attachments:

1. Resolution ZA 23-011
Exhibit A - Conditions of Approval
2. Location Map
3. Site Plan/Floor Plan

RESOLUTION NO. ZA 23-011

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CONDITIONAL USE PERMIT 23-001, PETCLEMENTE, A REQUEST TO ALLOW PET GROOMING BUSINESS, LOCATED AT 2727 VIA CASCADITA, UNIT F, AND FINDING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTION §15301, CLASS 1: EXISTING FACILITIES

WHEREAS, on January 3, 2023, an application was submitted by Zaki Ahmadi, 2727 Via Cascadita, San Clemente, CA 92672, for Minor Conditional Use Permit (MCUP) 23-001, a request to allow a pet grooming business in the Neighborhood Commercial 1.1 Zone and Coastal Zone Overlay (NC1.1-CZ), at 2727 Via Cascadita, Unit F, with a legal description N TR4577 BLK LOT 6 and Assessor's Parcel Number 691-303-04;, and deemed complete on May 25, 2023;

WHEREAS, the Planning Division has completed an initial environmental assessment of the above matter in accordance with the California Environmental Quality Act (CEQA) and recommends the Zoning Administrator determine the project is Categorically Exempt from CEQA pursuant to State CEQA Guidelines Section § 15301 (14 CCR § 15301, Class 1). This is recommended because the project is a change of commercial use within an existing building; and

WHEREAS, the Development Management Team (DMT) reviewed the proposed project, and staff issued comment letters on February 1, 2023 and May 25, 2023 to the applicant to ensure compliance with General Plan, Zoning Ordinance, and other applicable City ordinances, codes, and policies; and DMT recommended approval with conditions included in Exhibit A; and

WHEREAS, IN ACCORDANCE WITH City and State requirements, notice of the public hearing was published in the San Clemente Times newspaper on June 8, 2023, posted at the project site, and mailed to all property owners within 300 feet of the subject parcel; and

WHEREAS, on June 22, 2023, the Zoning Administrator of the City of San Clemente held a duly noticed public hearing on the subject application, considered written and oral comments, and facts and evidence presented by the applicant, City staff, and other interested parties.

NOW, THEREFORE, The Zoning Administrator of the City of San Clemente does hereby resolve as follows:

Section 1. Incorporation of Recitals.

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

Section 2. CEQA Findings.

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Zoning Administrator, and the facts outlined below, the Zoning Administrator hereby finds and determines that the proposed project is Categorically Exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (14 CCR § 15301, Class 1: Existing Facilities).

The Class 1 exemption specifically exempts from further CEQA review the operation, repair, maintenance, minor repairs of existing public and private structures, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. This exemption covers but is limited to, interior or exterior alterations, additions of existing structures that will not result in an increase of more than 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less. Here, the proposed project is the establishment of a conditionally permitted pet grooming use within an existing building, and will not increase the floor area of the structure. The project maintains the commercial use of the site and adds another conditionally permitted use – a pet grooming business– within the existing building. 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. There are no unusual circumstances surrounding the project that result in a reasonable possibility of a significant effect on the environment. The project is not in a scenic corridor, will not alter or impact historic resources, and does not include any hazardous waste sites. The project consists of no physical modifications to the structure or the environment and involves only modifying the types of alcohol permitted to be served. Thus, the Class 1 exemption applies, and no further environmental review is required.

Section 3. Minor Conditional Use Permit (MCUP) Findings

With respect to Minor Conditional Use Permit (MCUP) 23-001, the Zoning Administrator finds as follows for the pet grooming business as a minor conditionally permitted use within the Neighborhood Commercial 1.1 zone:

- A. The proposed use is permitted within the subject zone pursuant to the approval of a Minor Conditional Use Permit and complies with all the applicable provisions of the San Clemente General Plan and the purposed and intent of the zone in which the use is being proposed, in that:
 1. The proposed use provides visitor serving and neighborhood commercial services among a mix of other commercial uses in the Neighborhood Commercial 1.1. zone, consistent with Primary Goal No. 8 of the Centennial

General Plan Land Use Element, that states: “Provides a diversity of land use areas that complement one another and are a characterized by differing functional activities and intensities of use;” and

2. The project is located where a pet shops and pet grooming services are conditionally permitted and must comply with special zoning, operation, facility, and licensing requirements in the Municipal Code to ensure the proposed use is compatible with the neighborhood and consistent with the intent of the zone.
- B. The site is suitable for the type and intensity of use that is proposed, in that:
1. Required parking is provided on site and the proposed use does not increase overall parking demand for the site; and
 2. No exterior building or site changes are proposed as part of this request. The building can support the proposed use with the completion of minor interior tenant improvements. Before the proposed use may operate, a kennel permit and business license are required to ensure tenant improvements comply with Coastal Animal Service Authority (CASA) requirements.
- C. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties in the vicinity, in that:
1. The proposed use must comply with special operational, facility, sanitation, and licensing requirements of state law regarding pet grooming animal care (CA Health & Safety Code § 122350-122361) and must meet Conditions of Approval (attached as Exhibit A). These requirements and conditions apply to ensure the proposed use is compatible with surrounding uses and properties; and
 2. This includes but is not limited to requiring that a kennel permit be received after a site inspection is conducted by an Animal Services Officer from the Coastal Animal Services Authority (CASA) of San Clement and Dana Point. The pet grooming business will comply with state laws requiring that pet grooming business and operators maintain the facility in good repair, provide proper care to animals, and clean grooming areas daily. Primary enclosures must be structurally sound, provide adequate space, be waterproof, and protect from injury.
- D. The proposed use will not negatively impact surrounding land uses, in that:
1. The proposed use is a commercial business in a multi-tenant commercial center. Noise and operational standards are addressed with conditions of approval to mitigate any potential impacts such as noise and maintenance for the unit; and
 2. The proposed use must comply with special operational, facility, sanitation, and licensing requirements of state law regarding pet grooming and animal

care (CA Health and Safety Code§ 122350-122361) and must meet Conditions of Approval (attached as Exhibit A). These requirements and conditions apply to ensure the proposed use is compatible with surrounding uses and properties.

Section 4. Zoning Administrator Approval.

Based on the foregoing recitals and findings, and the written and oral comments, facts, and evidence presented, the City of San Clemente Zoning Administrator approves Minor Conditional Use Permit (MCUP) 23-001, Petclemente, subject to the Findings, and Conditions of Approval set forth in Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City of San Clemente Zoning Administrator on June 22, 2023.

Cecilia Gallardo-Daly, Zoning Administrator

**CONDITIONS OF APPROVAL
 PETCLEMENTE, PET GROOMING BUSINESS
 2727 VIA CASACADITA
 MINOR CONDITIONAL USE PERMIT 23-001**

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, material boards 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
1.6	MCUP 23-001 shall be deemed to have expired if within three years of approval the project is not commenced, or the project	

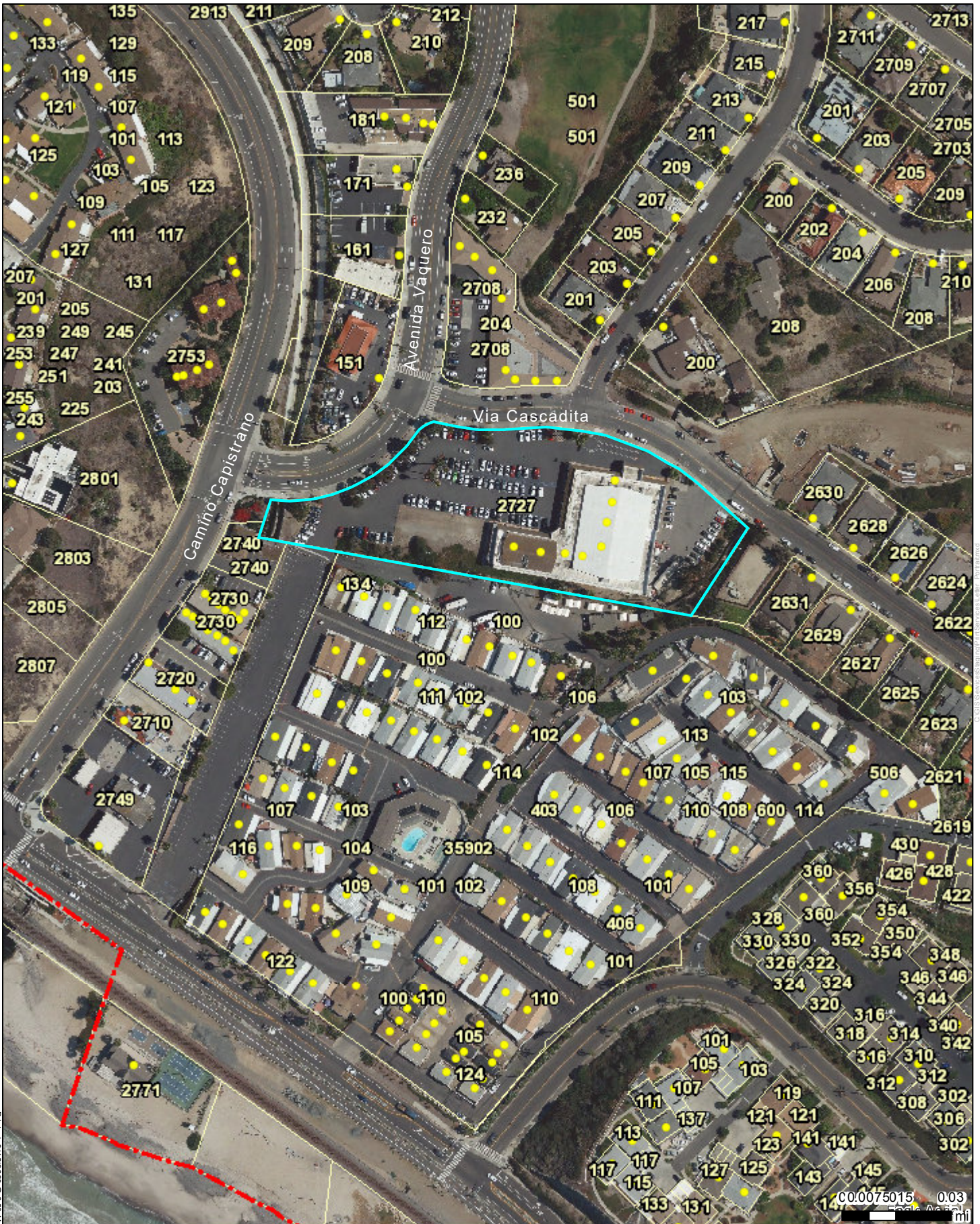
	permitted by the approved application has lapsed, as defined by Zoning Ordinance Section 17.12.150.	
1.7	Within five business days of project approval, the applicant shall submit to the Planning Division a check made payable to the Orange county Clerk Recorder in the amount of \$50 for filing the CEQA Notice.	Planning
4.0	PRIOR TO ISSUANCE OF BUILDING PERMITS	
4.1	The working drawings shall include within the first four pages a list of all conditions of approval included in this resolution.	Planning
4.9	The applicant shall demonstrate to the satisfaction of the City Engineer or designee that the project meets all requirements of the San Diego Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Permit, and Federal, State, County and City guidelines and regulations, in order to control pollutant run-off. (SCMC Chapter 13.40)	Public Works
4.15	The property owner or applicant shall submit, prior to the approval of the business license, after-the-fact building plans to identify and permit the current location of walls or other interior elements that have changed since the last permitted condition of the space.	Planning*
7.0	OPERATIONAL CONDITIONS OF APPROVAL	
7.18	The hours of operation for the use shall be limited to Monday through Friday, 8:00 a.m. to 6 p.m. The City Planner may review and approve requests for modifications to the hours of operation.	Planning**
7.19	The owner or designee for the use shall obtain a kennel permit from the Coastal Animal Services Authority (CASA) of San Clemente and Dana Point prior to issuance of a business license	Planning**
7.20	The Applicant (including any property owners and managers, and their designees) shall use her/his best judgement and best management practices to ensure PetClemente activities on the 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 the property owners and managers and their designees) hereby understand 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	Code Compliance**

	City to maintain such premises in such a manner that.... <i>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.[Citation Section 8.52.030 (Y)of the SCMC]</i>	
7.21	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.	Planning ** Code Compliance**
7.22	The Applicant (including any property owners and managers, and their designees) understands and agrees that no window, banner, or temporary signage is part of this review, nor is any such signage approved or permitted by this permit. Window, banner, and temporary signage shall comply with Zoning Ordinance Table 17.84.030A & Section 17.84.030(H), and any applicable Master Sign Programs. Applicant understands and agrees that as a condition of approval of this permit that Applicant is aware of the City’s window, banner, and temporary sign regulations and that compliance with those regulations is a term of the subject permit’s approval by the City. As such, any violation of the City’s regulations related to window, banner, or temporary signs shall constitute a violation of SCMC Section 8.52.030(Y), as discussed in accompanying conditions of approval.	Planning ** Code Compliance**
7.23	The applicant (including any property owners and managers, and their designees) shall ensure that discharge of washwater/wastewater and other pollutants is prohibited from entering the storm drain system. Applicant must prevent pollutants (e.g. sediments, trash, pet waste, food waste etc.) and any washwater/wastewater used during cleanup from entering the storm drain system as the property is in the Coastal Zone.	Planning **
7.24	The applicant (including any property owners and managers, and their designees, and employees) shall ensure that pet waste shall be picked up immediately and disposed of properly within the establishment and around the commercial center of the business. that the business shall provide individual waste disposal bags, free of charge, and collection receptacles for patrons within the business.	Planning* *
7.25	Pets visiting the business shall be personally supervised and under the restraint or control of a person by means of a leash or portable kennel.	Planning* *
7.26	The Applicant (including any property owners and managers, and their designees) understands, acknowledges, and shall be responsible for ensuring that all vendors and or entities associated	Planning **

	with the PetClemente shall have a City of San Clemente Business License.	
7.27	All use areas shall be within an enclosed building constructed, maintained, and operated so that no noise or odor nuisances related to the grooming establishment can be detected outside the building. No outdoor runs, playgrounds, walking areas, yards, or similar uses are permitted by this MCUP.	Planning* *
7.28	The applicant(including any property owners and managers, and their designees shall use his/her best judgement and best management practices to ensure activities on the premises will not be conducted in a manner that would be disruptive to other commercial or residential neighbors and result in police services, which cost the City of San Clemente expense.	Code Compliance** OCSD**
7.29	The applicant (including any property owners and managers, and their designees) understand and agree that in the event noise generated by the use approved by this permit impacts neighboring properties, the tenant must sound proof the facility or use other best management practices as determined by the City Planner and/or the City Building Official, to comply with the City's noise standards as described in SCMC Chapter 8.48.	Code Compliance**
7.30	The Applicant (including any property owners and managers, and their designees shall be responsible for ensuring that no noise-generating maintenance activities on the subject property are conducted between the hours of ten (10:00) p.m. and seven (7:00) a.m. Such prohibited activities include, but are not limited to dumping trash into outside bins, the use of parking lot sweepers, and the use of high pressure washers. [Citation-Section 8.48.070(p) of the SCMC].	Code Compliance**
7.31	The Applicant (including any property owners and managers, and their designees) shall at all times maintain the premises free of liter, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon the street, sidewalk or other public place or upon any private property. In addition, the property owner business owner, or any other person in control of the subject private property shall remove any litter property owners or tenants produce or distribute, located in the public right of way within 100 feet of their property, and all accumulated litter that abuts their commercial property. [Citation- Section 8.40.190 &200 of the SCMC]	Code Compliance**
*	Denotes a modified Standard Condition of Approval	
**	Denotes a project-specific Condition of Approval	



City of San Clemente



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LOCATION MAP

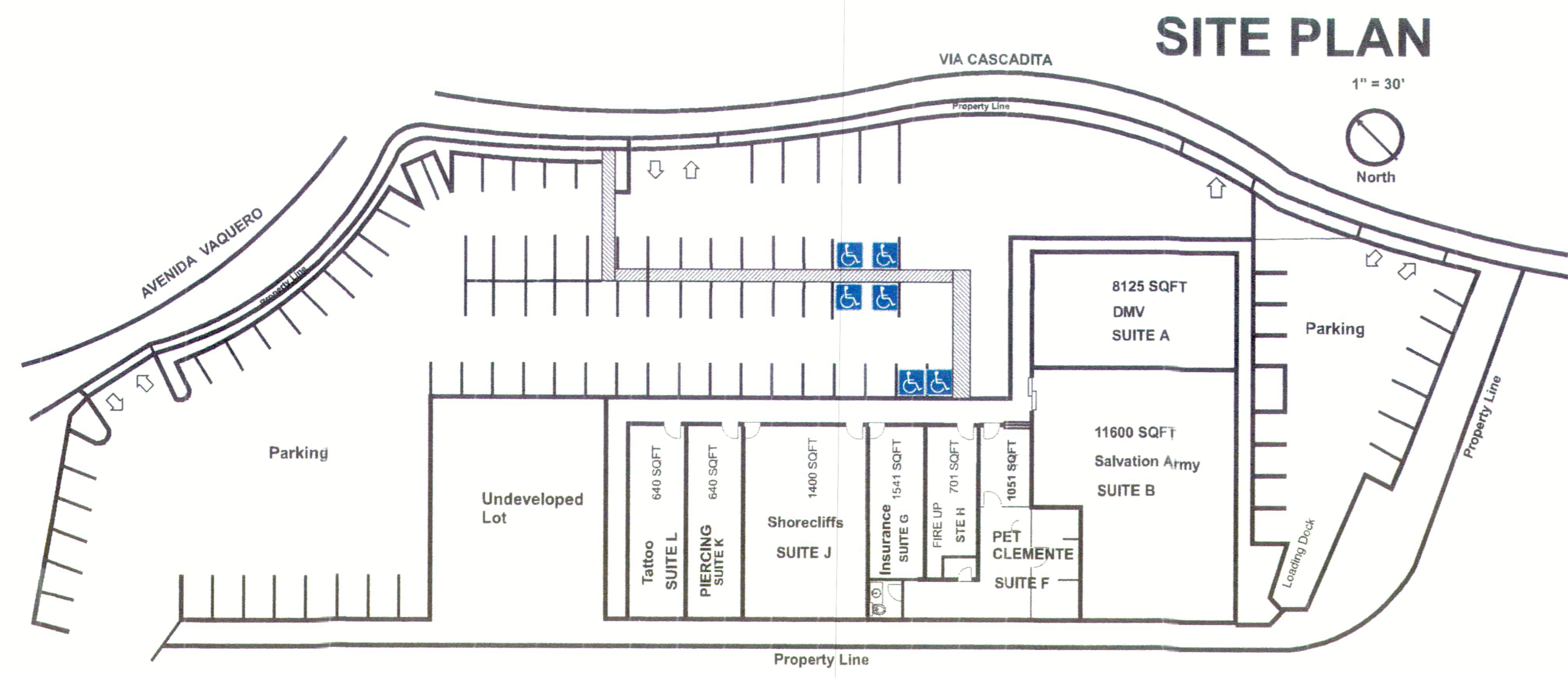
Collaborative
P.R.O. services
 647 Camino de las Mares 106
 San Clemente, CA 92673
 949 412 3231

SCALE AS NOTED
 DATE 5/20/23
 PROJECT MCP23-001
 SHEET 001

Approvals	Date
Revisions	Date

SHEET TITLE
 EXISTING SITE PLAN

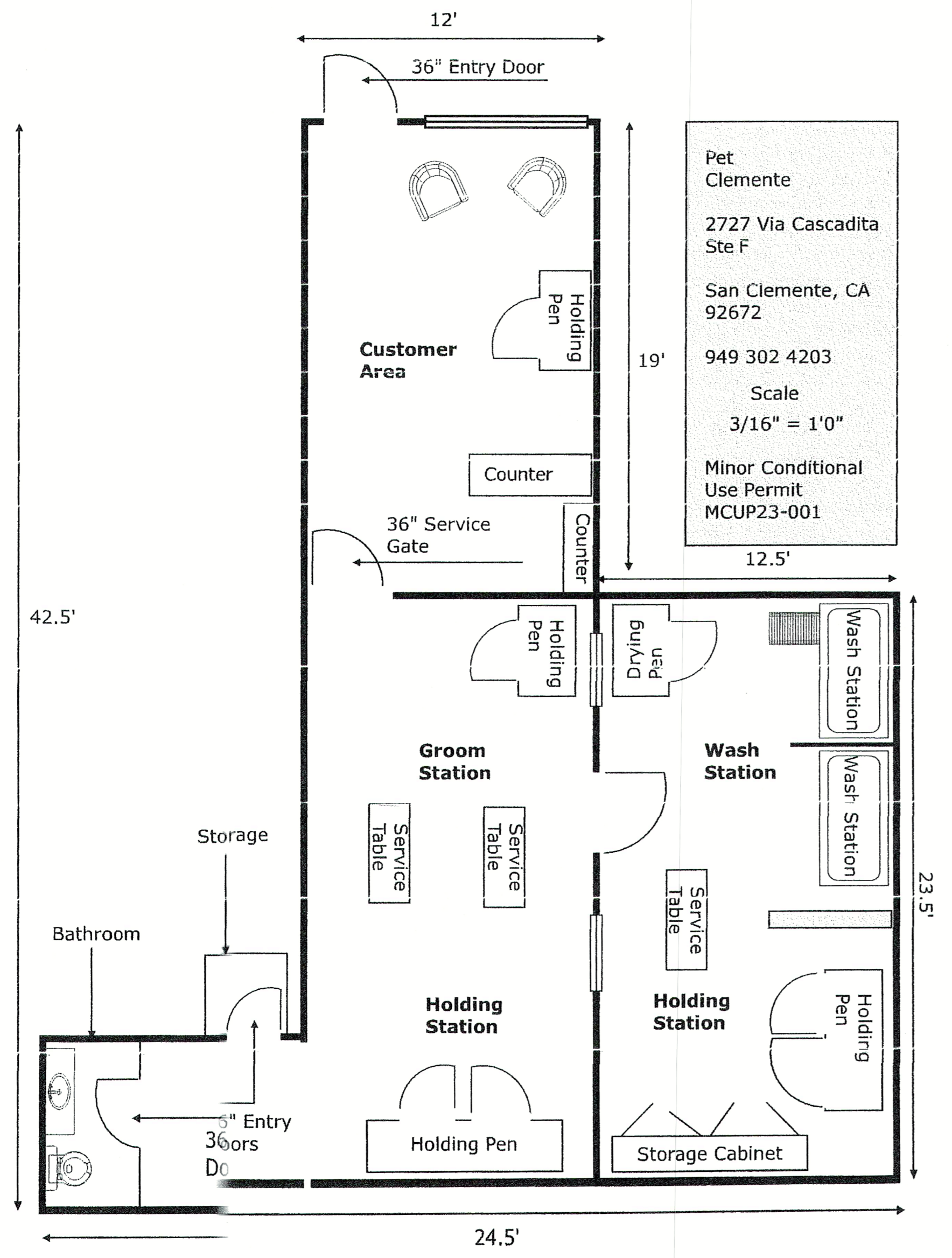
PROJECT TITLE
 Pet Clemente
 2727 Via Cascadita
 Ste F
 San Clemente, CA
 92672
 949 302 4203
 MCP23-001



PROJECT DATA

APPLICANT:
 Pet Clemente
 2727 Via Cascadita Ste F
 San Clemente, CA 92672
 949 302 4203
 Scale 3/16" = 1'0"
 Minor Conditional Use Permit MCP23-001

PROJECT ADDRESS: 2727 Via Cascadita San Clemente, CA 92672
 LEGAL DISCRIPTION: N TR 4577 BLK LOT 6
 ZONE: C-1-N Subtype Storefront Retail/Office
 GENERAL PLAN: Pet Services
 PARCEL: 691-303-04
 EXISTING LOT AREA: 2.81 Acres
 EXISTING USE: Vacant
 PROPOSED USE: Dog Grooming
 OCCUPANCY GROUP:
 CONSTRUCTION TYPE: Class B Tenancy/Multiple
 STORIES: 1
 EXISTING AREA: 1051 SQFT
 PROPOSED AREA: 1051 SQFT



SUITE	TENANT	USE CLASSIFICATION	SQ.FT	PARKING RATION REQ.	SPACES
A	DMV	PUBLIC ASSEMBLY	8125	1 PER 4 SEATS - 140 SEATS	35
B	SALVATION ARMY	RETAIL	11600	1 PER 300 SQFT	39
F	PET CLEMENTE	RETAIL/PET GROOMING	1051	1 PER 300 SQFT	4
G	INSURANCE OFFICE	OFFICE	1541	1 PER 300 SQFT	6
H	FIRE UP	TOBACCO SHOP	701	1 PER 200 SQFT	4
J	SHORECLIFF GRILL	RESTAURANT	1400	1 PER 4 INSIDE SEATS	19
K	PIERCING SHOP	BEAUTY SHOP	640	1 PER 200 SQFT	4
L	TATTOO SHOP	BEAUTY SHOP	640	1 PER 200 SQFT	4
		HANDICAP SPACES			6
TOTAL			25,698		121