

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING
OF THE ZONING ADMINISTRATOR
OCTOBER 19, 2023**

**San Clemente City Hall
First Floor Community Room
910 Calle Negocio
San Clemente, California 92673**

1. CALL TO ORDER

Zoning Administrator Adam Atamian called the Regular Meeting of the City of San Clemente Zoning Administrator to order on October 19, 2023 at 3:00 p.m. The meeting was held in the First Floor Community Room of City Hall, 910 Calle Negocio, and San Clemente, California.

Staff Present: Adam Atamian, Zoning Administrator
Jonathan Lightfoot, City Planner
Kyle Webber, Associate Planner
David Carrillo, Assistant Planner
Tamara Tatich, Office Specialist

2. MINUTES

A. Receive and file Minutes from the Zoning Administrator Regular Meeting of September 21, 2023.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARING

Staff requested that Item B on the Agenda be heard first.

B. Minor Architectural Permit (AP) 18-454, Office Addition to City Golf Course Clubhouse, 150 East Avenida Magdalena

A request to consider a 98 square-foot office addition to the front of the existing building, enclosing a portion of the street-facing loggia at 150 East Avenida Magdalena, the clubhouse at the municipal golf course in the (OSC) Zone.

Staff recommends the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §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), because the request is limited to the addition of a 98 square-foot office to an existing building located within an urbanized area.

Assistant Planner David Carrillo summarized the staff report.

Applicant Samantha Nowlin stated to ZA Atamian that there was nothing more to add to the Staff Report.

Having no further questions of staff, ZA Atamian opened the public hearing. There being no comments, ZA Atamian closed the public hearing.

ZA Atamian thanked staff for the report and stated that he had visited the site, and review the staff report and the information provided. ZA Atamian agreed that the project will enhance the City's facility. ZA Atamian confirmed with staff that the project was previously reviewed by the Golf Course Committee on March 1, 2018, and that the City Council also supported the project on March 20, 2018. ZA Atamian confirmed that the project was also reviewed by the City's Development Management Team (DMT) and the Planning Division.

ZA Atamian stated that the plans were complete and that he was able to provide a conceptual approval of the project; however, there were building features in the area where the proposed addition is located, specifically a recessed hose bib, security lighting, and a wall sconce that were not addressed in the conceptual plans. ZA Atamian added a Condition of Approval that clarifies that necessary features of the City's building remain intact or be relocated.

Based on the information in the staff report and subject to the required Findings and Conditions of Approval, ZA Atamian determined the project is Categorically Exempt from CEQA pursuant to State CEQA Guidelines §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).

Action: The Zoning Administrator adopted Resolution ZA23-017, approving Minor Architectural Permit (MAP) 18-454, Office Addition to City Golf Clubhouse, 150 East Avenida Magdalena, subject to the

Conditions of Approval with one additional Condition, denoted as #5.11, which states: Planning Staff shall have the discretion during the building permit plan check process to ensure that features such as hose bib connections, security lighting, potted landscaping and other lighting is incorporated appropriately into the design of the addition.

A. City Antenna Permit (CAP) 23-103, DISH Wireless Facility, 2916 Via San Gorgonio

A request to install antennas and equipment on an existing ball field light standard and in an existing equipment enclosure in the San Gorgonio City Park at 2916 Via Gorgonio.

Staff recommends that the project be found categorically exempt from the California Environmental Quality Act under Section 15301 of the CEQA Guidelines (14 CCR§ 15301, Class 1e: Existing Facilities) and Section 15303 of the CEQA Guidelines (14 CCR§ 15303, Class 3: New Construction or Conversion of Small Structures).

City Planner Jonathan Lightfoot stated that the Item is returning to the Zoning Administrator due to incomplete noticing for the prior hearing on August 16, 2023. Staff summarized the staff report and clarified that this item was re-noticed.

Having no further questions of staff, ZA Atamian opened the public hearing.

Eric Meurs with Plancom, Inc. on behalf of applicant DISH Wireless introduced himself. There being no comments or questions, ZA Atamian closed the public hearing.

ZA Atamian thanked staff for the report and asked staff if there were any public communications, at which staff stated that there was an inquiry from a resident in the neighborhood, but no comments were made. Staff's response to the inquiry was to provide background of permit and clarified that there is no longer an existing tenant at this space, but that the same facilities will be used in this installation. ZA Atamian noted that this was covered in the report, as well as the re-noticing. ZA Atamian asked staff how many properties were in the noticing, of which staff could not confirm, but that the noticing record, including the list of properties within the noticing radius, is on file with the Planning Division and will be part of the project record. ZA Atamian stated his goal is to encapsulate the public's comments and concerns.

ZA Atamian asked staff to review the CEQA determination and confirm that these are typical exemptions utilized for a wireless facility request.

Staff stated that there are two exemptions referenced in this project, Class 1 and Class 3, pursuant to CEQA Guidelines §15301 and §15303. Both exemptions are common for facilities that are collocating or using existing structures for mounting of communications equipment. The Class 1 exemption particularly addresses existing facilities, as from photos there is already an existing enclosure and lighting fixture where the new equipment will be installed. The Class 3 exemption addresses new construction or conversion of small structures, which can be accessory facilities like a shed, up to residential and commercial buildings up to 2,500 square feet. In this case the facilities are of smaller nature than what is permitted in the Class 3 exemptions. Therefore, both exemptions are appropriate.

ZA Atamian reviewed the Radio Frequency Electromagnetic Energy Jurisdictional Report that was prepared by EBI Consulting and stated that the provided Statement of Compliance indicated the RF exposure levels are within the FCC guidelines. ZA Atamian stated there is no issue with meeting those standards.

ZA Atamian stated that he visited the site and noticed that there are existing items on the light fixture and confirmed with staff that they will be removed in the process. ZA Atamian confirmed that the staff report indicates the new design complies with the Wireless Master Plan Design Guidelines.

ZA Atamian could make the Findings, in that the proposed project complies with the height limitations of the zoning district in which the project is proposed. The proposed project does not interfere with the transmission or reception of other signals in the City. The proposed project does not create adverse visual impacts to the surrounding area or to the City at large. The proposed project is consistent with the pre-approved design concepts for City properties identified in the City of San Clemente Wireless Master Plan.

Based on the information in the staff report and subject to the required Findings and Conditions of Approval, ZA Atamian determined the project is Categorically Exempt from CEQA pursuant to State CEQA Guidelines §15301 of the CEQA Guidelines (14 CCR §15301, Class 1e: Existing Facilities) and §15303 of the CEQA Guidelines (14 CCR §15303, Class 3: New Construction or Conversion of Small Structures).

Action: The Zoning Administrator adopted Resolution ZA23-014, approving City Antenna Use Permit (CAP) 23-103, DISH Wireless Facility, 2916 Via San Gorgonio, San Gorgonio Park Ball Field Light Standard, subject to the Conditions of Approval.

C. Minor Conditional Use Permit (MCUP) 23-107, Soul Align Yoga, 300 El Camino Real #202

A request to allow group yoga instruction at an existing Chiropractic Office use located within a multi-unit tenant building at 300 South El Camino Real, Suite 202 in the Mixed Use 3 (MU3) Zoning District and Central Business (CB) and Architectural (A) Overlays.

Staff recommends the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15301 (Class 1: Existing Facilities).

Associate Planner Kyle Webber summarized the staff report.

The Applicant was not present. Having no further questions of staff, ZA Atamian opened the public hearing. There being no comments, ZA Atamian closed the public hearing.

ZA Atamian directed staff to Attachment 2 of the report where a green box depicts the multi-tenant building of the subject property, where as Figure 1 in the staff report illustrates the property in its entirety. Staff noted that Attachment 2 includes the north-west area of the parking lot that is for the bank's use, and that the parking table is inclusive of this area along with the space in the south facing public parking lot. ZA Atamian cited from the report that there are 67 parking spaces required for all uses on the property where 69 parking spaces exist.

ZA Atamian acknowledged the Condition of Approval relating to sound mitigation; however, he did not see a Condition or statement in the application that limits any overlap of classes which could potentially require twenty spaces instead of the allotted ten. Staff stated that upon their site review of the parking area, there was not much concern. ZA Atamian stated that he wouldn't anticipate that it would be an issue, but that adding the Condition to Approval 7.29 stating that the Applicant shall stagger class end and start times such that no classes occur within fifteen minutes of another class, would ensure that there is no overlap of parking for students between classes.

ZA Atamian noted that the applicant is not currently proposing classes on Friday, Saturday or Sunday, and asked staff if we were limiting their hours of operation. Staff clarified that the use is proposing classes Friday, Saturday and Sunday; however, in the mornings only, with no classes in the afternoon. There is not a Condition of Approval that limits their operating hours for classes; however, there is a class schedule in the Resolution that states that classes begin at 8:00 a.m. and the latest class

ends at 8:15 p.m. ZA Atamian stated that he is familiar with the area and visited the site. ZA Atamian found that there are some residences close by and recommended a Condition of Approval be added to ensure that this type of group instruction use is consistent with residential uses in the vicinity. Therefore 7.31 shall state: The applicant, including any property owners, managers or their designees shall limit operations of the group instruction use to seven days a week between the hours of 6:00 a.m. and 9:00 p.m., and shall not open the studio to patrons prior to 5:45 a.m. This additional Condition will enable the applicant flexibility to expand. Staff stated that the applicant should be amicable to that Condition of Approval.

ZA Atamian noted for the record (Condition 1.3) that minor amendments or modifications can be made, depending on the potential impact on the public, can be approved by the City Planner. Expansions of use (Condition 1.9) must be heard by the Zoning Administrator.

Looking at the path of travel on the provided floor plan, ZA Atamian asked staff to clarify the tenant space which appears to reflect the chiropractic area as being reduced. Staff confirmed that the yoga studio will use part of the area where the chiropractic use was being conducted, and confirmed that all uses will be contained in one suite. Staff further confirmed that the chiropractic use encompasses a massage use by-right through the chiropractor's professional licensing.

Staff confirmed that there have been no public comments received on this project.

ZA Atamian requested the title block of the Resolution to state: A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CONDITIONAL USE PERMIT 23-107, SOUL ALIGN YOGA, TO ALLOW GROUP INSTRUCTION USE AT 300 S. EL CAMINO REAL, SUITE 202.

ZA Atamian could make the Findings in that the proposed use is conditionally permitted within the mixed-use zoning district, the proposed hours of operation are consistent with surrounding uses, and that required parking is provided on site. Therefore, the project is consistent with surrounding uses in the multi-tenant building where a fitness studio operated previously within a different suite.

Based on the information in the staff report and subject to the required Findings and Conditions of Approval, ZA Atamian determined the project is Categorically Exempt from CEQA pursuant to State CEQA Guidelines §15301 (Class 1: Existing Facilities).

Action: The Zoning Administrator adopted Resolution ZA23-016, approving Minor Conditional Use Permit (MCUP) 23-107, Soul Align Yoga, 300 S. El Camino Real, Suite 202, subject to the Conditions of Approval with two additional Conditions, denoted as #7.29 to state “The Applicant shall stagger class end and start times such that no classes occur within fifteen minutes of another class to ensure that there is no overlap of parking for students between classes; and #7.31 to state “The applicant, including any property owners, managers or their designees shall limit operations of the group instruction use to seven days a week between the hours of 6:00 a.m. and 9:00 p.m., and shall not open the studio to patrons prior to 5:45 a.m.”

5. **NEW BUSINESS**

None

6. **OLD BUSINESS**

None

7. **ADJOURNMENT**

The meeting adjourned at 3:41 p.m. to the Regular Meeting of the Zoning Administrator, which will be held Thursday, November 9, 2023 at 3:00 p.m. at Community Development Department, City Hall, First Floor Community Room, located at 910 Calle Negocio, San Clemente, California.

Respectfully submitted,

SAN CLEMENTE ZONING ADMINISTRATOR

Adam Atamian, Zoning Administrator