



## STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: December 17, 2014

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**PLANNER:** Christopher Wright, Associate Planner *CW*

**SUBJECT:** Municipal Code Amendments (Titles 17, 16, 2), Clarification and Streamlining of Processes: Municipal code amendments that clarify and streamline some planning permit processes and make wireless antenna reviews consistent with federal law.

### BACKGROUND

This is a City-initiated amendment of Municipal Code Title 17 "Zoning" (Zoning Amendment 14-056), Title 16 "Subdivisions", and Title 2 "Administration and Personnel." The proposed code changes would primarily occur in the Zoning Ordinance. The zoning amendments are proposed to complete the second phase of the Zoning Ordinance update — an implementation measure of the Centennial General Plan.

The purpose of tonight's meeting is for the Planning Commission to forward a recommendation to the City Council on amendments that are to accomplish three goals:

1. Clarify the review process.
2. Streamline some permit processes while maintaining or enhancing quality of life.
3. Modify wireless antenna procedures to meet federal law, which requires to review wireless antenna changes at a staff level.

At the November 5<sup>th</sup> Planning Commission meeting, staff provided an update on this item and received direction on staff waivers, oversight, and other issues. Prior to this meeting, the Planning Commission had three study sessions on the review process, design review, staff waivers, the appeal process, and the need to balance streamlining with enhancing quality of life. A public workshop occurred on February 19<sup>th</sup> to get ideas for improving the review process. Refer to Attachment 4 for Planning Commission meeting and study session minutes. Workshop minutes are Attachment 5.

### **Previous Planning Commission direction**

The Commission outlined several principles for staff to draft amendments. The principles and related background information are provided below.

#### **1. Code changes should preserve our great quality of life.**

It is important that quality of life is maintained in the City when making code or policy changes. The existing process and regulations have led to a great quality of life in the

City and code changes should not diminish it. Instead, the goal should be to preserve, protect, and improve quality of life further, while providing quality customer service.

**2. *Decisions need to be based on guidelines for consistency.***

Decisions can be subjective so they should be based on guidelines, not just discretion. The staff and Commission could have less experience and knowledge of the City in the future so guidelines should be clear for consistent decision making. At the November 5<sup>th</sup> meeting, staff proposed new staff waiver findings that require projects to meet all the standard findings of permits and meet an additional finding that projects are “not of significant public concern.” The Commission supported waivers to meet the standard permit findings. But, there were concerns with a finding that requires the City Planner to assess whether or not there is significant public concern. The finding seemed subjective so staff has changed the text to address this. Details are provided later in this report.

**3. *Some streamlining changes should be delayed.***

The Commission had suggested to delay some streamlining until Design Guidelines are updated, sign guidelines are created, and other General Plan implementation measures are completed. After this work is completed, there will be a greater set of quality guidelines for decision making and possibly more streamlining. In response to this feedback, staff significantly reduced the amount and type of changes. Now, staff proposes code changes that primarily clarify the review process and streamline minor projects that: 1) often have little-to-no public concerns or significant impacts and 2) maintain or improve the quality of life in the City according to the Design Guidelines and General Plan. With few exceptions, land use standards would not change.

**4. *There should be adequate oversight to ensure decisions are known and understood so they can be if there are concerns.***

The Commission has expressed support for code changes that would allow more permits to be waived, provided that projects are not of significant public concern and there is oversight of City Planner decisions. The Commission supported several changes to increase oversight: a) formalize and clarify that the City Planner and Zoning Administrator may “bump-up” an application to a higher level of review, at their discretion, b) create a new appeal process for staff waivers that would allow the Commission to “call-up” waivers from the consent part of meetings by a majority vote, and c) changes that possibly make the Commission, rather than the City Council, the final appeal body for waivers.

On November 5<sup>th</sup>, staff recommended for the existing appeals process to be preserved. If the Commission can “call-up” waivers or is made the appeal body, it could take 1-8 more weeks until a staff waiver decision is finalized. The City Planner wants to approve more minor projects, but would rather keep the existing staff waiver process if the appeals process is delayed. The benefits of allowing more staff waivers could be diminished or eliminated if the appeals process takes more time. The timeframe for the permit process is 6-8 weeks. If steps are added to the appeals process, it could take 13

weeks to get a final outcome on waiver decisions. Therefore, it could take more time to get a staff waiver than a permit, if the appeals process is changed. Attachment 7 provides a comparison of the appeals process.

Staff believes the existing process can provide adequate oversight but actions can be taken to improve how decisions are reported, so the public or City Council can decide whether to appeal a decision. This may include posting waivers on the internet and arranging for the Commission to review and comments on waivers during the consent part of meetings. At the November 5<sup>th</sup> meeting, the Commission did not indicate opposition to retaining the existing appeals process. Commissioner Brown was absent so he provided written comments which noted some concerns.

**DISCUSSION**

The amendments affect several sections of the Municipal Code in Title 17 (Zoning Ordinance), Title 2 (Administration and Personnel), and Title 16 (Subdivision Ordinance). Attachment 1 is a spreadsheet that describes and provides an analysis of the proposed amendments. The first table column is the section and page number of code changes which are attached as follows: Attachment 2, Exhibit A are proposed Zoning Ordinance changes, and Attachment 3, Exhibit A are proposed changes to other Municipal Code sections in Title 2 and Title 16. As mentioned before, the primary focus of the amendments is to clarify the review process and simplify the review of projects that are minor and clearly consistent with City goals and policies.

**Clarifying the review process**

The amendments clarify the review process in several ways. Text would be reworded, reorganized, and added to describe the function of the Planning Commission, Design Review Subcommittee, and Zoning Administrator. A new table would identify the types of permits that may require Design Review Subcommittee review, adds cross-references, and provide common examples of design issues that are reviewed (see below). Also, some processes would be simplified or removed that are ineffective or unnecessary. Overall, the changes should reduce the amount of staff resources required to answer simple questions on the review process. As a result, staff could spend more time on high-priority projects, such as the adoption of a Local Coastal Plan. Below is the table proposed to clarify the design review process.

**Table 17.12.025 – Applications and Design Review Process**

<b>Application</b>	<b>Zoning Ordinance Section No.</b>	<b>DRSC review</b>	<b>Examples of design issues reviewed by Design Review Subcommittee</b>
Site Plan Permit	17.16.050	Required	Site planning, parking lot design, setbacks, compatibility and relationships with adjacent development

Minor Site Plan Permit	17.16.050	City Planner determination	Similar issues as Site Plan Permit
Conditional Use Permit	17.16.060	Required for new antenna projects and exceptions to development standards	Design, scale, materials, and massing of certain development projects, such as new wireless antennas and density bonus requests for eligible housing projects. Visual impacts of requests for height increases and limited exceptions to other development standards
Variance	17.16.080	Required	Visual impacts of development standard exceptions
Architectural Permit	17.16.100	Required	Architectural design issues, such as architectural quality and style, massing, scale, proportions, landscaping, materials, design features, visual impacts on aesthetic resources
Minor Architectural Permit	17.16.100	City Planner determination	Similar issues as Architectural Permit
Cultural Heritage Permit	17.16.100	Required	Preservation and restoration of historic resources and landmarks. Visual impacts of projects on nearby historic resources and landmarks. Architectural design issues, such as architectural quality and style, massing, scale, proportions, landscaping, materials, design features, and visual impacts on aesthetic resources
Minor Cultural Heritage Permit	17.16.100	City Planner determination	Similar issues as Cultural Heritage Permit
City Antenna Permit	17.16.130	Required	Aesthetics of new wireless antennas on City property
Designation of historic resources and landmarks	17.16.160	Required	Designation of historic resources and landmarks

Historic Property Preservation (Mills Act) Agreement	17.16.175	Required	Design, scale, materials, location, and other visual aspects of improvements to preserve and restore historic resources
Discretionary Sign Permit	17.16.250	Required	Signage design, size, materials, lighting, visual impacts
Sign Exception Permit	17.16.260	Required	Visual impacts of sign standard exceptions

**Staff waivers**

The City Planner would need to meet all the standard permits to approve a staff waiver. To clarify which projects can be waived, staff identifies a list and description of eligible projects. This is proposed to clarify which projects are minor enough to be waived. It is challenging to identify all the types of possible projects that may be suitable for a staff waiver in the future, so staff included subsection “i.” This allows the City Planner to approve projects that are currently waived with a finding that: projects do “not significantly alter the visual appearance and/or architectural integrity of the property or structure.”

**C. Applicability.**

1. Eligible request. The City Planner may approve staff waivers for the following items:
  - a. Minor repair and preservation of historic resources and landmarks. Minor exterior repairs and preservation measures that improve the historical integrity of historic resources and landmarks.
  - b. Minor exterior changes to buildings and structures, excluding historic resources and landmarks. Exterior changes minor in nature that improve a structure’s appearance and architectural integrity. The building’s design, footprint, massing, and height are essentially kept intact, but minor height changes are allowed to modify roofing materials or to remove roof details that are unattractive, such as a mansard Spanish roof element on a contemporary building. Exterior changes shall be consistent with the City’s Design Guidelines, and Architectural Overlay District policies when applicable.
  - c. Minor additions to private recreational facilities and minor utility buildings located outside the Architectural Overlay District. Additions up to 2,000 square feet or less than 50 percent of existing floor area, whichever is smaller. Additions must be mostly or entirely screened from public property view and view corridors.

- d. Basement and interior additions to historic resources and landmarks. Additions that are below ground and within buildings such as lofts and the conversion of crawlspace into floor area.
  - e. Additions to residential buildings, excluding historic resources and landmarks. Additions up to 500 square feet that do not have adverse visual impacts on historic resources and landmarks. Additions must be mostly or entirely screened from public right-of-way that adjoins properties on the City's Designated Historic Resources and Landmarks Lists. Additions shall maintain or reduce a building's height, except for minor height increases to change roofing materials. For example, this would include an addition to the front of a residence that is adjacent to the rear of a historic structure and the addition would not increase the height of the house. When a building is nonconforming, waivers shall not be issued for projects that expand the floor area of buildings by 50 percent or greater since the adoption date of the Zoning Ordinance (March 21, 1996).
  - f. Accessory structures on sites not identified on the City's Designated Historic Resources and Landmarks List. Construction, expansion, or modification of accessory structures that do not have adverse visual impacts on historic resources and landmarks. Structures must be mostly or entirely screened from public right-of-way that adjoins properties on the City's Designated Historic Resources and Landmarks Lists. For properties in the Architectural Overlay District, accessory structures may be visible from public property view if they are minor in nature and their design, materials, and colors are clearly compatible with adjacent buildings and consistent with the City's Design Guidelines and Architectural Overlay District policies. This includes but is not limited to: fences, walls, pilasters, gates, small at-grade decks and stairs, fountains, trash enclosures, equipment screens, patio covers (residential sites), and pools (residential sites).
  - g. Minor landscaping and hardscape changes.
  - h. Minor site alterations required by State or Federal law. Minor site alterations required to comply with disabled access requirements or other State or Federal regulations.
  - i. Other minor projects that do not substantially alter the visual appearance and/or architectural integrity of the property or structure.
2. Ineligible requests. The following items are ineligible for a staff waiver:
- a. Nonresidential retaining walls, walls, fences, or hedges over six feet high.
  - b. Exterior additions to nonconforming nonresidential buildings, except private recreational facilities and minor utility buildings located outside the Architectural Overlay District, per Subsection 1c.

- c. Additions to nonconforming residential buildings that increase a building's height or expand its floor area by 50 percent or greater since the adoption date of the Zoning Ordinance (March 21, 1996).

### **GENERAL PLAN CONSISTENCY AND ENVIRONMENTAL REVIEW**

See Attachment 2 for a details on how the amendments are consistent with the General Plan and comply with the California Environmental Quality Act (CEQA).

### **ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES**

1. **Concur with staff and recommend approval of the proposed amendments.**

*This is the recommended action. It would result in the project moving forward for City Council action. Adoption of Resolutions No. 14-051 and No. 14-052 would be a recommendation to the City Council to approve the changes in their entirety, as staff has recommended.*

2. **Add, modify or delete provisions of the proposed amendments.**

*For example, the Planning Commission could decide to modify one or more of the recommended changes or corrections or add additional language to clarify ambiguities. If extensive changes are made, staff may need time to evaluate whether edits are consistent with the General Plan and to determine if environmental review is required to comply with the California Environmental Quality Act (CEQA). If staff needs time, it is advised that the Planning Commission table this agenda item to a date uncertain.*

3. **Continue the item for further review or discussion.**

*There is no deadline for taking action on the proposed amendments; however, these amendments or similar amendments were initiated by the City Council to address issues raised, so prompt action is desirable.*

### **RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission approve Draft Resolutions PC14-051 (Zoning Amendments) and PC14-51 (Other Municipal Code changes), recommending the City Council adopt amendments shown in Attachments 2-3.

#### **Attachments:**

1. Summary of the proposed amendments
2. Draft Resolution No. 14-051  
Exhibit A - Zoning Amendments
3. Draft Resolution No. 14-052  
Exhibit A – Title 2 and Title 16 Amendments
4. Planning Commission meeting (November 5<sup>th</sup>) and study session minutes
5. Workshop meeting minutes
6. Required findings for Minor Architectural Permits/Minor Cultural Heritage Permits
7. Slides from November 5<sup>th</sup> Planning Commissions

## Amendment Summary

Table 1 summarizes the proposed zoning amendments. The amendments are provided as Attachment 2, Exhibit A in track changes format. Table 2 summarizes amendments to Municipal Code Title 2 (“Administration and Personnel”) and Title 16 (“Subdivisions”). These amendments are provided as Attachment 3, Exhibit A.

**Table 1 – Zoning Amendments (see Attachment 2, Exhibit A)**

Section No. (of Attach. 2, Exhibit A)	Page No.	Municipal Code Reference	Clarification changes	Procedural changes (streamlining in bold)
1	1-4	17.12.020, Review authorities	<ol style="list-style-type: none"> <li>Updates text to reflect other code changes.</li> <li>Deletes text about the function of the Zoning Administrator and Planning Commission that moves to Municipal Code Chapter 2.32.</li> </ol>	<ol style="list-style-type: none"> <li>Allows the City Planner may refer projects to the Zoning Administrator. This is currently possible for most City Planner decisions, but not for Administrative Sign Permits.</li> <li>Allows the Zoning Administrator to refer projects to the Planning Commission. This is currently possible for most Zoning Administrator decisions, but not for Special Activity Permits.</li> </ol>
2	4-6	17.12.025, Design Review Subcommittee (new section)	<ol style="list-style-type: none"> <li>Clarifies the function of the Design Review Subcommittee</li> <li>Clarifies what applications require design review , Provides examples of design issues often reviewed by the Subcommittee</li> <li>Clarifies that all review authorities have the authority to refer applications to the Subcommittee</li> </ol>	<ol style="list-style-type: none"> <li>Formalizes policy to require Design Review Subcommittee review for applications that are acted on by Planning Commission. Currently, it is unwritten policy for the City Planner to refer applications to DRSC before the Planning Commission takes action. The code allows the Planning Commission to require DRSC review when they “deem it appropriate.”</li> <li>Allows all review authorities to refer applications to DRSC for review. Currently, the City Planner and Planning Commission may refer projects to DRSC.</li> </ol>
3	7-8	17.12.060, Applications requiring additional information	Formalizes City Council direction regarding story pole staking. Clarifies that story poles are meant to be required for all three story projects when they are located in the Architectural Overlay district.	
4	8-9	17.12.175, City initiated changes or revocation of	Clarifies processes for city modifications or revocation of permits to resolve a nuisance, conditions are violated, or	<ol style="list-style-type: none"> <li><b>Allows the City Manager to modify or revoke permits that were approved without a public hearing (“administrative permits”).</b> Currently, the</li> </ol>



Section No. (of Attach.2, Exhibit A)	Page No.	Municipal Code Reference	Clarification changes	Procedural changes (streamlining in bold)
5	9	<p>approved applications (<i>new section</i>)</p> <p>17.12.180, Applicant requests to change approved applications (<i>revised section name. Current name: modifications of approved application</i>)</p>	<p>applications provide misleading information. The procedures are standardized and the wording is simplified.</p> <p>Renames section to distinguish it from new section (see table row 3). Current name of Section 17.12.180 is "Modifications of approved application."</p>	<p>City Council is only able to modify or revoke permits, which takes more time. The public could appeal City Manager decisions.</p> <p>2. Currently, these procedures can vary for each application. The code changes standardize the process.</p>
6	9-10	<p>Section index of Chapter 17.16</p>	<p>Updates section index to reflect code changes.</p>	<p>1. Deletes "Planning Commission/Zoning Administrator waivers of Cultural Heritage and Minor Cultural Heritage Permits."</p> <p>2. Renames staff waiver section. Limits waivers to Minor Architectural Permits and Minor Cultural Heritage Permits. Currently, waivers are possible but not common for Architectural Permits and Cultural Heritage Permits.</p>

Section No. (of Attach. 2, Exhibit A)	Page No.	Municipal Code Reference	Clarification changes	Procedural changes (streamlining in bold)
7	10-11	17.16.050, Site Plan Permits and Minor Site Plan	<ol style="list-style-type: none"> <li>Rewords and adds text to clearly describe common steps in the review process. <u>These text changes, in Subsections E. I. and J. are similar to changes for other applications shown in table rows 8-12, 15, 20-21.</u></li> <li>Update section references to reflect code changes.</li> </ol>	<ol style="list-style-type: none"> <li>Formalizes policy to require DRSC review for Site Plan Permits. Currently, DRSC review is required if the City Planner determines if findings aren't met or if the Planning Commission "deems it appropriate."</li> <li>Formalizes policy to require DRSC review for Minor Site Plan Permits for projects of larger public concern. The new code requires DRSC review when the City Planner determines a request doesn't meet findings. Currently, DRSC review is not required unless the Zoning Administrator refers applications to the Planning Commission.</li> <li><b>Allows model home complexes with City Planner approval of a Temporary Use Permit. Currently, Zoning Administrator approval of Minor Site Plan Permit is required.</b></li> </ol>
8	17-25	17.16.060, Conditional Use Permits	<ol style="list-style-type: none"> <li>Rewords and adds text to clearly describe common steps in the review process.</li> <li>Updates section references to reflect code changes.</li> </ol>	<p>Formalizes policy of requiring DRSC review for development related requests, such as new wireless antenna projects and development standard exceptions. Currently, DRSC review is required if the City Planner determines if findings aren't met or if the Planning Commission "deems it appropriate."</p> <p><b>Removes requirement for DRSC review when applications are referred to the Planning Commission.</b> Design review is not a purpose of Minor Conditional Use Permits. To allow exterior changes, a Minor Architectural Permit or Minor Cultural Heritage Permit is required to address aesthetic issues and require DRSC review in instances where it is needed.</p>
9	25-28	17.16.070, Minor Conditional Use Permits	<ol style="list-style-type: none"> <li>Rewords and adds text to clearly describe common steps in the review process.</li> <li>Updates section references to reflect code changes.</li> </ol>	<p>Formalizes policy to require DRSC review for Variances. Currently, DRSC review is required if the City Planner determines if findings aren't met or if the Planning Commission "deems it appropriate."</p>
10	28-31	17.16.080, Variances	<ol style="list-style-type: none"> <li>Rewords and adds text to clearly describe common steps in the review process.</li> <li>Updates section references to reflect code changes.</li> </ol>	<p>Formalizes policy to require DRSC review for Variances. Currently, DRSC review is required if the City Planner determines if findings aren't met or if the Planning Commission "deems it appropriate."</p>

Section No. (of Attach.2, Exhibit A)	Page No.	Municipal Code Reference	Clarification changes	Procedural changes (streamlining in bold)
11	31-37	17.16.090, Minor Exception Permits	<ol style="list-style-type: none"> <li>1. Rewords and adds text to clearly describe common steps in the review process.</li> <li>2. Updates section references to reflect code changes.</li> </ol>	
12	37-49	17.16.100, Architectural Permits, Cultural Heritage Permits, Minor Architectural Permits, Minor Cultural Heritage Permits	<ol style="list-style-type: none"> <li>1. Rewords and adds text to clearly describe common steps in the review process.</li> <li>2. Updates section references to reflect code changes.</li> </ol>	<ol style="list-style-type: none"> <li>1. Formalizes policy to require DRSC review for Architectural Permits and Cultural Heritage Permits. Currently, DRSC review is required if the City Planner determines if findings aren't met or if the Planning Commission "deems it appropriate."</li> <li>2. Formalizes policy to require DRSC review for Minor Architectural Permits and Minor Cultural Heritage Permits when City Planner determines a request doesn't meet findings. Currently, DRSC review is not required.</li> <li>3. Allows Zoning Administrator to approve MCHP for additions up to 500 s.f. or less than 50 percent, whichever is smaller (currently 200 s.f. is allowed).</li> <li>4. Exempts solar installations unless the Building Official finds a solar energy system project will have a specific, adverse impact upon the public health or safety. This is propose make the code reflect State law that prevents the City from requiring a discretionary review process and design review in most instances. The proposed wording preserves the City's ability to review aesthetic and historic preservation issues of solar projects through the building permit process and require a discretionary permit when State law allows.</li> <li>5. Exempts projects on residential sites with three or more units that: a) are not in an architectural overlay district, b) do not abut historic resources, c) are not visible from view corridors, d) not visible from public</li> </ol>

Section No. (of Attach. 2, Exhibit A)	Page No.	Municipal Code Reference	Clarification changes	Procedural changes (streamlining in bold)
13	49-53	17.16.110, Staff waivers of Minor Architectural Permits and Minor Cultural Heritage Permits  <i>(revised section name. Currently, Architectural Permits and Cultural Heritage Permits are mentioned in name for possible waivers)</i>	<ol style="list-style-type: none"> <li>1. Renames section to remove mention of Architectural Permits and Cultural Heritage Permits.</li> <li>2. Rewords and adds text to clearly describe common steps in the review process.</li> <li>3. Updates section references to reflect code changes.</li> </ol>	<p>right-of-way that adjoins properties on the City's list of designated historic resources and landmarks.</p> <ol style="list-style-type: none"> <li>1. Limits staff waivers to Minor Architectural Permits and Minor Cultural Heritage Permits. Currently, staff waivers may be issued for Architectural Permits and Cultural Heritage Permits.</li> <li>2. <b>Modifies the required findings for staff waivers.</b> Now, to approve a waiver, the City Planner must meet all the standard findings of the permit and exceed them with additional findings in order to grant a waiver. Currently, the City Planner must find that a project: a) "does not significantly alter the visual appearance and/or architectural integrity of the property or structure", and b) it is consistent with Secretary of Interior Standards for Historic Resources. This prevents the City Planner from approving minor projects that significantly improve the appearance of buildings consistent with Design Guidelines and General Plan policies.</li> <li>3. <b>Specifies the types of projects that are eligible for a staff waiver to clarify what projects are minor enough to not require a permit. This would streamline the review process for some projects, including additions to nonconforming residential buildings that are smaller than 50 percent and maintain the height of buildings.</b> See code section for types of eligible projects.</li> <li>4. Makes the following projects ineligible for staff waivers: a) nonresidential walls over six feet high, b) exterior additions to historic resources and landmarks, c) additions to nonconforming residential buildings that exceed 50 percent or increase the height of buildings. Currently, waivers can only be issued for</li> </ol>

Section No. (of Attach.2, Exhibit A)	Page No.	Municipal Code Reference	Clarification changes	Procedural changes (streamlining in bold)
14	53-55	17.16.120, Planning Commission/ Zoning Administrator waivers of Cultural Heritage and Minor Cultural Heritage Permits ( <i>section deleted</i> )	Section deleted. Planning Commission/Zoning Administrator waivers aren't necessary if staff waiver findings are modified as proposed	residential and nonresidential interior additions and a 300 s.f. exterior addition (since March 1996). <b>5. New process for city modifications or revocation of permits to resolve a nuisance, violated conditions, or when applications provide misleading information.</b> See table row 4.  Procedures deleted.
15	55-58	17.16.130, City Antenna Permits	1. Rewords and adds text to clearly describe common steps in the review process. 2. Updates section references to reflect code changes.	<b>Allows the City Planner to approve modifications to existing antennas that do not "substantially alter their size" and that meet minimum standards.</b> This is proposed to make the zoning code consistent with Federal law that prevents the City from requiring a discretionary process and design review to change antennas.
16	58-60	17.16.140, Home Occupation Permits	1. Rewords text to clarify the review process. 2. Updates section references to reflect code changes.	<b>New process for city modifications or revocation of permits to resolve a nuisance, violated conditions, or when applications provide misleading information.</b> See table row 4.
17	60-63	17.16.150, Temporary Use Permits	1. Simplify wording to clarify the review process. 2. Updates section references to reflect code changes.	<b>New process for city modifications or revocation of permits to resolve a nuisance, violated conditions, or when applications provide misleading information.</b> See table row 4.

Section No. (of Attach. 2, Exhibit A)	Page No.	Municipal Code Reference	Clarification changes	Procedural changes (streamlining in bold)
18	63-67	17.16.155, Special Activity Permits	<ol style="list-style-type: none"> <li>1. Simplify wording to clarify the review process.</li> <li>2. Updates section references to reflect code changes.</li> </ol>	<ol style="list-style-type: none"> <li>1. Allows the Community Development Director and Zoning Administrator to refer or “bump-up” applications to the Planning Commission as a public hearing item</li> <li>2. <b>New process for city modifications or revocation of permits to resolve a nuisance, violated conditions, or when applications provide misleading information.</b> See table row 4.</li> </ol>
19	67-68	17.16.240, Administrative Sign Permits	<ol style="list-style-type: none"> <li>1. Simplify wording to clarify the review process.</li> <li>2. Updates section references to reflect code changes.</li> </ol>	<ol style="list-style-type: none"> <li>1. Allows the City Planner to refer or “bump-up” applications to the Zoning Administrator as a public hearing item.</li> <li>2. <b>New process for city modifications or revocation of permits to resolve a nuisance, violated conditions, or when applications provide misleading information.</b> See table row 4.</li> </ol>
20	68-71	17.16.250, Discretionary Sign Permits	<ol style="list-style-type: none"> <li>1. Simplify wording to clarify the review process.</li> <li>2. Updates section references to reflect code changes.</li> </ol>	<p>Formalizes policy to require DRSC review for Discretionary Sign Permits. Currently, DRSC review is required if the City Planner determines if findings aren’t met or if the Planning Commission “deems it appropriate.”</p>
21	71-74	17.16.260, Sign Exception Permits	<ol style="list-style-type: none"> <li>1. Simplify wording to clarify the review process.</li> <li>2. Updates section references to reflect code changes.</li> </ol>	<p>Formalizes policy to require DRSC review for Sign Exception Permits. Currently, DRSC review is required if the City Planner determines if findings aren’t met or if the Planning Commission “deems it appropriate.”</p>

Section No. (of Attach. 2, Exhibit A)	Page No.	Municipal Code Reference	Clarification changes	Procedural changes (streamlining in bold)
22	75	Table 17.16.080(B), Maximum Encroachments into Setbacks and Height Limits		<b>Allows pools, spas, hot tubs, and other water deeper than 18 inches to be located within an interior side yard and rear yard [that do not abut streets] without a Minor Exception Permit (MEP).</b> The MEP is unnecessary because there are building codes to address health and safety issues and noise regulations to address noise from equipment pumps. Also, when a Minor Exception Permit has been requested, they almost always are approved without any public comments or attendees at Zoning Administrator hearings
23	75-76	Table 17.24.080(B) Footnote 14, Maximum Encroachments into Setbacks and Height Limits	Amends footnotes to reflect changes to pool, spa, hot tub encroachments (see table row 22 above)	
24	76-80	17.24.090, Fences, Walls, and Hedges		For nonresidential walls, allow the maximum height and materials of walls, fences, and hedges to be determined through the architectural review process. Fences and walls over six feet high would be ineligible for a staff waiver. Currently, there is a six-foot height limit. As a result, a Variance wouldn't be needed to allow nonresidential walls over six feet high, which is difficult to obtain and does not provide design flexibility for projects and locations in which taller walls would be compatible and necessary.
25	80	17.24.110, Height Limitations, Visual Analysis Tools	Removes text that is moved to Section 17.12.060 regarding visual analysis tools and story pole staking.	

Section No. (of Attach.2, Exhibit A)	Page No.	Municipal Code Reference	Clarification changes	Procedural changes (streamlining in bold)
26	80-85	17.24.180, Retaining Walls		<p>1. <b>Eliminates Minor Exception Permits for guardrails and allow the City Planner to review the design and materials of guardrails</b> and determine if they are adequately "open" or transparent to limit visual impacts when retaining walls retaining walls are located in a front yard setback, rear yard back (on through lots), street side yard back (within five feet of street side property line), or in other instances where retaining walls are in a location or have a height that will have significant visual impacts unless guardrails are mostly open. Currently, guardrails must be "open" when they are located in a front yard or are over five feet high and a Minor Exception Permit is required for exceptions to specific guardrail picket spacing and width requirements, which seem arbitrary and have been excessive for retaining walls in some circumstances.</p> <p>2. For nonresidential walls, allow the maximum height, guardrail design, materials, stepping, and other aesthetic aspects of retaining walls to be determined through the architectural review process. Walls over six feet high would be ineligible for a staff waiver. Currently, there is a six-foot height limit, wall stepping requirements, and guardrail picket width and spacing requirements. As a result, a Variance wouldn't be needed to allow nonresidential walls over six feet high, which is difficult to obtain and does not provide design flexibility for projects and locations in which taller walls would be compatible and necessary.</p>
27	85-89	17.28.070, Antennas on City Property	<p>1. Simplifies wording to clarify the review process.</p> <p>2. Updates section references to reflect code changes.</p>	<p>1. <b>Allows the City Planner to approve changes to antennas</b> to comply with federal law that doesn't allow cities from requiring discretionary review of wireless antenna changes that do not "substantial</p>



Section No. (of Attach. 2, Exhibit A)	Page No.	Municipal Code Reference	Clarification changes	Procedural changes (streamlining in bold)
28	89-98	17.28.205, Outdoor Dining Areas  <i>(revised section name. Current name is: Outdoor Dining Areas on Private Property, Permanent and Accessory)</i>	<p>3. Identifies "minimum standards" for modifications to antennas.</p> <p>1. Renames the section and consolidates for outdoor dining areas. Currently, there is a section for outdoor dining areas on private property (17.28.205) and public property (17.28.206).</p> <p>2. Rewords text to be clearer.</p> <p>3. Clarifies that a Minor Conditional Use Permit is required to waive parking spaces for outdoor dining outside the Downtown Parking Study Area.</p>	<p>alter their size." Currently, this requires a City Antenna Permit when an antenna is proposed on City property. Federal law now precludes the City from requiring a discretionary review process or design review.</p> <p>2. Identifies "minimum standards" for modifications to antennas.</p>
			<p>1. Allows the City Planner, rather than the Community Development Director, to approve outdoor dining areas on private property with a maximum of 16 seats and 4 tables when no alcohol or entertainment service. The City Planner is the primary staff person responsible for managing implementation of the Zoning Ordinance, similar to the Building Official's role for the building code. Therefore, it seems reasonable to have the City Planner make these minor decisions.</p> <p>2. <b>Deletes references to Outdoor Dining Permits</b>, which aren't enforced and aren't necessary because other permits are required to ensure there aren't visual or land use impacts.</p> <p>3. <b>Deletes prohibitions on alcohol service and live entertainment for outdoor dining areas on public property.</b> These limitations exist in Section 17.28.206(D)(2&amp;5). There are discretionary processes in place to review outdoor alcohol and entertainment. Staff believes the processes should also apply to all outdoor dining areas, not just outdoor dining on private property. The alcohol and entertainment limitations are inconsistent and conflict with existing land uses at the City golf course clubhouse (alcohol on outdoor patio) and possibly Casa Romantica for certain functions. The restrictions are in a code section that is worded unclearly so they likely aren't well-known.</p>	<p>1. Allows the City Planner, rather than the Community Development Director, to approve outdoor dining areas on private property with a maximum of 16 seats and 4 tables when no alcohol or entertainment service. The City Planner is the primary staff person responsible for managing implementation of the Zoning Ordinance, similar to the Building Official's role for the building code. Therefore, it seems reasonable to have the City Planner make these minor decisions.</p> <p>2. <b>Deletes references to Outdoor Dining Permits</b>, which aren't enforced and aren't necessary because other permits are required to ensure there aren't visual or land use impacts.</p> <p>3. <b>Deletes prohibitions on alcohol service and live entertainment for outdoor dining areas on public property.</b> These limitations exist in Section 17.28.206(D)(2&amp;5). There are discretionary processes in place to review outdoor alcohol and entertainment. Staff believes the processes should also apply to all outdoor dining areas, not just outdoor dining on private property. The alcohol and entertainment limitations are inconsistent and conflict with existing land uses at the City golf course clubhouse (alcohol on outdoor patio) and possibly Casa Romantica for certain functions. The restrictions are in a code section that is worded unclearly so they likely aren't well-known.</p>

Section No. (of Attach. 2, Exhibit A)	Page No.	Municipal Code Reference	Clarification changes	Procedural changes (streamlining in bold)
29	98- 102	17.28.206, Outdoor Dining Areas on Public Property, Permanent and Accessory	Section deleted. It is unnecessary because all outdoor dining area standards are moved to Section 17.16.205 as a result of changes described in table row 28 above.	
30	102- 104	17.28.240, Public Utilities	<ol style="list-style-type: none"> <li>1. Simplifies wording to clarify the review process.</li> <li>2. Updates section references to reflect code changes.</li> <li>3. Identifies "minimum standards" for modifications to antennas. One of the minimum standards would allow the City to require post-antenna installation testing and reports to verify FCC rule compliance.</li> <li>4. Rewords text to be clearer.</li> </ol>	<p><b>Allows the City Planner to approve changes to antennas</b> to comply with federal law that doesn't allow cities from requiring discretionary review of wireless antenna changes that do not "substantial alter their size." Currently, this requires a City Antenna Permit when an antenna is proposed on City property. Federal law now precludes the City from requiring a discretionary review process or design review.</p>
31	104- 105	17.28.290(E), Converted Service Stations	<p>Rewords text to be clearer.</p>	<p><b>1. Eliminates Minor Conditional Use Permit (MCUP) process to convert service stations to permitted uses.</b> The cost and time to acquire a MCUP is a disincentive to convert service station. The General Plan encourages service station conversions and the MCUP is inconsistent with the General Plan policies. The MCUP process is likely required to determine how service station structures or improvements must be modified or removed to make a site compatible with a neighborhood and conforming to rules. Instead of requiring a MCUP to achieve this goal, staff adds text that requires service station improvements to be modified or required. The architectural review process exists to review exterior modifications and is a sufficient means to ensure a service station conversion will make a site more compatible with a</p>

Section No. (of Attach.2, Exhibit A)	Page No.	Municipal Code Reference	Clarification changes	Procedural changes (streamlining in bold)
32	105- 106	17.28.300(F), Temporary Uses and Structures, Model Home Complexes and Sales Offices	Rewords text to be clearer.	<p>neighborhood. In effect, a MCUP an unnecessary and can be eliminated without a cost to quality of life.</p> <p>2. Requires conversions to modify or remove structure or other service station improvements to make sites compatible with neighborhoods and conforming to standards. Any exterior changes would be reviewed through an architectural review process.</p> <p><b>1. Allows the City Planner to approve Temporary Use Permits for model home complexes, instead of requiring Zoning Administrator approval of a Minor Site Plan Permit.</b></p> <p><b>2. Allows City Planner to approve two 180 day time extensions.</b> Currently, a permit is valid for one year and that timeframe hasn't been reasonable for property sales.</p>
33	106- 107	17.28.300(F), Temporary Uses and Structures, General Temporary Outdoor Display (excluding Grocery Stores)	Rewords text to be clearer.	<p><b>Allows temporary outdoor display of one item without a Temporary Use Permit.</b> Currently, a Temporary Use Permit is required each time a business desires to display one item outside without a price tag. This change is business friendly and reflects policy of allowing outdoor display without enforcement of Temporary Use Permit requirement. This code change allows code enforcement to focus more attention on violations that have a greater effect on quality of life.</p>
34	107	Table 17.36.020(5), Commercial Zone Uses, "Group Counseling and Instruction"		<p><b>Allows group counseling and instruction uses in NC2, NC3, CC1, CC2, CC3 zoning districts with a Minor Conditional Use Permit, rather than a Conditional Use Permit.</b> This change is consistent with how the land use is regulated in other parts of the city that are more sensitive than NC2, NC3, CC1, CC2, CC3 zoning districts, including the downtown core and neighborhood commercial zones (NC1.1, NC1.2) which are closer to residential areas, such as the commercial</p>

Section No. (of Attach.2, Exhibit A)	Page No.	Municipal Code Reference	Clarification changes	Procedural changes (streamlining in bold)
35	107	Table 17.36.020(8), Commercial Zone Uses, "Internet Access Studio/Internet Café"	Eliminates use from use tables. It is an outdated reference/use. Computer terminals would still be allowed at cafes as accessory use.	center near the Shorecliffs community. In these areas, a Minor Conditional Use Permit is required, or in the Central Business district overlay, the land use is permitted by-right [no discretionary review] when businesses are not in pedestrian oriented space. Often, the main reason why group instruction and counseling requires a discretionary process is to ensure there is adequate parking. This can be verified and conditioned through the Minor Conditional Use Permit process.
36	107	Table 17.36.020 Footnote 18, Commercial Zone Uses	Deletes footnote. It is unnecessary as a result of changes in table row 35.	
37	108	Table 17.40.030(4), Mixed Use Zones Uses, "Internet Access Studio/Internet Café"	Eliminates use from use tables. It is an outdated reference/use. Computer terminals would still be allowed at cafes as accessory use.	
38	108	Table 17.40.030 Footnote 22, Mixed Use Zones Uses	Deletes footnote. It is unnecessary as a result of changes in table row 37.	

Section No. (of Attach.2, Exhibit A)	Page No.	Municipal Code Reference	Clarification changes	Procedural changes (streamlining in bold)
39	108- 109	17.64.120(B), Shared parking, requirements	Rewords text to be clearer.	<ol style="list-style-type: none"> <li>1. Formalizes that the City Planner determines when parking studies are adequate for the review of shared parking.</li> <li>2. Reduces the number of weeks a parking study must be done for shared parking in the Downtown Parking Study Area. The code requires five weeks of parking counts which is onerous and often excessive in terms of establishing parking patterns. The new code requires parking studies to be conducted a minimum of two weeks and changes the days for parking counts to be more in-line with typical engineering practices (Thursdays instead of Fridays).</li> </ol>
40	109	17.64.125(B)(7), Waivers of Parking Standards Outside the Downtown Parking Study Area	<ol style="list-style-type: none"> <li>1. Clarifies that a Minor Conditional Use Permit is required to allow parking waivers for outdoor dining areas outside the Downtown Parking Study Area.</li> <li>2. Includes findings from the outdoor dining area section so the public does not need to search for them in another part of the code.</li> </ol> <p>Updates text to reflect other code changes. Rewords text to be clearer.</p>	
41	110	Table 17.72.050A, Review Procedures for Nonconforming Additions	Updates text to reflect other code changes. Rewords text to be clearer.	
42	110	Table 17.84.040(A), Matrix of Sign Types, "Construction Signs"		<b>Allows sign without permit</b> but keep requirements for signs to be displayed only while a building permit is active for a project. This code change allows code enforcement to focus more attention on violations that have a greater effect on quality of life.

Section No. (of Attach.2, Exhibit A)	Page No.	Municipal Code Reference	Clarification changes	Procedural changes (streamlining in bold)
43	111	Table 17.84.040(A), Matrix of Sign Types, "Real Estate Signs"		<b>Allows sign without permit</b> and specifies that signs may only be displayed when real estate is actively on market for sale, lease, or rent. Rarely do real estate agents apply for sign permits. This code change allows code enforcement to focus more attention on violations that have a greater effect on quality of life.
44	112	17.88.030, Definition "Retaining Wall, Guardrail Open"	Deletes guardrail material requirements in the definition. Definitions are to clarify terms, not to impose or identify regulations. The guardrail standards and review processes are moved to the retaining wall section where they should be found.	

Table 2 summarizes amendments to Title 2 ("Administration and Personnel") and Title 16 ("Subdivisions"). The amendments are provided as Attachment 3, Exhibit A.

Table 2 – Title 2 & 16 Municipal Code Amendments (see Attachment 3, Exhibit A)

Section No. (of Attach.3, Exhibit A)	Page No.	Municipal Code Reference	Clarification changes	Procedural changes (streamlining in bold)
1	1-2	2.32, Planning Commission	<ol style="list-style-type: none"> <li>1. Clarifies the Planning Commission's function and duties in one section.</li> <li>2. Clarifies that the Commission serves as the Design Review Subcommittee (DRSC).</li> <li>3. Describe the DRSC's function and duties.</li> </ol>	

Section No. (of Attach.3, Exhibit A)	Page No.	Municipal Code Reference	Clarification changes	Procedural changes (streamlining in bold)
2	2	2.34, Zoning Administrator  ( <i>new section</i> )	Relocates text about the Zoning Administrator from the Zoning Ordinance (Section 17.12.020) to Title 2 "Administration and Personnel. This is a more logical location for information on the function and duties of various decision making bodies.	
3	3	Section 16.04.015(B), Advisory agency and review authorities, Zoning Administrator		<b>Allows the Zoning Administrator review and approval of tentative maps for the subdivision or conversion of buildings into five or more condominiums.</b> Currently, the Planning Commission must approve these requests. The condominium map process was streamlined in March 2013 which eliminated the need for the Planning Commission and City Council to review and act on every condominium map. Since then, the Zoning Administrator has acted on several requests for four or fewer units and the process has worked well. Staff believes this level of review would also be sufficient for five or more units.
4	3-4	Section 16.04.015(C), Advisory agency and review authorities, Planning Commission	Strikes text to reflect changes in table row 3 above.	
5	4	16.08.060(B), Tentative parcel map processing and action, public hearings	Strikes text to reflect changes in table row 3 above.	

Section No. (of Attach.3, Exhibit A)	Page No.	Municipal Code Reference	Clarification changes	Procedural changes (streamlining in bold)
6	4	16.12.090(A) Tentative tract map processing and action, public hearing	Strikes text to reflect changes in table row 3 above.	



## ATTACHMENT 2

### RESOLUTION NO. PC 14-051

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT ZONING AMENDMENT 14-056 TO CLARIFY THE APPLICATION REVIEW PROCESS, STREAMLINE SOME PERMIT PROCESSES, WHILE MAINTAINING OR ENHANCING QUALITY OF LIFE; AND MAKE WIRELESS ANTENNA PROCEDURES CONSISTENT WITH FEDERAL LAW**

**WHEREAS**, on February 13, 2014, the City Council adopted the Centennial General Plan;

**WHEREAS**, the City Council approved a 2013 budget to initiate work on the Zoning Ordinance update to reflect policies and programs in the new General Plan. The Zoning Ordinance is being updated in phases so the new General Plan can be implemented as soon as possible.

**WHEREAS**, on November 19, 2013, the City Council approved Zoning Amendment 13-313 and Ordinance 1575. This was Phase 1 of the Zoning Ordinance update, which fixed errors, clarified text, and added procedures for withdrawing inactive applications; and

**WHEREAS**, the proposed code changes (attached hereto as Exhibit A) is Zoning Amendment 14-056. This is Phase 2 of the Zoning Ordinance update, which clarifies the application review process, streamlines some permit processes; while maintaining or enhancing quality of life, and makes wireless antenna procedures consistent with federal law;

**WHEREAS**, on February 19, 2014, a public workshop was held to get input on improving the zoning application review process;

**WHEREAS**, on March 5, 2014, March 19, 2014, and June 4, 2014, the Planning Commission had three study sessions on the review process, design review, staff waivers, the appeal process, and the need to balance streamlining with enhancing quality of life. The Commission provided comments and direction for drafting the proposed code changes;

**WHEREAS**, the Planning Division completed an environmental assessment of the proposed zoning amendments for compliance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 21065, and determined the proposed Zoning Ordinance amendments do not meet the definition of a "project", as the code amendments do not have the potential to cause either a direct physical change or a reasonably foreseeable indirect physical change in the environment, given they clarify the application review process and streamline some procedures; they do not change land use designations or increase the type, density, or land use impacts of potential development. Because the request is not a "project" per CEQA, it is not subject to further environmental review; and

**WHEREAS**, the City's Development Management Team reviewed the proposed amendments and determined they are consistent with the goals, objectives, and programs of the General Plan and Zoning Ordinance; and

**WHEREAS**, on December 17, 2014, the Planning Commission of the City of San Clemente held a duly noticed public hearing on the subject application and considered evidence presented by City staff and other interested parties.

**NOW, THEREFORE**, the Planning Commission of the City of San Clemente hereby resolves as follows:

**Section 1:** The proposed ordinance amendments are not a "project" as defined in California Environmental Quality Act (CEQA) Guidelines Section 21065; therefore, they are not subject to CEQA and no further environmental review is required.

**Section 2:** With respect to Zoning Amendment 14-056, the Planning Commission hereby makes the following findings:

- A. The proposed amendments are internally consistent with those portions of the General Plan which are not being amended.
- B. The proposed amendments will not adversely affect the public health, safety, and welfare in that the proposed amendments do not have a potential to direct physical change or a reasonably foreseeable indirect physical change in the environment, given they clarify the application review process and streamline some procedures; they do not change land use designations or increase the type, density, or land use impacts of potential development.

**Section 3:** The Planning Commission recommends the City Council adopt the draft ordinance, amending the Zoning Ordinance as shown on Exhibit A.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of San Clemente on December 17, 2014.

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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 December 17, 2014, and carried by the following roll call vote:

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

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Secretary of the Planning Commission

**Section 1:** Section 17.12.020 of the Municipal Code is hereby added as follows:

**17.12.020 Review authorities.**

~~The development review process involves the participation of the following~~ This Section identifies the review authorities responsible for making decisions on applications required by the Zoning Ordinance.

- A. **City Council.** ~~Please r~~Refer to Chapter 2.04, ~~City Council, of this code~~ for a description of the City Council's function, its duties, and powers.
  
- B. **Planning Commission.** ~~Please r~~Refer to Chapter 2.32, ~~Planning Commission, of this code~~ for a description of the Planning Commission's function, its duties, and powers. ~~A subcommittee consisting of three Planning Commissioners shall be appointed, in accordance with the Planning Commission's bylaws, to provide architectural review, sign review, and the cultural heritage duties, in accordance with Chapter 17.16, Applications, of this title. The subcommittee shall be the San Clemente Design Review/Cultural Heritage Subcommittee of the Planning Commission, hereinafter referred to as the "Design Review Subcommittee." The Planning Commission's cultural heritage duties shall be:~~
  - 1. ~~To compile and maintain a current list of all of such sites, buildings or structures which it has determined to be historical or cultural sites or monuments. Such list shall contain a brief description of the site, building, structure or object in its natural setting, and the reasons for its inclusion in the list;~~
  - 2. ~~To publish and transmit said list to all interested parties and to disseminate public information concerning the list, or any site, building, structure or object in its natural setting contained therein;~~
  - 3. ~~To take all steps necessary to preserve such historically significant properties which are not in conflict with the health, safety, and general welfare of the public, or the powers and duties of the City, or its several boards, officers or departments;~~
  - 4. ~~To make any recommendations to the City Council in connection with the exercise of its said powers and duties which it determines are necessary to implement or carry out the spirit and intent of this subsection;~~
  - 5. ~~To designate landmarks and historical districts subject to the approval of the City Council.~~
  
- C. **Zoning Administrator.** Refer to Chapter 2.34 for a description of the Zoning Administrator's function, duties, and powers.

- ~~1. Purpose and Intent. The purpose and intent of Zoning Administrator review is to provide for streamlined review of minor requests, which are not significant enough to require review by the Planning Commission, but due to their scale or location, require discretionary consideration.~~
- ~~2. Appointment. The Zoning Administrator shall be appointed by the City Council and shall be a senior member of the Planning Division. The Zoning Administrator shall be able to delegate his or her authority to another senior member of the Planning Division, on an infrequent basis, should it become necessary (e.g., illness, vacation).~~
- ~~3. Duties. The Zoning Administrator shall perform the duties and functions prescribed in this Zoning Ordinance.~~
- ~~4. Meeting Schedule. The Zoning Administrator shall hold meetings at least once a month in accordance with the rules of procedure established for the Zoning Administrator by the City Council. The location, dates, time and organization of meetings shall be established by resolution of the Zoning Administrator.~~
- ~~5. Powers. Please refer to Table 17.12.020, Review Authority for Permits and Entitlements, for a complete list of applications reviewed and acted upon by the Zoning Administrator. The Zoning Administrator may refer applications to the Planning Commission for review and final action.~~

#### D. The Planning Division.

1. Duties. The Planning Division is responsible for the administration of the Zoning Ordinance, including the following functions:
  - a. Application Process. The Planning Division shall process in accordance with this chapter and Chapter 17.16, Applications, of this title, applications shall be processed by the Planning Division. applications consistent with goals and policies in the General Plan and the Zoning Ordinance. If a project is located in a Specific Plan area, then applications shall also be processed consistent with the Specific Plan. If the application is in the coastal zone, then the application shall be processed consistent with the goals and policies of the Coastal Land Use Plan (CLUP).
  - b. Public Information. The Planning Division shall have the responsibility to provide information to the public on regarding the provisions and requirements of this title to the public. in the Zoning Ordinance; and
  - c. Coordination. The Planning Division shall be responsible for coordinating matters related to the administration of this title with other agencies, City departments and divisions, and City boards and commissions. ~~and~~

e.d. Application Status Updates. The Planning Division shall provide information to applicants and interested parties on the status of ~~development proposals to interested parties.~~ applications.

2. Powers. Please refer to Table 17.12.020, Review Authority for Permits and Entitlements, for a list of applications reviewed and acted upon by the City Planner. The City Planner may refer applications to the Zoning Administrator for review and final action.

**Table 17.12.020  
Review Authority for Permits and Entitlements**

Permit Application	Final Authority <sup>1</sup>	Public Hearings
Architectural <u>Permit</u> /Cultural Heritage Permit <del>PG waiver</del> <del>Staff waiver</del>	Planning Commission <del>Planning Commission</del> <del>City Planner</del>	Yes <del>No</del> <del>No</del>
<del>Building Permits</del>	<del>Refer to Uniform Building Code</del>	<del>No</del>
<del>Business License</del>	<del>Refer to Municipal Code</del>	<del>No</del>
City Antenna Permit	City Manager	No
Coastal Review <u>-</u> In-Concept	City Planner	No
Conditional Use Permit	Planning Commission	Yes
Development Agreements	City Council	Yes
General Plan Amendment	City Council	Yes
Home Occupation Permit	City Planner	No

Interpretations Minor Major	City Planner Planning Commission	No No
Minor Architectural <a href="#">Permit</a> /Cultural Heritage Permit <del>ZA Waiver</del>  Staff Waiver	Zoning Administrator <del>Zoning Administrator</del>  City Planner	Yes <del>No</del>  No
Minor Conditional Use Permit	Zoning Administrator	Yes
Minor Exception Permit	Zoning Administrator	Yes
Minor Site Plan Permit	Zoning Administrator	Yes
Site Plan Permit	Planning Commission	Yes
<del>Sound Amplification Permit</del>	<del>Refer to Municipal Code</del>	<del>No</del>
Specific Plan Amendment	City Council	Yes
Temporary Use Permit	City Planner	No
Variance	Planning Commission	Yes
Zoning Amendment	City Council	Yes

1 ~~Please r~~Refer to Section 17.12.090, Consideration of Concurrent Applications, ~~of this title~~ regarding review of concurrent applications.

**Section 2:** Section 17.12.025 of the Municipal Code is hereby added as follows:

**17.12.025 Design Review Subcommittee**

This Section describes the Design Review Subcommittee's function, duties, and applications that may require design review.

- A. Function and duties. The Design Review Subcommittee is an advisory body, not an approval body. The Subcommittee advises applicants on how projects can best comply with policies and design guidelines that relate to various visual impact issues, such as site planning, architecture, landscaping, and the preservation of cultural and aesthetic resources. The policies and guidelines are contained in various planning documents, such as the General Plan, Design Guidelines, Specific Plans (when projects are located in a Specific Plan area), and Zoning Ordinance. The Design Review Subcommittee does not focus on land use issues, which are the purview of the review authority. The Design Review Subcommittee forwards a recommendation to the review authority that acts upon a project.
- B. Referrals to the Design Review Subcommittee. The City Planner and review authority may refer projects to the Design Review Subcommittee.
- C. Applications that may require Design Review Subcommittee review. Table 17.12.025 identifies applications that may require projects to be reviewed by the Design Review Subcommittee. For each application shown below, the table provides examples of common design issues reviewed by the Design Review Subcommittee.

**Table 17.12.025 – Applications and Design Review Process**

<u>Application</u>	<u>Zoning Ordinance Section No.</u>	<u>DRSC review</u>	<u>Examples of design issues reviewed by Design Review Subcommittee</u>
<u>Site Plan Permit</u>	<u>17.16.050</u>	<u>Required</u>	<u>Site planning, parking lot design, setbacks, compatibility and relationships with adjacent development</u>
<u>Minor Site Plan Permit</u>	<u>17.16.050</u>	<u>City Planner determination</u>	<u>Similar issues as Site Plan Permit</u>
<u>Conditional Use Permit</u>	<u>17.16.060</u>	<u>Required for new antenna projects and exceptions to development standards</u>	<u>Design, scale, materials, and massing of certain development projects, such as new wireless antennas and density bonus requests for eligible housing projects. Visual impacts of requests for height increases and limited exceptions to other development standards</u>
<u>Variance</u>	<u>17.16.080</u>	<u>Required</u>	<u>Visual impacts of development standard exceptions</u>



<a href="#">Architectural Permit</a>	<a href="#">17.16.100</a>	<a href="#">Required</a>	<a href="#">Architectural design issues, such as architectural quality and style, massing, scale, proportions, landscaping, materials, design features, visual impacts on aesthetic resources</a>
<a href="#">Minor Architectural Permit</a>	<a href="#">17.16.100</a>	<a href="#">City Planner determination</a>	<a href="#">Similar issues as Architectural Permit</a>
<a href="#">Cultural Heritage Permit</a>	<a href="#">17.16.100</a>	<a href="#">Required</a>	<a href="#">Preservation and restoration of historic resources and landmarks. Visual impacts of projects on nearby historic resources and landmarks. -Architectural design issues, such as architectural quality and style, massing, scale, proportions, landscaping, materials, design features, and visual impacts on aesthetic resources</a>
<a href="#">Minor Cultural Heritage Permit</a>	<a href="#">17.16.100</a>	<a href="#">City Planner determination</a>	<a href="#">Similar issues as Cultural Heritage Permit</a>
<a href="#">City Antenna Permit</a>	<a href="#">17.16.130</a>	<a href="#">Required</a>	<a href="#">Aesthetics of new wireless antennas on City property</a>
<a href="#">Designation of historic resources and landmarks</a>	<a href="#">17.16.160</a>	<a href="#">Required</a>	<a href="#">Designation of historic resources and landmarks</a>
<a href="#">Historic Property Preservation (Mills Act) Agreement</a>	<a href="#">17.16.175</a>	<a href="#">Required</a>	<a href="#">Design, scale, materials, location, and other visual aspects of improvements to preserve and restore historic resources</a>
<a href="#">Discretionary Sign Permit</a>	<a href="#">17.16.250</a>	<a href="#">Required</a>	<a href="#">Signage design, size, materials, lighting, visual impacts</a>
<a href="#">Sign Exception Permit</a>	<a href="#">17.16.260</a>	<a href="#">Required</a>	<a href="#">Visual impacts of sign standard exceptions</a>

**Section 3:** Section 17.12.060 of the Municipal Code is hereby amended as follows:

**17.12.060 Applications requiring additional information.**

The City Planner may request the applicant submit information to clarify, amplify, correct, or otherwise supplement submitted information beyond that originally submitted in the course of processing the application should he or she find that additional information is necessary to adequately review a request. Supplemental information may include, but is not limited to, visual analysis tools such as story pole staking, photo simulations, and models. Such a request shall not invalidate the original determination that the application was complete at the time the determination was originally made.

A. **Story Pole Staking.** ~~The staking of a site shall be prepared as required for specific projects, as referenced in Section 17.24.110 Height limitations, of this title. The use of story poles as required in Section 17.24.110 shall not necessarily be the exclusive method of presenting information regarding the height, massing, or context of a given project.~~

1. Specific projects that require story pole staking. At minimum, story pole staking is required for the following projects:

a. The construction or expansion of structures with the potential to affect public view corridors from public places in the Coastal Overlay zone, regardless of number of stories.

b. The construction or expansion of three story structures in the Architectural Overlay district.

c. Time extensions for the above projects shall require story pole staking at the discretion of the City Planner or the review authority.

Exemption. Time extensions are exempt from story pole staking unless the City Planner or review authority determines story poles are necessary.

2. Exemption for time extensions. Time extensions are exempt from story pole staking, unless the City Planner or review authority determines story poles are necessary.

3. **General R**requirements. When story poles are required, they shall be erected at least 14 calendar days prior to the first public hearing or meeting on the Project, as determined by the City Planner, except that the approval authority shall have discretion to require that they be erected earlier, but not to exceed 28 calendar days prior to the hearing. The following must be completed for a site to be deemed to have been properly staked with story poles:

a. Story poles and connecting thick colored lines or pennants, which accurately represent the full extent of the proposed structure, including decks and eaves, shall be constructed. The City Planner shall have final approval authority over

the location of the story poles to ensure that they do not detrimentally impact the public or the then current use of the property; and

b. A staking plan with the location and height of the story poles must be certified as accurate by a registered land surveyor or registered civil engineer. If a complete and certified staking of story poles for a project is not in place in the time required, the project shall be continued to a later date. Neither the applicant, a relative of the applicant, nor any other person possessing a financial interest in the property or the project may certify the location and height accuracy of the staking poles.

4. Re-certification. Re-certification is required at least 14 calendar days prior to the first public hearing as described above in 1. Requirements, in the following instances:

a. If the project is modified during the design review process requiring the project to be re-staked; and/or

b. If the initial installation of story poles was completed one year prior to the final hearing date.

4.5. Removal. A deposit in the amount the City Planner believes to be reasonably necessary to remove the story poles shall be made prior to the time the project is scheduled for public hearing. Story poles shall be removed by the applicant within 20 calendar days after the appeal period for the project has expired. Upon timely removal of the story poles, the deposit shall be returned to the applicant. The applicant's failure to remove the story poles within the prescribed time period shall result in the automatic forfeiture of the deposit, and the City shall have the ability to access the site to remove the poles. Story poles must be removed if a project has been inactive for a period longer than six months. Prior to the first public hearing on the project, the applicant shall grant to the City a written right of entry for purposes of pole removal.

**Section 4:** Section 17.12.175 of the Municipal Code is hereby added as follows:

**17.12.175 City Initiated Changes or Revocation of Approved Applications**

This Section provides a process for the City to change or revoke approved applications when conditions of approval are violated, it is necessary to resolve a nuisance, and/or when applications contain incorrect, false, or misleading information.

A. Review authority.

1. Applications approved at a public hearing. The City Council shall modify or revoke applications that were approved at a public hearing.

2. Applications approved without a public hearing. The City Council or City Manager may modify or revoke an application that did not require a public hearing and was approved by the City Manager, Director of Community Development, City Planner, or other member of City staff. City Manager decisions may be appealed per Section 17.12.140.

B. When a public hearing is required. A public hearing is required to modify or revoke application, if the Zoning Ordinance required a public hearing for the original approval of the application.

C. Required findings. The following findings shall be made to modify or revoke an approved application:

1. Conditions of approval of the approved application(s) are being violated or are not being satisfied.

2. The site or land use is being operated in a manner that constitutes a nuisance.

3. The application contained incorrect, false, or misleading information.

**Section 5:** The name of Section 17.12.180 of the Municipal Code is hereby amended as follows:

**17.12.180** Applicant requests to change ~~Modifications of~~ **approved applications.**

**Section 6:** The index of Municipal Code Chapter 17.16 is hereby amended as follows:

**CHAPTER 17.16 APPLICATIONS**

**Sections:**

- 17.16.010 Purpose and intent.**
- 17.16.020 General Plan amendments.**
- 17.16.030 Specific plan adoption and amendments.**
- 17.16.040 Zoning amendments.**
- 17.16.050 Site Plan Permits and Minor Site Plan Permits.**
- 17.16.060 Conditional Use Permits.**
- 17.16.070 Minor Conditional Use Permits.**
- 17.16.080 Variances.**
- 17.16.090 Minor Exception Permits.**
- 17.16.100 Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits.**
- 17.16.110 Staff waivers of ~~Architectural/Cultural Heritage Permits and~~ Minor Architectural Permits/ and Minor Cultural Heritage Permits.**
- ~~17.16.120 Planning Commission/Zoning Administrator waivers of Cultural Heritage and Minor Cultural Heritage Permits.~~**
- 17.16.130 City Antenna Permits.**
- 17.16.140 Home Occupation Permits.**
- 17.16.150 Temporary Use Permits.**
- 17.16.155 Special Activities Permits.**
- 17.16.160 Designation of Historic Resources and Landmarks.**
- 17.16.170 Demolition of historic properties.**
- 17.16.175 Historic preservation incentives, historic property preservation (Mills Act) agreements.**
- 17.16.180 Waiver of fees/development standards for Historic Resources and Landmarks.**
- 17.16.190 Sound Amplification Permits.**
- 17.16.200 Business licenses.**
- 17.16.210 Building Permits.**
- 17.16.220 Adult-Oriented Business Permits.**
- 17.16.230 Development agreements.**
- 17.16.240 Administrative Sign Permits.**
- 17.16.250 Discretionary Sign Permits.**
- 17.16.260 Sign Exception Permits.**

**Section 7:** Section 17.16.050 of the Municipal Code is hereby amended as follows:

**17.16.050 Site Plan Permits and Minor Site Plan Permits.****A. Purpose and Intent.**

1. Site Plan Permits. It is the purpose and intent of the Site Plan Permit process to provide for the review of physical improvements to a site which due to their scale, proximity to environmentally sensitive resource areas, or unique design features, require special discretionary consideration. The Site Plan Permit process is intended to encourage site and structural development which 1) respect the physical and environmental characteristics of the site, 2) ensures safe and convenient access and circulation for pedestrians and vehicles, 3) exemplifies the best professional design practices, 4) encourages individual identity for specific uses and structures, 5) encourages a distinct community or neighborhood identity, and 6) minimizes visual impacts.
2. Minor Site Plan Permits. It is the purpose of the Minor Site Plan Permit process to provide for the streamlined review of certain minor classes of development projects which are large enough to require discretionary consideration, but due to their scale, nature or location do not require discretionary consideration by the Planning Commission. The Minor Site Plan Permit process for major development has as its purpose the same goals for development described for the Site Plan Permit process for major development included above.

**B. Review Authority.**

1. Site Plan Permits. The Planning Commission is the final authority on Site Plan Permits, subject to the concurrent review and appeal provisions of Sections 17.12.090, Consideration of Concurrent Applications, and 17.12.140, Appeals of an Action, ~~of this title.~~
2. Minor Site Plan Permits. The Zoning Administrator is the final authority on Minor Site Plan Permits, subject to the concurrent review and appeal provisions listed above. ~~When the Zoning Administrator determines that it is in the public interest for the Minor Site Plan Permit application to be considered by the Planning Commission, the Zoning Administrator shall forward the application to the Planning Commission for review in the same manner as Site Plan Permits, as described in subsection (E)(1), Review Procedures, Site Plan Permits, of this section. The Zoning Administrator has the discretion to refer applications to the Planning Commission for review and final action.~~

**C. Applicability.**

1. Site Plan Permits. A Site Plan Permit is required for:

- a. Adoption of a -PRD overlay, as provided for in Section 17.56.040(C)(2), Planned Residential District (-PRD Overlay), Adoption and Amendment of the Planned Residential Overlay District, ~~of this title;~~
  - b. All tentative maps for sites on which development is existing or currently proposed, except condominium projects;
  - c. New golf courses in the OSC zone, as provided for in Table 17.44.020, Open-Space Zone Uses, ~~of this title;~~
  - d. Increases in the allowed floor area ratio based on public benefit, as provided for in Section 17.24.100, Increase in Floor Area Ratios;
  - e. All new nonresidential and mixed-use buildings;
  - f. Additions or alterations to nonresidential and mixed-use buildings, as indicated in Table 17.16.050, Additions or Alterations Requiring Site Plan Permits or Minor Site Plan Permits.
2. Minor Site Plan Permits. A Minor Site Plan Permit is required for:
- ~~a. Model home complexes and sales offices, per Section 17.28.300(F).~~
  - ~~b.a.~~ Development adjacent to residentially zoned property, per Section 17.24.170(B).
  - ~~e.b.~~ Additions or alterations to nonresidential and mixed-use buildings, per Table 17.16.050.

**Table 17.16.050**

**Additions or Alterations Requiring Site Plan Permits or Minor Site Plan Permits**

Project Type (FAR Compliance)	Site Plan Permit Required	Minor Site Plan Permit Required	Exempt From Site Plan Permit
Project/Site Complies with FAR Standards for Zone	Additions of greater than 2,000 sq. ft.	Additions between 750 and 2,000 sq. ft.	<ol style="list-style-type: none"> <li>1. Additions of less than 750 sq. ft.</li> <li>2. Internal remodels, tenant improvements, general maintenance, and repair.</li> <li>3. External remodels, facade treatment, minor external alterations.</li> </ol>

D. **Submittal Requirements.** Please refer to the submittal requirements in Section 17.12.040, Filing an Application, and Section 17.12.060, Applications Requiring Additional Information, ~~of this title.~~

E. **Application Filing, Processing, and Review Procedures.**

~~1. Site Plan Permits.~~

~~a. Following receipt of a completed application and completion of required environmental documentation, a public hearing before the Planning Commission shall be noticed and held in compliance with Section 17.12.100, Public Hearing and Notification, of this title, except that projects shall also require review by the Design Review Subcommittee in the following cases:~~

~~i. When the City Planner Determines Review is Necessary. Once an application is complete, the Planning Division shall review the project for a determination as to whether the project, in the opinion of the City Planner, complies with the Design Guidelines for the area in which the project is located. If staff determines the application does not comply with the design guidelines applicable to the area in which the project is located, the Planning Division shall submit its report along with all applicable project documents to the Design Review Subcommittee of the Planning Commission. All projects being reviewed by the Design Review Subcommittee shall be agendaized at least 72 hours in advance of the hearing. The Design Review Subcommittee shall review the project and make comments and recommendations to the applicant regarding changes or modifications which the Subcommittee believes are necessary for the project to comply with the applicable Design Guidelines.~~

~~Within 30 days (or longer if requested by the applicant) of Design Review Subcommittee review, or within 15 days of the determination of the City Planner that the project complies with applicable Design Guidelines, the Planning Division shall submit its report on the project, together with all applicable project documents, to the City Planner for Planning Commission review.~~

~~In circumstances where the Planning Commission deems it appropriate, the Planning Commission may refer matters back to the Design Review Subcommittee for additional consultation between the Design Review Subcommittee and the applicant. If a matter is referred back, the project shall be processed in the same manner as provided in this subsection.~~

~~ii. When the Planning Commission Determines Review is Necessary. In circumstances where the Planning Commission deems it appropriate, the Planning Commission may refer matters to the Design Review Subcommittee for consultation between the Design Review~~



~~Subcommittee and the applicant. If a matter is referred back, the project shall be processed in the same manner as provided in subdivision (1)(a)(i) of this subsection.~~

~~b. After completion of the Planning Commission hearing, the Planning Commission shall indicate by resolution whether the proposed site plan for a project shall be approved, approved with modifications and/or conditions, or denied.~~

~~2. Minor Site Plan Permit.~~

~~a. Following receipt of a completed application, and completion of required environmental documentation, a public hearing before the Zoning Administrator shall be noticed and held in compliance with Section 17.12.100, Public Hearing and Notification, of this title.~~

~~b. After completion of the public hearing, the Zoning Administrator shall indicate by resolution whether the proposed site plan for a project shall be approved, approved with modifications and/or conditions, or denied.~~

1. Application filing. The review process is initiated when the Planning Division receives an application package. The application package shall include the required information and materials specified in the application and any additional information required by the City Planner or review authority to conduct a thorough review of the proposed project.

2. Application review. Each application shall be reviewed to ensure that proposals are consistent with the purpose of this Chapter; applicable development standards, policies, regulations, and guidelines.

a. Development Management Team review. The Development Management Team reviews an application to determine if it is complete and complies with applicable development standards, policies, regulations, and guidelines. Within 30 calendar days of application filing, the applicant is notified if their application is complete or if information is needed to complete the application and resume the review process. The Development Management Team also makes comments and recommendations to provide helpful information to applicants and notify them when a proposal does not comply with development standards, policies, regulations, and guidelines.

b. Environmental review. After an application is complete, the project shall be reviewed in compliance with the California Environmental Quality Act to determine if environmental studies are required. If studies are required, then they shall be completed at the applicant's expense, which may involve the selection of a consultant.

c. Design Review Subcommittee review. The Design Review Subcommittee shall review Site Plan Permit applications. For Minor Site Plan Permits, the Design Review Subcommittee shall review applications if the City Planner determines a proposal does not meet required findings. If the City Planner determines Design Review Subcommittee review is unnecessary, the determination should be noted in the staff report to the review authority. The Design Review Subcommittee is an advisory body that reviews design issues and provides a recommendation to the review authority per procedures in Section 17.12.025.

3. Public hearing and appeal provisions.

a. Public hearing is required. A public hearing and notification shall be conducted in compliance with Section 17.12.100.

b. The review authority shall review the proposed project and approve, approve with conditions, or deny the application at a public hearing based on an ability to meet required findings.

c. The review authority's decision may be appealed per Section 17.12.140.

**F. Required Findings.**

1. General Findings. Prior to the approval of an application for a Site Plan Permit or Minor Site Plan Permit, the following findings shall be made:
  - a. The proposed development is permitted within the subject zone pursuant to the approval of a Site Plan Permit and complies with all the applicable provisions of this title (or the specific plan as appropriate), the goals, and objectives of the San Clemente General Plan, and the purpose and intent of the zone in which the development is being proposed.
  - b. The site is suitable for the type and intensity of development that is proposed.
  - c. The proposed development will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity.
  - d. The proposed development will not be unsightly or create disharmony with its locale and surroundings.
  - e. The proposed development will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design or location.
2. Specific Findings. In addition to the general findings required in subdivision 1 of this subsection, General Findings, specific findings shall be made prior to the

approval of an application for a Site Plan Permit for the following requests, as follows:

- a. New construction and additions on sites which increase the FAR based on public benefit, as provided for in Section 17.24.100, Increase in Floor Area Ratios, of this title, specific findings in accordance with Section 17.24.120(B), Required Findings, shall be made.

**G. Appeals.** An appeal of the decision on a Site Plan Permit shall be reviewed in accordance with Section 17.12.140, Appeals of an Action, of this title.

**H. Modifications Requested by the Applicant.** Modifications to approved Site Plan Permits or Minor Site Plan Permits shall be reviewed in accordance with Section 17.12.180, Modifications of Approved Application, of this title.

**I. Modifications and/or Revocations Initiated by the City.** The City may make changes or revoke the approval of applications when conditions of approval are violated, it is necessary to resolve a nuisance, and/or when the application contained incorrect, false, or misleading information. Refer to Section 17.16.175 for related procedures and required findings.

~~Initiating Review of a Site Plan Permit or Minor Site Plan Permit. The City Council may initiate review of a Site Plan Permit or Minor Site Plan Permit, for the purpose of deciding whether modification and/or revocation is needed.~~

~~2. Review Procedures.~~

~~a. Site Plan Permits.~~

~~i. At the City Council's direction, the Planning Commission may review a Site Plan Permit for modification or revocation. If the City Council does request the Planning Commission's review, a public hearing before the Planning Commission shall be noticed and held in compliance with Section 17.12.100, Public Hearing and Notification, of this title.~~

~~ii. After completion of the Planning Commission hearing, the Planning Commission shall recommend to the City Council, by resolution, whether the Site Plan Permit shall be modified or revoked.~~

~~iii. Following receipt of a recommendation on the Site Plan Permit from the Planning Commission (when requested) or following City Council initiation, the City Council shall conduct a public hearing in compliance with Section 17.12.100, Public Hearing and Notification, of this title.~~

~~iv. After completion of the public hearing, the City Council may modify or revoke the Site Plan Permit.~~

~~b. Minor Site Plan Permits.~~

- ~~i. At the City Council's discretion, the Zoning Administrator may review a Minor Site Plan Permit for modification or revocation. If the City Council does request the Zoning Administrator's review, a public hearing before the Zoning Administrator shall be noticed and held in compliance with Section 17.12.100, Public Hearing and Notification, of this title.~~
- ~~ii. After completion of the public hearing, the Zoning Administrator shall recommend to the City Council, by resolution, whether the Minor Site Plan Permit shall be modified or revoked.~~
- ~~iii. Following receipt of a recommendation on the Minor Site Plan Permit from the Zoning Administrator (when requested) or following City Council initiation, the City Council shall conduct a public hearing in compliance with Section 17.12.100, Public Hearing and Notification, of this title.~~
- ~~iv. After completion of the public hearing, the City Council may modify or revoke the Minor Site Plan Permit.~~
- ~~3. Required Findings. A Site Plan Permit or Minor Site Plan Permit may be modified or revoked if any of the following conditions exist:~~
  - ~~a. Conditions of approval of the Site Plan Permit are being violated or are not being satisfied; or~~
  - ~~b. The site is being operated in a manner that constitutes a nuisance; or~~
  - ~~c. The application contained incorrect, false, or misleading information.~~
- J. Other Review Requirements.** ~~For other general requirements related to the review of applications, such as time limits on approvals and requests for extensions of approvals, please refer to Chapter 17.12, Development Review Process, of this title.~~ Refer to Chapter 17.12, Development Review Process, for general application processing requirements, such as modifications to applications, time limits on approvals, time extensions, and the review of multiple applications concurrently.
- K. Approval Runs with the Land.** The approval of a Site Plan Permit or Minor Site Plan Permit shall run with the land, and shall continue to be valid upon a change of ownership of the site to which it applies.

**Section 8:** Section 17.16.060 of the Municipal Code is hereby amended as follows:

**17.16.060 Conditional Use Permits.**

- A. Purpose and Intent.** It is the purpose and intent of the Conditional Use Permit process to provide for the review of uses that may, because of their nature, have an impact on the surrounding environment and for the determination of whether or not the proposed use is appropriate for its proposed location. The Conditional Use Permit process is intended to encourage uses to be located in a manner that is: 1) consistent

with the City's zones; 2) sensitive to community and neighborhood identity; and 3) minimizes impacts to adjacent uses. Review of a use may require the consideration of site plan issues related to the use, as well. For a discussion of the purpose of site plan review, please refer to Section 17.16.050(A), Purpose and Intent, in this chapter.

~~A Minor Conditional Use Permit process has been established to review requests which are less significant than those requiring Conditional Use Permits. Please refer to Section 17.16.070, Minor Conditional Use Permits, of this chapter.~~

- B. **Review Authority.** The Planning Commission is the final authority on Conditional Use Permits, subject to the concurrent review and appeal provisions of Section 17.12.090, Consideration of Concurrent Applications, and Section 17.12.140, Appeals of an Action, ~~of this title.~~
- C. **Applicability.** Conditional Use Permits are required as indicated by the use tables in Chapters 17.32, Residential Zones and Standards, through 17.48, Public Zones and Standards, in this Title. Conditional Use Permits are also required for the following requests:

Use/Modifications	As Provided for in:
Antennas, new, on City property	Section 17.28.070(C), Review Requirements
Chimneys which exceed the height limit of the zone in which they are located by more than two <del>(2)</del> feet	Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits
Density bonus requests	Section 17.24.070(E), Review Procedures
Development standards, determination of, for development in the following zones: RVL Zone, Open Space Zones, Public Zone	Table 17.32.040, Residential Zone Development Standards; Table 17.44.030, Open-Space Zone Development Standards; Table 17.48.030, Public Zone Development Standards
Development standards, exceptions for commercial and mixed-use projects on lots 12,000 (twelve thousand) square feet and smaller in the MU3 zone	Section 17.40.050(C), Exceptions to the Development Standards for Lots of 12,000 Square Feet or Smaller, MU3
Elevator towers which exceed the height limits of the zone in which they are located by more than six <del>(6)</del> feet	Table 17.24.080(B), Maximum Encroachment into Setbacks and Height Limits

<p>Fences, hedges, and walls exceeding six <del>(6)</del> feet in height for specific purposes <u>in residential zones</u></p>	<p>Section 17.24.090<del>(D)(1)</del><u>(C)(2)</u>(b), Review Procedures</p>
<p>Flag poles and church steeples in residential zones that exceed the height limits of the zone where they are located</p>	<p>Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits</p>
<p>Flag poles, antennas (other than satellite antennas or antennas on City property), church steeples, cupolas, and monuments, and similar structures in nonresidential and mixed-use zones that exceed the height limits of the zone where they are located</p>	<p>Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits</p>
<p>Storage tanks and similar structures in nonresidential zones that exceed the height limits of the zone where they are located</p>	<p>Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits</p>
<p>Grading requests not accompanying development requests</p>	<p>Section 17.28.130(B), Review Requirements</p>
<p>Historic Structures, exceptions to the minimum commercial floor area for mixed-use projects in the MU3 zone</p>	<p>Section 17.40.050(D), Exceptions to the Minimum Floor Area Requirements for the Commercial Portion of Mixed-use Projects for Buildings on the City's Designated Historic Structure List</p>
<p>Home occupations conducted outside enclosed structures</p>	<p>Section 17.28.160(B), Review Requirements</p>
<p>Nonconforming uses: change from prohibited use to a different prohibited use</p>	<p>Section 17.72.060(C)(3), Changes of Use.</p>
<p>Nonresidential uses allowed in the zone located on the same level as residential uses in the MU3 Zone</p>	<p>Section 17.40.030(A)(2)(a), Special Use Regulations for the Downtown Mixed Use (MU3) Zone</p>
<p>Outdoor dining areas</p>	<p><del>Private property: Section 17.16.205(C), Review Requirements; Public property: Section 17.28.206(C), 5(C).</del> Review Requirements</p>

<p>Parking modifications for: Bed and Breakfast Inns; Uses in and out of the Downtown Parking Study Area; Historic nonresidential and mixed-use structures; Historic structures in the RM and RH Zones; Relocation of historic structures; Hotels; Off-site parking for nonresidential uses; <del>Outdoor dining</del>; Public utilities, Shared parking</p>	<p>Section 17.28.090(D), Minimum Standards for Bed and Breakfast Inns in All Zones; Section 17.64.125, Waivers of parking requirements; Section 17.64.110, Off-Site Parking; <del>Section 17.28.205(D)(6), Outdoor dining on private property; Section 17.28.206, Outdoor dining on public property;</del> Section 17.28.240(C)(2)(d), Minor Utilities; Section 17.64.120, Shared Parking</p>
<p>Patio covers, detached, exceeding <del>fifteen (15)</del> feet in height and located within certain setback areas</p>	<p>Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits</p>
<p>Public utilities, major, initiated by outside agencies</p>	<p>Section 17.28.240(B)(2)(a), Projects Initiated by Outside Agencies/Applicants</p>
<p>Residential uses on the street level, buildings on the City's Designated Historic Structure List</p>	<p>Section 17.40.030(A)(2)(c), Location of Residential Uses</p>
<p>Urban Private Storage in Mixed-Use Zones</p>	<p>Section 17.28.305, Urban Private Storage</p>
<p>Height exceptions for residential development on Lots 46 through 64 of Tract 4938 in the RL-11 special residential overlay zone</p>	<p>Appendix A, Subsection (K.4.B) in this Title</p>

D. **Submittal Requirements.** Please refer to the submittal requirements in Section 17.12.040, Filing an Application, and Section 17.12.060, Applications Requiring Additional Information, of this title.

E. **Application Filing, Processing, and Review Procedures.** ~~Conditional Use Permit applications shall be reviewed in the same manner as Site Plan Permit applications, as described in Section 17.16.050(E), Review Procedures, of this chapter.~~

1. Application filing. The review process is initiated when the Planning Division receives an application package. The application package shall include the required information and materials specified in the application and any additional information required by the City Planner or review authority to conduct a thorough review of the proposed project.

2. Application review. Each application shall be reviewed to ensure that proposals are consistent with the purpose of this Chapter; applicable development standards, policies, regulations, and guidelines.
  - a. Development Management Team review. The Development Management Team reviews an application to determine if it is complete and complies with applicable development standards, policies, regulations, and guidelines. Within 30 calendar days of application filing, the applicant is notified if their application is complete or if information is needed to complete the application and resume the review process. The Development Management Team also makes comments and recommendations to provide helpful information to applicants and notify them when a proposal does not comply with development standards, policies, regulations, and guidelines.
  - b. Environmental review. After an application is complete, the project shall be reviewed in compliance with the California Environmental Quality Act to determine if environmental studies are required. If studies are required, then they shall be completed at the applicant's expense, which may involve the selection of a consultant.
  - c. Design Review Subcommittee. The Design Review Subcommittee shall review proposals for new wireless antenna projects and development standard exceptions. The Design Review Subcommittee is an advisory body that reviews design issues and provides a recommendation to the review authority per procedures in Section 17.12.025.
3. Public hearing and appeal provisions.
  - a. Public hearing is required. A public hearing and notification shall be conducted in compliance with Section 17.12.100.
  - b. The review authority shall review the proposed project and approve, approve with conditions, or deny the application at a public hearing based on an ability to meet required findings.
  - c. The review authority's decision may be appealed per Section 17.12.140.

#### **F. Required Findings.**

1. **General Findings.** Prior to approval of an application for a Conditional Use Permit, all of the following findings shall be made:
  - a. The proposed use is permitted within the subject zone pursuant to the approval of a Conditional Use 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.



- b. The site is suitable for the type and intensity of use that is proposed.
  - 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.
  - d. The proposed use will not negatively impact surrounding land uses.
2. Specific Findings. In addition to the general findings required in Subsection (F)(1), above, specific findings shall be made prior to the approval of an application for a Conditional Use Permit for the following requests, as follows:

Use/Modifications	As Provided for in:
<u>New Antennas</u> , <del>new</del> , on City property	Section 17.28.070(F), Required Findings for Conditional Use Permits
Density bonus requests	Section 17.24.070(F), Required Findings
Development standards, exceptions for commercial and mixed-use projects on lots 12,000 (twelve thousand)square feet and smaller in the MU3 zone	Section 17.40.050(C), Exceptions to the Development Standards for Lots of 12,000 Square Feet or Smaller, MU3
Fences, hedges, and walls exceeding six <del>(6)</del> feet in height for specific purposes <u>in residential zones</u>	Section 17.24.090(D)(2), Required Findings
Grading requests not accompanying development requests	Section 17.28.130(C), Required Findings
Historic Structures, exceptions to the minimum commercial floor area for mixed-use projects in the MU3 zone	Section 17.40.050(D)(2), Required Findings
Home occupations conducted outside enclosed structures	Section 17.28.160(B), Review Requirements

<p>Nonconforming structures: replace structures in non-residential zones that are damaged by an accident with repair costs that are 50 percent or greater than a structure's replacement cost</p>	<p>Section 17.72.070(B)(3)(b), Structures damaged by 50 percent or greater of replacement cost</p>
<p>Nonconforming uses: change from prohibited use to a different prohibited use</p>	<p>Section 17.72.060(C)(3), Changes of Use.</p>
<p>Outdoor dining areas: <del>On private property</del> <del>On public property</del></p>	<p>Section 17.28.205(E), Required Findings <del>Section 17.28.206(E), Required Findings</del></p>
<p>Parking <del>modifications for:</del> <del>waivers for</del> <del>the Downtown Parking Study Area,</del> <del>and certain projects and land uses outside the Downtown Parking Study Area, such as:</del> <del>H</del> historic nonresidential and mixed-use structures; <del>h</del> historic structures in the RM and RH Zones; <del>and h</del> Hotel uses. <del>Parking modifications for:</del> <del>O</del> off-site parking for nonresidential uses, <del>and shared parking</del></p>	<p>Section 17.64.125(A), <del>(Waivers of Parking Requirements in )</del> <del>The Downtown Parking Study Area,</del> Section 17.64.125(B)(3), <del>Historic, Nonresidential and Mixed Use Structures</del> Section 17.64.125(B)(2), <del>Historic Structures in RM and RH Zones</del> Section 17.28.205(D)(6), <del>Modifications and Waivers of Parking Requirements, Hotels, Waivers of Parking Requirements Outside the Downtown Parking Study Area;</del> Section 17.64.110, Off-Site Parking; <del>Section 17.64.120(C), Shared Parking</del></p>
<p><del>Outdoor dining for restaurants</del> Public utilities <del>Shared parking</del></p>	<p><del>Section 17.28.205(D)(6)(b), Parking;</del> Section 17.28.240(C)(2)(d), Minor Utilities, <del>Section 17.64.120(B), Findings</del></p>
<p>Residential uses on the street level, buildings on the City's Designated Historic Structure List</p>	<p>Section 17.40.030(A)(2)(c), Location of Residential Uses</p>
<p>Height exceptions for residential development on Lots 46 through 64 of Tract 4938</p>	<p>Appendix A, Subsection (K.4.B.2) of this Title</p>

- G. Appeals.** An appeal of the action on a Conditional Use Permit shall be reviewed in accordance with Section 17.12.140, Appeals of an Action, of this title.
- H. Modifications Requested by the Applicant.** Modifications to approved Conditional Use Permits shall be reviewed in accordance with Section 17.12.180, Modifications of an Approved Application, of this title.
- I. Modifications and/or Revocations Initiated by the City.** The City may make changes or revoke the approval of applications when conditions of approval are violated, it is necessary to resolve a nuisance, and/or when the application contained incorrect, false, or misleading information. Refer to Section 17.16.175 for related procedures and required findings. For antennas on City property, a Conditional Use Permit may be revoked or modified if other findings can be met pursuant to Section 17.28.070(G).
- ~~1. Initiation and Review. The City Council may initiate and review modifications or revocations of a Conditional Use Permit, in the same manner as a Site Plan Permit, as described in Section 17.16.050(I)(1) and (2), Initiating Review of a Site Plan Permit and Review Procedures.~~
- ~~2. Required Findings.~~
- ~~a. General Findings for Modifications/Revocation. A Conditional Use Permit may be modified or revoked if any of the following conditions exist:~~
- ~~i. Conditions of approval of the Conditional Use Permit are being violated or are not being satisfied; or~~
- ~~ii. The use is being conducted in a manner that constitutes a nuisance; or~~
- ~~iii. The application contained incorrect, false or misleading information.~~
- ~~b. Specific Findings for Revocation of Conditional Use Permits for Antennas on City Property. Please refer to Section 17.28.070(F), Required Findings for Conditional Use Permit, of this title for the specific findings required to modify or revoke a Conditional Use Permit for a new antenna on City property.~~
- J. Other Review Requirements.** ~~For other general requirements related to the review of applications, such as time limits on approvals and requests for extensions of approvals, please refer to Chapter 17.12, Development Review Process, for general review process requirements and procedures, such as time limits on approvals, time extensions, and the review of multiple applications concurrently.~~ Refer to Chapter 17.12, Development Review Process, for general review process requirements and procedures, such as time limits on approvals, time extensions, and the review of multiple applications concurrently. ~~of this title.~~
- K. Mandatory Condition of Approval for Alcohol Sales Establishments.** For all Conditional Use Permits which are approved for sale of alcohol for on- or off-site consumption pursuant to Section 17.28.040, or per the use tables in Chapters 17.32 through 17.48 of this title, the Planning Commission shall place the following mandatory condition of approval: "The applicant shall be responsible for ensuring that

all employees receive 'Responsible Alcoholic Beverage Service' training as offered through programs established by the Orange County Health Care Agency and Alcoholic Beverage Control of the State of California. Evidence of such training and the training records of all employees shall be maintained on-site during business hours, and made available for inspection upon request." This mandatory condition of approval may be modified to allow corporate training programs or other alcohol sales responsibility programs if such modification is found by the Planning Commission to provide training on the sale and dispensing of alcohol by employees which is the equivalent of Responsible Alcoholic Beverage Service training.

- L. Approval Runs with the Land.** The approval of a Conditional Use Permit shall run with the land, and shall continue to be valid upon a change of ownership of the site to which it applies.

**Section 9:** Section 17.16.070 of the Municipal Code is hereby amended as follows:

**17.16.070 Minor Conditional Use Permits.**

- A. Purpose and Intent.** It is the purpose of the Minor Conditional Use Permit process to provide for the streamlined review of uses that may have an impact on the surrounding environment and require discretionary review, but due to their nature, scale or location, do not require discretionary consideration by the Planning Commission. The Minor Conditional Use Permit process has as its purpose the same goals for uses described for the Conditional Use Permit process included in Section 17.16.060(A), Conditional Use Permits, Purpose and Intent, of this chapter.
- B. Authority.** The Zoning Administrator is the final authority on Minor Conditional Use Permits, subject to the concurrent review and appeal provisions of Sections 17.12.090, Consideration of Concurrent Applications, and 17.12.140, Appeals of an Action, ~~of this title. When the Zoning Administrator determines that it is in the public interest for the Minor Conditional Use Permit application to be considered by the Planning Commission the Zoning Administrator shall forward the application to the Planning Commission for review in the same manner as Site Plan Permits, as described in Section 17.16.050(E), Review Procedures, of this chapter. The Zoning Administrator has the discretion to refer applications to the Planning Commission for review and final action.~~
- C. Applicability.** Minor Conditional Use Permits are required as indicated by the use tables in Chapters 17.32, Residential Zones and Standards through 17.48, Public Zones and Standards, ~~of this title.~~ Minor Conditional Use Permits are also required for the following requests:
- ~~1. Conversion of gas stations to a conforming use, as provided for in Section 17.28.290(E), Converted Service Stations, of this title;~~
  12. Outdoor dining areas ~~on private property, as provided for in~~ per Section 17.16.205(C), Review Requirements;

- ~~3. Outdoor dining areas on public property, as provided for in Section 17.28.206(C), Review Requirements;~~
24. Outdoor display, permanent, accessory, as provided for in Section 17.28.210(B), Review Requirements, ~~of this title;~~
35. Waivers of fees/development standards for Historic Resources and Landmarks Relocations of historic structures, waiver of development standards, as provided for in per Section 17.16.180, Waiver of Fees/Development Standards, Relocation of Historic Structures, of this chapter;
46. Relocations of structures, as provided for in Section 17.24.160, Relocation of Structures, ~~of this title;~~
57. Parking modifications for the Downtown Parking Study Area, as provided for in Section 17.64.125(A), ~~(Waivers of Parking Requirements), in T~~the Downtown Parking Study Area, ~~of this title;~~
68. Parking modifications for outdoor dining for a restaurant, as provided for in Section 17.28.205(D)(~~56~~), Parking, ~~of and Section 17.64.125(B), Waivers of Parking Requirements -Outside the Downtown Parking Study Area~~this title.
- D. **Submittal Requirements.** Please refer to the submittal requirements in Section 17.12.040, Filing an Application, and Section 17.12.060, Applications Requiring Additional Information, ~~of this title.~~
- E. **Application Filing, Processing, and Review Procedures.** ~~Minor Conditional Use Permits shall be reviewed in the same manner as Minor Site Plan Permits, as described in Section 17.16.050(E)(2), Review Procedures, of this title.~~
1. Application filing. The review process is initiated when the Planning Division receives an application package. The application package shall include the required information and materials specified in the application and any additional information required by the City Planner or review authority to conduct a thorough review of the proposed project.
  2. Application review. Each application shall be reviewed to ensure that proposals are consistent with the purpose of this Chapter; applicable development standards, policies, regulations, and guidelines.
    - a. Development Management Team review. The Development Management Team reviews an application to determine if it is complete and complies with applicable development standards, policies, regulations, and guidelines. Within 30 calendar days of application filing, the applicant is notified if their application is complete or if information is needed to complete the application and resume the review process. The Development Management Team also makes comments and recommendations to provide helpful information to

applicants and notify them when a proposal does not comply with development standards, policies, regulations, and guidelines.

b. Environmental review. After an application is complete, the project shall be reviewed in compliance with the California Environmental Quality Act to determine if environmental studies are required. If studies are required, then they shall be completed at the applicant's expense, which may require consultant services.

3. Public hearing and appeal provisions.

a. Public hearing is required. A public hearing and notification shall be conducted in compliance with Section 17.12.100.

b. The review authority shall review the proposed project and approve, approve with conditions, or deny the application at a public hearing based on an ability to meet required findings.

c. The review authority's decision may be appealed per Section 17.12.140.

**F. Required Findings.**

1. General Findings. Prior to approval of an application for a ~~minor~~ Minor Conditional Use Permit, the same findings shall be made as required for approval of a Conditional Use Permit.
2. Specific Findings. In addition to the general findings required in subsection (F)(1), above, specific findings shall be made prior to the approval of an application for a minor Conditional Use Permit for the following requests, as follows:
  - a. Outdoor dining areas ~~on private property, specific findings in accordance with~~ per Section 17.28.205(E), Required Findings, ~~of this title;~~
  - ~~b. Outdoor dining areas on public property, specific findings in accordance with Section 17.28.206(E), Required Findings, of this title;~~
  - ~~cb.~~ Parking modifications for the Downtown Parking Study Area, specific findings in accordance with Section 17.64.125(A) (Waivers of Parking Requirements), The Downtown Parking Study Area, of this title;
  - ~~dc.~~ Parking modifications for outdoor dining for a restaurant, as provided for in Section ~~17.28.205(D)64.125(B)(7), (6), Parking, of this title~~ Waivers of Parking Outside the Downtown Parking Study Area.

- G. Appeals.** An appeal of the action on a Minor Conditional Use Permit shall be reviewed in accordance with Section 17.12.140, Appeals of an Action, of this title.

- H. **Modifications Requested by the Applicant.** Modifications to approved Minor Conditional Use Permits shall be reviewed in accordance with Section 17.12.180, Modifications of an Approved Application, of this title.
- I. **Modifications and/or Revocations Initiated by the City.** The City may make changes or revoke the approval of applications when conditions of approval are violated, it is necessary to resolve a nuisance, and/or when the application contained incorrect, false, or misleading information. Refer to Section 17.16.175 for related procedures and required findings.
- ~~1. **Initiation and Review.** The City Council may initiate and review modifications or revocations of a Minor Conditional Use Permit, in the same manner as a Minor Site Plan Permit, as described in Section 17.16.050(1)(1) and (2), Initiating Review of a Site Plan Permit or Minor Site Plan Permit and Review Procedures, of this title.~~
- ~~2. **Required Findings.** Prior to modification or revocation of a Minor Conditional Use Permit, the same findings shall be made as required for the revocation of a Conditional Use Permit, in accordance with Section 17.16.060(1)(2), Required Findings, of this title.~~
- J. **Other Review Requirements.** ~~For other general requirements related to the review of applications, such as time limits on approvals and requests for extensions of approvals, please refer to Chapter 17.12, Development Review Process, of this title.~~ Refer to Chapter 17.12, Development Review Process, of this title, for general application processing requirements, such as time limits on approvals, time extensions, and the review of multiple applications concurrently.
- K. **Mandatory Condition of Approval for Alcohol Sales Establishments.** For all Minor Conditional Use Permits which are approved for sale of alcohol for on- or off-site consumption pursuant to Section 17.28.040, or per the use tables in Chapters 17.32 through 17.48 of this title, the Zoning Administrator shall place the following mandatory condition of approval: "The applicant shall be responsible for ensuring that all employees receive 'Responsible Alcoholic Beverage Service' training as offered through programs established by the Orange County Health Care Agency and Alcoholic Beverage Control of the State of California. Evidence of such training and the training records of all employees shall be maintained on-site during business hours, and made available for inspection upon request." This mandatory condition of approval may be modified to allow corporate training programs or other alcohol sales responsibility programs if such modification is found by the Zoning Administrator to provide training on the sale and dispensing of alcohol by employees which is the equivalent of Responsible Alcoholic Beverage Service training.
- L. **Approval Runs with the Land.** The approval of Minor Conditional Use Permits shall run with the land, and shall continue to be valid upon a change of ownership of the site to which it applies.

**Section 10:** Section 17.16.080 of the Municipal Code is hereby amended as follows:

**17.16.080 Variances.**

- A. **Purpose and Intent.** The purpose and intent of the variance process is to provide relief from development standards in special circumstances. For a variance to be granted, special circumstances related to a property must exist which deprive the property owner of development privileges enjoyed by other property owner in the vicinity and same zone; the deprivation of these privileges must result in a hardship for the property owner. The variance process is not intended to allow the granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A Minor Exception Permit Process has been established to provide for minor deviations from the development standards in the Zoning Ordinance. Please refer to Section 17.12.090, Minor Exception Permits, of this chapter.

- B. **Authority.** The Planning Commission is the final authority on variances, subject to the concurrent review and appeal provisions of Sections 17.12.090, Consideration of Concurrent Applications, and 17.12.140, Appeals of an Action, ~~of this title.~~
- C. **Applicability.** Unless indicated otherwise by this title, a variance is required to deviate from any of the standards contained within the Zoning Ordinance.
- D. **Submittal Requirements.** Please refer to the submittal requirements in Section 17.12.040, Filing an Application, and Section 17.12.060, Applications Requiring Additional Information, ~~of this title.~~
- E. **Application Filing, Processing, and Review** ~~Procedures.~~ ~~Variances shall be reviewed in the same manner as Site Plan Permit applications, as described in Section 17.16.050, Site Plan Permits and Minor Site Plan Permits, of this chapter.~~
1. Application filing. The review process is initiated when the Planning Division receives an application package. The application package shall include the required information and materials specified in the application and any additional information required by the City Planner or review authority to conduct a thorough review of the proposed project.
  2. Application review. Each application shall be reviewed to ensure that proposals are consistent with the purpose of this Chapter; applicable development standards, policies, regulations, and guidelines.
    - a. Development Management Team review. The Development Management Team reviews an application to determine if it is complete and complies with applicable development standards, policies, regulations, and guidelines. Within 30 calendar days of application filing, the applicant is notified if their application is complete or if information is needed to complete the application and resume the review process. The Development Management Team also makes comments and recommendations to provide helpful information to



applicants and notify them when a proposal does not comply with development standards, policies, regulations, and guidelines.

b. Environmental review. After an application is complete, the project shall be reviewed in compliance with the California Environmental Quality Act to determine if environmental studies are required. If studies are required, then they shall be completed at the applicant's expense, which may require consultant services.

c. Design Review Subcommittee review. The Design Review Subcommittee shall review applications. The Design Review Subcommittee is an advisory body that reviews design issues and provides a recommendation to the review authority per procedures in Section 17.12.025.

3. Public hearing and appeal provisions.

a. Public hearing is required. A public hearing and notification shall be conducted in compliance with Section 17.12.100.

b. The review authority shall review the proposed project and approve, approve with conditions, or deny the application at a public hearing based on an ability to meet required findings.

c. The review authority's decision may be appealed per Section 17.12.140.

**F. Required Findings.** Prior to the approval of an application for a variance, all of the following findings shall be made:

1. Due to special circumstances applicable to the subject property including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zone classifications.
2. The granting of the variance is necessary for the preservation of a substantial property right possessed by other property in the same vicinity and zone and otherwise denied the subject property.
3. The required conditions of approval assure that the adjustment authorized will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity subject to the same zoning regulations.
4. The granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
5. The granting of a variance is consistent with the General Plan and the intent of this title.

- G. **Appeals.** An appeal of the action upon a variance shall be reviewed in accordance with Section 17.12.140, Appeals of an Action, of this title.
- H. **Modifications Requested by the Applicant.** Modifications to approved variances which are requested by the applicant shall be reviewed in accordance with Section 17.12.180, Modifications of Approved Applications, of this title.
- I. **Modifications and/or Revocations Initiated by the City.** The City may make changes or revoke the approval of applications when conditions of approval are violated, it is necessary to resolve a nuisance, and/or when the application contained incorrect, false, or misleading information. Refer to Section 17.16.175 for related procedures and required findings.
  - ~~1. Initiation and Review. The City may initiate and review modifications or revocations of a variance in the same manner as Site Plan Permit, as described in Section 17.16.050(1)(1) and (2), Initiating Review of a Site Plan Permit and Review Procedures, of this title.~~
  - ~~2. Required Findings. A variance may be modified or revoked if any of the following conditions exist:~~
    - ~~a. Conditions of approval of the variance are being violated or are not being satisfied; or~~
    - ~~b. The variance constitutes a nuisance; or~~
    - ~~c. The application contained incorrect, false or misleading information.~~
- J. **Other Review Requirements.** ~~For other general requirements related to the review of applications, such as time limits on approvals and requests for extensions of approvals, please refer to Chapter 17.12, Development Review Process, of this title~~ Refer to Chapter 17.12, Development Review Process, of this title for general application processing requirements, such as time limits on approvals, time extensions, and the review of multiple applications concurrently.
- K. **Approval Runs with the Land.** The approval of a variance shall run with the land, and shall continue to be valid upon a change of ownership of the site to which it applies.

**Section 11:** Section 17.16.090 of the Municipal Code is hereby amended as follows:

**17.16.090 Minor Exception Permits.**

- A. **Purpose and Intent.** The purpose of the Minor Exception Permit process is to provide for streamlined review of requests for minor modifications of selected site development regulations and applicable off-street parking requirements in those circumstances where such exception constitutes reasonable use of property, will be compatible with adjoining uses, and will be consistent with the goals and objectives of the General Plan and intent of this title.

- B. **Authority.** The Zoning Administrator is the final authority on Minor Exception Permits, subject to the concurrent review and appeal provisions of Sections 17.12.090, Consideration of Concurrent Applications, and 17.12.140, Appeals of an Action, ~~of this title. When the Zoning Administrator determines that it is in the public interest for the Minor Exception Permit application to be considered by the Planning Commission the Zoning Administrator shall forward the application to the Planning Commission for review in the same manner as a variance, as described in Section 17.16.080, Variances, of this chapter. The Zoning Administrator has the discretion to refer applications to the Planning Commission for review and final action.~~
- C. **Applicability.** Minor Exception Permits are required for deviations in the following standards:
1. Arbors, as provided for in Section 17.32.050(A), Arbors, ~~of this title;~~
  2. Encroachment from the median front yard setback, as provided for in Table 17.24.080B, Maximum Encroachments into Setbacks and Height Limits, ~~of this title;~~
  3. Encroachments of architectural projections and cornices, eaves, and roof overhangs into any required front yard setback areas, as provided for in Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits, ~~of this title;~~
  4. Encroachments of balconies, porches, decks, landing places, and stairways, into any required front, rear, or side yard setback area, as provided for in Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits, ~~of this title;~~
  5. Encroachments of bay windows into any required front yard setback areas, as provided for in Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits, ~~of this title;~~
  6. Fences, walls or hedges as provided for in Section 17.24.090(D)(2), Exceptions, ~~of this title;~~
  7. Garage encroachments, as provided for in Section 17.32.050(E), Garage Encroachments into the Front Setback, ~~of this title;~~
  - ~~8. Guardrails for retaining walls, as provided for in Section 17.24.180(B)(5D)(2), Exceptions, of this title;~~
  98. Landscaping requirements for Residential Zones, as provided for in Section 17.68.050(A)(1)(a), Landscaping Requirements for Specific Zones, Residential Zones, ~~of this title.~~

- ~~409.~~ Parking modifications for historic structures in RM and RH Zones, as provided for in Section 17.64.125(B), Historic Structures in RM and RH Zones, ~~of this title;~~
- ~~4410.~~ Nonconforming structure requirements, exception for single-family dwellings with less than 1,400 square feet of gross floor area [per Section 17.72.050(E)(4)(b) and Section 17.72.050(I)(3)(b)(i)].
- ~~4211.~~ Parking modifications for nonresidential and mixed-use historic structures, as provided for in Section 17.64.125(B), Historic Nonresidential and Mixed-Use Structures, ~~of this title;~~
- ~~4312.~~ Parking modifications for minor additions to nonresidential and the commercial portion of mixed-use structures, as provided for in Section 17.64.125(B), Minor Additions to Nonresidential and the Commercial Portion of Mixed-Use Structures, ~~of this title;~~
- ~~4413.~~ Parking modifications for changes of uses on sites that cannot meet the parking requirements, as provided for in Section 17.64.125(B), Changes of Use, ~~of this title;~~
- ~~4514.~~ Parking modifications for restaurants, due to joint use of parking and off-peak parking demand periods, as provided for in Section 17.64.125(B), Indoor Seating for Restaurants, ~~of this title;~~
- ~~4615.~~ Swimming pools, spas, hot tubs, and other bodies of water within the front ~~and street~~, side ~~and rear~~ yard setbacks, as provided for in Table 17.24(B), Maximum Encroachments into Setbacks and Height Limits, ~~of this title;~~
- ~~4716.~~ Retaining walls, as provided for in Section 17.24.180(B)(5)(a), D)(4), Exceptions, ~~of this title;~~
- ~~4817.~~ Satellite antennas, as provided for in Section 17.28.080(B)(2), Minor Exception Permits, ~~of this title;~~
- ~~4918.~~ Setbacks for primary and accessory structures, as well as the setback line from which encroachments into a setback are measured, in accordance with Table 17.24(B), Maximum Encroachments into Setbacks and Height Limits, ~~of this title~~, as follows:
- a. A decrease of not more than 20 percent of the required width of a side yard or the yard between buildings,
  - b. Continuation of legal nonconforming side yard setbacks up to within 30 inches of the side property line for any stories, existing or new,
  - c. A decrease of not more than 15 percent of the required front or rear yard with the combined total not to exceed 20 percent;

- d. For lots subject to a 16-foot height limit in accordance with Appendix A of this Title, subsections (L) and (K), a decrease of not more than 25 percent of the required rear yard;
- 2019.** Tandem parking, maximum curb break, as provided for in Section 17.64.090(A), Curb Break, ~~of this title.~~
- D. **Submittal Requirements.** Please refer to the submittal requirements in Section 17.12.040, Filing an Application, and Section 17.12.060, Applications Requiring Additional Information, of this title.
- E. **Application Filing, Processing, and Review Procedures.** ~~Minor Exception Permits shall be reviewed in the same manner as Minor Site Plan Permits, as described in Section 17.12.060(E), Review Procedures, of this chapter.~~
1. Application filing. The review process is initiated when the Planning Division receives an application package. The application package shall include the required information and materials specified in the application and any additional information required by the City Planner or review authority to conduct a thorough review of the proposed project.
  2. Application review. Each application shall be reviewed to ensure that proposals are consistent with the purpose of this Chapter; applicable development standards, policies, regulations, and guidelines.
    - a. Development Management Team review. The Development Management Team reviews an application to determine if it is complete and complies with applicable development standards, policies, regulations, and guidelines. Within 30 calendar days of application filing, the applicant is notified if their application is complete or if information is needed to complete the application and resume the review process. The Development Management Team also makes comments and recommendations to provide helpful information to applicants and notify them when a proposal does not comply with development standards, policies, regulations, and guidelines.
    - b. Environmental review. After an application is complete, the project shall be reviewed in compliance with the California Environmental Quality Act to determine if environmental studies are required. If studies are required, then they shall be completed at the applicant's expense, which may require consultant services.
  3. Public hearing and appeal provisions.
    - a. Public hearing is required. A public hearing and notification shall be conducted in compliance with Section 17.12.100.

b. The review authority shall review the proposed project and approve, approve with conditions, or deny the application at a public hearing based on an ability to meet required findings.

c. The review authority's decision may be appealed per Section 17.12.140.

#### F. Required Findings.

1. General Findings. Prior to approval of an application for a Minor Exception Permit, all of the following findings shall be made:
  - a. The requested minor exception will not interfere with the purpose of the zone or the standards of the zone in which the property is located; and
  - b. The neighboring properties will not be adversely affected as a result of the approval or conditional approval of the Minor Exception Permit; and
  - c. The approval or conditional approval of the Minor Exception Permit will not be detrimental to the health, safety or welfare of the general public.
2. Specific Findings. In addition to the general findings required in subdivision 1 of this section, specific findings shall be made prior to the approval of an application for a Minor Exception Permit for the following requests, as follows:
  - a. Arbors, specific findings in accordance with Section 17.32.050(A)(3), Required Findings, ~~of this title~~;
  - b. Fences, hedges and walls, specific findings in accordance with Section 17.24.090(DC)(2)(c), Required Findings, ~~of this title~~;
  - c. Garage encroachments, specific findings in accordance with Section 17.32.050(E)(5), Required Findings, ~~of this title~~;
  - d. Landscaping requirements for Residential Zones, specific findings in accordance with Section 17.68.050(A)(1)(a)(i), Landscape Requirements for Specific Zones, Residential Zones, ~~of this title~~;
  - e. Parking modifications for historic structures in RM and RH Zones, as provided for in Section 17.64.125(B), Historic Structures in RM and RH Zones, ~~of this title~~;
  - f. Parking modifications for nonresidential and mixed-use historic structures, as provided for in Section 17.64.125(B), Historic Nonresidential and Mixed-Use Structures, ~~of this title~~;
  - g. Parking modifications for minor additions to nonresidential and the commercial portion of mixed-use structures, as provided for in Section

17.64.125(B), Minor Additions to Nonresidential and the Commercial Portion of Mixed-Use Structures, ~~of this title;~~

- h. Parking modifications for changes of uses on sites that cannot meet the parking requirements, as provided for in Section 17.64.125(B), Change of Use, ~~of this title;~~
  - i. Parking modifications for restaurants, due to joint use of parking and off-peak parking demand periods, as provided for in Section 17.64.125(B), Indoor Seating for Restaurants, ~~of this title;~~
  - j. Retaining walls, specific findings in accordance with Section 17.24.180(BD)(4)(b)5(b), Exceptions, ~~of this title;~~
  - k. Satellite antennas, specific findings in accordance with Section 17.28.080(F)(4), Required Findings, ~~of this title.~~
  - l. Reduced rear yard setback, specific findings in accordance with Appendix A, subsections (L) and (K), ~~of this Title.~~
- G. **Appeals.** An appeal of the action on a Minor Exception Permit shall be reviewed in accordance with Section 17.12.140, Appeals of an Action, ~~of this title.~~
- H. **Modifications Requested by the Applicant.** Modifications to approved Minor Exception Permits shall be reviewed in accordance with Section 17.12.180, Modification of an Approved Application, ~~of this title.~~
- I. **Modifications and/or Revocations Initiated by the City.** The City may make changes or revoke the approval of applications when conditions of approval are violated, it is necessary to resolve a nuisance, and/or when the application contained incorrect, false, or misleading information. Refer to Section 17.16.175 for related procedures and required findings.
- ~~1.—Initiation and Review. Modifications or revocations of a Minor Exception Permit shall be initiated and reviewed in the same manner as a Minor Site Plan Permit, as described in Section 17.16.050(1)(1) and (2), Initiating Review of a Site Plan Permit or Minor Site Plan Permit and Review Procedures, of this title.~~
  - ~~2.—Required Findings. Prior to modification or revocation of a Minor Exception Permit, the same findings shall be made as required for the modification or revocation of a variance, in accordance with Section 17.16.080(1)(2), Required Findings, of this title.~~
- J. **Other Review Requirements.** ~~For other general requirements related to the review of applications, such as time limits on approvals and requests for extensions of approvals, please refer to Chapter 17.12, Development Review Process, of this title.~~ Refer to Chapter 17.12, Development Review Process, for general application processing requirements, such as time limits on approvals, time extensions, and the review of multiple applications concurrently.

- K. **Permit is transferable with property.** The approval of Minor Exception Permits shall continue to be valid upon a change of ownership of the site to which it applies.

**Section 12:** Section 17.16.100 of the Municipal Code is hereby amended as follows:

**17.16.100 Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits.**

- A. **Purpose and Intent.** As detailed in this section, Architectural Permits are required for different types of projects within the City, including projects affecting the City's cultural and historic resources. Because of these unique resources, the Architectural Permit process has been divided into two categories: Architectural Permits and Cultural Heritage Permits. In addition, minor versions of these permits have been established for less significant projects.
1. Architectural and Cultural Heritage Permits.
    - a. Architectural Permits. The purpose and intent of the Architectural Permit process is to provide for architectural review of certain classes of development projects to ensure their compliance with the General Plan Urban Design Element and the City's Design Guidelines. The Architectural Permit process is intended to preserve and strengthen San Clemente's unique atmosphere as a Spanish village and to encourage: 1) architecture which is sensitive to community and neighborhood character; 2) architectural design that enhances the visual environment and protects the economic value of existing structures; and 3) site and structural development which exemplify the highest professional design standards. Architectural review shall include the consideration of a number of issues, including but not limited to, architectural style, building massing and scale, building orientation in relation to the street and parking, and building materials, textures and colors.
    - b. Cultural Heritage Permits. The purpose and intent of the architectural review with a cultural heritage emphasis is to provide for the review of projects affecting the City's cultural and/or historical resources. Along with the general goals for architectural review provided above, the process is intended to: 1) preserve and strengthen San Clemente's historic identity as a Spanish village, 2) preserve and strengthen the pedestrian-oriented areas designated in the General Plan as such, 3) preserve and protect those places, sites, buildings, structures, neighborhoods, objects, and improvements, manmade or natural, having a special historical, cultural, or architectural interest, 4) protect and enhance the City's attraction as a historic community to tourists and visitors, 5) promote the use of historic properties for the education, pleasure, and welfare of the people of the City, 6) encourage and, where specified by this title, require architecture which reflects the community's historic pedestrian-oriented character, and 7) ensure compliance with the purpose and intent of the City's Architectural Overlay District for those projects within the district.



2. Minor Architectural and Cultural Heritage Permits.
  - a. Minor Architectural Permits. The purpose of the minor architectural permit process is to provide for streamlined architectural review of certain minor classes of development projects. These projects require discretionary review to ensure their compliance with the General Plan Urban Design Element and the City's Design Guidelines. Because of their scale, however, these minor projects do not require discretionary consideration by the Planning Commission. The Minor Architectural Permit process is intended to achieve the same goals as the Architectural Permit process described in above.
  - b. Minor Cultural Heritage Permits. The purpose of the Minor Architectural/Cultural Heritage Permit process is to provide for streamlined review of minor development projects that may affect the City's cultural and/or historical resources and neighborhoods. Because of their limited scale, however, these projects do not require discretionary consideration by the Planning Commission. The Minor Architectural/Cultural Heritage Permit process has as its purpose the same goals for development described in the Architectural/Cultural Heritage Permit process described above.

A process for waiving architectural review of projects which are extremely minor or have no potential to impact historic structures has been established. Please refer to Section 17.16.110, Staff Waivers of Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits and Section 17.16.120, Planning Commission/Zoning Administrator Waivers of Cultural Heritage/Minor Cultural Heritage Permits, of this chapter.

#### B. Authority.

1. Architectural and Cultural Heritage Permits. The Planning Commission is the final authority on architectural/cultural heritage permits, subject to the concurrent review and appeal provisions of Section 17.12.090, Consideration of Concurrent Applications and Section 17.12.140, Appeals of an Action, ~~of this title.~~
2. Minor Architectural and Cultural Heritage Permits.
  - ~~a. —The Zoning Administrator is the final authority on minor architectural/cultural heritage permits, subject to the concurrent review and appeal provisions of Section 17.12.090, Consideration of Concurrent Applications, and Section 17.12.140, Appeals of an Action, of this title. The Zoning Administrator has the discretion to refer application to the Planning Commission for review and final action.~~
  - ~~b. —When the Zoning Administrator determines that it is in the public interest for the Minor Architectural/Cultural Heritage Permit application to be considered by the Planning Commission the Zoning Administrator shall forward the application to the Planning Commission for review in the same manner as an Architectural Permit, as described in subsection (E)(1), Architectural and Cultural Heritage Permits, of this section.~~

**C. Applicability.**

1. Architectural Permits. Architectural Permits are required for the following:
  - a. ~~Major~~ Public park facilities, ~~major, as provided for in~~ per Section 17.28.230(B)(1), Major Park Structures, ~~of this title;~~
  - b. Development outside the Architectural Overlay District ~~as described in~~ per Table 17.16.100(A), Architectural and Minor Architectural Permits Required, ~~of this title.~~
2. Minor Architectural Permits. Minor Architectural Permits are required for the following:
  - a. ~~Minor~~ Public park facilities, ~~minor, as provided for in~~ per Section 17.28.230(B)(2), Minor Park Structures, ~~of this title;~~
  - b. Relocations of structures, ~~as provided for in~~ per Section 17.24.160, Relocation of Structures, ~~of this title;~~
  - c. Development outside Architectural Overlay Districts ~~as indicated in~~ per Table 17.16.100(A), Architectural and Minor Architectural Permits Required, below.
3. Cultural Heritage Permits and Minor Cultural Heritage Permits. Cultural Heritage Permits and Minor Cultural Heritage Permits are required for development within the Architectural Overlay District and/or historic sites and adjacencies, as indicated in Table 17.16.100(B), Cultural Heritage and Minor Cultural Heritage Permits Required, ~~below.~~
4. Staff waivers. Some projects may be eligible for a staff waiver of a Minor Architectural Permit or Minor Cultural Heritage Permit. Refer to Section 17.16.110.
5. Exemptions. The following exemptions shall apply:
  - a. Per State law, solar installations are exempt from this Section unless the Building Official finds a solar energy system project will have a specific, adverse impact upon the public health or safety.
  - b. Projects are exempt from Architectural Permits that involve the construction of four or fewer residential units.
  - c. Projects on sites with three or more residential units are exempt from Cultural Heritage Permits and Minor Cultural Heritage Permits, provided that all of the following criteria are met:

- i. Projects sites are residentially zoned and not located within the Architectural Overlay district.
- ii. Projects are not visible from public right-of-way that adjoins properties on the City's Designated Historic Resources and Landmarks Lists.
- iii. Project sites do not abut properties on the City's Designated Historic Resources and Landmarks Lists.
- iv. Projects are not visible from view corridors.

**Table 17.16.100(A)  
Architectural and Minor Architectural Permits Required**

Project Type	Architectural Permit Required	Minor Architectural Permit Required	Other/Exempt Projects
<b>A. Nonresidential and Mixed-Use Sites</b>			
<del>New Structures: Primary Buildings; Accessory Buildings;</del>	<del>X X</del>		<del>Some projects may be eligible for staff waivers. Please refer to Section 17.16.110, Staff Waivers of Architectural/Cultural heritage Permits and Minor Cultural Heritage Permits.</del> <u>Some Minor Architectural Permits may be waived. Refer to Section 17.16.110 for eligible projects.</u>
Additions to: <del>Primary Buildings and Accessory Buildings;</del>	> 2,000 s.f. addition	≤ 2,000 s.f. addition	
<del>Expansion of</del> <u>New Accessory Structures and Expansions;</u>		X	
Minor Exterior Alterations to: <del>Primary Buildings; Accessory Buildings;</del>		X  X X	

<p><del>Accessory Structures; Site</del></p>		<p>X</p>	
<p><del>Outdoor Dining Facilities</del></p>	<p><del>Design review completed through Outdoor Dining Permit, in accordance with Sections 17.28.205 and 17.28.206 in this Title.</del></p>		
<p><b>B. Residential and Mixed-Use Sites</b></p>			
<p>New Residential Projects</p>	<p>5 or more units</p>		<p><u>Refer to subsection 17.16.100(C)(5) for exempt projects.</u> <del>4 or fewer units are exempt.</del></p> <p><del>Projects otherwise requiring a Minor Cultural Heritage Permit or Cultural Heritage Permit are exempt.</del></p>
<p><b>C. Nonconforming Structures</b> -- This Subsection shall be applied in conjunction with Subsections A and B to:</p>			
<p>Additions to nonconforming structures. See Section 17.72.050(I) of this Title.</p>		<p>X</p>	<p><u>Some Minor Architectural Permits may be waived. Refer to Section 17.16.110 for eligible projects.</u> <del>The following projects may be eligible for staff waivers (See Section 17.16.110):</del></p> <p><del>a. Left additions, crawlspace conversions, basement additions that are entirely below the finished grade of a project site, and other additions that are not visible or do not move exterior walls.</del></p> <p><del>b. Addition of 300 square feet on or after March 21, 1996.</del></p>

**Table 17.16.100(B)  
Cultural Heritage and Minor Cultural Heritage Permits Required**

Project Type	Cultural Heritage Permit Required	Minor Cultural Heritage Permit Required	Other/ <u>Exempt Projects</u>
<p><b>A. Nonresidential and Mixed-Use Sites</b> — This Subsection applies to: <del>*1) All</del> resources listed on the City's Designated Historic Resources and Landmarks Lists<sup>1</sup>; and <del>2) *All</del> development within the Architectural Overlay District (Please refer to Section 17.56.020 <del>in this Title</del>)</p>			
<p><del>New Structures:</del> <del>Primary Buildings;</del> <del>and</del> <del>Accessory Buildings;</del></p>	<p>X X</p>		<p><del>Some projects may be eligible for staff waivers from Cultural Heritage or Minor Cultural Heritage Permits. Please refer to Section 17.16.110, Staff</del></p>
<p><del>Additions to:</del> <del>Primary Buildings</del> <del>and;</del> <del>Accessory Buildings;</del></p>	<p>&gt; 2,000 s.f. addition &gt; 2,000 s.f. addition</p>	<p>≤ 2,000 s.f. addition ≤ 2,000 s.f. addition</p>	<p><del>Waivers of Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits. Some Minor Cultural</del></p>
<p><u>New</u> <u>Expansion of</u> Accessory Structures <u>and Expansions;</u></p>		<p>X</p>	<p><u>Heritage Permits may be waived. Refer to Section 17.16.110 for eligible projects.</u></p>
<p>Minor Exterior Alterations <del>to:</del> <del>Primary Buildings;</del> <del>Accessory Buildings;</del> <del>Accessory Structures;</del> <del>Site</del></p>		<p>X X X X</p>	<p><u>Refer to subsection 17.16.100(C)(5) for exempt projects.</u></p>

Outdoor Dining Facilities	Design review completed through Outdoor Dining Permit, in accordance with Sections 17.28.205 and 17.28.206 in this Title.		
Other Applications <sup>2</sup>	CUP	MCUP	

**B. Residential Sites** — This Subsection shall be applied to: ~~\*All1~~ resources listed on the City's Designated Historic Resources and Landmarks Lists<sup>1</sup>; ~~\*All2~~ single-family homes and duplexes abutting ~~buildingsites~~<sup>4</sup> listed on the City's Designated Historic Resources and Landmarks Lists; and ~~\*All3~~ sites with three or more dwelling units within ~~three hundred (300)~~ feet of residentially zoned buildings<sup>4</sup> listed on the City's Designated Historic Resources and Landmarks Lists; and ~~\*4)All~~ development<sup>2</sup> within the Architectural Overlay District (Please refer to Section 17.56.020 ~~in this Title.~~)

New Structures: <del>Primary Buildings;</del> <del>Accessory Buildings;</del>	X X		<u>Some Minor Cultural Heritage Permits may be waived for additions, accessory structures, and exterior alterations. Refer to Section 17.16.110 for eligible projects.</u>
Additions to: <del>Primary Buildings and;</del> <del>Accessory Buildings;</del>	<del>&gt; 200 s.f. addition</del> <del>&gt; 200 s.f. addition &gt; 500 s.f. addition or 50 percent or greater</del>	<del>≤ 200 s.f. addition</del> <del>≤ 200 s.f. addition X ≤ 500 s.f. addition or less than 50 percent, which-ever is smaller</del>	<del>Some projects may be eligible for Planning Commission, Zoning Administrator or staff waivers. Please refer to Section 17.16.120, Planning Commission/Zoning Administrator Waivers of Cultural Heritage/Minor Cultural Heritage Permits, and Section 17.16.110, Staff Waivers of Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits. Refer to subsection 17.16.100(C)(5) for exempt projects.</del>
<del>Expansion of New Accessory Structures and Expansions;</del>		X	
Minor Exterior Alterations to: <del>Primary Buildings;</del> <del>Accessory Buildings;</del>		X X	

<p><del>Accessory Structures; Site</del></p>		<p>X X</p>	
<p><b>C. Nonconforming Structures</b> -- This Subsection shall be applied in conjunction with Subsections A and B to: <del>* All resources listed on the City's Designated Historic Resources and Landmarks Lists; * All single family homes and duplexes abutting buildings<sup>1</sup> listed on the City's Designated Historic Resources and Landmarks Lists; and * All sites with three or more dwelling units within three hundred (300) feet of residentially zoned buildings<sup>1</sup> listed on the City's Designated Historic Resources and Landmarks Lists; and * All development<sup>2</sup> within the Architectural Overlay District (Please refer to Section 17.56.020).</del></p>			
<p><del>Additions to nonconforming structures per. See Section 17.72.050(I) of this Title.</del></p>		<p>X</p>	<p><u>Some Minor Cultural Heritage Permits may be waived for additions. Refer to Section 17.16.110 for eligible projects.</u></p>
<p><u>Historic structure and use Exemptions exemption</u> from requirements in Chapter 17.72, Nonconforming Structure and Uses, <del>of this Title.</del></p> <p><del>Historic Structures; Nonconforming uses closely associated with the historical significance of National, state or locally designated historic structures.</del></p> <p><u>Refer to Section 17.72.030(C).</u></p>	<p>X</p>		<p><del>The following projects may be eligible for staff waivers (See Section 17.16.110</del></p> <p><del>a. Loft additions, crawlspace conversions, basement additions that are entirely below the finished grade of a project site, and other additions that are not visible or do not move exterior walls.</del></p> <p><del>b. Addition of 300 square feet on or after March 21, 1996.</del></p>

<sup>1</sup> See Department of Parks and Recreation Primary Record Forms on file with the City of San Clemente Planning Division for the type of resource listed (building, structure,

~~<sup>2</sup> This only applies to projects with additions or new buildings within architectural overlay districts.~~

**D. Submittal Requirements.** Please refer to the submittal requirements in Section 17.12.040, Filing an Application, and Section 17.12.060, Applications Requiring Additional Information, ~~of this title.~~

**E. Application Filing, Processing, and Review Procedures.**

~~1. Architectural and Cultural Heritage Permits. All Architectural and Cultural Heritage Permits shall be reviewed in the same manner as a Site Plan Permit applications, as described in Section 17.16.050(E)(1), Site Plan Permits, of this chapter, except that projects shall also require review by the Design Review Subcommittee in the following cases:~~

~~a. — When the City Planner Determines Review is Necessary. Once an application is complete, the Planning Division shall review the project for a determination as to whether the project, in the opinion of the City Planner, satisfies the applicable findings contained in subsection (F) of this section. If staff determines the application does not satisfy one or more of the applicable findings contained in subsection (F), the Planning Division shall submit its report along with all applicable project documents to the Design Review Subcommittee of the Planning Commission. All projects being reviewed by the Design Review Subcommittee shall be agendized at least 72 hours in advance of the hearing. The Design Review Subcommittee shall review the project and make comments and recommendations to the applicant regarding changes or modifications which the Subcommittee believes are necessary for the project to satisfy all the applicable findings contained in subsection (F) of this section.~~

~~Within 30 days (or longer if requested by the applicant) of Design Review Subcommittee review, or within 15 days of the determination of the City Planner that the project satisfies the applicable findings in subsection (F) of this section, the Planning Division shall submit its report on the project, together with all project documents appended thereto, to the City Planner for Planning Commission review.~~

~~In circumstances where the Planning Commission deems it appropriate, the Planning Commission may refer a matter back to the Design Review Subcommittee for additional consultation between the Design Review Subcommittee and the applicant. If a matter is referred back, the project shall be processed in the same manner as provided in this subsection.~~

~~b. — When the Planning Commission Determines Review is Necessary. In circumstances where the Planning Commission deems it appropriate, the Planning Commission may refer matters to the Design Review Subcommittee for consultation between the Design Review Subcommittee and the applicant. If a matter is referred back, the project shall be processed in the same manner as provided in paragraph a, When the City Planner Determines Review is Necessary, of this subdivision.~~

~~2. — Minor Architectural Permits and Minor Cultural Heritage Permits shall be reviewed as follows:~~



~~a. — Public Hearing and Notification. A Zoning Administrator public hearing shall be noticed and held in compliance with Section 17.12.100, Public Hearing and Notification, in this Title, following receipt of a completed application, and completion of required environmental documentation.~~

~~b. — Decision by Resolution. After completion of the public hearing, the Zoning Administrator shall indicate by resolution whether the proposed Minor Architectural Permit and Minor Cultural Heritage Permit for a project shall be approved, approved with modifications and/or conditions, or denied.~~

1. Application filing. The review process is initiated when the Planning Division receives an application package. The application package shall include the required information and materials specified in the application and any additional information required by the City Planner or review authority to conduct a thorough review of the proposed project.
2. Application review. Each application shall be reviewed to ensure that proposals are consistent with the purpose of this Chapter; applicable development standards, policies, regulations, and guidelines.
  - a. Development Management Team review. The Development Management Team reviews an application to determine if it is complete and complies with applicable development standards, policies, regulations, and guidelines. Within 30 calendar days of application filing, the applicant is notified if their application is complete or if information is needed to complete the application and resume the review process. The Development Management Team also makes comments and recommendations to provide helpful information to applicants and notify them when a proposal does not comply with development standards, policies, regulations, and guidelines.
  - b. Environmental review. After an application is complete, the project shall be reviewed in compliance with the California Environmental Quality Act to determine if environmental studies are required. If studies are required, then they shall be completed at the applicant's expense, which may require consultant services.
  - c. Design Review Subcommittee review. The Design Review Subcommittee shall review applications for Architectural Permits and Cultural Heritage Permits. For Minor Architectural Permits and Minor Cultural Heritage Permits, applications shall be reviewed by the Design Review Subcommittee if the City Planner determines proposals do not meet required findings. If the City Planner determines Design Review Subcommittee review is unnecessary, the determination should be noted in the staff report to the review authority. The Design Review Subcommittee is an advisory body that reviews design issues and provides a recommendation to the review authority per procedures in Section 17.12.025.

3. Public hearing and appeal provisions.

- a. Public hearing is required. A public hearing and notification shall be conducted in compliance with Section 17.12.100.
- b. The review authority shall review the proposed project and approve, approve with conditions, or deny the application at a public hearing based on an ability to meet required findings.
- c. The review authority's decision may be appealed per Section 17.12.140.

**F. Required Findings.**

1. Architectural and Minor Architectural Permits. Prior to approval of an application for an Architectural or Minor Architectural Permit, the following findings shall be made:
  - a. The architectural treatment of the project complies with the San Clemente General Plan; and
  - b. The architectural treatment of the project complies with any applicable specific plan and this title in areas including, but not limited to, height, setback color, etc.; and
  - c. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines; and
  - d. The general appearance of the proposal is in keeping with the character of the neighborhood;
  - e. The proposal is not detrimental to the orderly and harmonious development of the City.
2. Cultural Heritage and Minor Cultural Heritage Permits. In addition to the general findings for approval of an Architectural or Minor Architectural Permit, the following specific findings shall be made prior to approval of an application for a Cultural Heritage or Minor Cultural Heritage Permit:
  - a. For new structures and remodels in the Architectural Overlay District, one of the following findings shall be made:
    - i. The proposed project/use preserves and strengthens the pedestrian-orientation of the district and/or San Clemente's historic identity as a Spanish village; or
    - ii. The proposed project/use is a minor remodel and it is not practical or desirable, in this particular case, to attempt conversion to a pedestrian-orientation and/or Spanish Colonial Revival style. The proposed

changes, however, improve the quality and architectural integrity of the proposed project.

- b. For historic resources, the following finding shall be made:
  - i. The City finds that the proposed modifications, alterations, or additions are sufficiently in conformance with the Secretary of the Interior Standards for the Treatment of Historic Properties and the San Clemente Design Guidelines to substantially further the City's goals of historic preservation, or
  - ii. For resources on the City's Landmarks List, the proposed rehabilitation, restoration, preservation, or reconstruction, including modifications, alterations, or additions, are found to be in conformance with the Secretary of the Interior Standards for the Treatment of Historic Properties and preserve to the extent feasible the character defining features.
- c. For projects reviewed because they are abutting or within 300 feet of an historic property, the following finding shall be made:

The proposed project will not have negative visual or physical impacts upon the historic structure.
- d. For projects reviewed because they are in the Architectural Overlay District, the following finding shall be made: the proposed project complies with the purpose and intent of the Architectural Overlay District, Section 17.56.020 ~~of this title.~~

**G. Appeals.** An appeal of the action on an Architectural Permit shall be reviewed in accordance with Section 17.12.140, Appeals of an Action, ~~of this title.~~

**H. Modifications Requested by the Applicant.** Modifications to approved Architectural/Cultural Heritage or Minor Architectural/Cultural Heritage Permits shall be reviewed in accordance with Section 17.12.180, Modification of an Approved Application, ~~of this title.~~

**I. Modifications and/or Revocations Initiated by the City.** The City may make changes or revoke the approval of applications when conditions of approval are violated, it is necessary to resolve a nuisance, and/or when the application contained incorrect, false, or misleading information. Refer to Section 17.16.175 for related procedures and required findings.

~~1.—Initiation and Review.~~

~~a. Architectural and Cultural Heritage Permits. The City Council may initiate and review modifications or revocations of architectural/cultural heritage in the same manner as a Site Plan Permit, as described in Section 17.16.050(1)(1) and (2), Initiating Review of a Site Plan Permit or Minor Site Plan Permit and Review Procedures, of this title.~~

~~b. Minor Architectural and Cultural Heritage Permits. The City Council may initiate and review modifications and/or revocations of Minor Architectural/Cultural Heritage Permits in the same manner as Minor Site Plan Permits, as described in Section 17.16.050(1)(1) and (2)(b), Initiating Review of a Site Plan Permit or Minor Site Plan Permit, and Review Procedures, of this title.~~

## ~~2. Required Findings.~~

~~a. General Findings for Modifications/Revocation. Architectural/Cultural Heritage Permits or Minor Architectural/Cultural Heritage Permits may be modified or revoked if any of the following conditions exist:~~

~~i. Conditions of approval of the Architectural/Cultural Heritage or Minor Architectural/Cultural Heritage Permits are being violated or are not being satisfied; or~~

~~ii. The application contained incorrect, false, or misleading information.~~

**J. Other Review Requirements.** ~~For other general requirements related to the review of applications, such as time limits on approvals and requests for extensions of approvals, please refer to Chapter 17.12, Development Review Process, of this title.~~ Refer to Chapter 17.12, Development Review Process, for general application processing requirements, such as time limits on approvals, time extensions, and the review of multiple applications concurrently.

**K. Approval Runs with the Land.** The approval of Architectural/Cultural Heritage and Minor Architectural/Cultural Heritage Permits shall run with the land, and shall continue to be valid upon a change of ownership of the site to which it applies.

**Section 13:** Section 17.16.110 of the Municipal Code is hereby amended as follows:

### **17.16.110 Staff waivers of Minor Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits.**

**A. Purpose and Intent.** ~~The purpose of the staff waiver process is to eliminate the need for Architectural/Cultural Heritage and Minor Architectural/Cultural Heritage Permits for projects that are so minor in scope that they do not substantially alter the visual appearance or architectural integrity of a property or structure. The staff waiver process is intended to accommodate projects which are more minor than those requiring Architectural/Cultural Heritage Permits, Minor Architectural/Cultural~~

~~Heritage Permits, and/or Planning Commission/Zoning Administrator waivers from Cultural Heritage Permits.~~ For eligible projects, the City Planner may waive Minor Architectural Permits and Minor Cultural Heritage Permits. The purpose of staff waivers is to shorten the review process of minor projects that maintain or improve quality of life, that are clearly consistent with the General Plan and City Design Guidelines, and that meet required findings for permits waived. The intent of this provision is to facilitate and incentivize minor projects that are encouraged by City goals and policies.

- B. Authority.** The City Planner is the final authority on staff waivers ~~from the Architectural/Cultural Heritage Permit and Minor Architectural/Cultural Heritage Permit process~~, subject to the concurrent review and appeal provisions of Section 17.12.090, Consideration of Concurrent Applications, and Section 17.12.140, Appeals of an Action, ~~of this title.~~
- C. Applicability.** ~~Staff waivers may be requested for projects that meet all of the following criteria:~~ 1. ~~The project requires approval of an Architectural Permit, Cultural Heritage Permit, Minor Architectural Permit, or Minor Cultural Heritage Permit.~~
- ~~2. The required findings can be made for the approval of a staff waiver.~~
- ~~3. Table 17.16.100A or Table 17.16.100B specifies the proposed project may be eligible for a staff waiver.~~
1. Eligible request. The City Planner may approve staff waivers for the following items:
- a. Minor repair and preservation of historic resources and landmarks. Minor exterior repairs and preservation measures that improve the historical integrity of historic resources and landmarks.
  - b. Minor exterior changes to buildings and structures, excluding historic resources and landmarks. Exterior changes minor in nature that improve a structure's appearance and architectural integrity. The building's design, footprint, massing, and height are essentially kept intact, but minor height changes are allowed to modify roofing materials or to remove roof details that are unattractive, such as a mansard Spanish roof element on a contemporary building. Exterior changes shall be consistent with the City's Design Guidelines, and Architectural Overlay District policies when applicable.
  - c. Minor additions to private recreational facilities and minor utility buildings located outside the Architectural Overlay District. Additions up to 2,000 square feet or less than 50 percent of existing floor area, whichever is

smaller. Additions must be mostly or entirely screened from public property view and view corridors.

- d. Basement and interior additions to historic resources and landmarks. Additions that are below ground and within buildings such as lofts and the conversion of crawlspace into floor area.
- e. Additions to residential buildings, excluding historic resources and landmarks. Additions up to 500 square feet that do not have adverse visual impacts on historic resources and landmarks. Additions must be mostly or entirely screened from public right-of-way that adjoins properties on the City's Designated Historic Resources and Landmarks Lists. Additions shall maintain or reduce a building's height, except for minor height increases to change roofing materials. For example, this would include an addition to the front of a residence that is adjacent to the rear of a historic structure and the addition would not increase the height of the house. When a building is nonconforming, waivers shall not be issued for projects that expand the floor area of buildings by 50 percent or greater since the adoption date of the Zoning Ordinance (March 21, 1996).
- f. Accessory structures on sites not identified on the City's Designated Historic Resources and Landmarks List. Construction, expansion, or modification of accessory structures that do not have adverse visual impacts on historic resources and landmarks. Structures must be mostly or entirely screened from public right-of-way that adjoins properties on the City's Designated Historic Resources and Landmarks Lists. For properties in the Architectural Overlay District, accessory structures may be visible from public property view if they are minor in nature and their design, materials, and colors are clearly compatible with adjacent buildings and consistent with the City's Design Guidelines and Architectural Overlay District policies. This includes but is not limited to: fences, walls, pilasters, gates, small at-grade decks and stairs, fountains, trash enclosures, equipment screens, patio covers (residential sites), and pools (residential sites).
- g. Minor landscaping and hardscape changes.
- h. Minor site alterations required by State or Federal law. Minor site alterations required to comply with disabled access requirements or other State or Federal regulations.
- i. Other minor projects that do not substantially alter the visual appearance and/or architectural integrity of the property or structure.

2. Ineligible requests. The following items are ineligible for a staff waiver:

- a. Nonresidential retaining walls, walls, fences, or hedges over six feet high.

b. Exterior additions to nonconforming nonresidential buildings, except private recreational facilities and minor utility buildings located outside the Architectural Overlay District, per Subsection 1c.

c. Additions to nonconforming residential buildings that increase a building's height or expand its floor area by 50 percent or greater since the adoption date of the Zoning Ordinance (March 21, 1996).

**D. Submittal Requirements.** Please refer to the submittal requirements in Section 17.12.040, Filing an application, and Section 17.12.060, Applications Requiring Additional Information, ~~of this title.~~

**E. Application Filing, Processing, and Review Procedures.** The City Planner shall approve, approve with modifications and/or conditions, or deny ~~the request for~~ a staff waiver request within 15 days following receipt of a completed application. If more than 15 days lapse, then Should and a decision is not made, the City Planner ~~fail to render a decision within 15 days of receiving an application,~~ the applicant may request ~~that~~ the waiver application be forwarded to the Planning Commission for review and action ~~in the same manner as requests for Planning Commission waivers, as described in Section 17.16.120, Planning Commission/Zoning Administrator Waivers of Cultural Heritage and Minor Cultural Heritage Permits, of this chapter. The Planning Commission shall be provided a summary of staff waiver decisions at the next regularly scheduled meeting.~~

~~A brief summary of staff's decision regarding the waiver shall be provided as a matter of information to the Planning Commission, at the Planning Commission's next regularly scheduled meeting following staff's decision, at which the item can be agendaized under reports to the Commission.~~

**F. Required Findings.** ~~Prior to the approval of an application for a staff waiver, all of the following findings shall be made:~~

- ~~1. The project does not substantially alter the visual appearance and/or architectural integrity of the property or structure.~~
- ~~2. For resources on the City's Designated Historic Resources and Landmarks Lists, the proposed modifications, alterations, or additions are found to be in conformance with the Secretary of the Interior Standards for the Treatment of Historic Properties and retain all character defining features.~~

The review authority shall meet the required findings for the Minor Architectural Permit or Minor Cultural Heritage Permit being waived [Section 17.16.100(F)].

**G. Appeals.** An appeal of ~~the decision on~~ a staff waiver decision shall be reviewed in ~~accordance with~~ per Section 17.12.140, Appeals of an Action, ~~of this title.~~

- H. Modifications Requested by the Applicant.** The City may make changes or revoke the approval of applications when conditions of approval are violated, it is necessary to resolve a nuisance, and/or when the application contained incorrect, false, or misleading information. Refer to Section 17.16.175 for related procedures and required findings. ~~Modifications to approved staff waivers shall be reviewed in accordance with Section 17.12.180, Modification of an Approved Application, of this title.~~
- I. Other Review Requirements.** ~~For other general requirements related to the review of applications, such as time limits on approvals and requests for extensions of approvals, please refer to Chapter 17.12, Development Review Process, of this title.~~ Refer to Chapter 17.12, Development Review Process, of this title: for general application processing requirements, such as time limits on approvals, time extensions, and the review of multiple applications concurrently.

**Section 14:** Section 17.16.120 of the Municipal Code is hereby stricken in its entirety as follows.

~~**17.16.120 Planning Commission/Zoning Administrator waivers of Cultural Heritage and Minor Cultural Heritage Permits.**~~

- ~~**A. Purpose and Intent.** The purpose of the Planning Commission/Zoning Administrator waiver process is to eliminate the need for Cultural Heritage or Minor Cultural Heritage Permits for projects that, because of their scale, location or nature, do not have the potential to adversely impact properties on the City's Designated Historic Resources and Landmarks Lists. The Planning Commission/Zoning Administrator waiver process is intended to address projects that are too large to be eligible for staff waivers from Cultural Heritage Permits, as described in Section 17.16.110, Staff Waivers of Architectural Permits, of this chapter.~~
- ~~**B. Authority.** The Planning Commission is the final authority on Planning Commission waivers for Cultural Heritage Permits, subject to the concurrent review and appeal provisions of Section 17.12.090, Consideration of Concurrent Applications, and Section 17.12.140, Appeals of an Action, of this title.~~

~~The Zoning Administrator is the final authority on Zoning Administrator waivers for Minor Cultural Heritage Permits, subject to the concurrent review and appeal provisions of Section 17.12.090, Consideration of Concurrent Applications, and Section 17.12.140, Appeals of an Action, of this title.~~

~~When the Zoning Administrator determines that it is in the public interest for the waiver application to be considered by the Planning Commission, the Zoning Administrator shall forward the application to the Planning Commission for review in the same manner as a Planning Commission waiver, as described in this subsection.~~

- ~~**C. Applicability.**~~



~~1. Planning Commission waivers from Cultural Heritage Permits may be requested for the following:~~

~~a. All new individual duplexes and single family residential structures, as well as all additions of greater than 200 square feet to these structures, when located on, or relocated to, property which abuts property included on the City's Designated Historic Resources and Landmarks Lists;~~

~~b. All new individual triplex and fourplex residential structures, as well as additions of greater than 200 square feet to these structures, when located on, or relocated to, property within 300 feet of property included on the City's Designated Historic Resources and Landmarks Lists.~~

~~2. Zoning Administrator waivers from Minor Cultural Heritage Permits may be requested for the following:~~

~~a. Modifications, alterations, and/or additions of 200 square feet or less to duplexes and single family residences, when located on, or relocated to, property which abuts property included on the City's Designated Historic Resources and Landmarks Lists;~~

~~b. Modifications, alterations, and/or additions of 200 square feet or less to triplexes or fourplexes, when located on, or relocated to, property within 300 feet of property included on the City's Designated Historic Resources and Landmarks Lists.~~

~~D. **Submittal Requirements.** Please refer to the submittal requirements in Section 17.12.040, Filing an Application, and Section 17.12.060, Applications Requiring Additional Information, of this title.~~

~~E. **Review Procedures.** Following receipt of a completed waiver application, the City Planner shall place the application on the next regularly scheduled meeting of the Planning Commission/Zoning Administrator for which the item can be agendaized, as a New Business Item. At the meeting, the Planning Commission/Zoning Administrator shall approve, approve with modifications and/or conditions, or deny the waiver request.~~

~~F. **Required Findings.** Prior to the approval of an application for a waiver, the following finding shall be made:~~

~~Because of its scale, location, and/or nature, the development or improvement does not have the potential to adversely impact property on the City's Designated Historic Resources and Landmarks Lists.~~

~~G. **Appeals.** An appeal of the decision on a Planning Commission/Zoning Administrator waiver shall be reviewed in accordance with Section 17.12.140, Appeals of an Action of this title.~~

~~H. **Modifications Requested by the Applicant.** Modifications to approved waivers shall be reviewed in accordance with Section 17.12.180, Modification of an Approved Application, of this title.~~

~~I. **Other Review Requirements.** For other general requirements related to the review of applications, such as time limits on approvals and requests for extensions of approvals, please refer to Chapter 17.12, Development Review Process, of this title.~~

**Section 15:** Section 17.16.130 of the Municipal Code is hereby amended as follows:

**17.16.130 City Antenna Permits.**

- A. Purpose and Intent.** The purpose of the City Antenna Permit process is to allow for the streamlined review of requests for all ~~new/proposed, replacement of existing, addition to existing, and replacement/upgrade of~~ new wireless antennas on City property that are consistent with the City Wireless Master Plan and conform to the height limitations for the zoning district in which an antenna is proposed. ~~Establishment of the~~ The City Antenna Permit review process is intended to prevent the negative impacts of ~~the antenna proliferation of antennas~~ on City property.
- B. Authority.** ~~The City Manager is the final authority on City Antenna Permits involving the replacement of or addition to an existing antenna on City property, as long as the replacement or addition does not exceed the height of an existing antenna on site, subject to the concurrent review and appeal provisions of Sections 17.12.090, Consideration of Concurrent Applications, and Section 17.12.140, Appeals of an Action, of this title.~~ The Zoning Administrator is the final authority on City Antenna Permits ~~meeting pre-approved design concepts for City properties identified in the City of San Clemente Wireless Master Plan,~~ subject to the concurrent review and appeal provisions of Sections 17.12.090, Consideration of Concurrent Applications, and Section 17.12.140, Appeals of an Action, ~~of this title.~~ The Zoning Administrator has the discretion to refer applications to the Planning Commission for review and final action.
- C. Applicability.** A City Antenna Permit shall be required for ~~all new/proposed, replacement of existing (excluding replacement for routine maintenance), addition to existing, and replacement/upgrade of~~ antennas on City property that are consistent with the City Wireless Master Plan and conform to the height limitations for the zoning district in which an antenna is proposed. ~~Exemptions: These provisions shall not apply to replacement of or addition to an existing antenna~~ Exemption: antennas used by the City. ~~For other requirements related to antennas on City property, please refer to Section 17.28.070, Antennas on City Property, of this title.~~ The City Planner initially determines if a project is consistent with the Wireless Master Plan and complies with height limitations. If an antenna does not meet these criteria, then a Conditional Use Permit is required to allow a new antenna on City property.

**D. Submittal Requirements.** Please refer to the submittal requirements in Section 17.12.040, Filing an Application, and Section 17.12.060, Applications Requiring Additional Information, ~~of this title.~~

**E. Application Filing, Processing, and ReviewProcedures.**

~~City Antenna Permit applications that do not require a Conditional Use Permit shall undergo a form of review, analysis, and a recommendation performed by the Planning staff. Such review, analysis, and recommendation shall be placed on the agenda for the Planning Commission's Design Review Subcommittee meeting. The Design Review Subcommittee shall consider and provide comment on staff's review, analysis, and recommendation. For antennas meeting pre-approved design concepts for City properties identified in the City of San Clemente Wireless Master Plan a public hearing before the Zoning Administrator shall be noticed and held in compliance with Section 17.12.100, Public Hearing and Notification, of this title. After completion of the public hearing, the Zoning Administrator shall indicate by resolution whether the proposed antenna shall be approved, approved with modifications and/or conditions, or denied prior to City Council approving a Lease Agreement with the applicant. For all other City Antenna Permits, City Manager approval of the permit shall be required prior to City Council approval of a Lease Agreement with the applicant. In lieu of the application fee, the Planning Division may establish a deposit account from the applicant to cover the actual cost of staff time to review and analyze the City Antenna Permit application.~~

1. Application filing. The review process is initiated when the Planning Division receives a complete application package. The application package shall include the required information and materials specified in the application and any additional information required by the City Planner or review authority to conduct a thorough review of the proposed project.
2. Application review. Each application shall be reviewed to ensure that proposals are consistent with the purpose of this Chapter; applicable development standards, policies, regulations, and guidelines.
  - a. Development Management Team review. The Development Management Team reviews an application to determine if it is complete and complies with applicable development standards, policies, regulations, and guidelines. Within 30 calendar days of application filing, the applicant is notified if their application is complete or if information is needed to complete the application and resume the review process. The Development Management Team also makes comments and recommendations to provide helpful information to applicants and notify them when a proposal does not comply with development standards, policies, regulations, and guidelines.
  - b. Environmental review. After an application is complete, the project shall be reviewed in compliance with the California Environmental Quality Act to determine if environmental studies are required. If studies are required, then

they shall be completed at the applicant's expense, which may require consultant services.

c. Design Review Subcommittee review. The Design Review Subcommittee shall review applications. The Design Review Subcommittee is an advisory body that reviews design issues and provides a recommendation to the review authority per procedures in Section 17.12.025.

3. Public hearing and appeal provisions.

a. Public hearing is required. A public hearing and notification shall be conducted in compliance with Section 17.12.100.

b. The review authority shall review the proposed project and approve, approve with conditions, or deny the application at a public hearing based on an ability to meet required findings.

c. The review authority's decision may be appealed per Section 17.12.140.

4. Lease agreement required. If the City Antenna Permit is approved, then City Council approval of a lease agreement is required.

**F. Required Findings.** ~~Refer to Section 17.28.070(E), Required Findings for City Antenna Permits, for findings required prior to approval.~~ Prior to the approval of a City Antenna Permit, all of the following findings shall be made:

1. The proposed project complies with the height limitations of the zoning district in which the project is proposed;

2. The proposed project does not interfere with the transmission or reception of other signals in the City;

3. The proposed project does not create adverse visual impacts to the surrounding area or to the City at large; and

4. The proposed project is consistent with the pre-approved design concepts for City properties identified in the City of San Clemente Wireless Master Plan.

**G. Appeals.** An appeal of the decision on a City Antenna Permit shall be reviewed in accordance with Section 17.12.140, Appeals of an Action, of this Title.

**H. Modifications Requested by the Applicant.** Modifications requested by the applicant to approved City Antenna Permits shall be reviewed in accordance with Section 17.12.180, Modifications of an Approved Application, of this Title.

**I. Modifications and/or Revocations Initiated by the City.**

~~1. Initiation and Review Procedures. Modifications or revocations of a City Antenna Permit may be initiated by the City Manager. The Zoning Administrator shall be the final authority on the modification or revocation of City Antenna Permits. Modification/revocation shall be reviewed in the same manner as modifications or revocations of Minor Site Plan Permits, as described in Section 17.16.050(I)(2)(b), Review Procedures, of this Chapter. The Zoning Administrator's decision to modify or revoke a City Antenna Permit may be appealed in accordance with Section 17.12.140, Appeals of an Action, of this Title.~~

~~2. Required Findings. Refer to Section 17.28.070(G)(2), Required Findings, for findings required prior to modification or revocation.~~

The City may make changes or revoke the approval of applications when conditions of approval are violated, it is necessary to resolve a nuisance, and/or when the application contained incorrect, false, or misleading information. Refer to Section 17.16.175 for related procedures and required findings. In addition to the general findings in Section 17.16.175, the City may revoke or modify a City Antenna Permit if one or more of the following findings are made:

1. The terms of the lease agreement with the City have not been fulfilled; or

2. The transmission or reception of signals from the antenna interferes with the City communications or other signals in the City.

~~J. Other Review Requirements. For other general requirements related to the review of applications, such as time limits on approvals and requests for extensions of approvals, please refer to Chapter 17.12, Development Review Process, of this Title.~~ Refer to Chapter 17.12, Development Review Process, for general application processing requirements, such as time limits on approvals and time extensions.

**K. Approval Runs with the Land.** The approval of City Antenna Permits shall run with the land, and shall continue to be valid upon a change of ownership of the site to which it applies.

**Section 16:** Section 17.16.140 of the Municipal Code is hereby amended as follows:

#### **17.16.140 Home Occupation Permits.**

##### **J. Modifications and/or Revocations Initiated by the City.**

**A. Purpose and Intent.** The purpose of the Home Occupation Permit process is to provide for review of requests for incidental and accessory uses to be established in residential neighborhoods under conditions that will ensure their compatibility with the primary residential use. The process is intended to allow residents to engage in home businesses that are harmonious with a residential environment.

- B. **Authority.** The City Planner is the final authority on Home Occupation Permits, subject to the appeal provisions of Section 17.12.140, Appeals of an Action, of this title and the provisions for Home Occupations Permits found in Section 17.28.160, Home Occupations, ~~of this title.~~ The City Planner has the discretion to refer applications to the Zoning Administrator for review and final action. If an application is referred to the Zoning Administrator, a public hearing and notification is required per Section 17.12.100.

~~If the City Planner finds that, due to the location or nature of the proposed home occupation, a significant adverse neighborhood impact may result, the City Planner may schedule the home occupation application for a public hearing in the same manner as a Minor Conditional Use Permit application, in accordance with Section 17.16.070, Minor Conditional Use Permits, of this chapter.~~

- C. **Applicability.** A Home Occupation Permit is required for any business operated in a dwelling unit legally existing in any zone.
- D. **General Regulations.** For the general regulations for Home Occupation Permits, please refer to Section 17.28.160(C), Minimum Standards, ~~of this title.~~
- E. **Submittal Requirements.** Please refer to the submittal requirements in Section 17.12.040, Filing an Application, and Section 17.12.060, Applications Requiring Additional Information, ~~of this title.~~
- F. **Review Procedures.** The City Planner shall approve, conditionally approve, or deny the application, subject to the requirements for Home Occupation Permits found in Section 17.28.160(C), Minimum Standards, ~~of this title,~~ within 15 days following receipt of a completed application. ~~Should the City Planner fail to render a decision within 15 days of receiving a completed application, the applicant may request that the Home Occupation Permit application be forwarded to the Planning Commission for review in the same manner as requests for Planning Commission waivers, as described in Section 17.16.120, Planning Commission/Zoning Administrator Waivers of Cultural Heritage and Minor Cultural Heritage Permits, of this chapter.~~ If an application is not acted upon within 30 days, the application shall be put on the agenda for the next regularly scheduled Zoning Administrator meeting as a New Business item. The Zoning Administrator shall approve, approve with modifications, or deny the Home Occupation Permit.
- G. **Required Findings.** Prior to the approval of an application for a Home Occupation Permit, a finding shall be made that the application complies with the minimum standards for home occupations in accordance with Section 17.28.160(C), Minimum Standards, ~~of this title.~~
- H. **Appeals.** An appeal of the decision on a Home Occupation Permit shall be reviewed in accordance with Section 17.12.140, Appeals of an Action, ~~of this title.~~

I. **Modifications Requested by the Applicant.** Modifications to approved Home Occupation Permits shall be reviewed in accordance with Section 17.12.180, Modifications of an Approved Application, ~~of this title.~~

J. **Modifications and/or Revocations Initiated by the City.**

~~1. — Initiation and Review Procedures. Modifications or revocations of a Home Occupation Permit may be initiated by the City Manager. The Zoning Administrator shall be the final authority on the modification or revocation of Home Occupation Permits. Modification/revocation shall be reviewed in the same manner as modifications or revocations of Minor Site Plan Permits, as described in Section 17.16.050(1)(2)(b), Review Procedures, of this chapter. The Zoning Administrator's decision to modify or revoke a Home Occupation Permit may be appealed in accordance with Section 17.12.140, Appeals of an Action, of this title.~~ The City may make changes or revoke the approval of applications when conditions of approval are violated, it is necessary to resolve a nuisance, and/or when the application contained incorrect, false, or misleading information. Refer to Section 17.16.175 for related procedures and required findings. In addition to the general findings in Section 17.16.175, the City may revoke or modify a Home Occupation Permit if one or more of the following findings are made:

~~2. — Required Findings. A Home Occupation Permit may be modified or revoked if any of the following findings can be made:~~

~~a1.~~ a1. The provisions of Section 17.28.160(C), Minimum Standards, ~~of this title, relative for te~~ Home Occupation Permits, are being violated or are not being satisfied.

~~b. — The use is being conducted in a manner that constitutes a nuisance.~~

~~c. — The application contained incorrect, false or misleading information.~~

~~d2.~~ d2. The home occupation for which the permit was granted has ceased or has been suspended for six calendar months.

~~e3.~~ e3. The conditions of the premises, or the surrounding district or areas have changed so that the home occupation may no longer be justified under the meaning or intent of this section.

K. **Other Review Requirements.** For other general requirements related to the review of applications, such as time limits on approvals and requests for extensions of approvals, please refer to Chapter 17.12, Development Review Process, ~~of this title.~~

L. **Approval Runs with the Applicant/Location.** A Home Occupation Permit remains valid as long as the applicant complies with all conditions and remains at the specific address for which the permit was established.

**Section 17:** Section 17.16.150 of the Municipal Code is hereby amended as follows:

**17.16.150 Temporary Use Permits.**

- A. Purpose and Intent.** The purpose of the Temporary Use Permit process is to provide for the review of certain temporary land use activities, as detailed in Section 17.28.300, Temporary Uses and Structures, to ensure that adverse impacts on surrounding properties, residents and businesses are minimized, that the time limitations for temporary uses are specified and complied with, and that the site of temporary use is restored to its condition prior to establishment of the use.
- B. Authority.** The City Planner is the final authority on Temporary Use Permits, ~~subject to the concurrent review and appeal provisions of Section 17.12.090, Consideration of Concurrent Applications, and Section 17.12.140, Appeals of an Action, of this title. If the City Planner finds that, due to the location or nature of the proposed temporary use, a significant adverse neighborhood impact may result, the City Planner may schedule the temporary use application for a public hearing, in the same manner as a Minor Conditional Use Permit application in accordance with Section 17.12.070, Minor Conditional Use Permits, of this chapter. The City Planner has the discretion to refer applications to the Zoning Administrator for review and final action. If an application is referred to the Zoning Administrator, a public hearing and notification is required per Section 17.12.100.~~
- C. Applicability.** The provisions of this section shall apply to all temporary uses and structures requiring the approval of a Temporary Use Permit, as required in Section 17.28.300, Temporary Uses and Structures.
- ~~1. Construction office, security quarters, storage yards and large containers for construction project;~~
  - ~~2. Parking lot sales/temporary outdoor display.~~
  - ~~3. Model home sales complexes and sales offices.~~
- D. Submittal Requirements.** Please refer to the submittal requirements in Section 17.12.040, Filing an Application, and Section 17.12.060, Applications Requiring Additional Information, ~~of this title.~~
- E. Review Procedures.** The City Planner shall approve, conditionally approve, or deny the application, ~~subject to the requirements for Temporary Use Permits found in Section 17.28.300, Temporary Uses and Structures, of this title,~~ within 15 days following receipt of a completed application. ~~Should the City Planner fail to render a decision within 15 days of receiving a completed application, the applicant may request that the Temporary Use Permit application be forwarded to the Planning Commission for review in the same manner as requests for Planning Commission waivers, as described in Section 17.16.120, Planning Commission/Zoning Administration Waivers of Cultural Heritage/Minor Cultural Heritage Permits, of this chapter. If an application is not acted upon within 30 days, the application shall be put on the agenda for the next regularly scheduled Planning commission meeting as~~



a New Business item. The Planning Commission shall approve, approve with modifications, or deny the Temporary Use Permit.

F. **Conditions.** Please refer to Section 17.28.300(H), Conditions, for a list of potential conditions of approval for temporary uses.

G. **Required Findings.** Prior to the approval of an application for a Temporary Use Permit, ~~the same findings shall be required for the approval of a Conditional Use Permit, as described in Section 17.16.060(F), Conditional Use Permits, of this chapter.~~ all of the following findings shall be made:

a. The proposed use is permitted within the subject zone pursuant to the approval of a Temporary Use 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.

b. The site is suitable for the type and intensity of use that is proposed.

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.

d. The proposed use will not negatively impact surrounding land uses.

H. **Appeals.** An appeal of the decision on a Temporary Use Permit shall be reviewed in accordance with Section 17.12.140, Appeals of an Action, ~~of this title.~~

I. **Modifications Requested by the Applicant.** Modifications requested by the applicant to approved Temporary Use Permits shall be reviewed in accordance with Section 17.12.180, Modifications of an Approved Application, ~~of this title.~~

J. **Modifications and/or Revocations Initiated by the City.** The City may make changes or revoke the approval of applications when conditions of approval are violated, it is necessary to resolve a nuisance, and/or when the application contained incorrect, false, or misleading information. Refer to Section 17.16.175 for related procedures and required findings.

~~1. Initiation and Review Procedures. Modifications or revocations of a Temporary Use Permit may be initiated by the City Manager. The Zoning Administrator shall be the final authority on the modification or revocation of Temporary Use Permits. Modification/revocation shall be reviewed in the same manner as modifications or revocations of Minor Site Plan Permits, as described in Section 17.16.050(1)(2)(b), Review Procedures, of this chapter. The Zoning Administrator's decision to modify or revoke a Temporary Use Permit may be appealed in accordance with Section 17.12.140, Appeals of an Action, of this title.~~

~~2. Required Findings. A Temporary Use Permit may be modified or revoked if any of the following findings can be made:~~

- ~~a. The conditions of the Temporary Use Permit are being violated or are not being satisfied; or~~
  - ~~b. The use is being conducted in a manner that constitutes a nuisance;~~
  - ~~c. The application contained incorrect, false, or misleading information.~~
- K. Other Review Requirements.** ~~For other general requirements related to the review of applications, such as time limits on approvals and requests for extensions of approvals, please refer to Chapter 17.12, Development Review Process, of this title.~~ Refer to Chapter 17.12, Development Review Process, for general application processing requirements, such as time limits on approvals and time extensions.
- L. Approval Runs with the Land.** The approval of applicant/location permits shall run with the land, and shall continue to be valid upon a change of ownership of the site to which it applies.

**Section 18:** Section 17.16.155 of the Municipal Code is hereby amended as follows:

**17.16.155 Special Activities Permits.**

- A. Purpose and Intent.** The purpose of the Special Activities Permit process is to provide for the review of certain temporary land use activities on private property, as detailed in Section 17.28.295, Special Activities, of this title, to ensure that adverse impacts on surrounding properties, residents and businesses are minimized, that the time limitations for special activities are specified and complied with, and that the site of special activity is restored to its condition existing prior to establishment of the activity.
- B. Authority.** The table below describes the authority on Special Activities Permits, subject to the concurrent review and appeal provisions of Section 17.12.090, Consideration of Concurrent Applications, and Section 17.12.140, Appeals of an Action. The Community Development Director and Zoning Administrator have the discretion to refer applications to the Planning Commission for review and final action. When an application is referred, a public hearing and notification is required per Section 17.12.100.

**Table 17.16.155A**

**Review Requirements for Applicable Special Activities in Non-Residential Zones**

Threshold for review— Number of days the special activity	Discretionary— Community Development Director	Discretionary— Zoning Administrator	Discretionary— Planning Commission

<b>will occur during a calendar year</b>			
One day:	X		
With beer and wine consumption	X		
With hard alcohol consumption	X		
Two or more days and not to exceed 15 days:		X	
With beer and wine consumption		X	
With hard alcohol consumption			X

C. **Applicability.** The provisions of this section shall apply to all special activities on private property requiring the approval of a Special Activities Permit, as required in Section 17.28.295, Special Activities.

1. Non-residential zones. A Special Activity is defined as any activity on private property (commercial or non-commercial) which temporarily intensifies the impacts (i.e., parking, traffic, noise, light and glare, etc.) of an existing permitted use or which create a potential conflict among land uses. Normal sales or functions which are incidental to the existing permitted use (i.e., sales conducted within the structure of an existing retail use, live entertainment if currently permitted under a Conditional Use Permit, etc.) shall not be considered a Special Activity. Typical activities that would be considered a Special Activity within non-residential zones would include, but not be limited to, art shows, open house, grand openings, and activities providing shuttle or valet service.

D. **Submittal Requirements.** Please refer to the submittal requirements in Section 17.12.040, Filing an Application, and Section 17.12.060, Applications Requiring Additional Information, ~~of this title.~~

E. **Review Procedures.** ~~If review is required by the Community Development Director, the Community Development Director shall approve, conditionally approve, or deny the application, subject to the requirements for Special Activities found in Section~~

~~17.28.295, Special Activities, of this title, within 15 days following receipt of a completed application.~~

~~If discretionary review is required by the Zoning Administrator, the application shall be reviewed in the same manner as a Minor Conditional Use Permit, in accordance with Section 17.16.070, Minor Conditional Use Permits of this title.~~

~~If discretionary review is required by the Planning Commission, the applicant shall file an application in the same manner as a Conditional Use Permit in accordance with Section 17.16.060, Conditional Use Permits, of this chapter.~~

All decisions are subject to appeal procedures set forth in Section 17.12.140, Appeals of an Action, of this title. Following the receipt of a complete application, the review authority, identified in Table 17.16.155A) shall review a Special Activities Permit request for compliance with minimum standards and make a decision based on an ability to meet required findings below. A public hearing and notification is required when the review authority is the Zoning Administrator or Planning Commission. If the Community Development Director is the review authority and an application is not acted upon within 30 days, the application shall be put on the agenda for the next regularly scheduled Planning Commission meeting as a New Business item. The Planning Commission then shall approve, approve with modifications, or deny the application.

- F. **Conditions.** Please refer to Section 17.28.295(F), Conditions, for a list of potential conditions of approval for temporary uses.
- G. **Required Findings.** Prior to the approval of an application for a Special Activities Permit, the following findings shall be made:
1. 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.
  2. The site is suitable for the type and intensity of use that is proposed.
  3. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity.
  4. The proposed use will not negatively impact surrounding land uses.
- H. **Appeals.** An appeal of the decision on a Special Activities Permit shall be reviewed in accordance with Section 17.12.140, Appeals of an Action, ~~of this title.~~
- I. **Modifications Requested by the Applicant.** Modifications requested by the applicant to approved Special Activities Permits shall be reviewed in accordance with Section 17.12.180, Modifications of an Approved Application, ~~of this title.~~

## J. Modifications and/or Revocations Initiated by the City.

~~1. Initiation and Review Procedures. Modifications or revocations of a Special Activities Permit may be initiated by the City Manager. If the Special Activities Permit received approval by the Community Development Director or the Zoning Administrator, the Zoning Administrator shall be the final authority on the modification or revocation of the Special Activities Permit. If the Special Activities Permit received Planning Commission approval, the Planning Commission shall be the final authority on the modification or revocation of the Special Activities Permit. The Zoning Administrator shall be the final authority on the modification or revocation of Special Activities Permits.~~

~~Modification/revocation shall be reviewed in the same manner as modifications or revocations of Minor Site Plan Permits, as described in Section 17.16.050(1)(2)(b), Review Procedures, of this chapter if the Zoning Administrator is reviewing the modification/revocation. The Zoning Administrator's decision to modify or revoke a Special Activities Permit may be appealed in accordance with Section 17.12.140, Appeals of an Action, of this title.~~

~~Modification/revocation shall be reviewed in the same manner as modifications or revocations of Site Plan Permits, as described in Section 17.16.050(1)(2)(a), Review Procedures, of this chapter if the Planning Commission is reviewing the modification/revocation. The Planning Commission's decision to modify or revoke a Special Activities Permit may be appealed in accordance with Section 17.12.140, Appeals of an Action, of this title.~~

The City may make changes or revoke the approval of applications when conditions of approval are violated, it is necessary to resolve a nuisance, and/or when the application contained incorrect, false, or misleading information. Refer to Section 17.16.175 for related procedures and required findings. When a Special Activities Permit has been revoked, ~~no other~~ another Special Activities Permit shall not be issued ~~under this policy~~ to the same location within one calendar year of the date of revocation.

~~2. Required Findings. A Special Activities Permit may be modified or revoked if any of the following findings can be made:~~

- ~~a. The conditions of the Special Activities Permit are being violated or are not being satisfied; or~~
- ~~b. The activity is being conducted in a manner that constitutes a nuisance;~~
- ~~c. The application contained incorrect, false, or misleading information.~~

**K. Other Review Requirements.** ~~For other general requirements related to the review of applications, such as time limits on approvals and requests for extensions of approvals, please r~~Refer to Chapter 17.12, Development Review Process, ~~of this title.~~ for general application processing requirements, such as time limits on approvals and time extensions.

- L. **Approval Runs with the Land.** The approval of applicant/location permits shall run with the land, and shall continue to be valid upon a change of ownership of the site to which it applies.

**Section 19:** Section 17.16.240 of the Municipal Code is hereby amended as follows:

**17.16.240 Administrative Sign Permits.**

- A. **Purpose and Intent.** The Administrative Sign Permit process is to provide for a more expeditious and streamlined review and approval procedure for signs that are consistent with the standards of this chapter.
- B. **Authority.** The City Planner is the final authority on Administrative Sign Permits, subject to the concurrent review and appeal provision of Section 17.12.090, Consideration of Concurrent Applications, and Section 17.12.140, Appeals of an Action, ~~of this title.~~ The City Planner has the discretion to refer applications to the Zoning Administrator for review and final action. If an application is referred to the Zoning Administrator, a public hearing and notification is required per Section 17.12.100.
- C. **Submittal Requirements.** Please refer to the submittal requirements in Section 17.12.040, Filing an application, and Section 17.12.060, Applications Requiring Additional Information, ~~of this title.~~
- D. **Review Procedures.** Following receipt of a completed application, the City Planner shall review the application for ~~issuance of an Administrative Sign Permit. The sign is reviewed for its~~ compliance with the Zoning Ordinance. When a Discretionary Sign Permit and/or Sign Exception Permit is approved for signage, Administrative Sign Permit Applications are also reviewed to ensure they are consistent with plans approved through the discretionary review process. ~~the required regulations of this chapter and, if a Discretionary Sign or Sign Exemption Permit has been required, in accordance with the conditions of approval.~~

~~The City Planner shall issue an Administrative Sign Permit if the sign complies with all of the regulations of this chapter. If a Discretionary Sign Permit or Sign Exception Permit has been required, the City Planner shall review the Administrative Sign Permit to ensure the sign is in accordance with the conditions of approval, and if so, shall then issue the Administrative Sign Permit.~~

~~If the sign does not comply, a notice of corrections shall be prepared and returned to the applicant. If the applicant resubmits for review and the sign still does not comply with the required regulations or is not in accordance with the approved conditions of approval, the City Planner shall deny the application.~~

- E. **Appeals.** An appeal of the action upon an Administrative Sign Permit shall be reviewed in accordance with Section 17.12.140, Appeals of an Action, of this title.

F. **Modifications Requested by the Applicant.** Modifications requested by the applicant to approved Temporary Use Permits shall be reviewed in accordance with Section 17.12.180, Modifications of an Approved Application, of this title.

~~FG. **Revocations of a Sign Permit.** Revocation of an Administrative Sign Permit shall be reviewed in the same manner as revocations to Discretionary Sign Permits, Section 17.16.250(H), Revocation of Discretionary Sign Permits, of this chapter.~~ **Modifications and/or Revocations Initiated by the City.** The City may make changes or revoke the approval of applications when conditions of approval are violated, it is necessary to resolve a nuisance, and/or when the application contained incorrect, false, or misleading information. Refer to Section 17.16.175 for related procedures and required findings.

H. **Other Review Requirements.** Refer to Chapter 17.12, Development Review Process, for general application processing requirements, such as time limits on approvals and time extensions.

**Section 20:** Section 17.16.250 of the Municipal Code is hereby amended as follows:

#### **17.16.250 Discretionary Sign Permits.**

- A. **Purpose and Intent.** The purpose of this section is to ~~establish~~ provide a discretionary review process for ~~the review of signs that which the City has determined~~ are significant ~~enough~~, in terms of size, number, location or type, ~~to require discretionary review~~. The intent of discretionary review is to ensure ~~that~~ signs are compatible and harmonious with the architecture of the buildings they serve and with the surrounding neighborhood. The intent of discretionary review is also to ensure that signs comply with the purpose and intent of the City's sign regulations.
- B. **Authority.** The Planning Commission is the final authority on Discretionary Sign Permits, subject to the concurrent review and appeal provisions of Section 17.12.090, Consideration of Concurrent Applications, and Section 17.12.140, Appeals of an Action, ~~of this title~~.
- C. **Applicability.** A Discretionary Sign Permit is required to allow any of the following:
1. Sign types for which a Discretionary Sign Permit is required in Table 17.84.030(A), Matrix of Sign Types.
  2. Multiple signs for a tenant with total sign area exceeding 64 square feet.
  3. An Individual sign for a tenant located within an Architectural Overlay District that is larger than 25 square feet.
  4. Multiple signs for a tenant located within an Architectural Overlay District with total sign area exceeding 25 square feet.

5. Signs with neon lighting within an Architectural Overlay District per Section 17.84.020(C)(3).

~~See Chapter 17.84 for review procedures that apply to sign types which do not require a Discretionary Sign Permit, such as temporary banners, portable signs, and window signs.~~

- D. **Submittal Requirements.** Please refer to the submittal requirements in Section 17.12.140, Filing an Application, and Section 17.12.060, Applications Requiring Additional Information, ~~of this title.~~

- E. Application Filing, Processing, and Review Procedures. ~~Discretionary Sign Permits shall be reviewed in the same manner as Site Plan Permit applications, as described in Section 17.16.050(E)(1), Site Plan Permits, of this chapter.~~

1. Application filing. The review process is initiated when the Planning Division receives a complete application package. The application package shall include the required information and materials specified in the application and any additional information required by the City Planner or review authority to conduct a thorough review of the proposed project.

2. Application review. Each application shall be reviewed to ensure that proposals are consistent with the purpose of this Chapter; applicable development standards, policies, regulations, and guidelines.

- a. Development Management Team review. The Development Management Team reviews an application to determine if it is complete and complies with applicable development standards, policies, regulations, and guidelines. Within 30 calendar days of application filing, the applicant is notified if their application is complete or if information is needed to complete the application and resume the review process. The Development Management Team also makes comments and recommendations to provide helpful information to applicants and notify them when a proposal does not comply with development standards, policies, regulations, and guidelines.

- b. Environmental review. After an application is complete, the project shall be reviewed in compliance with the California Environmental Quality Act and determine if environmental studies are required. If a studies are required, then they shall be conducted at the applicant's expense, which may involve the selection of a consultant.

- c. Design Review Subcommittee review. The Design Review Subcommittee shall review applications. The Design Review Subcommittee is an advisory body that reviews design issues and provides a recommendation to the review authority per procedures in Section 17.12.025.

3. Public hearing and appeal provisions.



- a. Public hearing is required. A public hearing and notification shall be conducted in compliance with Section 17.12.100.
- b. The review authority shall review the proposed project and approve, approve with conditions, or deny the application at a public hearing based on an ability to meet required findings.
- c. The review authority's decision may be appealed per Section 17.12.140.

F. **Required Findings.** Prior to approval of a Discretionary Sign Permit, all of the following findings shall be made:

1. The design, including lighting, scale, length and materials, of the sign is consistent with the intent of the design elements of the General Plan, Design Guidelines, respective specific plan or Architectural Overlay District in which the sign is to be located;
2. The design, scale and materials of the sign harmonize with the architectural design and details of the building or site it serves;
3. The design and scale of the sign is appropriate to the distance from which the sign is normally viewed;
4. The design and materials of the sign provide a contrast between the background and letters;
5. If a freestanding sign is included in the sign application, the design, scale or location of the building dictates the use of freestanding signs, rather than building-mounted signs;
6. If a pole sign is included in the sign application, the design, scale or location of the building dictates the use of a pole sign rather than a monument sign;
7. For Master Sign Programs:
  - a. The provisions of the Master Sign Program ensure consistency in design and style of all new signs,
  - b. The provisions of the Master Sign Program address compatibility of the design and style of any existing signs on the building or site, and
  - c. All new signs within the Master Sign Program are in compliance with the design standards of this chapter.

G. **Appeals.** An appeal of the action upon a Discretionary Sign Permit shall be reviewed in accordance with Section 17.12.140, Appeals of an Action, ~~of this title.~~

H. Modifications Requested by the Applicant. Modifications requested by the applicant to approved Temporary Use Permits shall be reviewed in accordance with Section 17.12.180, Modifications of an Approved Application.

~~I. Revocation of Discretionary Sign Permits.~~ Modifications and/or Revocations Initiated by the City.

~~1. Initiating Review of Sign Permit. The Planning Commission may initiate review of a Discretionary Sign Permit, for the purpose of deciding whether revocation is needed.~~

~~2. Review Procedures.~~

~~a. Planning Commission Review.~~

~~i. The Planning Commission may review a Sign Permit for revocation. A public hearing before the Planning Commission shall be noticed and held in compliance with Section 17.12.100, Public Hearing and Notification, of this title.~~

~~ii. After completion of the Planning Commission hearing, the Planning Commission shall, by resolution, determine whether the Sign Permit shall be revoked.~~

~~3. Required Findings.~~

~~a. General Findings for Revocation. Discretionary Sign Permit may be revoked if any of the following conditions exist:~~

~~i. Conditions of approval of the Sign Permit are being violated or are not being satisfied,  
or~~

~~ii. The sign is being displayed in a manner that constitutes a nuisance, or~~

~~iii. The application contained incorrect, false or misleading information.~~

The City may make changes or revoke the approval of applications when conditions of approval are violated, it is necessary to resolve a nuisance, and/or when the application contained incorrect, false, or misleading information. Refer to Section 17.16.175 for related procedures and required findings.

J. **Other Review Requirements.** Refer to Chapter 17.12, Development Review Process, for general application processing requirements, such as time limits on approvals and time extensions.

**Section 21:** Section 17.16.260 of the Municipal Code is hereby amended as follows:

**17.16.260 Sign Exception Permits.**

A. **Purpose and Intent.** The intent of this section is to establish a procedure for granting exceptions to the strict application of the size, number, height, length and locational

requirements for signs in this chapter. The granting of a Sign Exception Permit requires findings to be met based on a site's or business' unique location or orientation in order to achieve adequate sign visibility.

- B. **Authority.** The Planning Commission is the final authority on Sign Exception Permits, subject to the concurrent review and appeal provisions of Section 17.12.090, Consideration of Concurrent Applications, and 17.12.140, Appeals of an Action, ~~of this title.~~
- C. **Applicability.** A Sign Exception Permit is required for the following:
1. Any sign that exceeds the maximum standards, as listed in the Sign Matrix, Section 17.84.030(C), Matrix of Sign Types, ~~of this title;~~
  2. Any sign or signs that exceed the individual sign area allowed, as listed in Section 17.84.020, General Regulations, and in the Sign Matrix, Section 17.84.030(C), Matrix of Sign Types, ~~of this title;~~
  3. Any business or site that exceeds the maximum sign area allowed, as listed in Section 17.84.030, Specific Regulations by Sign Type, ~~of this title;~~
  4. Any sign that exceeds the permitted sign height;
  5. Any business, building or site that exceeds the maximum number of signs permitted;
  6. Any freeway-oriented sign, except for change of copy;
  7. Any sign exceeding 75 percent of the length of the business façade.
- D. **Submittal Requirements.** Please refer to the submittal requirements in Section 17.12.040, Filing an Application, and Section 17.12.060, Applications Requiring Additional Information, ~~of this title.~~
- E. **Application Filing, Processing, and Review Procedures.** ~~Sign Exception Permits shall be reviewed in the same manner as Site Plan Permit applications, as described in Subsection 17.16.050(E)(1), Site Plan Permits, of this chapter.~~
1. Application filing. The review process is initiated when the Planning Division receives a complete application package. The application package shall include the required information and materials specified in the application and any additional information required by the City Planner or review authority to conduct a thorough review of the proposed project.
  2. Application review. Each application shall be reviewed to ensure that proposals are consistent with the purpose of this Chapter; applicable development standards, policies, regulations, and guidelines.

- a. Development Management Team review. The Development Management Team reviews an application to determine if it is complete and complies with applicable development standards, policies, regulations, and guidelines. Within 30 calendar days of application filing, the applicant is notified if their application is complete or if information is needed to complete the application and resume the review process. The Development Management Team also makes comments and recommendations to provide helpful information to applicants and notify them when a proposal does not comply with development standards, policies, regulations, and guidelines.
- b. Environmental review. After an application is complete, the project shall be reviewed in compliance with the California Environmental Quality Act and determine if environmental studies are required. If a studies are required, then they shall be conducted at the applicant's expense, which may involve the selection of a consultant.
- c. Design Review Subcommittee review. The Design Review Subcommittee shall review applications. The Design Review Subcommittee is an advisory body that reviews design issues and provides a recommendation to the review authority per procedures in Section 17.12.025.

3. Public hearing and appeal provisions.

- a. Public hearing is required. A public hearing and notification shall be conducted in compliance with Section 17.12.100.
- b. The review authority shall review the proposed project and approve, approve with conditions, or deny the application at a public hearing based on an ability to meet required findings.
- c. The review authority's decision may be appealed per Section 17.12.140.

F. **Required Findings.** Prior to approval of a Sign Exception Permit, all of the following findings shall be made:

1. There are unique or unusual circumstances relating to the size of the site or business, shape of the site or business, location and orientation of the site or business, visibility of the site or business, proximity to street frontage or length of street frontage that do not allow the site or business to achieve the goals and objectives of this chapter for adequate business identification.
2. The granting of the sign exception permit is not contrary to the intent of the General Plan, Design Guidelines, relative specific plan or Architectural Overlay District in which the sign exception is proposed.

3. The granting of a Sign Exception Permit is not considered a grant of special privileges inconsistent with the limitations of other similarly situated properties.
  4. The granting of a Sign Exception Permit does not create a traffic or safety hazard.
  5. The granting of a Sign Exception Permit does not adversely impact surrounding properties by increasing light, glare or noise.
  6. For freeway-oriented signs:
    - a. The location of the site dictates the need for a freeway-oriented sign to allow adequate business identification.
    - b. The design, scale, materials and location of the freeway-oriented sign provides necessary business identification to motorists on the freeway without creating adverse visual impacts.
    - c. The design, scale and materials of the signs harmonize with the architectural design of the building it serves and are complimentary to the City's image as viewed from the freeway.
    - d. The design and scale of the signs is appropriate to the distance from which the signs are normally viewed from the freeway.
    - e. If applicable, the design, scale and location of the building dictates the use of a freestanding, freeway-oriented sign, rather than a building-mounted, freeway-oriented sign.
- G. **Appeals.** An appeal of the action upon a Sign Exception Permit shall be reviewed in accordance with Section 17.12.140, Appeals of an Action, ~~of this title.~~
- H. Modifications Requested by the Applicant. Modifications requested by the applicant to approved Temporary Use Permits shall be reviewed in accordance with Section 17.12.180, Modifications of an Approved Application.
- I. Modifications and/or Revocations Initiated by the City. The City may make changes or revoke the approval of applications when conditions of approval are violated, it is necessary to resolve a nuisance, and/or when the application contained incorrect, false, or misleading information. Refer to Section 17.16.175 for related procedures and required findings.
- ~~Revocation.~~ ~~Revocation of a Sign Exception Permit shall be reviewed in the same manner as revocations to discretionary Sign Permits, Section 17.16.250(H), Revocation of Discretionary Sign Permits, of this chapter.~~
- ~~J.~~ Other Review Requirements. Refer to Chapter 17.12, Development Review Process, for general application processing requirements, such as time limits on approvals and time extensions.

**Section 22:** Table 17.24.080(B), row “Swimming Pools, Spas, Hot Tubs, and Other Bodies of Water with Over 18 Inches in Depth”, of the Municipal Code is hereby amended as follows:

**Table 17.24.080B – Maximum Encroachments into Setbacks and Height Limits**

Item	Front Encroachments Into Front Yard Setback Area	Side Encroachments Into Side Yard Setback Area	Rear Encroachments Into Rear Yard Setback Area	Maximum Projection Above Height Limit	Other Limitations
Swimming Pools, Spas, Hot Tubs, and Other Bodies of Water with Over 18 Inches in Depth	Not Permitted.  Exceptions <sup>14</sup>	<del>Street-side: Not Permitted<sup>14</sup></del>  <del>Interior-side: Setback required by Building Code 5-ft. from property line</del>  Exceptions <sup>14</sup>	<del>5-ft. from property line</del>  Exceptions <sup>14</sup> <del>Setback required by Building Code.</del>	N/A	<del>No such body of water shall be permitted in any area of a lot when fencing required by the use for the water is not permitted or approved through the appropriate discretionary review process. A Minor Exception Permit may be required to construct a pool enclosure that is high enough to comply with Building Codes for swimming pools, spas, and other bodies of water.</del>

**Section 23:** Footnote 14 of Municipal Code Table 17.24.080(B) is hereby amended as follows:

14 An exception may be granted to allow pools, spas, hot tubs and other bodies of water in the front, ~~side and rear~~ yard setback or street side yard setback, ~~through~~ with the

approval of a Minor Exception Permit, ~~as detailed in~~ per Section 17.16.090, Minor Exception Permits, ~~of this title.~~

**Section 24:** Section 17.24.090 of the Municipal Code is hereby amended as follows:

**17.24.090 Fences, ~~walls~~ Walls and ~~hedges~~ Hedges.**

- A. **Purpose and Intent.** The purpose and intent of this section is to establish standards for fences, walls and hedges that limit their visual and traffic impacts, but allow for the privacy and architectural interest afforded by such structures. The purpose of a stricter fence height limit in the front yard is to provide for an open street scene, to allow the primary structures on a street to be visible and to contribute to the visual character of the neighborhood, and to allow for unobstructed views of traffic to and from driveways. ~~This section is not intended to provide height limits for retaining walls, which are covered in Section 17.24.180, Retaining Walls, of this title.~~

~~This section establishes standards for all fences, hedges and walls, including those not requiring a Building Permit. (For information regarding whether a fence requires a Building Permit, please contact the City's Building Division).~~

B. **Standards for Fences, Walls, and Hedges in All Zones.**

1. Maintenance. Fences, Walls or Hedges shall be constructed and maintained so that they do not constitute a hazard to traffic, persons or property.
2. Prohibited Types of Fences. Barbed wire and razor fences are prohibited in all zones, except when such materials are needed to restrict access to public utility equipment such as high voltage transformers.
3. Measuring Height. The height of fences, hedges and walls and all structural elements supporting fences, walls and hedges, including pilasters, trellises, etc., shall be measured from the lower side of finished grade to the top of the fence, hedge or wall.

C. **Standards for Fences, Walls and Hedges in All Residential Zones.**

~~Unless otherwise provided for in the specific standards for individual zones, the following standards shall apply to fences, walls and hedges and to all structural elements supporting the fences, walls and hedges, including pilasters, trellises, etc. In addition to the regulations set forth in this section, all fences, walls or hedges shall be constructed and maintained so that they do not constitute a hazard to traffic, persons or property.~~

- ~~1. Measuring Height. The height of fences, hedges and walls and all structural elements supporting fences, walls and hedges, including pilasters, trellises, etc., shall be measured from the lower side of finished grade to the top of the fence, hedge or wall.~~
- ~~2.1. Height Limits for Fences, Walls and Hedges in All Zones. Table 17.24.090 provides the maximum height limit for fences, walls, and hedges in residential zones within specified areas of a lot are listed in Table 17.24.090, Height Limits for Fences, Walls and Hedges, of this title. In front yards and portions of street side yards, fences, walls and hedges have a stricter height limit to maintain an open street scene, preserve the visibility of primary structures, enhance neighborhood character, and provide unobstructed views of traffic to and from driveways.~~
- ~~3. Prohibited Types of Fences. Barbed wire and razor fences are prohibited in all zones.~~

**Table 17.24.090**

**Height Limits for Fences, Walls and Hedges in Residential Zones**

Area of Lot	Maximum Height Limit
Front Yard Setback Area	3 ft. 6 in.
Interior Side Setback Area	6 ft.
Street-Side Setback Area	Reverse corner lot: 3 ft. 6 in. Corner lot: Within 5 feet from street-side property line: 3 ft. 6 in. Remaining width of street-side yard: 6 ft.
Rear Yard Setback Area	6 ft.
Other Areas of Lot	6 ft.

2. Exceptions.

- a. A Minor Exception Permit is required to allow the height of a fence, wall or hedge in front yards and street side yard setback areas (within five feet of



property line) to be increased to a maximum of six feet may be per Section 17.16.080, Minor Exception Permits.

b. A Conditional Use Permit is required to allow the height of a fence, wall, or hedge in the rear half of a lot to exceed six feet when the fence, wall, or hedge encloses tennis courts, other similar recreational areas, or private screened outdoor areas, per Section 17.16.060, Conditional Use Permits.

c. Required Findings. In addition to the general findings required for permits, the following specific findings shall be made to allow height exceptions for fences, walls, or hedges:

i. The height of the fence, wall or hedge will not be unsightly or incompatible with the character of or uses in the neighborhood;

ii. The height of the fence, wall, or hedge will not have negative visual impacts upon the street scene or obstruct views of traffic to and from driveways.

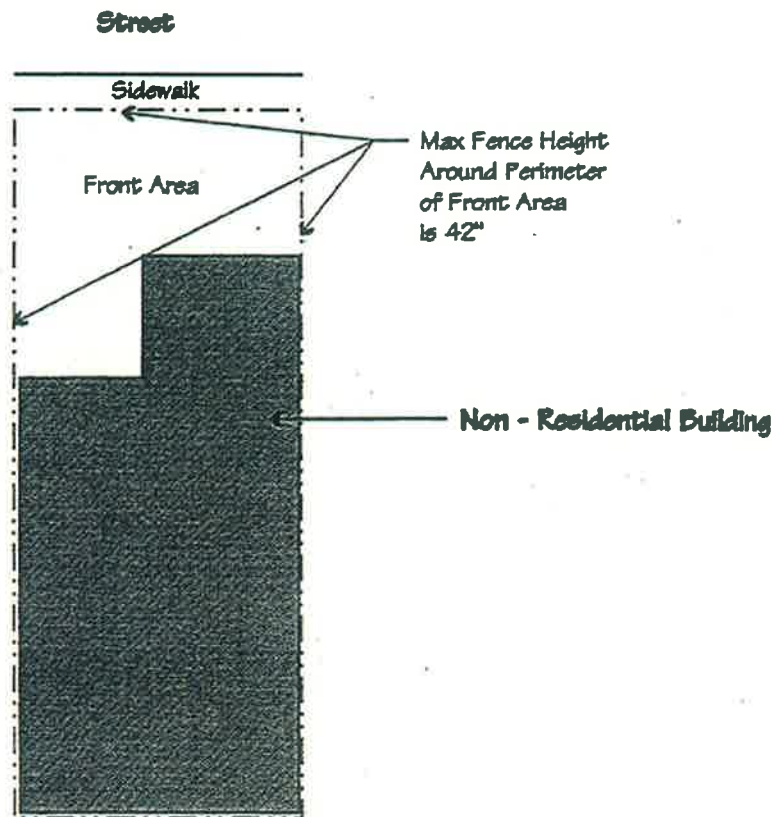
**GD. Standards for Fences, Walls and Hedges in Nonresidential Zones.** In nonresidential zones. ~~In addition to the requirements in subsection (B), Standards for Fences, Walls and Hedges in All Zones, of this section, fences, walls, and hedges and walls in nonresidential zones must~~ shall comply with the following requirements:

1. Height and Materials. The height limit and other features of fences, walls, and hedges are reviewed and approved through the discretionary review process per Section 17.16.100.

24. **Fencing Around Parking Areas.** For requirements for fencing around parking lots, please refer to Section 17.28.220, Parking Lots, of this title.

23. **Relationship to the Primary Building.** Fences, hedges and walls located between the street and the primary building on a lot shall not exceed three and one-half feet (3.5 ft./42 in.), unless required to because of adjoining residentially zoned property, in accordance with Section 17.28.220, Parking Lots, of this title.

#### Figure 17.24.090



### Maximum Fence Height

#### ~~D. Exceptions.~~

- ~~1. Review Procedures. Exceptions may be granted to the standards for fences, walls and hedges, as follows:
 
  - ~~a. An increase in the permitted height of a fence, wall or hedge up to six feet may be allowed through the approval of a Minor Exception Permit, in accordance with Section 17.16.080, Minor Exception Permits, of this title.~~
  - ~~b. In the rear half of a lot, fences, walls or hedges exceeding six feet in height which enclose tennis courts or similar areas may be allowed through the approval of a Conditional Use Permit, in accordance with Section 17.16.060, Conditional Use Permits, of this title.~~~~
- ~~2. Required Findings. In addition to the general findings required for specific permits, all of the following findings shall be made prior to the approval of a Minor Exception Permit or Conditional Use Permit to exceed the standards for fence, hedge or wall height:~~

- ~~a. The height of the fence, wall or hedge will not be unsightly or incompatible with the character of or uses in the neighborhood;~~
- ~~b. The height of the fence will not have negative visual impacts upon the street scene or obstruct views of traffic to and from driveways.~~

**Section 25:** Section 17.24.110(E) of the Municipal Code is hereby amended as follows:

#### 17.24.110 Height limitations.

**E. Visual Analysis Tools.** ~~Story pole staking, as described in Section 17.12.060 "Applications Requiring Additional Information," of this title, shall be required when a discretionary application is submitted which proposes one of the following: The City Planner and review authority may require the submittal of visual analysis tools to evaluate visual impacts of projects that require a discretionary permit application. Visual analysis tools may include, but are not limited to, story pole staking, visual simulations, models, etc. Refer to Section 17.12.060.~~

- ~~1. A new structure or addition that is three or more stories within a Nonresidential, Mixed Use zone and/or an Architectural Overlay District; or~~
- ~~2. Any structures with the potential to affect public view corridors from public places in the Coastal Overlay zone, regardless of number of stories.~~

~~Other visual analysis tools including, but not limited to, models and visual simulations may be required by the City Planner or Design Review Subcommittee.~~

~~Exemption: Time Extensions are exempt from the provisions of Section 17.24.110(E) Visual Analysis Tools unless required by the City Planner, or final hearing body, in accordance with Section 17.12.060 Applications Requiring Additional Information.~~

**Section 26:** Section 17.24.180 of the Municipal Code is hereby amended as follows:

#### 17.24.180 Retaining walls.

**A. Purpose and Intent.** In a community with sloping topography, retaining walls are often necessary to create developable or usable areas. The purpose and intent of this section is to establish standards that allow for retaining walls, while limiting their visual and traffic impacts. The purpose of a stricter height limit in the front yard is to provide for an open street scene, to allow the primary structures on a street to be visible and

to contribute to the visual character of the neighborhood, and to allow for unobstructed views of traffic to and from driveways. The standards are also meant to minimize the height of retaining walls and their impacts upon adjacent structures.

**B. Standards for Retaining Walls in All Zones.**

1. Construction and maintenance. Retaining walls shall be constructed and maintained so that they do not constitute a hazard to traffic, persons or property.
2. Measuring height. The height of retaining walls shall be measured from the lower side of finished grade to the top of the retaining wall.

**C. Standards for Retaining Walls in Nonresidential zones.** The height limit, design, materials, stepping, and other retaining wall features of retaining walls are reviewed and approved through the discretionary review process. A Minor Architectural Permit or Minor Cultural Heritage Permit is required to allow retaining walls per Section 17.16.100.

**B.D. Standards for Retaining Walls in All Residential Zones.** Unless otherwise provided for in the applicable zones, the following standards shall apply to retaining walls and to all structural elements supporting the retaining walls, including pilasters, trellises, etc. In addition to the regulations set forth in this section, all retaining walls shall be constructed and maintained so that they do not constitute a hazard to traffic, persons or property.

~~1. Measuring Height. The height of retaining walls shall be measured from the lower side of finished grade to the top of the retaining wall.~~

~~2.1. Height Limits—limits. for Retaining Walls.—~~The maximum height limits for residential retaining walls ~~within specified areas of a lot~~ are listed shown in Table 17.24.180, Height Limits for Retaining Residential Retaining WallsWalls—, below.

**Table 17.24.180**

**Height Limits for Residential Retaining Walls**

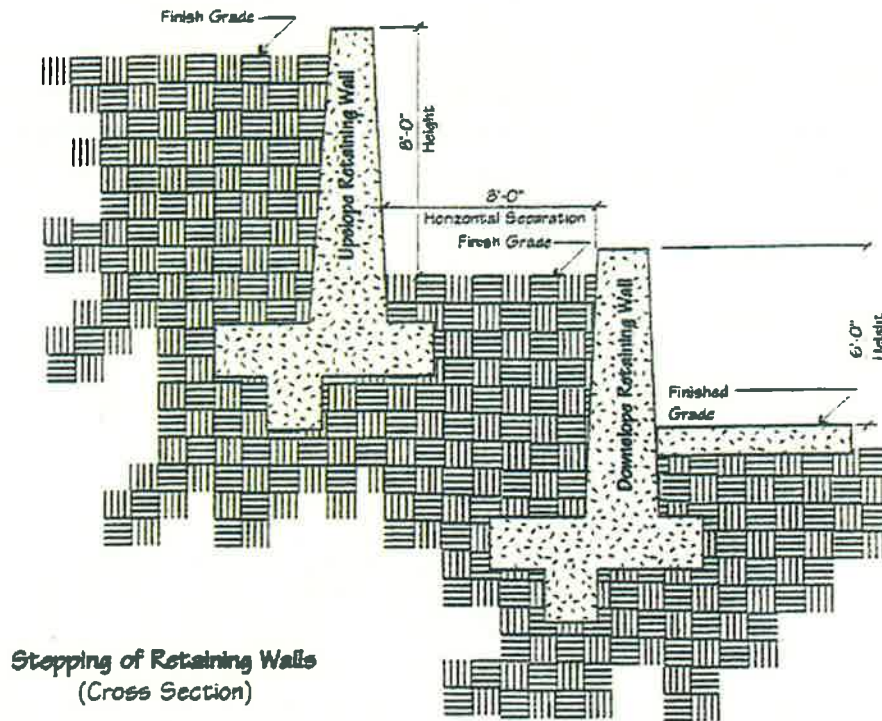
Area of Lot	Maximum Height Limit
Front Yard Setback Area	3 ft. 6 in.

Interior Side Yard Setback Area	6 ft., except when the retaining wall faces toward the subject property, in which case the retaining wall shall not exceed 8 ft. 6 in. in height.
Street-Side Yard Setback Area	Reverse corner lot: 3 ft. 6 in. Corner lot: Within 5 ft. of street-side property line: 3 ft. 6 in. Remaining width of the street side yard: 6 ft.
Rear Yard Setback Area	6 ft., except when the retaining wall faces toward the subject property, in which case the retaining wall shall not exceed 8 ft. 6 in. in height.
Other Areas of Lot	6 ft., except when the retaining wall faces toward the subject property, in which case the retaining wall shall not exceed 8 ft. 6 in. in height.

23. Stepping of Retaining Walls. A number of retaining walls (stepping) may be constructed to substitute for one tall retaining wall if both of the following occur:

- a. The height of each retaining wall must comply with the height limits of Table 17.24.180, Height Limits for Retaining Walls, above; and
- b. The minimum distance between any two retaining walls shall be equal to or greater than the height of the taller of the two retaining walls. The distance between the two walls shall be measured as the horizontal separation between the two closest wall faces: the back face of the downslope retaining wall and the front face of the up slope retaining wall.

**Figure 17.24.180**



**43. Requirements for Guardrails Requirements.**

- aa. Purpose and Intent. The purpose and intent of providing standards for the guardrails required for retaining walls is to limit the visual impacts of the combined height of retaining walls and guardrails. Stricter standards for the materials used for guardrails have been applied, therefore, to the front yard area and to taller retaining walls.
- b. Standards.
  - i. Front Yards. All required guardrails for retaining walls in the front yard shall be open, as defined in Chapter 17.88, Definitions, Retaining Walls, Guardrail, Open, of this title.
  - ii. Rear and Side Yards.
    - (A) Retaining Walls and Guardrails with a Combined Height Under Eight Feet Six Inches. Any guardrail required by the Uniform Building Code (UBC) may be constructed of solid materials in the side and rear yard setback areas as long as the combined height of the retaining wall and the solid guardrail does not exceed eight feet six inches;
    - (B) Retaining Walls and Guardrails with a Combined Height of Eight Feet Six Inches or Taller. A guardrail required by the Uniform Building Code (UBC) shall be open,

~~as defined in Chapter 17.88, Definitions, Retaining Walls, Guardrails, Open, of this title;~~

~~(C) Guardrail height.~~ The height of guardrails shall ~~not exceed 42 inches as comply with the Building Code.~~ The height is measured from the top of the retaining wall to the top of the guardrail. ~~In the case where~~ When swimming pools are proposed, the height of the guardrails shall be no higher than the minimum height required by the Swimming Pool Code.

b. Materials for guardrails. Guardrails shall be designed and constructed of materials that limit visual impacts. Unless the City Planner finds it is unnecessary to limit visual impacts, guardrails shall be designed or constructed of materials that are mostly open or transparent when retaining walls are located in a front yard setback, rear yard back (on through lots), street side yard back (within five feet of street side property line), or in other instances where retaining walls are in a location or have a height that will have significant visual impacts unless guardrails are mostly open. Guardrails are "mostly open" when they are constructed of materials that may include, but are not limited to glass or have metal or wood pickets that are four inches apart and have a width about 1 ½ inches square. The City Planner determines if the design and materials of guardrails will adequately limit visual impacts. The City Planner's decision may be appealed per Chapter 17.12.140.

c. Guardrails ~~With~~ with Pilasters pilasters. Pilasters, ~~w~~ When incorporated into guardrails ~~which are~~ required by the UBC Building Code, pilasters shall be allowed above retaining walls as follows:

i. The maximum height of pilasters shall not exceed 42 inches as measured from the top of the retaining wall to the top of pilasters. In the case where swimming pools are proposed, the height of the pilasters shall be no higher than the minimum height required by the Swimming Pool Code.

~~ii. The maximum width of the pilaster shall not exceed 12 inches.~~

~~iii~~ ii. The minimum centerline distance between pilasters shall not be less than six feet when the pilaster is part of the required guardrail and not less than four feet when the pilaster is part of the required hand rail for stairways.

#### 54. Exceptions.

~~aa. Review Procedures.~~ ~~Exceptions may be granted to the standards for retaining walls through the approval of a Minor Exception Permit, in accordance with Section 17.16.090, Minor Exception Permits, of this title, as follows:~~ The following exceptions are allowed with the approval of a Minor Exception Permit.

ii. An increase in the permitted height of retaining walls in the front and street-side yard setback areas up to six feet;

iii. An increase in the permitted height of a retaining wall in the interior and rear yard setback areas and in the interior of a lot (but outside setback areas) to eight feet six inches;

iiii. A deviation from the defined structural materials specified for guardrails in Chapter 17.88, Definitions. In no case, however, shall deviations be allowed from the requirement for open guardrails found within this section.

b. Required Findings. In addition to the general findings required for specific permits, all of the following findings shall be made prior to the approval of a Minor Exception Permit ~~or Conditional Use Permit~~ to exceed the standards for ~~fence, hedge or wall height~~ retaining walls:

- i. The height of the retaining wall will not be unsightly or incompatible with the character of or uses in the neighborhood;
- ii. The height of the retaining wall will not have negative visual impacts upon the street scene or obstruct views of traffic to and from driveway;
- iii. The additional height is necessary, given topographical constraints.

**Section 27:** Section 17.28.070 of the Municipal Code is hereby amended as follows:

#### 17.28.070 Antennas on City property.

A. **Purpose and Intent.** The purpose of this section is to establish review requirements and standards for the placement of antennas on City property so that potential safety and architectural impacts of antennas may be addressed.

B. **Applicability.** This section shall apply to all antennas located on City property. This shall include all new/proposed, replacement of existing, addition to existing, and replacement/upgrade of antennas on City property. This section shall not apply to the replacement of or addition to an existing antenna used by the City. Please refer to Section 17.28.080, Satellite Antennas, for provisions for satellite antennas. Please refer to Section 17.28.240, Public Utilities and Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits, for requirements for other types of antennas.

C. **Review Requirements.** ~~No person shall locate, erect, or construct an antenna on City property unless the owner of the antenna first obtains the necessary Building Permit from the City.~~ The following permits shall may be required for the replacement, addition, or erection of antennas on City property:

1. New antennas per Wireless Master Plan and height limit ~~City Antenna Permit.~~

a. ~~A City Antenna Permit shall be required to replace or add to an existing antenna on City property, as long as the replacement or addition does not exceed the~~



~~height of an existing antenna on site. Please refer to Section 17.16.130, City Antenna Permits, of this title, for the general processing requirements for City Antenna Permits.~~

- ~~b.—A City Antenna Permit shall be required for to allow a new any-antenna meeting that complies with height limitations of the zoning district and is consistent with pre-approved design concepts for City properties identified in the City of San Clemente Wireless Master Plan, that meet the height requirements of the zone. Please ~~r~~Refer to Section 17.16.130, City Antenna Permits, of this Title, for the general processing requirements ~~for City Antenna Permits.~~~~
2. ~~Conditional Use Permit~~Other new antennas. A Conditional Use Permit shall be required ~~for to allow~~ (i) ~~any new ground-mounted or free-standing~~other new antenna ~~s. excepting antennas meeting pre-approved design concepts for City properties identified in the City of San Clemente Wireless Master Plan, or~~ (ii) ~~for any new antenna that exceeds the height of an existing antenna on the site excepting antennas meeting pre-approved design concepts for City properties identified in the City of San Clemente Wireless Master Plan that meet the height requirements of the zone.~~ Antenna height shall be measured from existing grade to the highest point on the antenna. ~~Please r~~Refer to Section 17.16.060, Conditional Use Permits, for of this title, ~~for the~~ general processing requirements ~~for Conditional Use Permits.~~
3. Modifications to existing antenna facilities. The City Planner shall review and decide on requests to modify existing wireless towers or base stations structures that support antennas, transceivers, or other related equipment. This includes the addition and removal of wireless transmission equipment such as the co-location of new transmission equipment, the removal of transmission equipment, or the replacement of transmission equipment. Modifications shall not substantially change the physical dimensions of the wireless tower or base station, as defined by the Federal Communications Commission. The City Planner may approve projects that meet minimum standards in Subsection D.

#### D. Minimum Standards.

1. Duration. An antenna on City property shall be allowed for the period of time established by the terms of the City lease agreement or as otherwise established through the City Antenna or Conditional Use Permit process.
2. Lease ~~Agreement~~agreement. No person shall locate, erect, or construct an antenna on City property unless the owner of the antenna first enters into the appropriate lease agreement with the City, as determined by the City.
3. Location. Antennas shall be allowed on City property in all zones, at the City's discretion.
4. Federal and State regulatory compliance. Antennas shall comply with Federal Communication Commission regulations and other applicable Federal and State

4. Federal and State regulatory compliance. Antennas shall comply with Federal Communication Commission regulations and other applicable Federal and State rules and guidelines.
5. Modifications of existing wireless towers or base station structures. Projects shall also comply with the following standards:
  - a. The modifications shall be designed to blend-in and be in character with the existing facility's design, materials, and location, if practical and feasible, so the project does not have adverse visual impacts on surrounding sites, uses, and structures. The City Planner may require design changes when it is practical and feasible to mitigate potential adverse visual impacts.
  - b. The modifications shall enhance and improve the appearance of the existing facility and/or site in a manner that is relative to the scope of changes proposed, unless the City Planner determines it is not practical or pertinent to warrant facility and/or site improvements, based on sufficient evidence provided by the applicant.
  - c. Equipment shall be screened from public view in a manner that is consistent with the City policies, guidelines, and rules. If possible, new or modified equipment shall be screened within an existing enclosure or screening material. Acceptable methods of screening may include parapet walls (textured and colored to match existing structural conditions), landscaping, architectural radio frequency screening materials, or other options deemed acceptable by the City Planner. Individual equipment screens may only be used for the project after all other methods of screening have been explored.
  - d. When new landscaping is proposed or existing plants and irrigation must be replaced to make facility modifications, new plantings and irrigation shall be consistent with City policies, guidelines, and rules. For example, landscaping shall be drought tolerant and irrigation shall be efficient, unless certain exceptions are needed for the project to be integrated with existing site conditions.
  - e. The project shall not interfere with the transmission or reception of other signals in the City, especially utility communication equipment (e.g. City SCADA system) and control signals. If interference is detected at any time, the applicant shall modify or relocate antennas, equipment, or other parts of the facility, as necessary at the applicant's expense, so the project no longer interferes with other communication equipment. If project modifications are necessary, the changes shall be reviewed and approved in compliance with the Zoning Ordinance and other applicable regulations.
  - f. The applicant shall confirm in writing that the project will not interfere with the transmission or reception of utility communication equipment or control signals.

g. The applicant shall agree in writing to restore landscaping, irrigation, and other public improvements, when impacted by a project. The City Planner determines what repairs are necessary to adequately address impacts to the site and surrounding area.

**E. Required Findings for City Antenna Permits.** ~~Prior to the approval of a City Antenna Permit, all of the following findings shall be made:~~

- ~~1. The replacement or addition to the existing antenna does not result in an increase in height of the existing antenna;~~
- ~~2. The replacement or addition to the existing antenna does not interfere with the transmission or reception of other signals in the City;~~
- ~~3. The transmission or reception of the signal has not been demonstrated to pose a threat to the public health or safety. The City may require studies or information to be prepared or provided by the applicant to show there are no potential health risks associated with the specific requests or cumulative requests;~~
- ~~4. The replacement or addition to the existing antenna does not create adverse visual impacts to the surrounding area or to the City at large, as determined by the City. The City may require additional screening, painting, or other similar treatment and/or landscaping or relocation of the antenna to help mitigate the adverse visual impacts associated with the request; and~~
- ~~5. All new/proposed antennas that are identified in the City of San Clemente Wireless Master Plan shall comply with the pre-approved design concepts for City properties identified in the City of San Clemente Wireless Master Plan. Refer to Section 17.16.175(F) for required City Antenna Permit findings.~~

**F. Required Findings for Conditional Use Permits.** In addition to general findings required in Section 17.16.060(F), ~~Prior to the approval of a Conditional Use Permit for an antenna request, all of the~~ the review authority shall also meet the following findings to approve a Conditional Use Permit for antenna projects: following findings shall be made:

1. If the request is to exceed the allowable height, such an increase may be approved when:
  - a. The increase in height is for public safety or community benefit; and
  - b. There are exceptional circumstances that do not allow the antenna to meet the height standards for the zone within where it is located.
2. ~~Findings 2, 3 and 4 for approval of a City Antenna Permit, as listed in subsection (E), Required Findings for City Antenna Permits, of this section.~~ The proposed project will not interfere with the transmission or reception of other signals in the City; and

3. The proposed project will not create adverse visual impacts to the surrounding area or to the City at large.

**G. Modification or Revocation of City Antenna Permits or Conditional Use Permits for Antennas.**

~~1. Initiation and Review of Modification or Revocation.~~

~~a. City Antenna Permits. Please refer to Section 17.16.130(I), Modification and/or Revocation Initiated by the City, for the appropriate procedures for modification or revocation of City Antenna Permit.~~

~~b. Conditional Use Permits. Please refer to Section 17.16.060, Conditional Use Permits, for the appropriate procedures for revocation of a Conditional Use Permit for a new antenna. The City may make changes or revoke the approval of applications when conditions of approval are violated, it is necessary to resolve a nuisance, and/or when the application contained incorrect, false, or misleading information. Refer to Section 17.16.175 for related procedures and required findings. In addition to the general findings in Section 17.16.175, the City may revoke or modify a City Antenna Permit or Conditional Use Permit if one or more of the following findings are made:~~

~~2. Required Findings. A City Antenna Permit or a Conditional Use Permit for an antenna on City property may be modified or revoked by the appropriate decision-making authority if any of the following have occurred:~~

~~a1. The terms of the lease agreement with the City have not been fulfilled;~~

~~b. The application contained incorrect, false, or misleading information;~~

~~e2. The City receives new information that established a probable threat to the public health and safety as related to the antenna and its transmission or reception of signals; or~~

~~d3. The transmission or reception of signals from the antenna interferes with the City communications or other signals in the City.~~

**Section 28:** Section 17.28.205 of the Municipal Code is hereby amended as follows:

**17.28.205 Outdoor dining areas ~~on private property, permanent and accessory.~~**

A. **Purpose and Intent.** The City recognizes the need to allow outdoor dining areas and facilities that help achieve General Plan goals. The purpose of this section is to allow outdoor dining facilities as an accessory use at indoor restaurants that add to the pedestrian ambiance of streets and address potential compatibility or safety issues.

~~This section applies to outdoor dining facilities on private property. For provisions for outdoor dining facilities on public property, or Outdoor Dining Permits, please refer to Section 17.28.206, Outdoor Dining Areas on Public Property, Permanent and Accessory, of this title.~~

- B. **Applicability.** This section shall apply ~~only~~ to outdoor dining facilities ~~on private property which have not been approved by the City as of February 7, 1997~~ that are an accessory use at indoor restaurants.

C. **Review Requirements.**

1. Outdoor dining areas on private property. To allow an outdoor dining area on private property, the following is required:

a. Exterior modifications. A Minor Architectural Permit or Minor Cultural Heritage Permit is required to allow exterior modifications, unless a staff waiver may be issued. Refer to Section 17.16.100 (Minor Architectural Permit/Minor Cultural Heritage Permit) and Section 17.16.110 (Staff waivers of Minor Architectural Permit/Minor Cultural Heritage Permit).

b. Outdoor dining without alcohol service or entertainment. The City Planner may approve outdoor dining areas with a maximum of 16 seats and 4 tables on private property, provided that alcohol service or live entertainment is not proposed. A Minor Conditional Use Permit is required to allow outdoor dining areas with more than 16 seats and 4 tables.

c. Outdoor dining with alcohol service or entertainment. Alcohol and/or entertainment may be allowed on outdoor dining areas, on private property, as a restaurant accessory use with the approval of a Conditional Use Permit or Minor Conditional Use Permit. Refer to Chapters 17.36 (Commercial Zones) through Chapter 17.48 (Public Zones) to determine if this is allowed.

~~1. Outdoor Dining Permits Required. With the exception of outdoor dining facilities which comply with the exceptions in subsection (C)(2), below, all outdoor dining facilities on private property shall require an Outdoor Dining Permit, reviewed by the following authorities through the indicated administrative or discretionary action:~~

**Table 17.28.205A**

**Review Requirements for Outdoor Dining Areas on Private Property**

Threshold for Review	Community Development Director/ Administrative Permit	Zoning Administrator/ MCUP	Planning Commission Review/ CUP
<p><del>Size of Outdoor Dining Facility, on private property without alcohol service or live entertainment:</del></p> <p><del>Up to and including 16 Seats and 4 Tables</del></p> <p><del>More than 16 Seats and/or 4 Tables</del></p>	<p>✓</p>	<p>✓</p>	
<p><del>Service of Beer and Wine<sup>4</sup>:</del></p> <p><del>Up to and including 16 Seats and 4 Tables</del></p> <p><del>More than 16 Seats and/or 4 Tables</del></p>		<p>✓</p>	<p>✓</p>
<p><del>Service of Hard Alcohol:</del></p> <p><del>Up to and including 16 Seats<sup>2</sup> and 4 Tables</del></p> <p><del>More than 16 Seats and/or 4 Tables</del></p>		<p>✓</p>	<p>✓</p> <p>✓</p>
<p><del>Live Entertainment:</del></p>			

<del>Nonamplified</del>		✓	
<del>Amplified</del>			✓

~~1. When a restaurant has an approved CUP for the service of alcohol indoors and a CUP is required for the service of alcohol outdoors, then the applicant may request an amendment to the existing CUP to extend service outdoors. When a restaurant has an approved CUP for the service of alcohol indoors and an MCUP is required for the service of alcohol outdoors, an MCUP is the only application necessary (an amendment to the existing CUP shall not be necessary).~~

~~2. If a CUP has been previously approved for service of hard alcohol indoors, then that service may be extended outdoors for outdoor facilities with no more than 16 seats or four tables with the approval of an MCUP. If no CUP has been approved for service of hard alcohol indoors, then any service of hard alcohol outdoors requires a CUP.~~

~~2. Exceptions. Outdoor dining facilities located in commercial or industrial centers with more than 50 parking spaces (private spaces within the center, as opposed to public spaces) shall not be required to obtain an Outdoor Dining Permit as long as the facility complies with the standards of this section.~~

2. Outdoor dining on public property. The following procedures are required to allow outdoor dining areas on public property, such as sidewalks:

a. Exterior modifications. A Minor Architectural Permit or Minor Cultural Heritage Permit is required to allow exterior modifications, unless a staff waiver may be issued.

b. Number of outdoor seats. A Minor Conditional Use Permit is required to allow outdoor dining areas with a maximum of 16 seats and four tables. A Conditional Use Permit is required to allow outdoor dining areas with more than 16 seats and four tables.

c. Encroachment into public property. An Encroachment Permit is required to allow outdoor dining on public property per Chapter 12.20.

d. Location of outdoor dining on public property. A Minor Conditional Use Permit is required to allow outdoor dining areas that are adjacent to private property. A Conditional Use Permit is required to allow outdoor dining in other areas, such as in a parkway, areas separated from private property, or areas directly adjacent to a street or parking.

D. **Minimum Standards**~~standards for all outdoor dining areas~~. The following restrictions shall apply to outdoor dining areas ~~on private property in nonresidential and mixed-use zones~~:

1. Accessibility, Horizontal. ~~Horizontal Access~~. Outdoor dining facilities shall not block access to businesses or to the sidewalk or street. Facilities must comply with State and Federal Disabled Access Requirements~~minimum State Title 24 Disabled Access Requirements and ADA (Americans with Disabilities Act) standards, as determined by the City~~.
2. Encroachment into Parking. No outdoor dining area shall occupy any part of a required parking area.
3. ~~Encroachment into Public Right-of-Way. No outdoor dining area shall encroach upon public right-of-way, unless the dining area has received a sidewalk dining permit in accordance with Section 17.28.206, Outdoor Dining Areas on Public Property, Permanent and Accessory, of this title.~~
4. ~~Height. No outdoor dining area shall exceed the height limit of the zone, except that tables, chairs, and umbrellas and any safety-related guardrails located on rooftop decks may exceed the height limits of the zone so long as the permanent structures on which they are located comply with the height limits of the zone.~~
5. ~~Location. Outdoor dining areas are allowed only when all of the following criteria apply:~~
  - a. ~~The outdoor dining area is accessory to an indoor restaurant complying with the definition of restaurants as found in Chapter 17.88, Definitions, of this title.~~
  - b. ~~The restaurant is permitted or conditionally permitted in the zone in which it is located, as listed in the Permitted and Conditionally Permitted Use Tables in Chapters 17.36, Commercial Zones and Standards, through 17.48, Public Zones and Standards, of this title. Outdoor dining shall be a restaurant accessory use only. Outdoor dining areas may only be allowed as an accessory use to an indoor restaurant within a zoning district in which restaurants are a permitted use. Refer to Chapters 17.36 (Commercial Zones) through Chapter 17.48 (Public Zones) to determine if restaurants are permitted in the zoning district in which outdoor dining area is proposed.~~
6. ~~Parking.~~
  - a. Outdoor dining areas shall comply with ~~the following~~ parking requirements shown in Table in 17.28.205:

**Table 17.28.205 B- Parking Requirements for Outdoor Dining Areas**



Restaurant Size (Number of Indoor Seats)	Number of Outdoor Seats	Parking Requirements
Restaurants with 0—31 Indoor Seats	0 to 8	0 parking spaces required  For more than 8 outdoor seats, refer to the parking requirements for indoor restaurant seating. Regarding waivers, refer to subsection (D)(6)(b) below. Regarding exemptions, refer to subsection (D)(6)(c) below.
Restaurants with 32 or more Indoor Seats	0 to 16  More than 16	0 parking spaces required  For more than 16 outdoor seats, refer to the parking requirements for indoor restaurant seating. Regarding waivers, refer to subsection (D)(6)(b) below. Regarding exemptions, refer to subsection (D)(6)(c) below.

- b. ~~The above parking requirements for outdoor dining facilities may be modified or waived by the approval body required to review other aspects of the outdoor dining facility, in accordance with Table 17.28.205A (private property) or 17.28.206A (public property), Review Requirements for Outdoor Dining Areas, if all of the following findings can be made in addition to the general findings required for the appropriate permits:~~
  - i. ~~Public parking is available in close proximity to the restaurant;~~
  - ii. ~~Given the specific conditions of the site and the adjacent area, the waiver or modification of requirements will not result in inadequate parking; and~~
  - iii. ~~If the outdoor dining is located within the Downtown Parking Study Area, the findings required in Section 17.64.125(A)(4), Findings (For Waivers of Parking Requirements for Outdoor Dining, Additions, and New Structures), of this title. Parking requirements may be waived or modified in some instances per Section 17.64.125.~~
- c. ~~The above p~~P~~arking requirements for outdoor dining facilities that are located within the MU3-A and MU3-CB-A zones, may be exempted by the approval body required to review other aspects of the outdoor dining facility~~review

authority ~~when the~~ if the following findings can be made: ~~following findings are met:~~

- i. Off-street public parking is available within a block of the restaurant; and
  - ii. The outdoor dining facility contributes and enhances the village/pedestrian atmosphere of the Architectural Overlay District it is located in by incorporating paseos and/or plazas that are specifically designed for outdoor dining facilities; ;
- ~~76.~~ 76. Property Owner Agreement. The property owner shall ~~provide written consent for~~ to the outdoor dining facilities.
- ~~87.~~ 87. Sight Distance Problems. Outdoor dining areas shall not create any sight distance problems to or from the appropriate streets, parking areas, and loading areas.

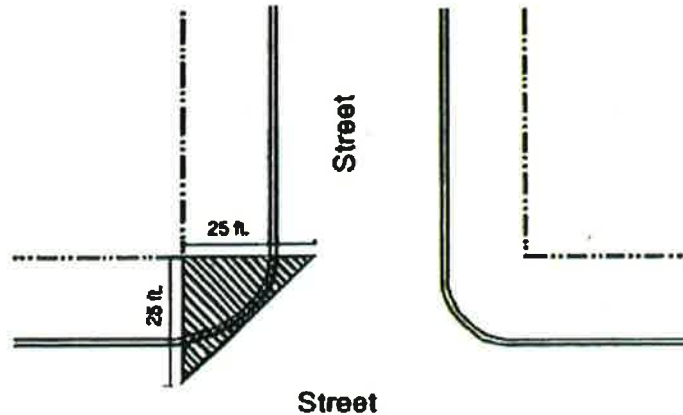
D. Other requirements for outdoor dining on public property. The following restrictions also shall apply to outdoor dining areas on public property:

1. Accessibility, Vertical. Umbrellas and similar objects related to the facilities must be located so that they do not endanger the safety of pedestrians or block access to businesses or to the sidewalk or street. A minimum seven-foot clearance, as measured from the ground below an umbrella or similar object to the lowest portion of the umbrella shade or ribs, is recommended as a guideline, with the actual clearance to be determined through the review process.
2. Indemnification. The applicant shall execute an agreement in a form acceptable to the City Attorney which defends, indemnifies and holds the City and its employees harmless from and against any loss or damage arising from the use or existence of the improvements and use of public property.
3. Insurance. The applicant shall obtain and maintain in full force comprehensive general liability, broad form property damage and blanket contractual liability insurance in a combined single limit amount, per claim and aggregate, of at least \$1,000,000.00 covering the applicant's operations on the sidewalk. Such insurance shall name, on a special endorsement form, the City, its elected and appointed boards, officers, agents and employees as additional insureds. The policy of insurance or special endorsement form shall state that the insurance is provided on an occurrence basis and is primary to the City's insurance. A certificate of insurance shall contain provisions that prohibit cancellations, modifications or lapse without 30 days prior written notice to the City.

4. Maintenance. The public right-of-way will be maintained at a level acceptable to the City.
5. Removal of Facilities.
  - a. All materials associated with the outdoor dining facility on public property, including but not limited to tables, chairs, umbrellas, and partitions, shall be removed each day at the close of business and not reestablished until the opening of business the following day;
  - b. The applicant shall immediately remove all materials on public property associated with the outdoor dining facility at the City's request to allow the City to perform maintenance, repair, replacement, and installation of new public facilities and private utilities.
6. Setback from Alley, Driveway, or Street. When an outdoor dining area is located directly adjacent to an alley, driveway or street, a five-foot setback shall be maintained from the alley, driveway or street. This setback may be reduced to zero feet by the approving authority in circumstances where the public safety may be maintained to the satisfaction of the City.
7. Setback, Street Corner. At street intersections, the triangular area formed by measuring 25 feet along the property line of each frontage from the intersection of the property lines at the corner shall remain free of outdoor dining facilities on public property. This setback may be reduced to 10 feet by the approving authority in circumstances where the public safety may be maintained to the satisfaction of the City, particularly the City Traffic Engineer.

**Figure 17.28.206A**

**Street Corner Setbacks for Outdoor Dining Areas on Public Property**



 Area where no outdoor dining facilities allowed

8. Sidewalk Width. A minimum public sidewalk width of five feet shall be maintained. (Umbrellas and similar objects which comply with subsection (D)(1) may protrude into this minimum sidewalk width.) The minimum sidewalk width may be reduced to four feet by the review authority in circumstances where the public safety may be maintained to the satisfaction of the City. When the sidewalk width is reduced to four feet by the decision-making body, it shall be explicitly noted in the minutes which are forwarded to the City Council for approval.

9. Termination of Permit. The public right-of-way shall be left free of debris, litter, or any other evidence of the outdoor dining facility upon termination or removal of the use, and shall thereafter be used pursuant to the provisions of this code.

E. **Required Findings.** Prior to the approval of ~~an outdoor dining permit~~ outdoor dining areas, the review authority shall make the following findings ~~shall be made:~~

1. The outdoor dining area contributes to the village/pedestrian ambiance of the City, ~~in accordance,~~ consistent with the City's General Plan; ~~and~~
2. The outdoor dining area complies with the standards of this section; and
3. Any negative visual, noise, traffic, accessibility, and parking impacts associated with the outdoor dining area have been reduced to an acceptable level, as determined by the City; ~~and.~~
4. ~~Related to Design.~~
  - a. ~~When the Community Development Director is the approving authority for the facility, the following finding shall be made:~~

~~The outdoor dining facility is compatible with the existing building to which the facility is attached and complies with the findings required for the approval of a Staff Waiver of Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits.~~

~~b. When the Zoning Administrator or Planning Commission is the approving authority for the facility, one of the following findings shall be made:~~

~~i. The outdoor dining facility is compatible with the existing building to which the facility is attached and complies with the findings required for the approval of a Staff Waiver of Architectural/Cultural Heritage Permits, and Minor Architectural/Cultural Heritage Permits; or~~

~~ii. The outdoor dining facility complies with the required findings for the approval of Architectural/Minor Architectural Permits or Cultural Heritage/Minor Cultural Heritage Permits. For outdoor dining areas on public property, the following findings shall also be made:~~

~~a. The sidewalk's public use, including pedestrian, transit and business services needs, not limited to loading zones, bus stops, public phones, and benches, is not restricted by the facility;~~

~~b. Pedestrian traffic volumes and accessibility are not inhibited by the facility;~~

~~c. Street trees, utilities, fire equipment and similar items are not adversely impacted by the facility; and~~

~~d. Public parking is not adversely impacted.~~

**Section 29:** Section 17.28.206 of the Municipal Code is hereby struck in its entirety.

~~**17.28.206 Outdoor dining areas on public property, permanent and accessory.**~~

~~A. **Purpose and Intent.** The City recognizes the need to allow outdoor dining areas and facilities that help achieve General Plan goals. The purpose of this section is to allow outdoor dining facilities that add to the pedestrian ambiance of streets and address potential compatibility or safety issues.~~

~~This section applies to outdoor dining facilities on public property. For provisions for outdoor dining facilities on private property, or Outdoor Dining Permits, please refer to Section 17.28.205, Outdoor Dining Areas on Private Property, Permanent and Accessory, of this title.~~

~~B. **Applicability.** This section shall apply only to outdoor dining facilities on public property which have not been approved by the City as of February 7, 1997.~~

~~C. **Review Requirements.** All outdoor dining facilities on public property shall require an Outdoor Dining Permit, reviewed by the following authorities through the indicated discretionary action:~~

**Table 17.28.206**

**Review Requirements for Outdoor Dining Areas on Public Property**

Threshold for Review	Zoning Administrator/ MCUP	Planning Commission Review/CUP
<del>Size of Outdoor Dining Facility on Public Property without alcohol service or live entertainment:</del>		
<del>—Up to and including 16 Seats and/or 4 Tables</del>	✓	
<del>—More than 16 Seats and/or 4 Tables</del>		✓
<del>Location of Outdoor Dining in Public Right-of-Way</del>		
<del>—Adjacent to Private Property</del>	✓	
<del>—In Parkway and/or Separated From Private Property by Pedestrian Right-of-Way and/or Directly Adjacent to a Street/Parking</del>		✓

~~D. **Minimum Standards.** The following restrictions shall apply to outdoor dining areas on public property in nonresidential and mixed-use zones, where allowed:~~

- ~~— 1. — Accessibility, Vertical. Umbrellas and similar objects related to the facilities must be located so that they do not endanger the safety of pedestrians or block access to businesses or to the sidewalk or street. A minimum seven-foot clearance, as measured from the ground below an umbrella or similar object to~~

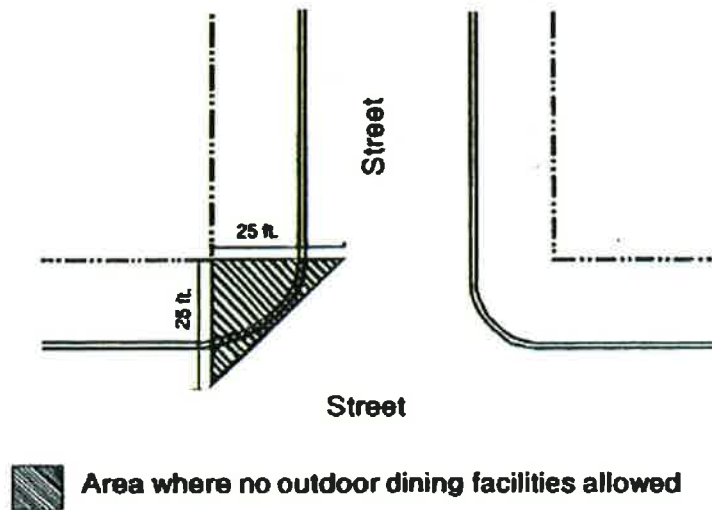
~~the lowest portion of the umbrella shade or ribs, is recommended as a guideline, with the actual clearance to be determined through the Outdoor Dining Permit review process and subject to State Title 24 Disabled Access Requirements and ADA (Americans with Disabilities Act) standards.~~

- ~~2. Alcohol. No alcohol may be served in the outdoor dining facilities on public property;~~
- ~~3. Indemnification. The permittee shall execute an agreement in a form acceptable to the City Attorney which defends, indemnifies and holds the City and its employees harmless from and against any loss or damage arising from the use or existence of the improvements or encroachment authorized under the Outdoor Dining Permit.~~
- ~~4. Insurance. The permittee shall obtain and maintain in full force comprehensive general liability, broad form property damage and blanket contractual liability insurance in a combined single limit amount, per claim and aggregate, of at least \$1,000,000.00 covering the permittee's operations on the sidewalk. Such insurance shall name, on a special endorsement form, the City, its elected and appointed boards, officers, agents and employees as additional insureds. The policy of insurance or special endorsement form shall state that the insurance is provided on an occurrence basis and is primary to the City's insurance. A certificate of insurance shall contain provisions that prohibit cancellations, modifications or lapse without 30 days prior written notice to the City.~~
- ~~5. Live Entertainment. No live entertainment may take place in the outdoor dining facilities on public property.~~
- ~~6. Maintenance. The public right-of-way will be maintained at a level acceptable to the City.~~
- ~~7. Other Standards. Outdoor dining facilities on public property shall comply with the standards for outdoor dining facilities for private property, in accordance with Section 17.28.205(D), Minimum Standards, of this title.~~
- ~~8. Removal of Facilities.~~
  - ~~a. All materials associated with the outdoor dining facility on public property, including but not limited to tables, chairs, umbrellas, and partitions, shall be removed each day at the close of business and not reestablished until the opening of business the following day;~~
  - ~~b. The permittee shall immediately remove all materials on public property associated with the outdoor dining facility at the City's request to allow the City to perform maintenance, repair, replacement, and installation of new public facilities and private utilities.~~
- ~~9. Setback from Alley, Driveway, or Street. When an outdoor dining area is located directly adjacent to an alley, driveway or street, a five-foot setback shall be maintained from the alley, driveway or street. This setback may be reduced to zero feet by the approving authority in circumstances where the public safety may be maintained to the satisfaction of the City. For setbacks at street corners, please refer to the following subsection.~~

- 10. — ~~Setback, Street Corner. At street intersections, the triangular area formed by measuring 25 feet along the property line of each frontage from the intersection of the property lines at the corner shall remain free of outdoor dining facilities on public property. This setback may be reduced to 10 feet by the approving authority in circumstances where the public safety may be maintained to the satisfaction of the City, particularly the City Traffic Engineer.~~

**Figure 17.28.206A**

**Street Corner Setbacks for Outdoor Dining Areas on Public Property**



- 11. — ~~Sidewalk Width. A minimum public sidewalk width of five feet shall be maintained. (Umbrellas and similar objects which comply with subsection (D)(1) may protrude into this minimum sidewalk width.) The minimum sidewalk width may be reduced to four feet by the approving authority in circumstances where the public safety may be maintained to the satisfaction of the City. When the sidewalk width is reduced to four feet by the decision-making body, it shall be explicitly noted in the minutes which are forwarded to the City Council for approval.~~
- 12. — ~~Structures in the Public Right-of-Way. Structures related to the outdoor dining facility which cannot be removed at the close of business each day shall require the approval of an encroachment permit, as defined in Chapter 12.20, Encroachment Permits, of this Municipal Code.~~
- 13. — ~~Termination of Permit. The public right-of-way shall be left free of debris, litter, or any other evidence of the outdoor dining facility upon termination or removal of the use, and shall thereafter be used pursuant to the provisions of this code.~~

**E. Required Findings.** Prior to the approval of an Outdoor Dining Permit, the following findings shall be made:



- ~~1. The required findings for the approval of Outdoor Dining Permit, in accordance with Section 17.28.205(E), Required Findings;~~
- ~~2. The sidewalk's public use, including pedestrian, transit and business services needs, not limited to loading zones, bus stops, public phones, and benches, is not restricted by the facility;~~
- ~~3. Pedestrian traffic volumes and accessibility are not inhibited by the facility;~~
- ~~4. Street trees, utilities, fire equipment and similar items are not adversely impacted by the facility;~~
- ~~5. Public parking is not adversely impacted.~~

~~F. — Approvals Valid for One Year. Outdoor Dining Permits shall be valid for one year. Before a permit expires, the applicant may request, in writing, a permit renewal subject to approval by the Community Development Director. No permit or application fee shall be required for the renewal of an Outdoor Dining Permit. Provided the original permit findings still apply, the Community Development Director shall renew the Outdoor Dining Permit without holding a public hearing. If the original findings for the permit cannot be made, the Outdoor Dining Permit must be reviewed by the original approving authority, in the manner the original permit request was reviewed, for consideration of approving, modifying or revoking of the permit.~~

**Section 30:** Section 17.28.240 of the Municipal Code is hereby amended as follows:

**17.28.240 Public utilities.**

- A. **Purpose and Intent.** The purpose of this section is to ensure that public utility facilities, such as substations or reservoirs, and antennas (other than satellite antennas and antennas on City property, which are regulated elsewhere) are located and built in a manner which is compatible with adjacent uses. An additional purpose of this section is to define the review process for public utilities initiated by the City and those initiated by outside agencies. Please refer to Section 17.28.070, Antennas on City Property, and Section 17.28.080, Satellite Antennas, for regulations for other types of antennas.
- B. **Review Requirements.**
1. **City Projects.** For the required review process for City-initiated public utility projects, please refer to the City's Public Works Department policy on the review of capital improvement projects.
  2. **Projects Initiated by Outside Agencies/Applicants.**

- a. Major utilities shall require the approval of a Conditional Use Permit, in accordance with Section 17.16.060, Conditional Use Permits, of this title. Major utilities shall include, but shall not be limited to, reservoirs, utility substations, including electrical distribution and transmission substations, and above-ground pump stations, such as sewage and potable water system pump stations, antennas (other than satellite antennas and antennas on City property) and similar facilities. If the installation of the antenna is stealth, as determined by the City Planner, then the process is administrative and no Conditional Use Permit is required. The standards in subsection (C)(1), Minimum Standards for Projects Initiated by Outside Agencies, Major Utilities, shall apply to major utilities initiated by outside agencies. The City Engineer shall be responsible for determining whether a utility is major.
- b. Minor utilities shall be permitted outright, subject to the concurrent review requirements found in Section 17.12.090, Consideration of Concurrent Applications, of this title. Minor utilities shall include, but shall not be limited to, below-ground pump stations, stand pipes, and transformers. The standards in subsection (C)(2), Minimum Standards for Projects Initiated by Outside Agencies, Minor Utilities, shall apply to minor utilities initiated by outside agencies. The City Engineer shall be responsible for determining whether a utility is minor.
- c. Public utility distribution and transmission line towers and poles, and underground facilities for distribution of gas, water, telephone and electricity shall be allowed in all zones without obtaining a Conditional Use Permit. However, all routes and heights of proposed electric transmission systems of 69 KV and over, telephone main trunk cables, from one central office to another and water or gas transmission mains which are above ground, shall be located in conformance with the General Plan of the City.

3. Modifications to existing antenna facilities. The City Planner shall review and decide on requests to modify existing wireless towers or base stations structures that support antennas, transceivers, or other related equipment. This includes the addition and removal of wireless transmission equipment such as the co-location of new transmission equipment, the removal of transmission equipment, or the replacement of transmission equipment. Modifications shall not substantially change the physical dimensions of the wireless tower or base station, as defined by the Federal Communications Commission. The City Planner may approve projects that meet minimum standards in Section 17.28.070(D)(5).

**C. Minimum Standards for Projects Initiated by Outside Agencies.**

1. Major Utilities.
  - a. Compatibility. All buildings, structures and landscaping shall be visually compatible with surrounding development.

- b. Development Standards. The standards for major utilities shall be determined through the Conditional Use Permit process.
  - c. Location. Please refer to the permitted and conditional use tables in Chapters 17.32, Residential Zones and Standards through 17.48, Public Zones and Standards, ~~of this title.~~
2. Minor Utilities.
- a. Compatibility. All minor utilities shall be placed underground or shall be screened in accordance with Section 17.24.050, Building Equipment and Services and Their Screening, ~~of this title.~~
  - b. Development Standards. Minor utilities shall comply with the standards for ground-mounted equipment in Section 17.24.050, Building Equipment and Services and Their Screening, ~~of this title.~~
  - c. Location. Please refer to the permitted and conditional use tables in Chapters 17.32, Residential Zones and Standards through 17.48, Public Zones and Standards, ~~of this title.~~
  - d. Parking. The parking requirements for a public utility use such as an electric distribution and transmission substation, public utility service yard or similar use may be waived or modified, subject to the approval of a Conditional Use Permit in accordance with Section 17.16.060, Conditional Use Permits, upon a finding that the use requires no full-time or permanent employees.
3. Modifications of existing wireless towers or base station structures. Refer to Section 17.28.070(D)(5) for minimum standards that apply to modifications of existing wireless towers or base station structures.

**Section 31:** Section 17.28.290(E) of the Municipal Code is hereby amended as follows:

- E. **Converted Service Stations.** ~~The conversion of buildings and structures that were originally designed as a gasoline service station and that are proposed to be used for another use shall be subject to a Minor Conditional Use Permit, in accordance with Section 17.16.070, Minor Conditional Use Permits, of this title, to determine whether the conversion of the facilities to another use shall require bringing the facility into conformance for such things as, but not limited to, removal of all gasoline appurtenances and underground storage tanks, removal of canopies, removal of pump islands, removal of overhead doors, additional landscaping, missing street improvements or modification of existing improvements to conform to access regulation, and exterior remodeling, and any other improvement deemed necessary by the decision-making authority to ensure the building is compatible with the neighborhood. For nonconforming service stations, please refer to the review requirements for changes of use in Chapter 17.72, Nonconforming Structures and Uses, of this title.~~

When a service station use is converted to another use, the service station structures and other improvements shall be removed or modified to an extent that makes the site compatible with the neighborhood and conforming to rules. The modification or removal of improvements requires the approval of a Minor Architectural Permit or Minor Cultural Heritage Permit (Section 17.16.100) unless a waiver may be issued per Section 17.16.110. For example, the conversion of a service station could involve the removal of all gasoline equipment and underground storage tanks, removal of canopies, removal of pump islands, removal of overhead doors, the addition or modification of landscaping, addition of missing street improvements, exterior remodeling, etc. For nonconforming service stations, refer to change of use requirements in Chapter 17.72, Nonconforming Structures and Uses.

**Section 32:** Section 17.28.300(F) of the Municipal Code is hereby amended as follows:

- F. **Model Home Complexes and Sales Offices.** Model home complexes and sales offices shall be conditionally permitted solely for the first sale of homes within a recorded tract or condominium subdivision, subject to the following regulations:
1. Location. The model home complex and/or sales office shall be located on the same or adjacent premises as the subdivision or building project.
  2. ~~Permits, Expiration Of.~~ Expiration of permits. Approval of the model home complex and/or sales office shall be for a one-year period, at which time the sales office use shall be terminated and the structure restored to its original condition. Extensions may be granted by the Zoning Administrator in one-year increments or until 90 percent of the development is sold plus six months to close sales. Permits are valid for one calendar year from the permit approval date, or six months after 90 percent or greater of homes are sold, whichever is sooner. The City Planner may approve 180 day time extensions. A maximum of two time extensions may be approved. To receive a time extension, a written request shall be submitted before the expiration date and state justified reasons for delays. For approval, the City Planner must meet required findings for a Temporary Use Permit. When a permit expires, the applicant may submit a new application and fees to request a Temporary Use Permit to maintain a model home complex and sales office use and improvements.
  3. Review Requirements. A Temporary Use Permit is required to allow Mmodel home complexes and/or sales offices for the sale of homes in any subdivision containing five or more units ~~require a Minor Site Plan Permit in accordance with Section 17.16.050, Site Plan Permits and Minor Site Plan Permits, of this title.~~
  4. Use. The sales office shall be used only for transactions involving the sale, rent or lease of lots or units within the tract or condominium subdivision.

5. Other Issues for Consideration. The decision-making body responsible for reviewing the application for a model home complex and/or sales office shall consider the hours of operation, lighting, landscaping, signage, and any other factors that may affect the model home complexes maintenance and impacts on the surrounding area and shall condition the project accordingly. Please refer to subsection (H), Conditions, of this section.
6. ~~Other Requirements~~ Site Restoration Required. Each site occupied by a temporary use shall be left free of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used, pursuant to the provisions of the Zoning Ordinance. The City may require a bond to ensure this requirement is met.

**Section 33:** Section 17.28.300(G)(2) of the Municipal Code is hereby amended as follows:

2. ~~General~~ Temporary Outdoor Displays (Other than Grocery Store Displays and Parking Lot Sales). ~~General temporary outdoor display of merchandise (other than outdoor display of merchandise under subsections (G)(1) or (G)(3) shall be is allowed – conditionally permitted, subject~~ provided that all of the following standards are met: to the following regulations:
  - a. Authorization. Written authorization for the sale/display shall be obtained from the property owner.
  - b. Hazards. The activity shall not present a hazard to pedestrians or encroach on a required building exit. No item shall be displayed in a manner that: causes a safety hazard; obstructs the entrance to any building; interferes with, or impedes the flow of, pedestrian or vehicle traffic; is unsightly or creates any other condition that is detrimental to the appearance of the premises or any surrounding property; or in any other manner is detrimental to the public health, safety or welfare or causes a public nuisance.
  - c. Merchandise. Only goods and materials associated with the business's pre-existing, indoor primary uses may be displayed and sold. Only one item of merchandise shall be displayed at any time. The displayed item shall not have any sales tag, prices, advertisements or other signs attached. Where there is ambiguity, the Code Compliance Manager or designee shall decide.
  - d. Parking. Adequate parking shall be provided and maintained during the course of the activity.
  - e. Public Property. No item, or any portion thereof, shall be displayed on public property unless a Special Events Permit has been obtained from the City's Beaches, Parks and Recreation Department.

- f. Review Requirements. The general temporary outdoor display of merchandise shall be permitted ~~without benefit of a Discretionary Permit/Temporary Use Permit from the Planning Division, provided the standards of this section are met.~~
- g. Time Limits. All merchandise shall only be displayed during the business hours of the business displaying merchandise and shall be brought indoors after the closing of the business each day.
- h. Vehicle Ingress and Egress. Safe vehicle ingress and egress shall be provided at all times.

**Section 34:** The use category "Group Instruction/Group Counseling" in Table 17.36.020(5) of the Municipal Code is hereby amended as follows:

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
Group Instruction/Group Counseling	MC	<del>MC</del>		

**Section 35:** The use category "Internet Access Studio/Internet Café" in Table 17.36.020 (8) of the Municipal Code is hereby struck.

Use	NC 1.1, NC 1.2	NC 2, NC 3, CC 1, CC 2, CC 3	RC 2	CRC-4
<del>Internet Access Studio/Internet Café</del>	<del>P</del>	<del>P</del>		<del>P</del>
<del>a. With 5 or more computers available to the public (excluding school, library and other similar public uses)<sup>17</sup></del>	<del>E</del>	<del>E</del>		<del>E</del>

**Section 36:** Footnote 18 of Table 17.36.020 is hereby struck in the Municipal Code.

~~The provisions for amusement centers shall apply to Internet Access Studios/Internet Cafés. Please refer to Section 17.28.050, Amusement Centers, for special provisions for amusement centers.~~

**Section 37:** The use category “Internet Access Studio/Internet Café” in Table 17.40.030(4) of the Municipal Code is hereby amended as follows:

Use	MU-3	MU-3-CB	MU-5.1
<del>Internet Access Studio/Internet Café</del>	<del>P</del>	<del>P</del>	<del>P</del>
<del>a. With 5 or more computers available to the public (excluding school, library and similar public uses).<sup>22</sup></del>	<del>G</del>	<del>G</del>	<del>G</del>

**Section 38:** Table 17.36.020 Footnote 22 of the Municipal Code is hereby amended as follows.

~~The provisions for amusement centers shall apply to Internet Access Studios/Internet Cafés. Refer to Section 17.28.050, Amusement Centers, of this title.~~

**Section 39:** Section 17.64.120(B) of the Municipal Code is hereby amended as follows:

**B. Requirements.**

- ~~Satisfactory evidence, as verified through the Minor Conditional Use Permit/Conditional Use Permit process, shall be submitted by the parties seeking approval of the shared parking arrangement, demonstrating that substantial conflict will not exist in the principal hours or periods of peak demand for the uses for which the shared parking is proposed. If the finding in subsection (C)(2)(b) of this section, below, is to be made, then satisfactory evidence shall include a parking survey, which may be conducted by the applicant and which demonstrates that the number of spaces to be shared are physically available when the proposed use(s) is in operation. The survey must be conducted prior to approval of the Minor Conditional Use Permit/Conditional Use Permit, on an hourly basis during the proposed hours of operation of the use, for a minimum of eight weeks, and on a minimum of the Friday and Saturday of each week; and Evidence shall be submitted that demonstrates shared parking will not result in inadequate parking. Applicants shall submit a parking study that provides an analysis of available and used parking spaces based on parking counts taken at certain time intervals and days to verify parking usage patterns. The City Planner determines if parking studies are adequate and has the authority to decide which parking analysis methods and counting is necessary to verify parking patterns.~~

a. Downtown Parking Study Area. At a minimum, for shared parking in the Downtown Study Area, parking studies shall be conducted for two weeks with parking counts taken every hour on Thursday and Saturday each week.

2. Shared parking facilities shall not be located further than 300 feet from any structure or use served. Exception: In the case of the Downtown Parking Study Area, this distance may be increased to 500 feet.
3. Prior to the use being initiated, a written agreement shall be reviewed by the City Attorney and executed by the property owner to assure the continued availability of the shared parking spaces for the life of the development.
4. In the case of mixed-use projects, any parking for the residential component of the project that exceeds the minimum of two per dwelling units may be considered for shared parking.

**Section 40:** Section 17.64.125(B)(7) of the Municipal Code is hereby amended as follows:

**B. Outside the Downtown Parking Study Area.** Waivers of the parking requirements for the uses contained in the following table may be approved, subject to the approval of the indicated permits:

USE	REVIEW REQUIREMENTS	FINDINGS WAIVERS MAY BE GRANTED TO THE INDICATED USES IF THE FINDINGS ARE MADE, IN ADDITION TO THE GENERAL FINDINGS FOR THE SPECIFIED PERMITS
7. Outdoor Dining Areas	<a href="#">MCUP</a>	<p>a. <u>Public parking is available in close proximity to the restaurant;</u></p> <p>b. <u>Given the specific conditions of the site and the adjacent area, the waiver or modification of requirements will not result in inadequate parking</u><del>Please refer to Section 17.28.205(D)(6)(b), Parking, for waivers of the parking requirements for outdoor dining areas</del></p>



**Section 41:** Table 17.72.050A of the Municipal Code is hereby amended as follows:

I. **Additions.** Floor area may be added to Nonconforming Buildings as follows. Additions are based on square feet of gross floor area:

1. Review Procedures. Additions shall meet the requirements in Table 17.72.050A.

**Table 17.72.050A – Review Procedures for Additions**

Project	Permit or Action Required
Interior Addition (e.g. loft Addition, crawlspace conversion) or Addition below grade (e.g. basement).	Projects may be eligible for a staff waiver of a Minor Architectural Permit/Minor Cultural Heritage Permit.
<del>Addition of 300 square feet on or after March 21, 1996.</del>	<del>Projects may be eligible for a staff waiver of a Minor Architectural Permit/Minor Cultural Heritage Permit.</del>
Less than 50 percent expansion of gross floor area.	Minor Architectural Permit/Minor Cultural Heritage Permit <u>or staff waiver.</u>
50 percent or greater expansion of gross floor area.	Buildings must be made to conform to requirements, except for single-family dwellings that are less than 1,400 square feet. These buildings may be expanded to a maximum of 2,100 square feet and remain nonconforming with the approval of a Minor Architectural Permit/Minor Cultural Heritage Permit. The Design Review Subcommittee shall review these projects prior to a Zoning Administrator hearing.

**Section 42:** “Construction Signs” in Table 17.84.030(A) of the Municipal Code is hereby amended as follows:

Sign Type	Maximum Number of Signs Permitted	Maximum Size per Sign	Maximum Height per Sign	Sign Permits Required	Other Special Considerations
Construction Signs	1 per street frontage	12 sq. ft. within a residential zone 24 sq. ft.	4 ft. within a residential zone 6 ft. within	<del>Adm. Sign Permit</del> <del>Adm. Sign</del>	<del>The time permitted for a construction sign to remain shall be determined by the City Planner based on the</del>

		within a nonresidential zone	a nonresidential zone	<del>Permit</del> No ne	<del>timeframe for construction.</del> <u>Signage may only be displayed when building permits are active for the construction project.</u>
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**Section 43:** "Real Estate Signs: Other than Open House Signs" in Table 17.84.030A of the Municipal Code is hereby amended as follows:

**Table 17.84.030A, Matrix of Sign Types**

Sign Type	Maximum Number of Signs Permitted	Maximum Size per Sign	Maximum Height per Sign	Sign Permits Required	Other Special Considerations
Real Estate Signs: Other than Open House Signs	1 per building or site	24 sq. ft. if within a commercial zone. 12 sq. ft. if within a residential zone	Freestanding sign: 6 feet	<del>Adm. Sign</del> Permit No ne	Cannot be lighted; must be located on-site; sign area of the real estate sign shall not count towards total sign area permitted for the site. <u>Signage may only be displayed when real estate is actively on market for sale, lease, or rent.</u>

**Section 44:** The definition "Retaining Walls" in Section 17.88.030 of the Municipal Code is hereby amended as follows:

**Retaining Walls.** For purposes of Section 17.24.180, Retaining Walls, of this title, the following definitions shall apply:

1. **"Finished grade"** means the level of the ground surface adjacent to a retaining wall above the footing. For purposes of measuring the height of a retaining wall, finished grade shall include concrete flatwork, earth berming, dirt, sod, or similar ground cover a maximum of one foot above the elevation of the top of the footing or as determined structurally necessary by the City Engineer.

2. **"Footing"** means that portion of a foundation of a structure which transmits loads directly to the soil.
3. **"Guardrail"** means the structural materials required on or adjacent to a retaining wall which exceeds 30 inches in height for the purposes of minimizing the possibility of an accidental fall from the higher level to the lower level. Structural materials, for the purpose of this definition, shall include, but not be limited to, glass panel, open wood picket, and open wrought iron.
4. **Guardrail, Open.** "Open guardrail" means a guardrail constructed from open materials, such as glass panel, open wood picket and open wrought iron. ~~Guardrails constructed of open materials shall comply with the following requirements:~~
  - a. ~~Pickets shall be a minimum of four inches apart, but, in no case, shall pickets be farther apart than the maximum limits established by the UBC. For swimming pools, the pickets shall be no more than four inches apart.~~
  - b. ~~The maximum width for pickets shall be:~~
    - i. ~~Metal pickets: one inch square,~~
    - ii. ~~Wood Pickets: one and one-half inch square.~~
5. **"Pilaster"** means a column which provides lateral support for walls, fences, and guardrails.
6. **"Retaining wall"** means any structural device constructed from metal, brick, block, concrete, or similar material which forms a physical barrier that is designed to resist the lateral displacement of soil or similar material. Retaining walls higher than 30 inches in height require a Building Permit.

# ATTACHMENT 3

## RESOLUTION NO. PC 14-052

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT AMENDMENTS TO MUNICIPAL CODE TITLE 2 AND TITLE 16 TO CLARIFY THE APPLICATION REVIEW PROCESS AND ALLOW THE ZONING ADMINISTRATOR APPROVE TENTATIVE TRACT MAPS FOR CONDOMINIUMS AND CONDOMINIUM CONVERSIONS

**WHEREAS**, the proposed code changes (attached hereto as Exhibit B) are to: 1) clarify the function of the Planning Commission and Zoning Administrator, and 2) streamline tentative tract maps for condominiums and condominium conversions by allowing the Zoning Administrator, rather than the Planning Commission, to approve tentative tract maps for the subdivision of buildings into five or more condominiums. Currently, the Zoning Administrator may approve building subdivisions into four or fewer condominiums;

**WHEREAS**, on February 19, 2014, a public workshop was held to get input on improving the zoning application review process;

**WHEREAS**, on March 5, 2014; March 19, 2014; and June 4, 2014; the Planning Commission had three study sessions on the review process and the need to balance streamlining with enhancing quality of life;

**WHEREAS**, the Planning Division completed an environmental assessment of the proposed amendments for compliance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 21065, the proposed amendments do not meet the definition of a "project" and therefore not subject to further environmental review; and

**WHEREAS**, on December 17, 2014, the Planning Commission of the City of San Clemente held a duly noticed public hearing on the subject application and considered evidence presented by City staff and other interested parties.

**NOW, THEREFORE**, the Planning Commission of the City of San Clemente hereby resolves as follows:

**Section 1:** The proposed ordinance amendments are not a "project" as defined in California Environmental Quality Act (CEQA) Guidelines Section 21065; therefore, they are not subject to CEQA and no further environmental review is required.

**Section 2:** The Planning Commission recommends the City Council adopt the draft Title 2 and Title 16 Municipal Code amendments, attached hereto as Exhibit A.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of San Clemente on December 17, 2014.

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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 December 17, 2014, and carried by the following roll call vote:

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

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Secretary of the Planning Commission

**Section 1:** Section 2.32.020, "Planning Commission Function" of the Municipal Code is hereby amended as follows:

The Planning Commission's ~~conducts regularly scheduled meetings and public hearings.~~ functions and duties are to:

- A. Hold regularly scheduled meetings and public hearings to review and ~~The Planning Commission is responsible for approving,~~ act on applications required by Chapter 17.16, applications, of the Zoning Ordinance, such as ~~conditionally approving, or denying applications for use~~ permits, variances, site plans, sign exceptions, architectural design, signs and other approvals ~~as referenced in the Zoning Ordinance of the City.~~ The Commission can approve, approve with conditions, or deny applications, subject to appeal procedures.;
- B. ~~The Planning Commission m~~Makes recommendations to the City Council on items such as tentative subdivision maps, tentative parcel maps, General Plan amendments, specific plan amendments, and zoning amendments.;
- C. ~~The Planning Commission also s~~Serves as the ~~Residential Development Evaluation Board, the~~ Transportation Parking Committee, ~~of the City as well as the~~
- D. Serve as the Cultural Heritage Board ~~of the City.~~ in which the Commission's duties are to:
  1. Compile and maintain a current list of all of such sites, buildings or structures which it has determined to be historical or cultural sites or monuments. Such list shall contain a brief description of the site, building, structure or object in its natural setting, and the reasons for its inclusion in the list;
  2. Publish and transmit said list to all interested parties and to disseminate public information concerning the list, or any site, building, structure or object in its natural setting contained therein;
  3. Take all steps necessary to preserve such historically significant properties which are not in conflict with the health, safety, and general welfare of the public, or the powers and duties of the City, or its several boards, officers or departments;
  4. Make any recommendations to the City Council in connection with the exercise of its duties which it determines are necessary to implement or carry out the spirit and intent of this subsection;

5. Designate landmarks and historical districts subject to the approval of the City Council.

E. Serve as the Design Review Subcommittee. The Planning Commission appoints four Commissioners to the Design Review Subcommittee; three serve as active members and one is an alternate member. The Subcommittee advises applicants on how projects can best comply with the City's Design Guidelines and/or City Policies. The Subcommittee makes recommendations to review authorities (e.g. City Council, Planning Commission, Zoning Administrator) regarding a project's compliance with City Design Guidelines and consistency with goals to preserve cultural resources. The Design Review Subcommittee focuses on site and project design rather than on land use issues, which are the purview of the review authority.;

F. ~~The Planning Commission may p~~Perform ~~any~~ other functions the City Council deems appropriate.

**Section 2:** Section 2.34.010 "Zoning Administrator" of the Municipal Code is hereby added as follows:

**2.34.010 Zoning Administrator.**

A. Function. The Zoning Administrator's function is to provide for streamlined review of minor requests, which are not significant enough to require review by the

B. City Council or Planning Commission, but due to their scale or location, require discretionary consideration. The Zoning Administrator shall perform the duties and functions prescribed in the Zoning Ordinance (Title 17). Refer to Table 17.12.020, Review Authority for Permits and Entitlements, for a list of applications reviewed and acted upon by the Zoning Administrator. The Zoning Administrator may also refer applications to the Planning Commission for review and final action as appropriate.

C. Appointment. The Zoning Administrator shall be appointed by the City Council and shall be a senior member of the Community Development Department. The Zoning Administrator shall be able to delegate his or her authority to another senior member of the Planning Division, on an infrequent basis, should it become necessary (e.g., illness, vacation).

D. Meeting Schedule. The Zoning Administrator shall hold meetings at least once a month in accordance with the rules of procedure established for the Zoning Administrator by the City Council. The location, dates, time and organization of meetings shall be established by resolution of the Zoning Administrator.

E. Minutes. The minutes of Zoning Administrator meetings will be forwarded to the Planning Commission for informational purposes.

**Section 3:** Section 16.04.015(B) of the Municipal Code is hereby amended as follows:

**B. Zoning Administrator.** The Zoning Administrator has the powers and duties provided in the Subdivision Map Act and this Title including:

1. The approval, conditional approval, or denial of tentative ~~parcel~~ map applications for condominiums and condominium conversions, ~~involving the subdivision of four or fewer units.~~
2. Review the design and improvement of proposed subdivisions and imposing requirements and conditions on subdivisions approved by the Zoning Administrator.
3. The approval, conditional approval, or denial of tentative parcel map amendments for Zoning Administrator approved subdivisions.
4. The approval, conditional, approval, or denial of time extensions for tentative maps approved by the Zoning Administrator, when the duration of a request exceeds one year or a time extension request does not comply with Section 17.16.160(C)(1).

**Section 4:** Section 16.04.015(C) of the Municipal Code is hereby amended as follows:

**C. Planning Commission.** The Planning Commission has powers and duties provided in the Subdivision Map Act and this Title including:

- ~~1. The approval, conditional approval, or denial of tentative tract map applications for condominiums and condominium conversions, involving the subdivision of five or more units.~~
- ~~2.1.~~ The approval, conditional approval, or denial of tentative map applications for community apartments, time shares, and stock cooperatives.
- ~~3.2.~~ Review the design and improvement of proposed subdivisions and imposing requirements and conditions on subdivisions approved by the Planning Commission.
- ~~4.3.~~ Review the design and improvement of proposed subdivisions and recommending requirements and conditions on the subdivisions to be considered by the City Council.
- ~~5.4.~~ Making recommendations to the City Council for approval, conditional approval, or denial of subdivisions, excluding condominiums, condominium conversions, community apartments, time shares, or stock cooperatives.



~~6.5.~~ 6.5. The approval, conditional approval, or denial of tentative map amendments for subdivisions approved by the Planning Commission.

~~7.6.~~ 7.6. The approval, conditional, approval, or denial of time extensions for tentative maps approved by the Planning Commission, when the duration of a request exceeds one year or a time extension request does not comply with Section 17.16.160(C)(1).

~~8.7.~~ 8.7. Acting as the appeal board for Director decisions.

**Section 5:** Section 16.08.060(B) of the Municipal Code is hereby amended as follows:

B. Public ~~hearings~~hearing is required. A public hearing ~~shall be held before the Zoning Administrator or Planning Commission take action on a tentative parcel map application~~and notification shall be conducted in compliance with Section 16.04.010.

**Section 6:** Section 16.12.090(A) of the Municipal Code is hereby amended as follows:

A. **Public Hearing is required**. A public hearing ~~shall be held before the Planning Commission or City Council take action on a tentative tract map application~~and notification shall be conducted in compliance with Section 16.04.010.

**MINUTES OF THE REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
November 5, 2014 @ 7:00 p.m.  
City Council Chambers  
100 Avenida Presidio  
San Clemente, CA**

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**1. CALL TO ORDER**

Chair Darden called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:04 p.m.

**2. PLEDGE OF ALLEGIANCE**

Commissioner Eggleston led the Pledge of Allegiance.

**3. ROLL CALL**

Commissioners Present: Wayne Eggleston, Michael Smith, and Kathleen Ward;  
Chair pro tem Jim Ruehlin and Chair Julia Darden

Commissioners Absent: Barton Crandell, Vice Chair Donald Brown

Staff Present: Jim Pechous, City Planner  
Amber Gregg, Associate Planner  
Christopher Wright, Associate Planner  
Thomas Frank, Transportation Engineering Manager  
Jennifer Rosales, Senior Transportation Engineer  
Ajit Thind, Assistant City Attorney  
Eileen White, Recording Secretary

**8. PUBLIC HEARING**

**A. Zoning Amendment 14-056, Zoning Permit Streamlining (Wright)**

An update and overview of city-initiated municipal code amendments that are being drafted to accomplish three goals: 1) clarify the review process; 2) streamline some permit processes while maintaining or enhancing quality of life; 3) modify wireless antenna procedures to meet federal law, which requires to review

wireless antenna changes at a staff level. This is the second phase of the Zoning Ordinance update — an implementation measure of the Centennial General Plan.

Christopher Wright, Associate Planner, narrated a PowerPoint Presentation entitled, "Zoning Permit Streamlining, ZA 14-056, dated November 5, 2014;" recommended the Commission provide comments and direct staff to complete the Ordinance and return for final review and action. Mr. Wright referred to an overview of code changes that are being considered and drafted (Attachment 1 of staff report).

Associate Planner Wright responded to questions and noted that the code changes are mostly to clarify the review process. When streamlining is proposed, the code changes mostly affect how aesthetic issues are reviewed.

Chair Darden stated that Vice Chair Brown expressed concerns, via written comments, about oversight and staff's position on the appeals process. At the study sessions that occurred, the Commission supported the creation of a special appeals process for waivers that allows the Commission to "call-up" waivers. There was also some support for the Commission to be final appeal body for waivers, instead of the City Council. Staff considered these ideas and does not recommend changes to the appeals process. Associate Planner Wright discussed potential creation of a special appeal process for waivers, and walked the Commission through the appeal process if the Planning Commission had the ability to call up or appeal waivers. In addition to causing unintended delays, there is also concern because the Commission is an appointed, not elected government body. Staff is proposing to provide more accessible and descriptive information on staff waiver decisions. Additionally, the waivers can be posted to allow the public to view them on the internet, and waivers can be set up as Consent Calendar items on the Commission meeting agendas. Staff is recommending that the Commission retain its existing process whereby they have the ability to discuss or provide comment on waivers, and provide commentary directly to the City Council via meeting minutes or video recordings. City Council would determine whether or not to appeal a decision.

Following Associate Planner Wright's explanation, the Commissioners did not indicate opposition to retaining the existing ZA waivers appeal process.

Chair Darden opened the public hearing, and there being no public testimony, closed the public hearing.

During discussion, the Commissioners, either individually or in agreement, provided the following commentary:

- Expressed concerns with allowing the Community Development Director to have the ability to approve larger outdoor dining areas on private property with more than 16 seats and 4 tables due to issues regarding generation of outdoor noise. Currently, this requires a Minor Conditional Use Permit and staff proposed to eliminate that so the Director can make more decisions. The Commission did not support this idea *[this code change will not be pursued in response to the Commission's comments]*.
- Established from staff that code changes would clarify how the city may modify or revoke administrative permits. The City Manager could reconsider permits and recommend that the City Council modify or revoke permits. Currently, for most administrative permits, the City Council must initiate a process which limits staff's ability to respond to issues.
- Requested staff to inform the Commission of administrative Special Activities Permits, possibility on the consent calendar so the Commission can be more informed, ask questions, and provide comments on permits that may be of concern.
- Established from staff that no changes to the public notification process were being recommended.
- Requested staff to highlight streamlining code changes in the spreadsheet that summarizes the ordinance. This will help the Commission to identify code changes that alter the review process. This can be done, for example, by adding a column to the spreadsheet or identifying code changes in red that involve streamlining so they stand out.
- Suggested staff consider future code changes that would require businesses to encrypt free Wi-Fi networks to reduce criminal activity and protect the public. There have been hacking issues with unencrypted free Wi-Fi networks in places such as coffee shops. It is recommended that staff address this issue with input from the IT department and businesses.
- Requested staff provide the information requested and proposed language revisions well in advance of the next meeting where this Zoning Amendment will be discussed to allow adequate time for the Commission to review.
- Requested staff consider the Zoning Amendment Changes in smaller sections, rather than one large one, for better understanding and more intense review of the issues at hand.

Report received and filed. Staff to bring back with revisions at future meeting.

**MINUTES OF THE REGULAR STUDY SESSION  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
June 4, 2014 @ 6:00 p.m.  
City Council Chambers  
100 Avenida Presidio  
San Clemente, CA 92672**

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**CALL TO ORDER**

Chair Darden called the Regular Study Session of the Planning Commission of the City of San Clemente to order at 6:03 p.m. in City Council Chambers, located at 100 Avenida Presidio, San Clemente, CA 92672.

**ROLL CALL**

Commissioners Present: Wayne Eggleston, Michael Kaupp, Jim Ruehlin, and Kathleen Ward; Chair pro tem Barton Crandell, Vice Chair Donald Brown and Chair Julia Darden

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner  
Christopher Wright, Associate Planner  
Eileen White, Recording Secretary

**AGENDA**

**A. Zoning Permit Streamlining (Wright)**

This is a request to receive suggestions on code and policy changes that would improve customer service and maintain quality of life. The next phase of the Zoning Ordinance update is to improve discretionary permit procedures. The Commission's comments will be used to prepare code changes that the Planning Commission will consider at a future public hearing.

Christopher Wright, Associate Planner, summarized the staff report, which answered questions from prior study sessions, provided information that was requested, and outlined some potential code and policy changes that address the principles, concerns, and ideas the Commission identified at prior study sessions. Specifically, staff identified several recommendations: 1) make the Commission the appeal body for staff waivers, rather than the

City Council, so that the potential appeal process is reduced from one month to two weeks and to provide improved oversight, 2) identify staff waivers on the consent calendar for the Commission to review the City Planner's approval of staff waivers, 3) formalize procedures for the City Planner to consult with the Design Review Subcommittee on projects, 4) clarifies that projects should be reviewed by the Design Review Subcommittee when they projects are of significant concern, 5) report City Planner waivers of design review to the Commission, and 6) expand the scope of staff waivers with modified findings to ensure projects are not of significant concern and maintain or improve quality of life. Staff explained a draft set of revised findings for staff waivers and provided a list of potential projects that could be approved with the findings. Lastly, staff provided a mock-up of an information that could be provided to the Commission to review staff waivers on the consent calendar if they were given new authority to serve as the appeal body for those decisions. Staff recommended the Commission comment and provide direction on whether staff has an accurate understanding of the principles, issues, and concerns the Commission has regarding the streamlining ordinance; whether the Commission supports the new strategy to make modest streamlining changes to allow staff to focus on General Plan implementation; whether staff should proceed to draft a streamlining ordinance for the Commission to consider.

During the ensuing discussion, of major concern to the Commissioners was the process for them to review staff waivers, ask questions, and potentially revise or reject a decision made at the staff level.

Associate Planner Wright stated that the Commission could use a process to review staff waivers that is similar to the one used by the City Council to review Planning Commission hearing minutes. The consent calendar would identify a list of approved staff waivers. The Commission would receive a project descriptions, analysis of required findings, and conditions of approval for each waiver decision within Commission meeting packets. The City Planner would have additional information on-hand at meetings in the event the Commission has questions about a staff waiver. This information would include a binder of materials for staff waiver applications. The Commission could concur with staff waiver decisions with one motion or items can be pulled for separate discussion and action. The Commissioners or members of the public would be able to pull an item from the consent calendar to ask questions. If an item is of concern and is pulled from the consent calendar, the Commission would make a separate motion on whether to "call-up" the staff waiver.

The Commission asked if they have the ability to call-up and act upon a waiver at the same hearing or whether action must be deferred until a later meeting if a waiver is called-up.

The City Planner stated that this would be researched further with the City Attorney and staff could provide this information at a future meeting. There are advantages and disadvantages to taking action on a waiver at the same meeting or deferring action until a later meeting.

During review and discussion, the Commissioners, either individually or in agreement, provided the following commentary:

- Suggested Commissioners notify staff in advance if they see a staff waiver on the Consent Calendar that they intend to call up to ask questions. This would allow staff to be prepared to share information about the staff waiver in a PowerPoint or by other means that is more convenient than reviewing materials in a binder.
- Requested that staff member(s) who process staff waivers to be identified on packet materials so the Commission and City Planner can easily identify which staff member is most informed to answer questions and be present at Commission meetings if needed.
- Commented that as time goes on, the City Planner and Commission could make adjustments to the information that is provided about staff waivers in meeting packets, as needed, to ensure there is adequate oversight.
- Agreed with staff's recommendation to formalize existing policy that requires projects to be reviewed by the Design Review Subcommittee that are of significant public concern, regardless of whether they meet required findings.
- Agreed that the list of sample streamlining projects in the staff report seem reasonable and help to put into context the scope of streamlining items that staff is now considering.
- Agreed with staff's strategy to reduce the scope of the streamlining ordinance to items that have little-to-no public concern or impacts and maintain or enhance quality of life. This would allow staff to have time and focus on implementing the General Plan and completing projects, such as new Design Guidelines or adopting a Local Coastal Plan, that are likely to have a much greater impact on improving customer service than the type of code changes that are being discussed in this round of Zoning Ordinance amendments.
- Commented that streamlining will also be very helpful to applicants.
- Agreed to direct staff to begin crafting a streamlining ordinance.

Associate Planner Wright advised that the Commission will have the opportunity to review and comment on the draft streamlining ordinance before it is presented for Council review and action.

Chair Darden commended Associate Planner Wright for his efforts.

**MINUTES OF THE REGULAR STUDY SESSION  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
March 19, 2014 @ 6:00 p.m.  
City Council Chambers  
100 Avenida Presidio  
San Clemente, CA 92672**

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**ROLL CALL**

Commissioners Present: Wayne Eggleston, Michael Kaupp, Jim Ruehlin, and Kathleen Ward; Chair pro tem Barton Crandell, Vice Chair Donald Brown and Chair Julia Darden

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner  
Christopher Wright, Associate Planner  
Eileen White, Recording Secretary

**AGENDA**

**A. Zoning Permit Streamlining (Wright)**

This is a request to receive comments on the effectiveness and efficiency of planning procedures and get suggestions on code and policy changes that would improve customer service. The City Council has made it a priority for decisions to be made at a lower level when it would be more practical and efficient. The next phase of the Zoning Ordinance update is an overhaul of planning procedures. The Commission's comments will be used to prepare code changes that the Planning Commission will consider at a future public hearing.

Christopher Wright, Associate Planner, narrated a PowerPoint Presentation entitled, "Zoning Ordinance Study Session, dated March 19, 2014." In the process of overhauling the Zoning Ordinance, staff is looking at opportunities to improve customer service and simplify the review process. Three main categories of code changes that are being considered include 1) streamlining, 2) reducing the number of applications and simplifying terms, and 3) changes to design review procedures. Staff recommended the Commission comment on the effectiveness and efficiency of planning procedures and offer suggestions on code and policy changes that would streamline the process while maintaining the purpose and intent of permits.



Commissioner Kaupp said he had a number of concerns at the last Study Session and complimented Mr. Wright on his changes and annotations to the list of staff's streamlining ideas. Mr. Wright's edits and annotations capture the spirit of the Commission's previous discussion and concerns. The changes address much of the concerns that Commissioner Kaupp had with the previous list.

Mr. Wright stated that there has been an unwritten policy of requiring minor projects, that meet required findings, to be reviewed by the Design Review Subcommittee when it is a City project, is located in an Architectural Overlay District, or a project involves a historic building. Rather than have a general policy for these situations, Mr. Wright asked the Commission if there criteria can be established for the City Planner to waive design review. Mr. Wright asked if design review can be unnecessary in some situations and what that may include. One streamlined process could allow the City Planner to waive design review if projects are consistent with design guidelines, maintain existing architecture, sufficiently improve the appearance of buildings, maintain or improve a building's architectural or historical integrity, and projects are not expected to be of significant public concern. The Commission could retain the ability to refer projects to the Design Review Subcommittee if they believe that projects do not meet the required findings (and other criteria that can be specified in the code) or "call-up" projects if they disagree with a lower-level decision or if they believe that a public hearing is necessary to provide greater oversight and public participation on a project that may be of public concern. Mr. Wright displayed an example of a mansard roof replacement project that would have benefitted from streamlined review.

Chair pro tem Crandell agreed that there are some situations where design review may be unnecessary to meet findings. However, the Design Review Subcommittee does more than just help applicants to meet required findings. It is also a quality control where the Subcommittee has the opportunity to urge applicants to step-up the quality of design. Anytime staff believes that the quality of a project isn't good enough, it should require design review. The Subcommittee doesn't have the power to require changes, but it encourages applicants to step-up and do projects right. Commissioner Kaupp agreed that over the years the Subcommittee has seen projects where an applicant is encouraged to improve the quality of projects with a "drum-beat" message, which is persuasive.

Commissioner Ruehlin asked what type of mechanism or process would be used by the Commission to review lower-level decisions and decide whether to call them up to a Commission hearing. He said that reviewing minutes on the consent calendar was discussed at the last meeting and that would seem to be a good model. He asked what type and level of

information would be provided to the Commission to understand and evaluate lower-level decisions.

Jim Pechous, City Planner, commented that staff could provide detailed information or more limited action minutes for projects (similar to what is currently provided for staff waivers). A range of information can be provided depending on what the Commission needs to understand how a lower-level decision was made. This may mean City Planner action minutes that describe decisions that are made so the Planning Commission has an opportunity ask questions. And, in most cases, the City Planner attends the Commission meeting and is available to answer any questions. The other options is more like consent items that are on an agenda, where a staff report is provided to the Commission. In this case, there isn't much of a streamlining benefit (because more work and time is involved to write a report, resolution, exhibits). It may save some time at meetings since most consent items are not pulled for discussion. Mr. Pechous referred to the example of the project that involved the removal of a mansard roof element on a contemporary building in the Architectural Overlay. He explained that in the case of reviewing a project like that, it isn't just a case of deciding whether the project meets the findings. It isn't always clear if a project meets findings as shown in how the Commission can have a split vote on whether to approve a project based on findings. Therefore, in his opinion, the City Planner should only decide on a project or waive design review, when it is not ambiguous whether a project meets findings. It must be "black-and-white" clear that a project meets findings and has high-quality architecture. If necessary, the City Planner could require project changes so that a project clearly meets findings and is of good enough quality that the public and higher-level decision makers is likely to support.

Commissioner Brown asked Mr. Wright to describe which three findings he would make to approve the mansard roof element project.

Mr. Wright explained that he would make the following findings: 1) the project is consistent with Architectural Overlay standards that require minor exterior remodels to bring a non-Spanish styled building into closer character with Spanish Colonial Revival architecture in a way that is proportional to the scale of a project. The mansard is out of character with Spanish Colonial Revival architecture so its removal is consistent with the Design Guidelines and Zoning Ordinance; 2) the removal of the mansard improves the architectural integrity of the contemporary building. The mansard is inconsistent with the form and style of the building, and 3) the project improves the appearance of the building using high-quality roofing materials.

Commission Kaupp stated that the waiving of design review would not be streamlining if the Commission disagreed with a waiver and sent projects

back to the Design Review Subcommittee. However, any misunderstanding between the City Planner and Commission would probably play-out pretty quickly, since projects could be called up or sent back to the DRSC.

Mr. Pechous stated that it may be possible to notify the Design Review Subcommittee of decisions to waive design review on projects. This may allow the Subcommittee to give early feedback on design review waivers, rather than to wait for the Commission to get the information in their meeting packet, which is likely to take more time. Staff can consider this further and consult with the City Attorney on the idea.

Chair pro tem Crandell also said the City Planner could individually consult with Subcommittee members to get feedback on decisions to waive design review.

Mr. Pechous agreed with Commissioner Kaupp's comment that it should not take long for the City Planner and Commission to come to a solid understanding of what should require design review. Mr. Pechous stated that anyone in the City Planner position would develop an understanding quickly. If the City Planner made a decision, and didn't know it could be unpopular, they would get informed quickly, if a decision were called up or a project were referred back to the Design Review Subcommittee.

Commissioner Eggleston commented that although streamlining may be appropriate at this time with the existing tenured staff and experienced Planning Commission, decisions such as these can be subjective and could be significant in the future. If code changes are made, it could remain in place for years, so it is important to consider that the experience and knowledge of staff can change. In addition, he suggested the Planning Commission should continue to have input regarding signage as it contributes significantly to quality of life.

Commissioner Kaupp commented that the existing Planning Division staff has a really good feel for the community's standards. He agreed with Commission Eggleston that the knowledge and experience level of staff and the Commission could change and it is wise to assume that it will someday. He suggested that staff check with the City Attorney to find out if staff can notify the DRSC when the City Planner is not sure whether to support a design review waiver, and then poll members individually for their input and/or concerns.

Commissioner Ruehlin commented on the difficulties associated with trying to find the right balance in giving staff more authority and ensuring all projects have adequate oversight. He suggested staff consider approaching changes in a more incremental manner, following the 80/20 rule, see how it works, and having the streamlining process evolve over time. He

encouraged including a small amount of information on each project, such as a paragraph, on the consent calendar so it can be called up if questions arise. If this works well, in six months more leeway could be considered.

In response to a comment from Commissioner Ward regarding potential that the Commission may feel that certain projects may have more public impact that staff believes, and that the mansard roof replacement may have been improved with Design Review Subcommittee (DRSC) review, City Planner Pechous advised that in this case, the applicant would have preferred to rehabilitate the old roof design rather than go through any review. The applicant said he would just keep the building the way it is, rather than go through a review process. He noted there would be checks and balances so the Commission question a City Planner's decision and take different action if necessary.

Vice Chair Brown stated that projects are reviewed based on their consistency with design guidelines so it will help to update the guidelines and other documents as part of the implementation of the new General Plan. He cautioned that streamlining could affect staff's workload in an unknown way for a while. If more staff level decisions are made, perhaps this could take time away from some other projects, which could affect how the Planning Division meets City Council performance measures in some occasions. Maybe the performance measures may need to be adjusted. He supports the idea of simplifying the process by reducing the number of applications.

Mr. Wright clarified that streamlining is likely to free-up staff time that is currently spent writing reports, resolutions, and presenting at meetings.

Chair Darden asked Mr. Wright if the process of writing a staff report can raise questions or issues that can be missed if a report is not prepared.

Mr. Wright stated that the process of writing out how a project meets findings is most valuable in identifying issues. This can be done without a staff report.

Chair pro tem Crandell asked staff to clarify the process that is used to review and decide on applications at a City Planner level.

Mr. Wright explained the first step is for staff to guide applicants at the counter. Staff informs the public when there is insufficient information to process a waiver or if a project does not seem to meet findings. If an application is complete and it looks like a waiver can be supported, staff presents a request to a supervisor and a decision is made on the project. Then, that approval is noted in the Planning Commission packet.

The Commission also had other comments, which are summarized below:

- It can be challenging to anticipate the level of public concern or impacts associated with land uses, type of technology, or other requests that are rare or have not been seen before. For that reason, in general, the streamlining of these requests is discouraged. An example of this is a proposal to allow a stable on a lot zoned Very-Low Density Residential.
- General Plan focus areas have a greater potential for public concern. This should be considered when procedures are streamlined.
- Staff identified some streamlining ideas for home occupations. While processing a recent code amendment, the Commission received several public concerns about home occupation uses. Home occupation uses need to be discussed in more detail at a latter meeting to address those concerns and figure out what should be done. For example, there are concerns with the idea of allowing tenants to submit home occupation applications without a property owner's consent.
- It would be helpful at the next meeting for staff to outline how the Commission may call-up an item with consent calendar information in meeting packets. What type of information would be provided to the Commission if the City Planner were to make more decisions?
- Staff was questioned on the idea to eliminate a requirement to obtain a use permit to allow conversions of service stations to other uses. If this were done, the City should retain an ability to review exterior building changes that may be proposed in conjunction with the change of use.
- Signage often will significantly modify the appearance of buildings and neighborhoods so there needs to be enough of a review process to ensure signage is high quality. Staff should not make decisions on signage that is likely to be of significant public concern, like large signs in the downtown. Maybe staff should make more signage decisions after signage design guidelines are adopted that clarify what signs should and shouldn't be approved.
- When sign violations exists, the City should hold building owners accountable as well as tenants.
- The staff report identifies streamlining ideas, referencing the existing zoning classifications, rather than the zones in the new General Plan. Staff should use the new land use classifications for consistency.
- A preliminary application process is often beneficial. This should be encouraged.

Chair Darden encouraged the Commissioners to provide staff with written comments.

**MINUTES OF THE REGULAR STUDY SESSION  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
March 5, 2014 @ 6:00 p.m.  
City Council Chambers  
100 Avenida Presidio  
San Clemente, CA 92672**

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**ROLL CALL**

Commissioners Present: Wayne Eggleston, Michael Kaupp, Jim Ruehlin, and Kathleen Ward; Chair pro tem Barton Crandell, Vice Chair Donald Brown and Chair Julia Darden

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner  
Christopher Wright, Associate Planner  
Eileen White, Recording Secretary

**AGENDA**

**A. Zoning Permit Streamlining (Wright)**

This is a request to receive comments on the effectiveness and efficiency of planning procedures and get suggestions on code and policy changes that would improve customer service. The City Council has made it a priority for decisions to be made at a lower level when it would be more practical and efficient. The next phase of the Zoning Ordinance update is an overhaul of planning procedures. The Commission's comments will be used to prepare code changes that the Planning Commission will consider at a future public hearing.

Christopher Wright, Associate Planner, narrated a PowerPoint Presentation entitled, "Study Session on Zoning Permit Streamlining, dated March 5, 2014." He explained:

1. The different type and levels of review processes (staff level and discretionary hearings);
2. Issues that are important to consider in determining whether a review process should be streamlined (public concerns, potential impacts, level of public participation, public notification, time and cost, oversight);
3. How certain processes could be formalized that allow staff to refer projects to a higher level. This would allow some projects to be streamlined that usually are not of public concern, but provide the

- flexibility to require a higher level of review for the occasional project that may have more issues or be of concern;
4. The idea of combining applications that are similar in order to simplify the Zoning Ordinance, forms, fees, and processes;
  5. That criteria will be put in the code to clarify when a project is “minor” that can be approved at a lower level,
  6. Examples of projects that could likely be streamlined

Mr. Wright then presented a “Draft Inventory of Procedures” (staff report Attachment 3). It identifies the types of projects/requests that require a review process and identifies staff’s preliminary streamlining ideas for discussion. Mr. Wright asked for the Commission and public to forward comments to him so they can be considered during the ordinance writing process.

During the ensuing discussion, the Commissioners, either individually or in agreement, provided the following commentary:

- Recommended for the update to formalize procedures that allow staff to “bump-up” projects to the next level of review.
- Suggested for staff to notify applicants early-on that their application can be bumped up if staff determines the application needs higher review.
- Commented that the level of public interest in a project be indicated as a reason why the project could be bumped up to a higher level of review.
- Requested clear and consistent guidelines for applicants/architects to follow from the onset of the project so that applicants are aware of what is allowed and that deviation from the code has potential to add a higher level of review.
- Commented that it is important to consider, when making code or policy changes, that quality of life is maintained in the City. The existing process and regulations have led to a great quality of life in the City and code changes should not diminish it. Instead, the goal should be to preserve, protect, and improve quality of life further, while providing quality customer service.
- Discussed the idea of including the staff waivers/ZA minutes under Consent Calendar items on the agenda to call more attention to these items.
- Commented that the City is lucky to have tenured and experienced Commissioners rather than constant turnover that is common in other Cities. The worst case scenario should be considered in the writing of code. Meaning, San Clemente should not assume that the Commission or staff will always be very experienced. If staff is to be given more authority, there should be adequate oversight to ensure decisions are known and understood, so they can be “called-up” if there are concerns.
- Commented that decisions at the staff level need to be based on guidelines, not just staff’s discretion.

In response to comments/questions from the Commissioners, Mr. Wright noted the Draft Inventory of Procedures will be posted on line to give the public the opportunity for comment; noted staff is considering the potential to have Council review staff waivers to add more eyes to each document; and noted that streamlining should give staff more time to work on projects because higher level discretionary decisions require more staff time to prepare reports, minutes, noticing, agendas, resolutions, and exhibits.

Jim Pechous, City Planner, advised that new language in code will also define triggers for him to use in reasoning and determining when a project should be bumped up in order to ensure code is fairly applied, including avoiding decisions based on "planning lore." His decisions will include findings and show what policies the review is intended to preserve. If the staff waiver process is applied to more projects, he noted that the staff waiver process allows conditions to be added. He directs staff members to cite findings on waiver applications when they are approved. Mr. Pechous emphasized that the City Planner makes the ultimate decision on each staff waiver. Lastly, Mr. Pechous confirm that staff is working on a historic preservation presentation for discussion at a future study session.

Mr. Wright encouraged the Commissioners to forward their comments and questions to him via email.

Report received and filed. This item is continued to the next Study Session for further discussion.



Below are minutes of a public workshop held on February 19, 2014, to get feedback on planning procedures and streamlining ideas:

1. *Notices of incomplete submittal.* Staff was encouraged to soften the language of incomplete application letters that must be sent to applicants within 30 days to comply with State law. Perhaps there is an opportunity to soften the tone of letters so applicants do not get the misperception that their design team “dropped the ball” on their application. For example, maybe the city does not have to include text at the top of a letter that says “notice of incomplete application submittal.” Instead, maybe text can be included within the body of a letter that says an application meets minimum submittal requirements, but additional information is needed to complete an evaluation of project compliance with requirements. Staff agreed to look into the suggestion.
2. *Examples of projects that may be good candidates for streamlining.*
  - a. *Non-visible or highly screened projects.* Workshop attendees agreed with efforts to lower the decision point for projects that clearly improve the architectural or historic integrity of buildings, maintain the character of buildings and neighborhoods, and have strong public support. Example: removal of ugly roof element downtown.
  - b. *Significant but positive exterior changes that meet design guidelines.* Workshop attendees agreed with efforts to lower the decision point for projects that clearly improve the architectural or historic integrity of buildings, maintain the character of buildings and neighborhoods, and have strong public support. This may include projects that restore historic resources and projects that make a significant improvement to a building downtown that maintains the character of the building.

When the public may be concerned about a project, then a lower hearing like a Zoning Administrator decision is reasonable. It was agreed that a longer review process is a disincentive to improve buildings and can drive people to do projects without a permit. Therefore, a longer process should be required only when it provides value, such as public notification and participation for projects that are likely to have more public concerns.

3. *Design review.* San Clemente has a good design review process that is better than many other cities. Staff should be given more authority to approve projects that meet requirements and are consistent with Design Guidelines. They are trained and capable of reviewing projects to determine if projects are consistent. If guidelines are followed, why require a public hearing that slows projects down and does not change

the outcome of the project? It is approved either way but staff can make a decision quicker.

4. *Local Coastal Plan (LCP) and interim measures to help customers.* The City's effort to adopt a LCP will allow the city to process coastal applications and avoid Coastal Commission review, which will save lots of time. A workshop attendee said the Coastal Commission told him it could take up to two years to adopt a LCP. In the interim, maybe staff can find a way to make it easier for the city and applicants to get quicker Coastal Commission direction on issues and allow staff to make some decisions. Also, maybe the Council will support a reduced or waiver of in-concept fees for simple, over-the-counter type reviews.
5. *Design Guidelines.* It will be very helpful to update the Design Guidelines. This will make it easier for staff to approve more projects.
6. *Development Management Team.* It was noted that San Clemente's process improved greatly when the decision was made to allow open attendance of Development Management Team (DMT) meetings. Applicants really benefit from having several disciplines in one room to go over issues and provide quick feedback on a project. Similar meetings are held at City of Long Beach that are very helpful. Staff was encouraged to look at their meetings to see if further improvements can be made to DMT meetings. It would also be helpful to have other ways to get feedback early.
7. *Qualification requirements for the drafting of conceptual plans.* There was discussion about the merits of requiring conceptual plans to be drawn by a licensed architect or engineer, in instances where a project requires a building permit and the building code requires construction drawings to be drafted by a licensed professional. Some projects are more complicated and require a solid understanding of design principles, technical issues and limitations, and regulations, in order to effectively work with staff, prepare materials that address comments, and allow for projects to be processed promptly. Sometimes applications are submitted by an individual that has less training and resources. In these instances, staff has had to spend extra time with some people to get materials that address comments. This slows the process down and can affect other projects because it limits staff's time to work on projects. A contractor noted that the building code allows contractors to draft plans in some situations and that this ability should be preserved. It was suggested that a trade-off may be to give the City the discretion to require a licensed professional to draft conceptual plans, when it is needed. Staff agreed to explore this idea with the City Attorney and stated that there

have been several instances where it has proven beneficial for someone to hire a licensed professional to help them through the planning process.

8. *Homeowners Associations and building permit approvals.* There were several questions and comments about the building permit process and verification of Homeowner Association approvals. Staff responded to these comments and clarified that the focus of the workshop is on streamlining planning procedures. Also, mention was made of a separate effort to improve HOA coordination, uniformity, and project processing.

***Other public comments***

**From:** James Smathers

**Sent:** Thursday, March 13, 2014 8:02 PM

**To:** Maune, Kimberly

**Subject:** RE: March 19 Study Session: Zoning Permit Streamlining

Hello Christopher,

I don't know what you want me to do here but I am hopeful your efforts will improve the review of projects adjacent to historical properties.

I had one house remodel on Avenida Victoria that was completely compliant with the zoning requirements and was delayed 6 months by the senior staff, (choosing to review the plans) and subsequently the project was never built out due to the owners frustration. I never was paid, as an outcome so this is serious when it has these ramifications. Pretty sure the city is not trying to achieve this kind of outcome either!! Some things are not relevant!!

Anyway I tried the link below but NO GO so please pass this on to Christopher.

Thank you,

James C Smathers

Cornerstone Form

**From:** Don Mueller

**Sent:** Wednesday, February 19, 2014 4:05 PM

**To:** CityManager Mail

**Subject:** About Pall Gudgeirsson

Pall Gudgeirsson,

I have three comments regarding tonight's workshop on city's processing;

1. Suggest you have one experienced checker available to process small projects/permits over the counter, i.e. water heaters/roof replacements, HVAC addition, etc. I believe this would handle much traffic efficiently.
2. Have the person who checked plans made available for review of corrections with applicant to avoid multiple rechecks which wastes city and applicants time.
3. Have all residential applicants reviewed by planner for HOA's approval/confirmation prior to plan checking.

Thanks for your attention to the review process,  
Don Mueller, retired architect

# ATTACHMENT 6

## Required findings for Architectural Permits, Minor Architectural Permits, Cultural Heritage Permits, and Minor Cultural Heritage Permits

### Required Findings.

1. Architectural and Minor Architectural Permits. Prior to approval of an application for an Architectural or Minor Architectural Permit, the following findings shall be made:
  - a. The architectural treatment of the project complies with the San Clemente General Plan; and
  - b. The architectural treatment of the project complies with any applicable specific plan and this title in areas including, but not limited to, height, setback color, etc.; and
  - c. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines; and
  - d. The general appearance of the proposal is in keeping with the character of the neighborhood;
  - e. The proposal is not detrimental to the orderly and harmonious development of the City.
2. Cultural Heritage and Minor Cultural Heritage Permits. In addition to the general findings for approval of an Architectural or Minor Architectural Permit, the following specific findings shall be made prior to approval of an application for a Cultural Heritage or Minor Cultural Heritage Permit:
  - a. For new structures and remodels in the Architectural Overlay District, one of the following findings shall be made:
    - i. The proposed project/use preserves and strengthens the pedestrian-orientation of the district and/or San Clemente's historic identity as a Spanish village; or
    - ii. The proposed project/use is a minor remodel and it is not practical or desirable, in this particular case, to attempt conversion to a pedestrian-orientation and/or Spanish Colonial Revival style. The proposed changes, however, improve the quality and architectural integrity of the proposed project.
  - b. For historic resources, the following finding shall be made:
    - i. The City finds that the proposed modifications, alterations, or additions are sufficiently in conformance with the Secretary of the Interior Standards for the Treatment of Historic Properties and the San Clemente Design Guidelines to substantially further the City's goals of historic preservation, or
    - ii. For resources on the City's Landmarks List, the proposed rehabilitation, restoration, preservation, or reconstruction, including modifications,

alterations, or additions, are found to be in conformance with the Secretary of the Interior Standards for the Treatment of Historic Properties and preserve to the extent feasible the character defining features.

- c. For projects reviewed because they are abutting or within 300 feet of an historic property, the following finding shall be made:

The proposed project will not have negative visual or physical impacts upon the historic structure.

- d. For projects reviewed because they are in the Architectural Overlay District, the following finding shall be made: the proposed project complies with the purpose and intent of the Architectural Overlay District, Section 17.56.020 of this title.

# Appeal process allowed by current code

**Total time 2-6 weeks**



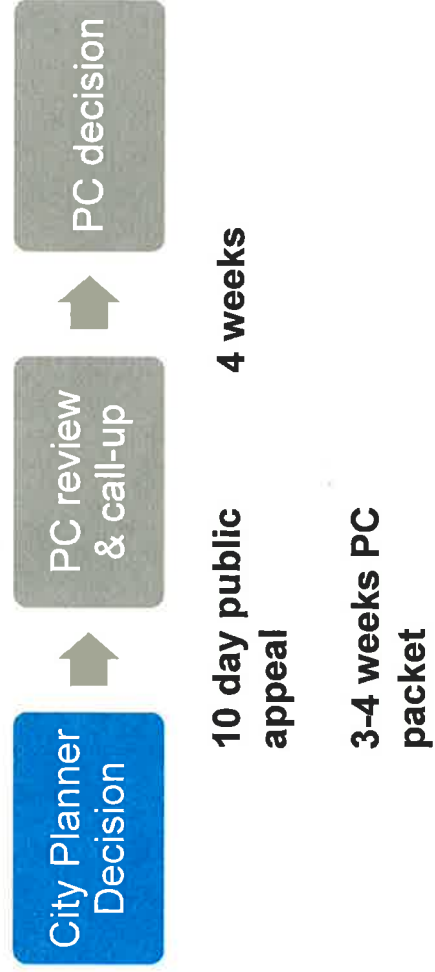
**10 day public appeal**

**4 weeks**

**2 weeks CC packet**

# PC call-up/PC final action

**Total time 3-8 weeks**





# PC call-up/CC final action

**Total time 3-14 weeks**

