



**AGENDA FOR THE REGULAR MEETING OF THE
PLANNING COMMISSION FOR THE
CITY OF SAN CLEMENTE, CALIFORNIA**

**Wednesday, September 16, 2020
7:00 p.m.**

**THIS PLANNING COMMISSION MEETING WILL BE CONDUCTED VIA
TELECONFERENCE.**

**Public Participation in Planning Commission Meetings During
Coronavirus Pandemic**

To help prevent the spread of the coronavirus, the following practices are being implemented:

- 1) Citizens are invited to listen to the meeting via live stream from the City's YouTube channel at www.san-clemente.org/live or live on Cox Communications Local Access Channel 854.
- 2) Citizens can submit their comments on agenda items to the Planning Commission electronically. Material may be emailed to ScottM1@san-clemente.org. Transmittal by 3:00 p.m. on Planning Commission meeting days is recommended. Comments must indicate by item title or number the agenda item to which they apply, or indicate that they are to be read during the general "oral communications" portion of the meeting. Emails lacking that indication will be forwarded to the Planning Commission's general email accounts. Depending on the number of comments submitted on a particular item and the total amount of time allocated for the Planning Commission meeting, the Planning Commission may, at the beginning of its deliberation of an item, limit equally the time allocated for each comment.

MISSION STATEMENT

The City of San Clemente, in partnership with the community we serve, will foster a tradition dedicated to:

Maintaining a safe, healthy atmosphere in which to live, work and play;

Guiding development to ensure responsible growth while preserving and enhancing our village character, unique environment and natural amenities;

Providing for the City's long-term stability through promotion of economic vitality and diversity.

Resulting in a balanced community committed to protecting what is valued today while meeting tomorrow's needs.

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such a modification from the Community Development

Department at (949)361-6100. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

Written material distributed to the Planning Commission after the original agenda packet was distributed is available for public inspection in the Community Development Department, located at 910 Calle Negocio, San Clemente, CA during normal business hours.

To allow staff adequate time to confirm software compatibility, individuals wishing to utilize electronic visual aids to supplement their oral presentations at the meeting, must submit the electronic files to the City Planner by no later than 12:00 noon on the day of the meeting. Only compatible electronic formats will be permitted to be used on City audio/visual computer equipment. Staff makes no guarantee that such material will be compatible, but will use its best efforts to accommodate the request.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. SPECIAL ORDER OF BUSINESS/SPECIAL PRESENTATION

None

5. MINUTES

A. [Minutes from the Regular Planning Commission meeting of August 19, 2020 – Continued from September 2, 2020.](#)

B. [Minutes from the Regular Planning Commission meeting of September 2, 2020.](#)

6. ORAL AND WRITTEN COMMUNICATION

Members of the audience may address the Commission on matters of public interest which pertain to the City and are not otherwise on the agenda. Speakers can submit their comments on agenda items to the Planning Commission electronically. Material may be emailed to ScottM1@san-clemente.org. Transmittal by 3:00 p.m. on Planning Commission meeting days is recommended. The Planning Commission is not permitted to discuss or take action on items that do not appear on the agenda.

7. CONSENT CALENDAR

All items listed on the Consent Calendar are considered to be routine and will be enacted by one motion without discussion unless Planning Commission, staff, or the public requests removal of an item for separate discussion and action.

None

**8. PUBLIC HEARINGS - Time limitation for applicants: 10 minutes.
All other speakers: 3 minutes.**

The Public Hearing process includes a staff presentation, a presentation by the applicant not to exceed ten (10) minutes, and public testimony not to exceed three (3) minutes per speaker. Following closure of the Public Hearing, the Planning Commission will respond to questions raised during the hearing, discuss the issues, and act upon the matter by motion.

A. [115 Via Pico Plaza – Conditional Use Permit 19-346/Site Plan Permit 19-347/Architectural Permit 19-348/Discretionary Sign Permit 19-349 – Pico Plaza In-N-Out](#) (Crockett)

A request to construct and operate a one-story 3,882 sq. ft. fast food restaurant with a drive-thru and amplified sound, outdoor dining area, and master sign program with menu boards for In-N-Out on a 76,509 sq. ft. site at 115 Via Pico Plaza.

Staff recommends that the project be found Categorical Exempt from CEQA pursuant to State CEQA Guidelines Section 15303 (Class 3: New Construction or Conversion of Small Structures).

B. [Zoning Amendment 20-035 – Zoning Ordinance Amendments](#) (Savage)

A request to consider a City-initiated amendment (ZA20-035) to the City of San Clemente Municipal Code Title 17, zoning to update erroneous text, ambiguous definitions and standards; and modifications for consistency with the General Plan and State and Federal law. The proposed amendments would update provisions for accessory structures, definitions, historic resources, nonconforming structures, accessory dwelling units, family home daycares, body art establishments, water conservation, and cottage food industries.

Staff recommends that the zoning amendments not be considered a “project” as defined by the State CEQA Guidelines Sections 15378(b)(2) and 15378(b)(5), because the revisions for accessory structures, definitions, historic resources, and nonconforming provisions relate to the ongoing administrative activities and organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore do not constitute a “project” as defined by the State CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.). Staff also recommends that pursuant to Public Resources Code 21080.17, no further environmental review is required because the amendments for accessory dwelling units implement Government Code Section 65852.2 (ADU laws); pursuant to Health and Safety Code 1597.45(d), family daycare homes are not subject to CEQA; and, pursuant to Section 15301

Class 1, no further environmental review is required because the proposed ordinance establishes cottage food operations as a type of home occupation to be conducted within an existing dwelling unit, which would involve negligible or no expansion of the existing residential use.

9. NEW BUSINESS

None

10. OLD BUSINESS

None

11. REPORTS OF COMMISSIONERS AND STAFF

A. [Tentative Future Agenda](#)

B. [Staff Waiver Memo and Reports](#)

12. ADJOURNMENT

The next Regular Meetings of the Study Session and Planning Commission will be held on October 7, 2020 at 6:00 p.m. via teleconference.