

**ORDINANCE NO. 1720****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA TO APPROVE AND ADOPT AMENDMENTS TO THE CITY OF SAN CLEMENTE MUNICIPAL CODE TITLE 17, ZONING, UPDATING ERRONEOUS PERMITTED USE TABLE PLACEMENT AND DEFINITIONS FOR CONSISTENCY WITH THE GENERAL PLAN AND STATE AND FEDERAL LAW**

**WHEREAS**, on February 4, 2014, the City Council of the City of San Clemente adopted the Centennial General Plan, which, among other provisions, included changes in the areas comprising the various categories of land use designations, as well as changes to the particular uses and development criteria for certain categories of those designations; and

**WHEREAS**, as part of its consideration and action on the Centennial General Plan, the City Council made Environmental Impact Report Findings including a Statement of Overriding Considerations, certified Environmental Impact Report SCH No. 2013041021 ("Final EIR"), and approved mitigation monitoring measures pursuant to the California Environmental Quality Act; and

**WHEREAS**, on the City Council adopted Ordinance No's. 1609 and 1610 on November 17, 2015, and adopted Ordinance 1652 on May 1, 2018; which contained amendments to the City of San Clemente Zoning Map and Municipal Code Title 17 (Zoning Amendments 14-456) in order to implement and achieve consistency with the Centennial General Plan; and

**WHEREAS**, on January 21, 2020, the City Council initiated zoning amendments to address erroneous text, ambiguous definitions and standards, General Plan consistency, and State and Federal law; and

**WHEREAS**, on December 15, 2020, the City Council adopted Ordinance 1707 that amended Municipal Code Title 17 to address erroneous text, ambiguous definitions and standards, General Plan consistency, and State and Federal law. Since the hearing, staff has identified inconsistencies between the adopted ordinance and intended amendments presented to the City Council on December 5, 2020, as a result of publishing errors; and.

**WHEREAS**, the proposed amendments (Zoning Amendment 21-118) correct the unintended changes to Municipal Code Title 17 included in Ordinance 1707 adopted by the City Council on December 15, 2020; and

**WHEREAS**, on August 4, 2021, the Planning Commission held a duly noticed public hearing on the zoning amendments, and considered evidence presented by City staff and other interested parties; and

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

**WHEREAS,** on November 16, 2021, the City Council held a duly noticed public hearing on the subject amendments, and considered evidence presented by City staff, Planning Commission, and other interested parties.

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

**Section 1:** CEQA Findings

Based upon its review of the entire record, including the staff report, any public comments or testimony presented to the City Council, and the facts outlined below, the City Council hereby finds and determines that ZA 21-118 is not subject to the California Environmental Quality Act (CEQA).

Pursuant to CEQA Guidelines Section 15378(b)(5), because the revisions for permitted use tables and definitions in the zoning code 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.) and therefore are exempt from CEQA and no further environmental review is required. However, even if the revisions are a "project", no further environmental review is required pursuant to CEQA Guidelines Section 15061(b)(3) which exempts those activities for which it can be seen with certainty that there is no potential for the revisions to result in significant environmental effects.

**Section 2:** With respect to this ordinance, the City Council finds as follows:

- A. The proposed amendments are consistent with the General Plan and General Plan Policy G-1.11, in that the proposed amendment would update a regulatory document, the Municipal Code, to reflect new information, conditions, and community preferences. The proposed amendments would update provisions for permitted use tables and definitions. The amendments would correct erroneous permitted use table placement in the zoning code and reframe the definition for attached accessory buildings modifying provisions for consistency with the General Plan and State and Federal law; and
- B. The proposed amendments will not adversely affect the public health, safety, and welfare, in that they further the General Plan objectives of meeting community values, needs and conditions.

**Section 3:** Section 17.32.040, Residential Zone General Development Standards, of Title 17 of the City of San Clemente Municipal Code is hereby amended by removing the Personal Service permitted use table and retaining the following contents of the Section.

**Section 4:** Section 17.36.020, Commercial Use Regulations, of Title 17 of the City of San Clemente Municipal Code is hereby amended by adding personal service use categories into Table 17.36.020, Commercial Zone Uses; and renumbering existing use categories in the table; as follows:

**Table 17.36.020 - Commercial Zone Uses**

Use	Zones										
	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF 1	NOTE
<b>4. Personal Services</b>											
Barber, beauty, nail, and tanning services	P	P	P	P	P	P	P	P	P		
Body Art Establishments											1
Body Piercing Studios	P	P	P	P	P	P	P	P	P		1
Tattoo Parlors	P	P	P	P	P	P	P	P	P		1

**Section 5:** Section 17.80.030, Definitions, of Title 17 of the City of San Clemente Municipal Code is hereby amended with additional provisions defining "attached accessory buildings" as set forth and incorporated herein, as follows:

**Building, Accessory, Attached.** "Attached accessory building" means an accessory building that is structurally part of the primary building, has a common wall, and adjoining floor area. Enclosed breezeways attach primary and accessory buildings; unenclosed breezeways do not.

**Section 6:** Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of San Clemente hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

**Section 7:** The City Clerk shall certify to the passage of this ordinance and the same shall take effect as provided by law.

APPROVED, ADOPTED and SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
City Clerk of the City of  
San Clemente, California

\_\_\_\_\_  
Mayor of the City of San  
Clemente, California

STATE OF CALIFORNIA        )  
COUNTY OF ORANGE        ) ss.  
CITY OF SAN CLEMENTE     )

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. 1720 having been regularly introduced at the meeting of November 16, 2021, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CITY CLERK of the City of  
San Clemente, California

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY