



# STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: January 18, 2023

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

**SUBJECT:** **Zoning Amendment 22-366 – Zoning Permit Streamlining**, a request to forward a recommendation to the City Council on the adoption of zoning amendments to clarify, streamline, and consolidate permit procedures.

## **REQUIRED FINDINGS**

The following findings shall be made prior to approval of the proposed project. The draft Resolution (Attachment 2) provides an assessment of the project's compliance with these findings.

### **Zoning Amendment, Section 17.16.040(F)**

- a. The proposed amendment is consistent with the General Plan.
- b. The proposed amendment will not adversely affect the public health, safety and welfare.

## **BACKGROUND**

On May 25, 2022, the City Council supported a list of ideas for streamlining various permit procedures in the Zoning Code and directed staff to discuss the ideas with the Planning Commission, which occurred on June 8<sup>th</sup>, 2022. Following this, on August 16<sup>th</sup>, 2022, the City Council initiated the proposed zoning amendments with staff direction to pursue the ideas presented at the meeting. Reports and meetings are provided: May 25, 2022, City Council meeting (Attachment 5) and June 8, 2022, Planning Commission meeting (Attachment 6).

## **DISCUSSION**

The proposed amendments clarify, streamline, and consolidate permit procedures as summarized below. The Zoning Ordinance requires a Planning Commission recommendation to the City Council on the adoption of zoning amendments. The draft Resolution (Attachment 3) includes a City Council Ordinance and the proposed zoning amendments (Attachment 3, Exhibit A-1). This report provides a summary of the Ordinance with details provided in three attachments. On June 8, 2022, the Planning Commission requested visual examples of projects proposed for streamlining. Staff will present examples at the meeting.

- **Attachment 1** lists and describes the amended Zoning Code sections, and page numbers for redline text showing the changes in Attachment 4.

- **Attachment 2** provides a summary of streamlining procedural changes, comparing the existing and proposed processes.
- **Attachment 4** shows the proposed amendments in redlined text.

### **Summary of Changes**

1. Reduce the level of public hearing decisions for several planning application types, while maintaining public minutes of decisions and appeal procedures when experience has shown the projects have not had issues of significant public concerns or impacts to prompt a higher level of public review. For example, smaller residential additions of less than 500 square feet that would be visible from the street currently require Planning Commission review; this Ordinance would update the Zoning Code to cause such additions to instead be reviewed by the Zoning Administrator;
2. Modify the Zoning Code for administrative approval of minor projects requiring design review in the Architectural Overlay that are adjacent to, or involve, historic structures and nonresidential properties; these modifications would add general standards, project-specific standards, and change the types of projects and circumstances which would be eligible for staff-level approval, subject to appeal, with all permits disclosed publicly for transparency. Currently, there is a broader category of projects eligible for administrative approval. The proposed Ordinance replaces this with lists of types of projects that may be approved by staff if those projects meet general and project-specific standards (e.g., projects that won't affect character-defining features of historic structures, such as a privacy fence constructed of certain materials). The City Planner would have discretion to require a public hearing depending on the level of public concern anticipated for a project;
3. Consolidate planning applications to simplify submittals and administrative processing;
4. Allow by-right beer and wine sales for indoor, on-site consumption in restaurants with a State license; and
5. Clarify planning permit review procedures to facilitate staff implementation and promote public understanding (e.g., how requests for alcohol sales/service are processed for hotels and entertainment venues).

### **Environmental Review**

The City conducted an environmental review of the proposed amendments for compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The amendments do not constitute a "project" as defined by the State CEQA Guidelines (Cal. Code Regs., Title 14, § 15000 et seq.). In the alternative, staff recommends that the amendments be found exempt from the CEQA under State CEQA Guidelines section 15061(b)(3), as it can be seen with certainty that the Ordinance would not have a significant effect on the environment.

## **ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES**

The Planning Commission may take the following actions:

1. Adopt the proposed draft resolution, recommending City Council adoption of the proposed zoning amendments as proposed.
2. Provide staff with alternative direction for the amendments according to the required findings. If the Planning Commission requests staff to research issues or recommend significant revisions, a continuance or tabling of this agenda item may be necessary to make revisions and reassess the project with the CEQA. For example, the Planning Commission may recommend revisions, such as:
  - a. Changing the level of review for proposed streamlining items such as requiring Zoning Administrator approval of Development Permit to allow a project versus administrative approval of an Administrative Development Permit.
  - b. Changing the proposed criteria that shall be met for approval of an Administrative Development Permit of a project that currently requires Zoning Administrator approval of a discretionary permit.
  - c. Striking items that are proposed for streamlining if the Planning Commission does not support their inclusion in the proposed ordinance. Staff has drafted the proposed amendments based on City Council direction so staff would describe these types of changes to the City Council when considering the amendments.

## **CALIFORNIA COASTAL COMMISSION REVIEW**

The City does not have a certified Local Coastal Program Implementation Plan. Without a certified LCP, the proposed zoning amendments are not subject to approval by the California Coastal Commission (CCC).

## **RECOMMENDATION**

Staff recommends the Planning Commission:

1. Determine the amendments are not subject to CEQA because they do not constitute a “project” as defined by the State CEQA Guidelines; and
2. Adopt Resolution No. PC 23-003, recommending the City Council adopt Zoning Amendment 22-366.

## **Attachments:**

1. Summary of Proposed Amendments (***Page B.1 to B.13***)
2. Summary of Permit Streamlining Changes (***Page C.1 to C.8***)
3. Draft Resolution PC 23-003, including: (***Page D.1 to D.5***)  
Exhibit A - City Council Ordinance (***Page E.1 to E.6***)
  - Exhibit A-1, Zoning Amendments (***Page F.1 to F.68***)
4. Tracked Changes for Zoning Amendments (***Page G.1 to G.89***)
5. City Council Meeting May 25, 2022 Minutes and Report (***Page H.1 to H.7***)
6. Planning Commission Meeting May 25, 2022 Minutes and Report (***Page I.1 to I.13***)

## SUMMARY OF ZONING AMENDMENTS (dated January 18, 2023)

The following table summarizes proposed changes to the Zoning Code (San Clemente Municipal Code Title 17).

| Item | Page #<br>redline | Section, Figure, or<br>Table  | Amended,<br>New, or<br>Deleted | Process<br>Streamlining.<br>See Attachment 2 | Comments  |
|------|-------------------|---|--------------------------------|--|---|
| 1    | G-1               | Section 17.12.020,<br>Review Authorities  | Amended                        |  | 1) Adds mention of the Development Management Team's role, and<br>2) updates Table 17.12.020 to have a complete listing of zoning permits, processes, and review authorities for each   |
| 2    | G-3               | Section 17.12.025,<br>Design Review<br>Subcommittee                               | Amended                        |  | 1) Clarifies that the Design Review Subcommittee functions as the Cultural Heritage Subcommittee for projects involving historic resources, and<br>2) amends Table 17.12.025 to have a complete and updated listing of permit types subject to design review, reflecting other proposed changes to applications |
| 3    | G-6               | 17.12.040 Filing an<br>Application  | Amended                        |  | Merges requirements from Section 17.12.060, Applications Requiring Additional Information (e.g. story pole staking standards and process)   |
| 4    | G-8               | 17.12.050 Application<br>Completeness   | Amended                        |  | Simplifies wording of this section without changing intent or scope of standards  |
| 5    | G-9               | <del>17.12.080</del> 17.12.055<br>Environmental Review                            | Amended                        |  | Amends section number for order with other proposed changes   |
| 6    | G-9               | 17.12.060 Decision<br>Process Applications<br>Requiring Additional<br>Information | New                            | Yes  | Adds section to show and describe the types of review processes, milestones, appeal bodies, and provisions for referring items to a higher level and allowing the City Council to waive a Planning Commission recommendation with a majority vote   |

**SUMMARY OF ZONING AMENDMENTS (dated January 18, 2023)**

| <b>Item</b> | <b>Page #<br/>redline</b> | <b>Section, Figure, or<br/>Table</b>   | <b>Amended,<br/>New, or<br/>Deleted</b> | <b>Process<br/>Streamlining.<br/>See Attachment 2</b> | <b>Comments</b>  |
|-------------|---------------------------|--|---|---|--|
| 7           | G-12                      | 17.12.065 Withdrawal of Inactive Applications                                | Amended                                 | Yes   | Amends the timeline and notification for withdrawing inactive applications:<br>1) The timeline is reduced from 90 days of inactivity to 30 to send a notice of inactivity and gives 30 days versus 90 days to submit requested materials or funds, and<br>2) The notification is changed from a certified mailed letter to correspondence generally with distribution using contact information the applicant is responsible for keeping current |
| 8           | G-13                      | 17.12.100 Public Hearing and Notification                                    | Amended                                 |   | 1) Specifies the City is not required to mail a public hearing notice to itself if it is sole applicant for a public hearing item, 2) describes content to include in a public notice, and 3) deletes Table 17.12.100 that is an incomplete listing of applications that require a public hearing notice. This is replaced with simple wording that requires public hearing notices for action on items that require a public hearing            |
| 9           | G-15                      | 17.12.140, Appeals of an Action  | Amended                                 |   | Minor text rewording to clarify appeal requirements based on City Attorney recommendations   |
| 10          | G-18                      | <del>17.16.050 – Site Plan Permit and Minor Site Plan Permits-Reserved</del> | Deleted                                 |   | This permit type is removed as a result of consolidating findings and applications, resulting in new types for Development Permits and Cultural Heritage Permits. These changes are described later in this table.   |
| 11          | G-21                      | 17.16.060 Conditional Use Permits  | Amended                                 |   | Updates zoning section references to reflect other proposed changes for consistency  |
| 12          | G-28                      | 17.16.070 Minor Conditional Use Permits                                      | Amended                                 |   | Updates zoning section references to reflect other proposed changes for consistency  |

**SUMMARY OF ZONING AMENDMENTS (dated January 18, 2023)**

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|------|-------------------|---|--------------------------------|--|---|
| 13   | G-30              | 17.16.090(C) - Minor Exception Permits, Applicability | Amended                        |  | Corrects section references so general encroachment standards apply to Minor Exception Permits as intended. Currently, the table for specific encroachment limitations are referenced but not general standards that limit the size of an encroachment into setbacks  |
| 14   | G-32              | 17.16.095, Administrative Development Permit          | New                            | Yes  | Replaces staff waivers of Minor Architectural Permits and Minor Cultural Heritage Permits with a new permit type, Administrative Development Permits. Administrative Development Permits are an administrative approval process of minor projects requiring design review in the Architectural Overlay that are adjacent to, or involve, historic structures and nonresidential properties; these modifications would add general standards, project-specific standards, and change the types of projects and circumstances which would be eligible for staff-level approval, subject to appeal, with all permits disclosed publicly for transparency. Currently, there is a broader category of projects eligible for administrative approval. The proposed Ordinance replaces this with lists of types of projects that may be approved by staff if those projects meet general and project-specific standards (e.g., projects that won't affect character-defining features of historic structures, such as a privacy fence constructed of certain materials). The City Planner would have discretion to require a public hearing depending on the level of public concern anticipated for a project. <b>This new permit type streamlines review of certain projects. For details on streamlining, refer to Attachment 2</b> |

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|------|-------------------|----------------------------------|--------------------------------|--|--|
| 15   | G-44              | 17.16.100,<br>Development Permit | New                            | Yes  | <p>Development Permits are proposed that consolidate Site Plan Permits, Minor Site Plan Permits, Architectural Permits, and Minor Architectural Permits based on similar findings. Development Permits would be required for several projects instead of a Cultural Heritage Permit when they do not involve historic resources. This includes projects in the Architectural Overlay district, single-family and duplex sites abutting historic resources, and sites with triplexes or more units within 300 feet of residentially zoned historic resources; excluding projects that are exempt or made eligible for an Administrative Development Permit by the ordinance. The new section contains a table that lists project types subject to the permit and specifies what level of review is required for each project type. If a project requires review for more than one reason, a decision would be made by the highest review body for what is requested. <b>The proposed changes also includes streamlining of certain project types. For details, see Attachment 2</b></p> |

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|------|-------------------|--|--------------------------------|--|--|
| 16   | G-49              | 17.16.100-110,<br><del>Architectural<br/>Permits/Cultural<br/>Heritage Permits and<br/>Minor Architectural<br/>Permits/Minor Cultural<br/>Heritage Permits</del> |                                | Yes  | Cultural Heritage Permits are repurposed to focus entirely on reviewing projects involving sites on the City’s designated list of historic resources, excluding exemptions and minor projects eligible for an Administrative Development Permit. Unless historic resources are involved, Cultural Heritage Permits would no longer be required for projects in the Architectural Overlay area or abutting historic or adjacent to historic resources. That would now be the role of the Development Permits process with different findings and policy focus. Similar to Development Permits, the new section contains a table that lists project types subject to the permit and specifies what level of review is required for each project type. If a project requires review for more than one reason, a decision would be made by the highest review body for what is requested. <b>The proposed changes also includes streamlining of certain project types. For details, see Attachment 2</b> |
| 17   | G-55              | 17.16.110 - Staff<br>waivers of Minor<br>Architectural Permits<br>and Minor Cultural<br>Heritage Permits   | Deleted                        |  | Staff waivers of Minor Architectural Permits and Minor Cultural Heritage Permits would be replaced by Administrative Development Permits (see above for a description of those changes)  |
| 18   | G-62              | 17.16.145(D), Short-<br>term Lodging Unit (or<br>STLU) Zoning Permit,<br>Review Procedures   | Amended                        |  | Updates section references and permit names based on the other proposed changes  |



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|-------------|---------------------------|---|---|---|---|
| 19          | G-63                      | 17.16.175(A) - Historic Preservation Incentives, Historic Property Preservation (Mills Act) Agreements, Purpose and Intent        | Amended                                 |   | Updates section references and permit names based on the other proposed changes   |
| 20          | G-63                      | 17.16.175(J) - Historic Preservation Incentives, Historic Property Preservation (Mills Act) Agreements, Cancellation of Agreement | Amended                                 |   | Updates section references and permit names based on the other proposed changes   |
| 21          | G-63                      | 17.16.180 Waiver of Fees/Development Standards for Historic Resources and Landmarks   | Amended                                 |   | Updates section references and permit names based on the other proposed changes   |
| 22          | G-64                      | 17.16.250 - Discretionary Sign Permits  | Amended                                 |   | Updates section references and permit names based on the other proposed changes. Also, a missing reference to Master Sign Programs is added to clarify they require a Discretionary Sign Permit |

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|-------------|---------------------------|--|---|---|---|
| 23          | G-66                      | 17.24.040(C)(2),<br>Accessory Buildings<br>and Structures,<br>Detached. Height<br>Limits                             | Amended                                 | Yes   | Allows detached accessory structures and buildings in the rear one-half of the lot, that comply with required setbacks, to be constructed up to the height limit of the zone. For structures and buildings that encroach into setbacks, the height limit would remain 15 feet and require a Development Permit or Cultural Heritage Permit for approval of the height increase, versus a Conditional Use Permit. The findings for the Development Permit and Cultural Heritage Permit more appropriately assess the compatibility and policy implementation of a height increase in these circumstances |
| 24          | G-66                      | 17.24.090(D) - Fences,<br>Walls and Hedges,<br>Standards for Fences,<br>Walls and Hedges in<br>Nonresidential Zones. | Amended                                 |   | Updates section references and permit names based on the other proposed changes   |
| 25          | G-67                      | 17.24.100 - <del>Floor Area<br/>Ratios, Increase in<br/>Reserved.</del>  | Deleted                                 |   | This section allows an increase to the maximum Floor Area Ratio density of nonresidential projects with a Site Plan Permit. This is not related to housing density bonus incentives required by the State, and a density increase would be inconsistent with the maximum density allowed and assumed in the General Plan and Environmental Impact Report for each City area. Therefore, staff proposes to remove these provisions   |
| 26          | G-68                      | 17.24.110(B), Height<br>Limitations, General<br>Regulations for the<br>Measurement of<br>Height.                     | Amended                                 |   | Updates section references and permit names based on the other proposed changes   |

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|-------------|---------------------------|---|---|---|---|
| 27          | G-68                      | 17.24.160 - Relocation of Structures.   | Amended                                 |   | Updates section references and permit names based on the other proposed changes |
| 28          | G-69                      | 17.24.170 - Residentially Zoned Property, Development Adjacent to.                                | Amended                                 |   | Updates section references and permit names based on the other proposed changes |
| 29          | G-69                      | 17.24.180(C) - Retaining Walls, Standards for Retaining Walls In Nonresidential Zones.            | Amended                                 |   | Updates section references and permit names based on the other proposed changes |
| 30          | G-69                      | 17.28.205(C) - Outdoor Dining Areas, Review Requirements.   | Amended                                 |   | Updates section references and permit names based on the other proposed changes |
| 31          | G-71                      | 17.28.230 - Public Park Facilities.   | Amended                                 |   | Updates section references and permit names based on the other proposed changes |
| 32          | G-71                      | 17.28.270(G) Accessory Dwelling Units, Nonconforming ADUs and JADUs and Discretionary Approval.   | Amended                                 |   | Updates section references and permit names based on the other proposed changes |
| 33          | G-71                      | 17.28.290(E) - Service Stations, Converted Service Stations.                                      | Amended                                 |   | Updates section references and permit names based on the other proposed changes |
| 34          | G-72                      | 17.28.300(I) - Temporary Uses and Structures, Other Temporary Fencing for Security and Screening. | Amended                                 |   | Updates section references and permit names based on the other proposed changes |

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|-------------|---------------------------|---|---|---|--|
| 35          | G-72                      | Table 17.32.030 - Residential Zone Uses   | Amended                                 |   | Updates use categories and review processes based on the other proposed changes  |
| 36          | G-72                      | Table 17.36.020 - Commercial Zone Uses  |   | Yes   | <b>1. Streamlines review of beer and wine indoors with food service, and changes use categories for on-site alcohol sales and consumption and dancing/entertainment.</b> These are made separate accessory uses (versus under restaurant/bars) to address precedent of allowing these uses at lodging facilities, event centers, and theatres with a review process.<br><b>2. Reduces the level of review for Amusement Centers, Bowling Alleys, Pool Halls, and Theaters. For details, see Attachment 2</b> |
| 37          | G-75                      | 17.36.030 Commercial Zone General Development Standards.                            | Amended                                 |   | Updates section references and permit names based on the other proposed changes  |
| 38          | G-75                      | 17.36.030(A) - Commercial Zone General Development Standards, Creation of New Lots. | Amended                                 |   | Updates section references and permit names based on the other proposed changes  |
| 39          | G-76                      | 17.36.040 Commercial Zone Special Development Standards.                            | Amended                                 |   | Updates section references and permit names based on the other proposed changes  |

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|------|-------------------|--|--------------------------------|--|---|
| 40   | G-76              | Section 17.40.030(A)(2)(a), Mixed-Use Regulations, Special Use Regulations, Residential and Nonresidential Uses on the Same Floor. | Amended                        |  | Currently, a Conditional Use Permit is required to allow residential uses on the same floor as nonresidential on a mixed-use property. The proposed changes specify a use permit is required to allow these uses to be on the same building floor, accommodating residential uses by-right in a separate building at the rear of a site with buffer from on-site commercial space   |
| 41   | G-77              | Table 17.40.030 – Mixed Zone Uses.   | Amended                        | Yes  | <p><b>1. Streamlines review of beer and wine indoors with food service; and changes use categories for on-site alcohol sales and consumption and dancing/entertainment.</b> These are made separate accessory uses (versus under restaurant/bars) to address past allowances of these uses at lodging facilities, event centers, and theaters with a review process.</p> <p>2. Updates section references and permit names based on the other proposed changes.</p> <p>3. As a clean up item, adds entries to allow residential Accessory Buildings with a Minor Conditional Use Permit in the Mixed Use 3.1 and 3.3 zones where stand-alone residential buildings are allowed.</p> |
| 42   | G-79              | 17.40.050 Mixed-Use Zone Special Development Standards.  | Amended                        |  | Updates section references and permit names based on the other proposed changes   |
| 43   | G-81              | 17.52.040 - General Requirements for Specific Plan Zones.  | Amended                        |  | Clarifies that the applications in the Zoning Code apply to Specific Plans  |

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|-------------|---------------------------|---|---|---|---|
| 44          | G-82                      | 17.56.040 - Planned Residential District (-PRD) Overlay.  | Amended                                 |   | Updates section references and permit names based on the other proposed changes |
| 45          | G-83                      | 17.56.020(D) - Architectural (-A) Overlay District, Development Review.   | Amended                                 |   | Updates section references and permit names based on the other proposed changes |
| 46          | G-83                      | 17.56.050(D)(6), Coastal Zone (-CZ) Overlay District, Development Standards, Coastal Bluff and Canyon Preservation. | Amended                                 |   | Updates section references and permit names based on the other proposed changes |
| 47          | G-84                      | 17.56.080(C)(3), North Beach Parking Overlay (-NBP), Neighborhood Electric Vehicles.                                | Amended                                 |   | Updates section references and permit names based on the other proposed changes |
| 48          | G-85                      | 17.56.090(D) - Affordable Housing Overlay District, Review Requirements.  | Amended                                 |   | Updates section references and permit names based on the other proposed changes |
| 49          | G-85                      | 17.56.100(D) - Emergency Shelter Overlay District, Emergency Shelter Development Standards.                         | Amended                                 |   | Updates section references and permit names based on the other proposed changes |

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| <b>Item</b> | <b>Page #<br/>redline</b> | <b>Section, Figure, or<br/>Table</b>   | <b>Amended,<br/>New, or<br/>Deleted</b> | <b>Process<br/>Streamlining.<br/>See Attachment 2</b> | <b>Comments</b>   |
|-------------|---------------------------|--|---|---|---|
| 50          | G-85                      | 17.64.110 Off-Site Parking.  | Amended                                 | Yes   | <b>The proposed changes reduce the level of review for off-site parking from Planning Commission approval of a Conditional Use Permit to Zoning Administrator approval of a Minor Conditional Use Permit. For a streamlining specific summary, see Attachment 2</b> |
| 51          | G-86                      | 17.64.120 Shared Parking.  | Amended                                 | Yes   | <b>The proposed changes reduce the level of review for off-site parking from Planning Commission approval of a Conditional Use Permit to Zoning Administrator approval of a Minor Conditional Use Permit. For a streamlining specific summary, see Attachment 2</b> |
| 52          | G-86                      | 17.72.030(B) – Nonconforming structures and uses, Applicability, Exemptions.   | Amended                                 |   | Updates section references and permit names based on the other proposed changes   |
| 53          | G-87                      | 17.72.040(B), General Requirements, Code Compliance of Projects.   | Amended                                 |   | Revises wording to clarify projects that involve nonconforming structures and uses must comply with current zoning requirements   |
| 54          | G-87                      | 17.72.050(A), Repair, Alteration, and Expansion of Nonconforming Structures, Applicability of other review procedures. | Amended                                 |   | Updates section references and permit names based on the other proposed changes   |

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|-------------|---------------------------|--|---|---|--|
| 55          | G-88                      | 17.72.050(I)(2)(a),<br>Nonconforming<br>structures, 50 percent<br>or greater additions                                       | Amended                                 | Yes   | Updates section references and permit names based on the other proposed changes, and <b>removes a requirement for project review by the Design Review Subcommittee (DRSC)</b> . The City Planner or review authority is able to refer projects to the DRSC if a need arises. For details, see Attachment 2 |
| 56          | G-88                      | Table 17.84.030A,<br>Matrix of Sign Types,<br>Banner Signs and<br>Grand Opening Signs,<br>Banners and Grand<br>Opening Signs | Amended                                 |   | This is a cleanup item. The proposed changes change the required permit type from a Temporary Banner Permit to an Administrative Sign Permit. This corrects an error. There is no Temporary Banner Permit specific section, unlike Administrative Sign Permits   |
| 57          | G-89                      | 17.84.030(H), Specific<br>Regulations by Sign<br>Type, Temporary<br>Banner Signs.  | Amended                                 |   | Replaces “banner permits” to “permits”, reflecting the cleanup item above (item 56, row above)   |



**SUMMARY OF PROPOSED PERMIT STREAMLINING ITEMS (dated January 18, 2023)**

These proposed changes are proposed based on the level of public concern and potential issues for these requests. If a specific application were of concern, the proposed changes allow an application to be forwarded to a higher level of review

PROPOSED PERMIT STREAMLINING ITEMS

| Item | Page # for Redline | Section (proposed) | Project/ Process Type | Subject Area                      | Description   | Existing Process   | Proposed Changes   |
|------|--------------------|--------------------|-----------------------|-----------------------------------|---|--|--|
| 1    | G-11               | 17.12.060          | General procedures    | Decision process                  | This new section shows and describes the types of review processes, milestones, appeal bodies, and exceptions | <ol style="list-style-type: none"> <li>1. The City Planner may refer items to the Zoning Administrator.</li> <li>2. The Zoning Administrator may refer items to the Planning Commission.</li> <li>3. The Zoning Code does not specify the City Council is able to waive a Planning Commission recommendation on items</li> </ol>   | <p>Give review authorities more discretion to refer items to higher levels and allow the City Council to waive Planning Commission recommendations so immediate action can be taken at times.</p> <ol style="list-style-type: none"> <li>1. The City Planner may refer items to the Zoning Administrator or Planning Commission.</li> <li>2. The Zoning Administrator may refer items to the Planning Commission or City Council.</li> <li>3. The Planning Commission may refer items to the City Council.</li> <li>4. The City Council may waive Planning Commission recommendations by majority vote</li> </ol>      |
| 2    | G-13               | 17.12.065          | General procedures    | Withdraw of inactive applications | The City has a process to withdraw inactive applications  | A certified letter is sent to applicants with a 90-day notice to submit pending materials. If materials aren't received, the application may be withdrawn after 90 more days, or 180 days total if the applicant doesn't meet deadlines, the City Planner may withdraw the application or forward it to the review body at a hearing with a recommendation for denial without prejudice. This timeline has proven to be overly lengthy and ineffective | If applications are inactive for 30 or more days, the City could withdraw applications by sending correspondence to give a 30-day notice to resubmit materials. And, the proposed changes clarify the applicant is responsible for keeping current information on file. This speeds up the process to equal the 30 day timeframe the City must provide comments, gives the City options for letters or email correspondence, and clarifies that the applicant is responsible for providing current information. Sometimes, the applicant moves or changes email addresses without notifying their project case manager |

**SUMMARY OF PROPOSED PERMIT STREAMLINING ITEMS (dated January 18, 2023)**

These proposed changes are proposed based on the level of public concern and potential issues for these requests. If a specific application were of concern, the proposed changes allow an application to be forwarded to a higher level of review

| Item | Page # for Redline | Section (proposed) | Project/ Process Type         | Subject Area                       | Description  | Existing Process  | Proposed Changes  |
|------|--------------------|--------------------|-------------------------------|------------------------------------|--|---|---|
| 3    | G-88               | 17.72.050(A)       | General procedures            | Nonconforming structure additions  | Additions 50 percent or greater to single-family residences with less than 1,400 square feet of floor area, as of March 21, 1996, up to 2,100 square feet                                | ZA<br>Zoning Administrator approval of a Minor Architectural Permit or Minor Cultural Heritage Permit, with a Design Review Subcommittee recommendation   | ZA<br>This would require Zoning Administrator approval of a Development Permit or Cultural Heritage Permit (for historic resources) without a Design Review Subcommittee review unless referred by the City Planner or Zoning Administrator. For approval, projects must meet design guidelines, meet zoning standards, and be in character with the neighborhood. Therefore, it is not apparent why DRSC review is needed by default, which adds time to the City's review process. The project must meet the standards and guidelines. Routinely, projects are reviewed for architectural styling when the focus is on massing and scale to maintain a nonconforming aspect of a structure with a larger addition to a single-family residence. The City Planner or Zoning Administrator may require Design Review Committee review   |
| 4    | G-87               | 17.24.040 (C)(2)   | General development standards | Accessory Buildings and Structures | Height limits for detached accessory structures and buildings Detached accessory structures over 15 feet high, up the height limit of the zone, that are in the rear one-half of the lot | PC<br>Planning Commission approval of a Conditional Use Permit for buildings to be over 15 feet, up to the height limit of the zone, regardless of whether the accessory building complies with setbacks. If the accessory building were attached, the zone's height limit applies so no review process is required | PC<br>This would require Planning Commission approval of a Development Permit or Cultural Heritage Permit for buildings that encroach into required setbacks. If setbacks are met, the height limit of the zone would apply. This is proposed because:<br>1. The height limit would be similar for an attached or detached accessory building that meets setbacks for compatibility between adjacent properties.<br>2. If this change weren't made, the incentive is to attach an accessory building to increase the height limit over 15 feet, up to the height of the zone. Therefore, the current height standard encourages larger massing with less articulation than a detached accessory building that must be separated a minimum of five feet. The changes are more in line with the intent of zoning standards to encourage articulation and compatibility between uses on adjacent properties. Note that Accessory Dwelling Units have different height limits in another section of the Zoning Code |

**SUMMARY OF PROPOSED PERMIT STREAMLINING ITEMS (dated January 18, 2023)**

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| Item | Page # for Redline | Section (proposed) | Project/ Process Type                  | Subject Area  | Description   | Existing Process   | Proposed Changes  |
|------|--------------------|--------------------|--|---|---|--|---|
| 5    | G-46               | 17.16.100          | Nonresidential accessory buildings new | Nonresidential sites  | New nonresidential accessory buildings that are screened from adjoining public right-of-way, where the proposed building has floor area less than or equal to 2,000 square feet and less than 50 percent of the primary building's floor area   | PC<br>Planning Commission approval of a Site Plan Permit, and Architectural Permit or Cultural Heritage Permit if proposed in the Architectural Overlay  | ZA<br>This would require Zoning Administrator approval of a Development Permit. The Zoning Code allows nonresidential building additions less than 2,000 square feet with Zoning Administrator approval. The proposed changes allow a new building of a similar size to be reviewed by the Zoning Administrator if screened from public right-of-way. Otherwise, Planning Commission approval is required as it is currently. Staff recommends this change to allow an addition to have a similar level of review to a new building of a comparable size. The City Planner or Zoning Administrator may require Design Review Committee review   |
| 6    | G-46               | 17.16.100          | Residential buildings new              | Sites:<br>1. <b>Not historic</b> ,<br>2. Architectural Overlay,<br>3. Single-family and duplexes abutting historic structures | Two-story single-family dwellings and duplexes that are across a street and abutting the City's designated historic resources and landmarks list, if the building has less than: a) a five-foot front setback between the first and second floors; or b) a 30-foot front setback for building height above the tallest roofline of historic buildings | PC<br>Planning Commission approval of an Architectural Permit or Cultural Heritage Permit if proposed in the Architectural Overlay or abutting a historic resource (including across a street) | ZA<br>This would require Zoning Administrator approval of a Development Permit. The streamlining would be limited to projects with significant separation from historic resources to ensure they do not have a massing and scaling impact on them. Projects must be across the street from a historic resource. Zoning Administrator approval will be required if there is less than a five-foot front setback between the first and second floors, or a 30-foot setback for building height above the tallest roofline of the historic buildings. Public right-of-way for streets ranges from 40 to 60 feet in width with required front setbacks beyond that for 70-90 feet of separation between a project and a historic resource. With these limitations, these changes are not expected to be of significant public concern or impacts. If a specific application were of concern, the proposed changes allow an application to be forwarded to a higher level of review. The City Planner or Zoning Administrator may require Design Review Committee review |

**SUMMARY OF PROPOSED PERMIT STREAMLINING ITEMS (dated January 18, 2023)**

These proposed changes are proposed based on the level of public concern and potential issues for these requests. If a specific application were of concern, the proposed changes allow an application to be forwarded to a higher level of review

| Item | Page # for Redline | Section (proposed) | Project/ Process Type               | Subject Area  | Description   | Existing Process  | Proposed Changes  |
|------|--------------------|--------------------|-------------------------------------|---|---|---|---|
| 7    | G-46               | 17.16.100          | Residential buildings new           | Sites:<br>1. <b>Not historic</b> ,<br>2. Architectural Overlay,<br>3. Three or four units adjacent residential historic structures.   | New development of up to four dwelling units on properties developed that are not abutting historic resources but located within 120 feet or two parcels, whichever is smaller, from residentially zoned buildings on the City's designated historic resources and landmarks list | PC<br>Planning Commission approval of a Cultural Heritage Permit if proposed in the Architectural Overlay or projects are on sites with a triplex or more dwelling units visible a public view corridor or from public right-of-way adjoining historic structures located within 300 feet of the project site, <i>unless exempt when projects are not visible from a public view corridor or from public right-of-way adjoining historic structures</i>                             | ZA<br>The proposed changes include:<br>1. Reduces the level of review from Planning Commission to Zoning Administrator approval of a Development Permit.<br>2. Reduces the distance in which a public hearing is required from 300 feet to within 120 feet or two parcels, whichever is smaller. This streamlines projects with significant separation to avoid potential massing and architectural character impacts on historic resources.<br>These proposed changes are based on the level of public concern and potential issues for these requests. If a specific application were of concern, the proposed changes allow an application to be forwarded to a higher level of review. The City Planner or Zoning Administrator may require Design Review Committee review  |
| 8    | G-46               | 17.16.100          | Residential accessory buildings new | Sites:<br>1. <b>Not historic</b><br>2. Architectural Overlay,<br>3. Single-family and duplexes abutting historic structures,<br>4. Three or four units adjacent residential historic structures | New residential accessory buildings in visible from adjoining public right-of-way, where the proposed building has floor area less than or equal to 500 square feet and less than 50 percent of the primary building's floor area   | PC<br>Planning Commission approval of a Cultural Heritage Permit if proposed in the Architectural Overlay, proposed on a site with a single-family residence or duplex abutting a historic resource (i.e. includes across the street), or projects are on sites with a triplex or more dwelling units within 300 feet of the project site, <i>unless exempt when projects are not visible from a public view corridor or from public right-of-way adjoining historic structures</i> | 1. Reduces the level of review from Planning Commission to Zoning Administrator approval of a Cultural Heritage Permit.<br>2. Reduces the distance in which a public hearing is required from 300 feet to within 120 feet or two parcels, whichever is smaller. This streamlines projects with significant separation to avoid potential massing and architectural character impacts on historic resources.<br>3. Currently, the Zoning Code allows Zoning Administrator approval of additions under 500 square feet but requires Planning Commission approval of new buildings of any size. Staff recommends reducing the level of review for a new accessory building under 500 square feet so it is reviewed similar to an addition of a similar size and potential impact. The changes also specify the building must be under 50 percent of the primary building's floor area so it is accessory. Currently, such a limit isn't included.<br>These proposed changes are proposed based on the level of public concern and potential issues for these requests. If a specific application were of concern, the proposed changes allow an application to be forwarded to a higher level of review. The City Planner or Zoning Administrator may require Design Review Committee review |

**SUMMARY OF PROPOSED PERMIT STREAMLINING ITEMS (dated January 18, 2023)**

These proposed changes are proposed based on the level of public concern and potential issues for these requests. If a specific application were of concern, the proposed changes allow an application to be forwarded to a higher level of review

| Item | Page # for Redline | Section (proposed) | Project/ Process Type                  | Subject Area                         | Description   | Existing Process  | Proposed Changes   |
|------|--------------------|--------------------|--|--------------------------------------|---|---|--|
| 9    | G-55               | 17.16.110          | Nonresidential accessory buildings new | <b>Historic</b> nonresidential sites | New nonresidential accessory buildings screened from adjoining public right-of-way, where the proposed building has floor area less than or equal to 500 square feet and less than 50 percent of the primary building's floor area. | PC<br>Planning Commission approval of a Site Plan Permit and Cultural Heritage Permit | <ol style="list-style-type: none"> <li>1. Reduces the level of review from Planning Commission to Zoning Administrator approval of a Cultural Heritage Permit.</li> <li>2. Currently, the Zoning Code allows Zoning Administrator additions under 2,000 square feet but requires Planning Commission approval of new buildings of any size. Staff recommends reducing the level of review for a new accessory building under 500 square feet, smaller than an addition under 2,000 square feet allowed with Zoning Administrator approval, and that has more potential impact. The changes also specify the building must be screened from adjoining public right-of-way and be under 50 percent of the primary building's floor area so it is accessory. Currently, such a limit isn't included.</li> </ol> <p>These changes are proposed based on the level of public concern and potential issues for these requests. If a specific application were of concern, the proposed changes allow an application to be forwarded to a higher level of review. The City Planner or Zoning Administrator may require Design Review Committee review</p> |
| 10   | G-56               | 17.16.110          | Residential accessory buildings new    | <b>Historic</b> residential sites    | New residential accessory buildings visible from adjoining public right-of-way with less than or equal to 500 square feet and less than 50 percent of the primary building's floor area   | PC<br>Planning Commission approval of a Cultural Heritage Permit                      | <ol style="list-style-type: none"> <li>1. Reduces the level of review from Planning Commission to Zoning Administrator approval of a Cultural Heritage Permit.</li> <li>2. Currently, the Zoning Code allows the Zoning Administrator to act on additions under 500 square feet but requires Planning Commission approval of new buildings of any size. Staff recommends reducing the level of review for a new accessory building under 500 square feet so it is reviewed similar to an addition of a similar size and potential impact. The changes also specify the building must be under 50 percent of the primary building's floor area so it is accessory. Currently, such a limit isn't included.</li> </ol> <p>These changes are proposed based on the level of public concern and potential issues for these requests. If a specific application were of concern, the proposed changes allow an application to be forwarded to a higher level of review. The City Planner or Zoning Administrator may require Design Review Committee review</p>   |

**SUMMARY OF PROPOSED PERMIT STREAMLINING ITEMS (dated January 18, 2023)**

These proposed changes are proposed based on the level of public concern and potential issues for these requests. If a specific application were of concern, the proposed changes allow an application to be forwarded to a higher level of review

| Item | Page # for Redline | Section (proposed) | Project/ Process Type                     | Subject Area   | Description  | Existing Process   | Proposed Changes  |
|------|--------------------|--------------------|---|--|--|--|---|
| 11   | G-32               | 17.16.095          | Accessory structures and exterior changes | Applies to sites:<br>1. <b>Without historic resources</b><br>2. Architectural Overlay,<br>3. Single-family and duplexes abutting historic structures,<br>4. Three or four units adjacent residential historic structures | Types of structures and exterior changes (numbering is consistent with the list in proposed section 17.16.095):<br>1. New Residential Buildings<br>2. Additions to Residential Buildings, Minor<br>3. Additions to Private Recreational Facilities<br>4. Accessory Structures: Other Minor<br>5. Awnings<br>6. Chimneys and Metal Flues<br>7. Color Changes: Exterior<br>8. Decks and Porches: Minor Alterations<br>9. Doors: Minor Alterations<br>10. Driveways/Paving/Minor Site Work<br>11. Fences<br>13. Landscape Alterations, Including Tree Removals<br>14. Landscape Improvements<br>15. Lighting: Exterior<br>16. Mechanical Equipment: General<br>17. Mechanical Equipment: Rooftop<br>18. New Residential Buildings, Location Limited.<br>19. Porches<br>20. Roofs (and "Reroofs")<br>21. Sheds and spas<br>22. Sidewalk Seating and Enclosures for Commercial Outdoor Dining Areas<br>23. Skylights<br>24. Trellises, pergolas, or arbors<br>25. Walls<br>26. Windows: Minor Alterations | Zoning Administrator of exterior changes and accessory structures, excluding 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. These changes are eligible for City Planner approval for a staff waiver of a Minor Architectural Permit and Minor Cultural Heritage Permit | <p>Replaces staff waivers of Minor Architectural Permits and Minor Cultural Heritage Permits with a new permit type, Administrative Development Permits. Administrative Development Permits are an administrative approval process of minor projects requiring design review in the Architectural Overlay that are adjacent to, or involve, historic structures and nonresidential properties; these modifications would add general standards, project-specific standards, and change the types of projects and circumstances which would be eligible for staff-level approval, subject to appeal, with all permits disclosed publicly for transparency. Currently, there is a broader category of projects eligible for administrative approval.</p> <p>The proposed Ordinance replaces this with lists of types of projects that may be approved by staff if those projects meet general and project-specific standards (e.g., projects that won't affect character-defining features of historic structures, such as a privacy fence constructed of certain materials). The City Planner would have discretion to require a public hearing depending on the level of public concern anticipated for a project. These changes are proposed based on the level of public concern and potential issues for these requests. If a specific application were of concern, the proposed changes allow an application to be forwarded to a higher level of review. The City Planner may require Design Review Committee review.</p> <p>The following types of structures and exterior changes would be streamlined within project-specific criteria. For these criteria and details, refer to Attachment 4. The following are more substantive changes:</p> <ol style="list-style-type: none"> <li>1. New residential buildings. New residential buildings may be reviewed and approved administratively that are located further than 120 feet and two parcels, whichever is greater, up to 300 feet of separation from residentially zoned buildings on the City's historic resources and landmarks list; and the site is not in the Architectural Overlay, visible from a public view corridor, or visible from adjoining historic structures between 120 and 300 feet from the site.</li> <li>2. Additions to residential buildings. Applies to similar sites as #1 above. The additions would be limited to less than 500 square feet and 50 percent, and must be screened from adjoining public right-of-way.</li> </ol> |

**SUMMARY OF PROPOSED PERMIT STREAMLINING ITEMS (dated January 18, 2023)**

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| Item | Page # for Redline | Section (proposed) | Project/ Process Type                     | Subject Area   | Description   | Existing Process   | Proposed Changes  |
|------|--------------------|--------------------|---|--|---|--|---|
| 12   | G-32               | 17.16.095          | Accessory structures and exterior changes | Applies to sites on the City’s designated <b>historic resources and landmarks list</b> | Types of structures and exterior changes (numbering is consistent with the list in proposed section 17.16.095):<br>4. Accessory Structures: Other Minor (six feet high maximum, screened from public right-of-way, maintain landscaping, and are detached)<br>5. Awnings<br>6. Chimneys and Metal Flues (limited to improving historic integrity)<br>7. Color Changes: Exterior<br>8. Decks and Porches: Minor Alterations (Screened from public right-of-way, detached, and over existing hardscape)<br>9. Doors: Minor Alterations (rehabilitate and repair unless this cannot be done)<br>10. Driveways/Paving/Minor Site Work (providing access to entrances, exits, patios, courtyards, and utility pathways)<br>11. Fences (not in yards adjacent to street frontages)<br>12. Historic Resources, Minor.<br>13. Landscape Alterations, Including Tree Removals (except landscaping on historic survey, no historic trees)<br>14. Landscape Improvements<br>15. Lighting: Exterior<br>16. Mechanical Equipment: General<br>17. Mechanical Equipment: Rooftop (fully screened from public view)<br>20. Roofs (and “Reroofs”)<br>21. Sheds and spas (over existing hardscape surfaces)<br>22. Sidewalk Seating and Enclosures for Commercial Outdoor Dining Areas<br>23. Skylights (over non-original building areas)<br>24. Trellises, pergolas, or arbors(over existing hardscape surfaces)<br>25. Walls<br>26. Windows: Minor Alterations | Zoning Administrator of exterior changes and accessory structures, excluding 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. These changes are eligible for City Planner approval for a staff waiver of a Minor Architectural Permit and Minor Cultural Heritage Permit | <p>Replaces staff waivers of Minor Architectural Permits and Minor Cultural Heritage Permits with a new permit type, Administrative Development Permits. Administrative Development Permits are an administrative approval process of minor projects requiring design review in the Architectural Overlay that are adjacent to, or involve, historic structures and nonresidential properties; these modifications would add general standards, project-specific standards, and change the types of projects and circumstances which would be eligible for staff-level approval, subject to appeal, with all permits disclosed publicly for transparency. Currently, there is a broader category of projects eligible for administrative approval.</p> <p>The proposed Ordinance replaces this with lists of types of projects that may be approved by staff if those projects meet general and project-specific standards (e.g., projects that won’t affect character-defining features of historic structures, such as a privacy fence constructed of certain materials). The City Planner would have discretion to require a public hearing depending on the level of public concern anticipated for a project. These changes are proposed based on the level of public concern and potential issues for these requests. If a specific application were of concern, the proposed changes allow an application to be forwarded to a higher level of review. The City Planner may require Cultural Heritage Subcommittee review.</p> <p>The listed type of structures and exterior changes on the left would be streamlined within project-specific criteria. For these criteria and details, refer to Attachment 4. The more substantive streamlining is allowing limited exterior changes and accessory structures based on criteria (e.g. screened from public view, detached, limited type and nature of work), and general guidelines to ensure historic resources are preserved, consistent with General Plan policies</p> |

**SUMMARY OF PROPOSED PERMIT STREAMLINING ITEMS (dated January 18, 2023)**

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| Item | Page # for Redline | Section (proposed) | Project/ Process Type | Subject Area  | Description  | Existing Process   | Proposed Changes   |
|------|--------------------|--------------------|-----------------------|---|--|--|--|
| 13   | G-73               | 17.36.020          | Commercial zone uses  | Uses for alcohol service, amusement centers, bowling alleys, pool halls, and theaters | Requests to establish uses for alcohol service, amusement centers, bowling alleys, pool halls, and theaters  | <ol style="list-style-type: none"> <li>1. Zoning Administrator approval of a Minor Conditional Use Permit for beer and wine with food service indoors.</li> <li>2. Planning Commission approval of a Conditional Use Permit to allow amusement centers, bowling alleys, pool halls, and theaters</li> </ol>                                  | <ol style="list-style-type: none"> <li>1. Allows beer and wine on-site indoors with food service without a public hearing.</li> <li>2. Allows amusement centers, bowling alleys, pool halls, and theaters with Zoning Administrator approval of a Minor Conditional Use Permit.</li> </ol> <p>This change is based on the level of public concern and potential issues for these requests. If a specific application were of concern, the proposed changes allow the Zoning Administrator to forward the application to the Planning Commission or City Council</p>  |
| 14   | G-77               | 17.40.040          | Mixed zone uses       | Alcohol service and residential accessory buildings                                   | <ol style="list-style-type: none"> <li>1. Alcohol service indoors with food service at restaurants, event and entertainment venues, lodging facilities; and</li> <li>2. Residential accessory buildings over 15 feet in height in Mixed Use 3.1, 3.3, and 5 zones</li> </ol> | <ol style="list-style-type: none"> <li>1. Zoning Administrator approval of a Minor Conditional Use Permit for beer and wine with food service indoors.</li> <li>2. Planning Commission approval of a Conditional Use Permit to allow detached residential accessory buildings over 15 feet in height in the Mixed Use 5 zone only</li> </ol> | <ol style="list-style-type: none"> <li>1. Allows beer and wine on-site indoors with food service without a public hearing.</li> <li>2. Reduces the level of review for “Residential Accessory Buildings Over 15 feet in Height” to Zoning Administrator approval of a Minor Conditional Use Permit (MCUP) within the Mixed Use (MU) 3.1, MU 3.3 and MU 5 zones to align with other proposed changes. In addition to a MCUP, a Development Permit or Cultural Heritage Permit will be required with Planning Commission or Zoning Administrator approval depending on the size and visibility of the building from the public right-of-way.</li> </ol> <p>These changes are proposed based on the level of public concern and potential issues for these requests. If a specific application were of concern, the proposed changes allow an application to be forwarded to a higher level of review</p> |
| 15   | G-85               | 17.64.110          | Off-Site Parking      | Nonresidential use parking within 300 feet  | Provide required nonresidential use parking within 300 feet of a use with a recorded agreement   | PC<br>Planning Commission of a Conditional Use Permit  | ZA<br>Zoning Administrator approval of a Minor Conditional Use Permit. This change is based on the level of public concern and potential issues for these requests. If a specific application were of concern, the proposed changes allow the Zoning Administrator to forward the application to the Planning Commission or City Council   |
| 16   | G-86               | 17.64.110          | Shared Parking        | Nonresidential and mixed-use zones  | Share private parking facilities between multiple uses in nonresidential and mixed-zones when peak operating hours are offset  | PC<br>Planning Commission of a Conditional Use Permit  | ZA<br>Zoning Administrator approval of a Minor Conditional Use Permit. This change is based on the level of public concern and potential issues for these requests. If a specific application were of concern, the proposed changes allow the Zoning Administrator to forward the application to the Planning Commission or City Council   |



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE ZONING AMENDMENT 22-366 AMENDING CERTAIN SECTIONS AND TABLES OF TITLE 17 (ZONING) OF THE SAN CLEMENTE MUNICIPAL CODE; TO CLARIFY, STREAMLINE, AND CONSOLIDATE PERMIT PROCEDURES, WHILE MAINTAINING ADEQUATE REVIEW OF PROPOSALS THAT ARE REGULARLY WITHOUT SIGNIFICANT IMPACTS AND PUBLIC CONCERNS; AND FINDING THIS ACTION DOES NOT QUALIFY AS A PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, OR, IN THE ALTERNATIVE, IS EXEMPT FROM CEQA UNDER STATE CEQA GUIDELINES SECTION 15061(B)(3)

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 to land use designations, particular types of uses, and development criteria for certain designations; and

WHEREAS, on February 4, 2014, as part of its action on the Centennial General Plan, the City Council certified Environmental Impact Report SCH No. 2013041021 ("General Plan EIR") pursuant to the California Environmental Quality Act ("CEQA"), approved mitigation measures, and adopted a Statement of Overriding Considerations; and

WHEREAS, subsequent to adoption of the General Plan EIR, the City Council adopted several Addenda:

- A. On November 3, 2015, the City Council adopted General Plan Amendment ("GPA") 15-049, approved Ordinance Nos. 1609 and 1610 for Zoning Amendment ("ZA") 14-456, and certified EIR Addendum No. 1 (the "2015 Addendum");
- B. On September 5, 2017, the City Council adopted GPA 15-331, approved EIR Addendum No. 2 (the "2017 Addendum"), and approved Ordinance No. 1645 for ZA 17-251;
- C. On December 17, 2019, the San Clemente City Council adopted GPA 19-291 and SPA 19-292 (an update to the *Pier Bowl Specific Plan*), and approved EIR Addendum No. 3 (the "2019 Addendum"); and

- D. On October 18, 2022, the City Council adopted GPA 21-238, SPA 21-239, ZA 21-240, and Land Use Plan Amendment (“LUPA”) 21-241, and approved EIR Addendum No. 4 (the “2022 Addendum”).

WHEREAS, on July 19, 2022, the City Council initiated Zoning Amendment 22-366 (the “Project”) to Title 17 (Zoning) of the San Clemente Municipal Code to:

1. Reduce the level of public hearing decisions for several planning application types, while maintaining public minutes of decisions and appeal procedures when experience has shown the projects have not had issues of significant public concerns or impacts to prompt a higher level of public review. For example, smaller residential additions of less than 500 square feet that would be visible from the street currently require Planning Commission review; this Ordinance would update the Zoning Code to cause such additions to instead be reviewed by the Zoning Administrator;
2. Modify the Zoning Code for administrative approval of minor projects requiring design review in the Architectural Overlay that are adjacent to, or involve, historic structures and nonresidential properties; these modifications would add general standards, project-specific standards, and change the types of projects and circumstances which would be eligible for staff-level approval, subject to appeal, with all permits disclosed publicly for transparency. Currently, there is a broader category of projects eligible for administrative approval. The proposed Ordinance replaces this with lists of types of projects that may be approved by staff if those projects meet general and project-specific standards (e.g., projects that won’t affect character-defining features of historic structures, such as a privacy fence constructed of certain materials). The City Planner would have discretion to require a public hearing depending on the level of public concern anticipated for a project;
3. Consolidate planning applications to simplify submittals and administrative processing;
4. Allow by-right beer and wine sales for indoor, on-site consumption in restaurants with a State license; and
5. Clarify planning permit review procedures to facilitate staff implementation and promote public understanding (e.g., how requests for alcohol sales/service are processed for hotels and entertainment venues).

WHEREAS, the Ordinance attached hereto amends various provisions provisions within Title 17 of the San Clemente Municipal Code (“SCMC”) to effectuate the Project and the Council’s directives on the same; and

WHEREAS, the City, as Lead Agency, conducted an environmental review of the proposed SCMC amendments for compliance with the CEQA and the State CEQA

Guidelines. The amendments do not constitute a “project” as defined by the State CEQA Guidelines (Cal. Code Regs., Title 14, § 15000 et seq.). In the alternative, staff recommends that the amendments be found exempt from the California Environmental Quality Act (“CEQA”) under State CEQA Guidelines section 15061(b)(3), as it can be seen with certainty that the Resolution would not have a significant effect on the environment; and

WHEREAS, on January 18, 2023, the Planning Commission held a duly noticed public hearing on the attached Ordinance, considered evidence presented by City staff and comments from other interested parties, and made a recommendation to the City Council as fully set forth herein; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

NOW, THEREFORE, the Planning Commission of the City of San Clemente does hereby resolve as follows:

Section 1. Incorporation of Recitals.

The Planning Commission hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the Planning Commission as fully set forth in this Ordinance.

Section 2. Compliance with the California Environmental Quality Act.

Based upon its review of the entire record, including, but not limited to, the staff report, any public comments or testimony, and all related information presented to the City, and the facts outlined below, the Planning Commission hereby recommends the City Council find the SCMC amendments not be considered a “project” as defined by the State CEQA Guidelines Sections 15378(b)(2) and 15378(b)(5), because the revisions 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.). In the alternative, staff recommends that the amendments be found exempt from CEQA under State CEQA Guidelines section 15061(b)(3) on the basis that there is no possibility that the activity in question may have a significant effect on the environment. The amendments clarify the application review process and streamline several procedures. The proposed changes do not change land use designations or increase the type, density, or land use impacts of potential development.

Section 3. Zoning Amendment Findings.

With respect to ZA 22-366, the Planning Commission finds the following for attached amendments to the Zoning Ordinance:

- A. The proposed amendments are consistent with the General Plan, in that::
1. The amendments improve the effectiveness of processes that directly implement goals and policies Centennial General Plan (as adopted on February 14, 2014 and by subsequent amendments thereafter) pursuant to Government Code Section 65860(c);
  2. The zoning amendments clarify, consolidate, and streamline permits procedures and improve the effectiveness of regulations, making the City's review process more understandable, predictable, and timely; appropriate to the level of public concern, potential impacts, and nature of projects proposed to implement the General Plan, consistent with Governance Element Policy G-1.01, Effective Governance, *"We practice effective governance by adhering to a planning, budgeting, and implementation process which is publicly accessible, understandable, predictable and timely."*
- B. The zoning amendments adopting the use provisions and development criteria as proposed will not adversely impact the public health, safety, and welfare since they further the Centennial General Plan objectives of (1) meeting community values, needs, and conditions; (2) guiding long-term public and private land use, transportation, economic development, resource preservation, urban design, and other public policy actions; and (3) reflecting the Planning Commission's review, direction, and independent judgement regarding land use..

Section 4. Planning Commission Recommendation.

Based on the entire record, including all written and oral evidence presented to the Planning Commission, and the findings made and evidence discussed in the staff report and this Resolution, the Planning Commission hereby recommends that the City Council approve the Ordinance attached hereto as Exhibit A (Zoning Amendment 22-366) and incorporated herein by reference.

PASSED AND ADOPTED at a regular meeting of the City of San Clemente Planning Commission on January 18, 2023.

---

Chair

CERTIFICATION:

I HEREBY CERTIFY this Resolution was adopted at a regular meeting of the City of San Clemente Planning Commission on January 18, 2023, carried by the following roll call vote:

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

---

Secretary of the Planning Commission

# EXHIBIT A

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ZONING AMENDMENT 22-366 AMENDING CERTAIN SECTIONS AND TABLES OF TITLE 17 (ZONING) OF THE SAN CLEMENTE MUNICIPAL CODE; TO CLARIFY, STREAMLINE, AND CONSOLIDATE PERMIT PROCEDURES, WHILE MAINTAINING ADEQUATE REVIEW OF PROPOSALS THAT ARE REGULARLY WITHOUT SIGNIFICANT IMPACTS AND PUBLIC CONCERNS; AND FINDING THIS ACTION DOES NOT QUALIFY AS A PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, OR, IN THE ALTERNATIVE, IS EXEMPT FROM CEQA UNDER STATE CEQA GUIDELINES SECTION 15061(B)(3)

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 to land use designations, particular types of uses, and development criteria for certain designations; and

WHEREAS, on February 4, 2014, as part of its action on the Centennial General Plan, the City Council certified Environmental Impact Report SCH No. 2013041021 (“General Plan EIR”) pursuant to the California Environmental Quality Act (“CEQA”), approved mitigation measures, and adopted a Statement of Overriding Considerations; and

WHEREAS, subsequent to adoption of the General Plan EIR, the City Council adopted several Addenda:

- A. On November 3, 2015, the City Council adopted General Plan Amendment (“GPA”) 15-049, approved Ordinance Nos. 1609 and 1610 for Zoning Amendment (“ZA”) 14-456, and certified EIR Addendum No. 1 (the “2015 Addendum”);
- B. On September 5, 2017, the City Council adopted GPA 15-331, approved EIR Addendum No. 2 (the “2017 Addendum”), and approved Ordinance No. 1645 for ZA 17-251;
- C. On December 17, 2019, the San Clemente City Council adopted GPA 19-291 and SPA 19-292 (an update to the *Pier Bowl Specific Plan*), and approved EIR Addendum No. 3 (the “2019 Addendum”); and
- D. On October 18, 2022, the City Council adopted GPA 21-238, SPA 21-239, ZA 21-240, and Land Use Plan Amendment (“LUPA”) 21-241, and

approved EIR Addendum No. 4 (the “2022 Addendum”).

WHEREAS, on July 19, 2022, the City Council initiated Zoning Amendment 22-366 (the “Project”) to Title 17 (Zoning) of the San Clemente Municipal Code to:

1. Reduce the level of public hearing decisions for several planning application types, while maintaining public minutes of decisions and appeal procedures when experience has shown the projects have not had issues of significant public concerns or impacts to prompt a higher level of public review. For example, smaller residential additions of less than 500 square feet that would be visible from the street currently require Planning Commission review; this Ordinance would update the Zoning Code to cause such additions to instead be reviewed by the Zoning Administrator;
2. Modify the Zoning Code for administrative approval of minor projects requiring design review in the Architectural Overlay that are adjacent to, or involve, historic structures and nonresidential properties; these modifications would add general standards, project-specific standards, and change the types of projects and circumstances which would be eligible for staff-level approval, subject to appeal, with all permits disclosed publicly for transparency. Currently, there is a broader category of projects eligible for administrative approval. The proposed Ordinance replaces this with lists of types of projects that may be approved by staff if those projects meet general and project-specific standards (e.g., projects that won’t affect character-defining features of historic structures, such as a privacy fence constructed of certain materials). The City Planner would have discretion to require a public hearing depending on the level of public concern anticipated for a project;
3. Consolidate planning applications to simplify submittals and administrative processing;
4. Allow by-right beer and wine sales for indoor, on-site consumption in restaurants with a State license; and
5. Clarify planning permit review procedures to facilitate staff implementation and promote public understanding (e.g., how requests for alcohol sales/service are processed for hotels and entertainment venues).

WHEREAS, this Ordinance (the “Ordinance”) amends various provisions within Title 17 of the San Clemente Municipal Code (“SCMC”) to effectuate the Project and the Council’s directives on the same; and

WHEREAS, the City, as Lead Agency, conducted an environmental review of the proposed SCMC amendments for compliance with the CEQA and the State CEQA Guidelines. The amendments do not constitute a “project” as defined by the State CEQA Guidelines (Cal. Code Regs., Title 14, § 15000 et seq.). In the alternative, staff

recommends that the amendments be found exempt from the California Environmental Quality Act (“CEQA”) under State CEQA Guidelines section 15061(b)(3), as it can be seen with certainty that the Ordinance would not have a significant effect on the environment; and

WHEREAS, on January 18, 2023, the Planning Commission held a duly noticed public hearing on the Ordinance , considered evidence presented by City staff and comments from other interested parties, and made a recommendation to the City Council in favor of adoption; and

WHEREAS, on [date], the City Council held a duly noticed public hearing, considered evidence presented by City staff including the Ordinance and exhibits attached thereto, and heard other interested parties; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred; and

NOW, THEREFORE, the City Council of the City of San Clemente does hereby resolve as follows:

Section 1. Incorporation of Recitals.

The City Council hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the City Council as fully set forth in this Ordinance.

Section 2. Compliance with the California Environmental Quality Act.

Based upon its review of the entire record, including, but not limited to, the staff report, any public comments or testimony, and all related information presented to the City, and the facts outlined below, the City Council finds the amendments not be considered a “project” as defined by the State CEQA Guidelines Sections 15378(b)(2) and 15378(b)(5), because the revisions 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.). In the alternative, staff recommends that the amendments be found exempt from CEQA under State CEQA Guidelines section 15061(b)(3) on the basis that there is no possibility that the activity in question may have a significant effect on the environment. The amendments clarify the application review process and streamline several procedures. The proposed changes do not change land use designations or increase the type, density, or land use impacts of potential development.



Section 3. Zoning Amendment Findings.

With respect to ZA 22-366, the City Council finds the following for amendments to the Zoning Ordinance:

- A. The proposed amendments are consistent with the General Plan, in that:
  - 1. The amendments improve the effectiveness of processes that directly implement goals and policies Centennial General Plan (as adopted on February 14, 2014 and by subsequent amendments thereafter) pursuant to Government Code Section 65860(c); and
  - 2. The zoning amendments clarify, consolidate, and streamline permits procedures and improve the effectiveness of regulations, making the City's review process more understandable, predictable, and timely; appropriate to the level of public concern, potential impacts, and nature of projects proposed to implement the General Plan, consistent with Governance Element Policy G-1.01, Effective Governance, *"We practice effective governance by adhering to a planning, budgeting, and implementation process which is publicly accessible, understandable, predictable and timely."*
- B. The zoning amendments adopting the use provisions and development criteria as proposed will not adversely impact the public health, safety, and welfare since they further the Centennial General Plan objectives of (1) meeting community values, needs, and conditions; (2) guiding long-term public and private land use, transportation, economic development, resource preservation, urban design, and other public policy actions; and (3) reflecting the City Council's review, direction, and independent judgement regarding land use..

Section 4. SMC Code Amendments. Title 17 (Zoning) of the San Clemente Municipal Code is hereby amended as set forth in Exhibit "A-1," attached hereto and incorporated herein by reference.

Section 5. Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases would be declared invalid or unenforceable.

Section 6. The City Clerk shall certify to the passage of this Ordinance and publish the same in the manner required by law, and this Ordinance shall take effect as provided by law.

APPROVED, ADOPTED AND SIGNED this [date].

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. \_\_\_\_\_ having been regularly introduced at the meeting of [date], 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 [month and year], 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 [date].

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

APPROVED AS TO FORM:

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

**SECTION 1.** Section 17.12.020 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.12.020 Review Authorities.**

This section identifies the review authorities responsible for making decisions on applications required by the Zoning Ordinance.

- A. **City Council.** Refer to Chapter 2.04 for a description of the City Council's function, duties, and powers.
- B. **Planning Commission.** Refer to Chapter 2.32 for a description of the Planning Commission's function, duties, and powers.
- C. **Zoning Administrator.** Refer to Chapter 2.34 for a description of the Zoning Administrator's function, duties, and powers.
- D. **The Planning Division.** The Planning Division is responsible for the administration of the Zoning Ordinance, including the following functions:
  - a. **Application Process.** The Planning Division shall process 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.
  - b. **Public Information.** The Planning Division shall have the responsibility to provide information to the public on provisions and requirements of the Zoning Ordinance.
  - 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. The Planning Division participates in the Development Management Team (DMT), which is a group of City staff from various departments and staff from other agencies (e.g., the Orange County Fire Authority) that meets regularly to coordinate on the review of applications for completeness, consistency with requirements, guidelines, and policies. The DMT also makes non-binding recommendations to the applicable review authority. Unless required by this Title, the City Planner has discretion on whether to bring an application to the DMT for review and a recommendation.
  - d. **Application Status Updates.** The Planning Division shall provide information to applicants and interested parties on the status of applications.
- E. **Designated Review Authority for Required Approvals.** Refer to Table 17.12.020, Review Authority for Permits or Entitlements, for the review authority designated to act upon applications required by this Title, according to procedures described in Section 17.12.060.

Zoning Amendments

**Table 17.12.020 - Review Authority for Permits or Entitlements**

| <b>Permit Application</b>                             | <b>Review Authority<sup>1</sup></b>   | <b>Process Levels in Section 17.16.040</b>  | <b>Public Hearings</b> |
|---|---|---|------------------------|
| Administrative Development Permit                     | City Planner  | Process 1   | No                     |
| Administrative Sign Permit                            | City Planner  | Process 1   | No                     |
| Cultural Heritage Permit                              | See Table 17.16.110   | Process 2 for Zoning Administrator decisions<br>Process 3 for Planning Commission | Yes                    |
| City Antenna Permit                                   | City Manager  | Process 1   | No                     |
| Coastal Review In-Concept                             | City Planner  | Process 1   | No                     |
| Conditional Use Permit                                | Planning Commission, except height exceptions in MU 3.0 and MU 3.3 that require City Council approval | Process 3 for Planning Commission decisions.<br>Process 4 for City Council        | Yes                    |
| Demolition of Historic Properties                     | City Council  | Process 5   | Yes                    |
| Designation of Historic Resources and Landmarks       | City Council  | Process 5   | Yes                    |
| Development Agreements                                | City Council  | Process 5   | Yes                    |
| Development Permit                                    | See Table 17.16.100   | Process 2 for Zoning Administrator decisions. Process 3 for Planning Commission   | Yes                    |
| Discretionary Sign Permit                             | Zoning Administrator  | Process 3   | Yes                    |
| General Plan Amendment                                | City Council  | Process 5   | Yes                    |
| Historic Property Preservation (Mills Act) Agreements | City Council  | Process 4   | Yes                    |
| Home Occupation Permit                                | City Planner  | Process 1   | No                     |
| Interpretations, Minor                                | City Planner  | Process 1   | No                     |
| Interpretations, Major                                | Planning Commission   | Process 3   | No                     |
| Minor Conditional Use Permit                          | Zoning Administrator  | Process 2   | Yes                    |
| Minor Exception Permit                                | Zoning Administrator  | Process 2   | Yes                    |
| Short-Term Lodging Unit Zoning Permit                 | City Planner  | Process 1   | No                     |
| Short-term Apartment Rental                           | City Planner  | Process 1   | No                     |
| Site Development Permit                               | See Table 17.16.100   | Process 2 for Zoning Administrator decision.<br>Process 3 for Planning Commission | Yes                    |
| Special Activities Permit                             | City Planner  | Process 1   | No                     |
| Specific Plan Amendment                               | City Council  | Process 5   | Yes                    |

## Zoning Amendments

|  |                             |           |     |
|--|-----------------------------|-----------|-----|
| Temporary Use Permit   | City Planner                | Process 1 | No  |
| Tentative Parcel Map   | See Municipal Code Title 16 |           | Yes |
| Tentative Tract Maps   | See Municipal Code Title 16 |           | Yes |
| Variance   | Planning Commission         | Process 3 | Yes |
| Waiver of Development Standards for Historic Resources and Landmarks | Planning Commission         | Process 3 | Yes |
| Wireless Permit  | City Planner                | Process 1 | No  |
| Zoning Amendment   | City Council                | Process 5 | Yes |

<sup>1</sup> Refer to Section 17.12.090, Consideration of Concurrent Applications, regarding review of concurrent applications.

**SECTION 2.** Section 17.12.025 of the San Clemente Municipal Code is hereby amended to read in its entirety 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), Zoning Ordinance, and Coastal Land Use Plan.

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. For sites on the City's designated historic structures and landmarks list, the Design Review Subcommittee (DRSC) functions as the Cultural Heritage Subcommittee (CHSC). The CHSC has similar duties as the DRSC but with added emphasis on historic resource preservation.

#### **B. Referrals to the Design Review Subcommittee.**

The review authority may refer applications to the Design Review Subcommittee if not required otherwise by Chapter 17.16 for specific applications.

#### **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**

| <b>Application</b> | <b>Section</b> | <b>DRSC review</b> | <b>Examples of design issues reviewed by Design Review Subcommittee</b> |
|--------------------|----------------|--------------------|---|
|--------------------|----------------|--------------------|---|

## Zoning Amendments

|  |           |  |   |
|--|-----------|--|---|
| Administrative Development Permit                    | 17.16.095 | City Planner discretion  | Issues similar to those listed for Cultural Heritage Permits and Development Permits  |
| City Antenna Permit                                  | 17.16.130 | Required   | Aesthetics of new wireless antennas on City property  |
| 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  |
| Cultural Heritage Permit                             | 17.16.110 | Required for Planning Commission and City Council decisions. Applications may also be referred to the DRSC. Refer to Section 17.16.110 | Preservation and restoration of historic resources and landmarks, site planning, setbacks, compatibility and relationships with adjacent development, and architectural design issues, such as architectural quality and style, massing, scale, proportions, landscaping, materials, design features, and visual impacts on aesthetic resources |
| Designation of historic resources and landmarks      | 17.16.160 | Required   | Designation of historic resources and landmarks   |
| Development Permit                                   | 17.16.100 | Required for Planning Commission and City Council decisions. Applications may also be referred to the DRSC. Refer to Section 17.16.100 | Site planning, parking lot design, setbacks, compatibility and relationships with adjacent development, and architectural design issues, such as design quality and style, massing, scale, proportions, landscaping, materials, design features, visual impacts on aesthetic resources and adjacent historic resources                          |
| Discretionary Sign Permit                            | 17.16.250 | Required   | Design, scale, materials, location, and other visual aspects of signs that require a public hearing process   |
| 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   |
| Variance   | 17.16.080 | Required   | Visual impacts of development standard exceptions   |

## Zoning Amendments

**SECTION 3.** Section 17.12.040 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

### **17.12.040 Filing an Application.**

- A. **Persons Who May File an Application (or Preapplication).** Unless otherwise specified, an application required or permitted by this title will only be accepted if signed by the owner of the subject property or by the property owner's authorized agent. When the property owner's authorized agent submits an application, the application must be accompanied by written authorization from the property owner. If the property for which an application is submitted is in more than one ownership, all the owners or their authorized agents must either sign the application or submit a written, signed document indicating their consent to the application.
- B. **Application Forms.** Unless indicated otherwise by Chapter 17.16, Applications, of this title, applications required or authorized by this title shall be submitted to the Planning Division and shall include forms and any other materials, reports, dimensioned plans or other information required by the application checklist available from the Planning Division. If a public hearing is required prior to issuance or approval of the application, all public notification materials required by Table 17.12.100, Public Hearing Requirements, must be included with the application. It is the responsibility of the applicant to ensure that all required information is provided.
- C. **Fees.** The City Council shall, by resolution, establish and amend from time to time a schedule of fees for applications required or authorized by Chapter 17.16, Applications, of this title. Applicants shall pay the fees and costs for processing applications when the application is filed with the Planning Division. The purpose of the application fees is to reimburse the City for all costs incurred as the result of its administration of the provisions of this title.
- D. **Waiver of Fees.** For special circumstances, the City Council may waive or reduce the application fees established by resolution of the City Council, based on the merit of the request. Waiver of fees shall be approved prior to application submittal. The applicant must file a request for waiver of fees with the City's Planning Division. The letter shall explain the reasons for the request for a waiver. The Planning Division shall forward the letter requesting a waiver of fees to the City Council for their review at the next regularly scheduled City Council meeting at which time the request can be agendaized under New Business.
- E. **Supplemental Information.** The City Planner, or review authority, may request the applicant submit information to clarify, 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.
  - 1. **Story Pole Staking. Specific Projects that Require Story Pole Staking.** At minimum, story pole staking is required for 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, and the construction or expansion of three story structures in the Architectural Overlay district.
  - 2. **Story Pole Exemption for Time Extensions.** Time extensions are exempt from story pole staking, unless the City Planner or review authority determines story poles are necessary.



## Zoning Amendments

3. Story Pole General 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. Story Pole 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.
5. Story Pole Removal. A deposit in the amount the City Planner determines 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. Story pole placement shall be photo-documented from viewpoints determined by the City Planner to document size, mass, height, and scale, and shall be submitted to [be] retained by the City with the project file. 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 17.12.050 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

### **17.12.050 Application Completeness.**

- A. **Review for Completeness.** The Planning Division shall determine the completeness of an application within the time period specified by State law ( Government Code Section 65943), after receiving a submitted application and associated information. No application shall be processed

## Zoning Amendments

pursuant to this title until the Planning Division determines the application is complete. If the Planning Division fails to make a determination as to completeness of an application or resubmitted application within the time period specified by State law (Government Code Section 65943), the application shall be automatically deemed complete and processed pursuant to the provisions of this title.

- B. **Applicant Notification.** If an application is deemed complete, the Planning Division shall notify the applicant in writing. The application shall then be processed pursuant to the provisions of this title. If an application is deemed incomplete, the Planning Division shall notify the applicant in writing, outlining the reason(s) for the determination and the information necessary to complete the application.

**SECTION 5.** The former Section 17.12.080 of the San Clemente Municipal Code is hereby re-numbered to Section 17.12.055 and is amended to read in its entirety as follows:

### **17.12.055 Environmental Review.**

All applications will be reviewed by the Planning Division for compliance with the California Environmental Quality Act (CEQA). No application shall be approved pursuant to this title prior to the completion and/or certification of applicable environmental documentation required by CEQA. Applications shall be processed within the time limits prescribed in CEQA (Government Code Section 65920 et seq.).

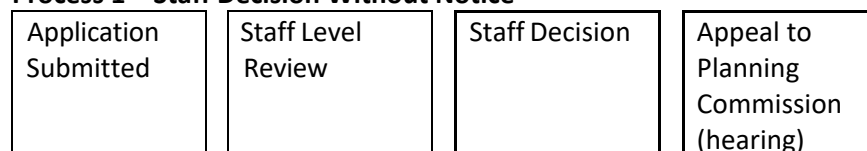
SECTION 6. The existing provisions of Section 17.12.060 of the San Clemente Municipal Code are hereby struck and replaced with the following:

### **17.12.060 Decision Process**

Application for permits or other matters shall be acted upon in accordance with one of the five decision processes established shown on Figure 17.12.060.A, except for capital improvement program projects. The subject matter of the development application determines the process that shall be followed for each application. The provisions of Chapter 17.16 that pertain to each permit, map, or other matter describe the decision process in more detail. Depending on the proposal, the review process may also require review by an advisory body such as the Design Review Subcommittee. Figure 17.12.060.A is provided for convenience of reference only and does not define, describe, or limit the scope, meaning, or intent of any provision of this Title. This diagram describes the City of San Clemente's processes only, not decision processes that may be required by other agencies such as the California Coastal Commission.

**Figure 17.12.060.A, Decision Processes**

#### **Process 1 – Staff Decision Without Notice**



#### **Process 2 – Zoning Administrator Decision**

## Zoning Amendments

|                                    |                       |                                    |  |
|------------------------------------|-----------------------|------------------------------------|--|
| Application/<br>Plans<br>Submitted | Staff Level<br>Review | Zoning<br>Administrator<br>Hearing | Appeal to City<br>Council<br>(hearing) |
|------------------------------------|-----------------------|------------------------------------|--|

### Process 3 – Planning Commission Decision

|                          |                       |                                   |  |
|--------------------------|-----------------------|-----------------------------------|--|
| Application<br>Submitted | Staff Level<br>Review | Planning<br>Commission<br>Hearing | Appeal to City<br>Council<br>(hearing) |
|--------------------------|-----------------------|-----------------------------------|--|

### Process 4 – City Council Decision

|                          |                       |   |
|--------------------------|-----------------------|---|
| Application<br>Submitted | Staff Level<br>Review | City Council<br>Hearing<br>(decision final) |
|--------------------------|-----------------------|---|

### Process 5– City Council Decision with Planning Commission Recommendation

|                          |                       |   |  |
|--------------------------|-----------------------|---|--|
| Application<br>Submitted | Staff Level<br>Review | Planning<br>Commission<br>Recommen-<br>dation Hearing | City Council<br>Hearing<br>(decision<br>final) |
|--------------------------|-----------------------|---|--|

#### A. Process One – Staff Decision Without Public Hearing

A Process One decision on an application may be approved or denied by a City staff person specified in Table 17.12.020 or their designee. A public hearing will not be held. A decision may be appealed to the Planning Commission according to Section 17.12.140.

#### B. Process Two – Zoning Administrator Decision

A Process Two decision on an application shall be made as follows:

1. Decision Process. The Zoning Administrator may approve, conditionally approve, or deny the application at a public hearing.
2. Public Notification. Notice of a public hearing shall be provided according to Section 17.12.100 with necessary materials provided by an applicant.
3. Appeals. The Zoning Administrator’s decision may be appealed to the City Council according to Section 17.12.140.

#### C. Process Three – Planning Commission Decision

A Process Three decision on application shall be made as follows:

1. Decision Process. The Planning Commission may approve, conditionally approve, or deny the application at a public hearing.
2. Public Notification. Notice of a public hearing shall be provided according to Section 17.12.100 with necessary materials provided by an applicant.
3. Appeals. The Planning Commission’s decision may be appealed to the City Council according to Section 17.12.140.

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### D. **Process Four – City Council Decision**

1. A Process Four decision on an application may be approved, conditionally approved, or denied by the City Council at a public hearing.
2. Public Notification. Notice of a public hearing shall be provided according to Section 17.12.100 with necessary materials provided by an applicant.
3. Ability to Act as Review Authority for a Lower Level Process.

The City Council by majority vote may decide to serve as the Review Authority for any applications that require a lower level Process according to Table 17.12.020.

### E. **Process Five – City Council Decision with Planning Commission Recommendation**

A Process Five decision on an application shall be made by the City Council as follows:

1. Planning Commission Recommendation.

Before the City Council decision, the Planning Commission shall hold a public hearing to consider the application. The hearing shall be noticed in accordance with Section 17.12.100. The hearing may be continued if desired by the Commission to solicit and obtain information needed to make a recommendation. However, the hearing shall be concluded no later than 60 calendar days after the initial hearing date. At the conclusion of the public hearing, the Planning Commission shall make a written recommendation to the City Council to approve, conditionally approve, or deny the application. If the Planning Commission fails to act within this 60-day period the matter shall proceed to City Council without a recommendation.

2. Decision Process.

After receiving the Planning Commission's recommendation or expiration of the 60-day time period with no recommendation, the City Council shall hold a public hearing to consider the application. The hearing shall be noticed in accordance with Section 17.12.100. The City Council may approve, conditionally approve, or deny the application at the conclusion of the hearing.

3. Ability to Waive Planning Commission Recommendation

The City Council by majority vote may waive the requirement of Section 17.12.060(E)(2) that the Planning Commission make a recommendation before a decision by the City Council. In such a scenario, the application shall go straight to the Council for consideration.

### F. **Referrals to Higher Review Level.** A Review Authority has the discretion to refer applications to a higher review level, as follows:

1. The City Planner may refer Process 1 decisions to the Zoning Administrator or Planning Commission, depending on level of public concern anticipated for a matter. If decisions are referred to the Zoning Administrator or Planning Commission, a public hearing and notification shall be required according to Chapter 17.12.
2. The Zoning Administrator may refer Process 2 decisions to the Planning Commission or City Council, depending on level of public concern anticipated for a matter;

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3. The Planning Commission may refer Process 3 decisions to the City Council if a matter is of significant public concern to warrant a higher level of review.

**SECTION 7.** Section 17.12.065 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

### **17.12.065 Withdrawal of Inactive Applications.**

The City Planner has the authority to withdraw applications that are inactive for 60 days or more due to inactivity. Applications are inactive when requested materials, funds, or other information necessary to proceed with the processing of an application is not submitted.

- A. **Withdrawal Procedures.** When an application is inactive for 30 days or more, correspondence is sent to inform applicants they have 30 calendar days to submit requested materials, funds, or other information necessary to proceed with the processing of an application, based on contact information the applicant shall be responsible for keeping current on file with the City. If City requested materials or funds are not thereafter received within the 30 calendar days (a total of 60 calendar days since an application begins to be inactive), then the City Planner has the authority to:
  1. Withdraw the application; or
  2. Schedule for the designated decision making authority (see Table 17.12.020) to consider the application as a consent item at the next available meeting. The City Planner may recommend for the decision making authority to deny the application without prejudice. The applicant would be notified of the meeting in advance.
- B. **Return of Unused Account Funds.** If an application is withdrawn by the City or the applicant, the City shall contact the applicant to refund any unused deposit account fees. If an applicant is unresponsive, the City will refund fees when an opportunity arises to communicate with the applicant.

**SECTION 8.** Section 17.12.100 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

### **17.12.100 Public Hearing and Notification.**

- A. **Purpose.** This section defines procedures for public notification when required by this title. The purpose of this section is to ensure public awareness and full and open public discussion and debate regarding proposed actions being taken pursuant to this title.
- B. **Notice of Public Hearings.** A notice of public hearing is required for processes 3 to 6 in Section 17.12.060 that involve a public hearing action by the Zoning Administrator, Planning Commission, or City Council. The City Planner is authorized to advertise and notice Zoning Administrator and Planning Commission public hearings. The City Clerk is authorized to advertise and notice City Council public hearings. Table 17.12.020, Review Authority for Permits and Entitlements, identifies the applications that require a public hearing, as well as the review authorities for applications.

Notice of public hearings shall be given pursuant to applicable provisions of State law, Government Code Sections 65090 and 65091, and this title, including all of the following requirements which must be complied with at least 10 days prior to the public hearing:

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1. **Publication.** Publication in a newspaper of general circulation in the City of San Clemente;
  2. **Mailing Recipients.** A notice of public hearing shall be mailed to the following:
    - a. Owners of property within 300 feet of a site that is the subject of the public hearing. If the number of owners to whom notice would be mailed or delivered pursuant to this subsection is greater than 1,000, the City, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the City at least 10 days prior to the hearing;
    - b. Local agencies expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, where ability to provide these facilities and services may be significantly affected;
    - c. Persons requesting notice of such hearing;
    - d. The City of San Clemente as owning property within a specified distance from the exterior boundaries of the subject property (radius of notice), unless the City is the sole applicant for the hearing that is the subject of the notice; and
  3. **Notice Content.** At a minimum, the notice of public hearing shall include all of the following:
    - a. General subject of the public hearing;
    - b. The location of the property that is the subject of the application;
    - c. The date, time, and place of the public hearing;
    - d. The Review Authority holding the public hearing; and
    - e. The name, telephone number, and address of the City staff person to contact for additional information.
  4. **Posting.** Posting three notices adjacent to the subject property in conspicuous places facing the public street. Posting of public hearing notices may be delegated by the City Planner to the project applicant. If posting is delegated to the project applicant, notices must be provided to the applicant by the Planning Division.
  5. **Affidavit of Mailing, Publication and/or Posting.** Once a notice of public hearing has been given, in accordance with this Section, an affidavit shall be filed in the permanent records of the subject project, according to the following requirements:
    - a. **Mailing and Publication.** The City Planner, if the hearing is held by the Zoning Administrator or Planning Commission, or the City Clerk, if the hearing is held by the City Council, shall be responsible for the affidavit of mailing and publication; and
    - b. **Posting.** The City Planner, if the hearing is held by the Zoning Administrator or Planning Commission, or the City Clerk, if the hearing is held by the City Council, shall be responsible for the affidavit of posting. If posting is delegated to the project applicant, an affidavit of posting must be provided by the City and signed by the applicant or the applicant's representative.
- C. **Failure of Any Person to Receive a Mailed Notice.** Failure of any person to receive notice according to this Section shall not invalidate any proceedings.

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- D. **Materials for Notice Mailings.** Applicants shall provide all necessary materials for each public notice required by this Title, including: one set of stamped, labeled envelope; a mailing list in label format; a radius map (for mailings); and a signed form certifying all materials are accurate at the time of notice distribution.

**SECTION 9.** Section 17.12.140 of the San Clemente Municipal Code is hereby amended in its entirety as follows:

### **17.12.140 Appeals of an Action.**

#### **A. Appeals by the Public.**

##### **1. Right to Appeal.**

- a. Decisions of the Community Development Director or City Planner. Any person may appeal a decision of the Community Development Director and/or City Planner, except for a decision on a Wireless Permit, to the Planning Commission. The Planning Commission's decision may be appealed to the City Council, whose decision shall be final. Appeals of decisions of the City Planner on Wireless Permits are governed by Section 17.16.075(b)(2).
- b. Decisions of the City Manager on City Antenna Permits. Any person may appeal a decision of the City Manager on City Antenna Permits to the Planning Commission. The Planning Commission's decision may be appealed to the City Council, whose decision shall be final.
- c. Decisions of the Zoning Administrator, or Planning Commission. Any person may appeal a decision of the Zoning Administrator or Planning Commission to the City Council. The City Council's decision on the appeal shall be final.

##### **2. Time Limits for Filing an Appeal.**

- a. **Decisions of the Community Development Director or City Planner.** Except for appeals on Wireless Permit decisions, an appeal of a decision made by the Community Development Director or City Planner shall be filed with the Planning Division within ten consecutive calendar days following the decision sought to be appealed. Appeals of decisions of the City Planner on Wireless Permits are governed by Section 17.16.075(b)(2).
- b. **Decisions of the City Manager on City Antenna Permits.** An appeal of a decision made by the City Manager on a City Antenna Permit shall be filed with the Planning Division within ten consecutive calendar days following the decision sought to be appealed.
- c. **Decisions of the Zoning Administrator or Planning Commission.** An appeal of the decision of the Zoning Administrator, or Planning Commission shall be filed in the office of the City Clerk or with the City Planner within ten consecutive calendar days following the decision sought to be appealed.
- d. **Calculation of the Appeal Period.** For the purpose of calculating the appeal period, the first day of the appeal period shall be the day immediately following the day on which the decision occurred. Other than appeals on Wireless Permits, the final day of the appeal period shall be the tenth calendar day following the first day of the appeal period, at 5:00

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p.m. If the last day to appeal falls on a holiday or on a Saturday or Sunday, the following business day shall be deemed the last day to appeal.

3. **Method of Appeal.** Appeals shall be in writing on a form obtained from the Planning Division or City Clerk. The appellant shall state the specific reasons for the appeal, submit funds to pay the required appeal fee, and submit public notification materials. Unless otherwise provided for in Table 17.12.100, Public Hearing Requirements, of this chapter public notification materials shall consist of postage pre-paid envelopes addressed to each person owning property within 300 feet of the property which is the subject of the appeal, as such names appear on the latest County equalized tax assessment role.

### B. Appeals by the City Council.

1. **Right to Appeal.** The City Council may appeal any decision of the Zoning Administrator or Planning Commission by calling up the decision for consideration by the City Council, in accordance with Subsection (B)(3) of this section.
2. **Time Limits for Appealing a Decision.** An appeal by the City Council shall be made by the time the City Council receives and files the official transmittal of the decision on an application, through minutes, action memorandum or otherwise, by the body having original jurisdiction over the matter.
3. **Method of Appeal.** Appeals by the City Council shall be by a majority vote of the City Council at a regular or adjourned regular City Council meeting.

- C. **Public Notice of the Appeal.** Notice of the public hearing on the appeal shall be provided as required in Section 17.12.100, Public Hearing and Notification, of this title. As indicated in Subsection (D) of this section, Time Limit for Hearing an Appeal, stamped envelopes for mailing the public hearing notices shall be provided by the appellant.

- D. **Time Limit for Hearing an Appeal.** Public hearings on appeals shall be held within 60 days of the City Clerk or Planning Division's receipt of a completed appeal application. The City Clerk shall notify the applicant, in writing, of the date established for the public hearing within 10 days of receipt of a completed appeal application.

- E. **Scope of Review.** The body hearing the appeal shall not be limited to the issues raised on the appeal, but rather shall be entitled to review new evidence and to consider all elements of the appealed action. At the close of the public hearing on the appeal, the appellate body may reverse, affirm, revise or modify original action on the application being appealed.

- F. **Effective Date of Appealed Actions.** Please refer to Section 17.12.130, Effective Date of Decision on an Action, of this chapter, Effective Date of Decision.

**SECTION 10.** Section 17.16.050 of the San Clemente Municipal Code is hereby deleted in its entirety.

**SECTION 11.** Section 17.16.060 of the San Clemente Municipal Code is hereby amended to read in its entirety 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



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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.

**B. Review Authority.** The review authority for Conditional Use Permits is as follows:

1. **Planning Commission.** The Planning Commission is the review authority for Conditional Use Permits, except for requests to exceed height limitations on sites with sloping topography in the Mixed Use 3.0 Zone (Table 17.40.43) and Mixed Use 3.3 Zone (Table 17.40.46). For these requests, the Planning Commission is an advisory body that reviews applications and forwards a recommendation to the City Council.
2. **City Council.** The City Council is the review authority for requests to exceed height limitations on sites with sloping topography in the Mixed Use 3.0 Zone (Table 17.40.43) and Mixed Use 3.3 Zone (Table 17.40.46).
3. **Concurrent Review.** If a Conditional Use Permit is processed concurrently with other applications, refer to Section 17.12.090 for the final review authority.
4. **Appeal of an Action.** If a Conditional Use Permit is appealed, the City Council is the final review authority per Section 17.12.140, Appeals of an Action.

**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 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 |
| Exceptions to the Development Standards of Mixed Use Zone Lots of 12,000 Square Feet or Smaller                          | Section 17.40.050(C), Required Findings for Exceptions  |

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| Exceptions to the Development Standards for Mixed Use 3.2 Zone on Lots of 8,000 Square feet or Smaller  | Section 17.40.050(E), Required Findings for Exceptions  |
| Fences, hedges, and walls exceeding six feet in height for specific purposes in residential zones   | Section 17.24.090((C)(2)(b), Review Procedures  |
| Flag poles and church steeples in residential zones that exceed the height limits of the zone where they are located  | Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits   |
| 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 | Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits   |
| Storage tanks and similar structures in nonresidential zones that exceed the height limits of the zone where they are located   | Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits   |
| Grading requests not accompanying development requests  | Section 17.28.130(B), Review Requirements   |
| Historic Structures, exceptions to the minimum commercial floor area for mixed-use projects in Mixed Use zones  | 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 |
| Home occupations conducted outside enclosed structures  | Section 17.28.160(B), Review Requirements   |
| Neighborhood Commercial 2 (NC 2) Height Increase  | Table 17.36.030E, Row "Height Limitations", Subsection 2  |
| Neighborhood Commercial 3 (NC 2) Height Increase  | Table 17.36.030F, Row "Height Limitations", Subsection 2  |
| Height limitation exception for sloping topography in Mixed Use 3.0 (MU 3.0) Zone   | Table 17.40.040D, Row "Height Limitations"  |
| Mixed Use 3.2 (MU 3.2) Top of Roof Height Ceiling Increase  | Table 17.40.040F, Row "Height Limitations", Subsection 1  |
| Height limitation exception for sloping topography in Mixed Use 3.3 (MU 3.3) Zone   | Table 17.40.040G, Row "Height Limitations"  |
| Nonconforming uses: change from prohibited use to a different prohibited use  | Section 17.72.060(C)(3), Changes of Use.  |

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| Nonresidential uses allowed in the zone located on the same floor as residential uses of a vertical mixed use building in Mixed Use zones  | Section 17.40.030(A)(2)(a), Special Use Regulations   |
| Outdoor dining areas   | Section 17.28.205(C), Review Requirements   |
| 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 | Section 17.28.090(D), Minimum Standards for Bed and Breakfast Inns in All Zones; Section 17.64.125, Waivers of parking requirements |
| Public utilities, major, initiated by outside agencies   | Section 17.28.240(B)(2)(a), Projects Initiated by Outside Agencies/Applicants   |
| Residential uses on the street level, buildings on the City's Designated Historic Structure List   | Section 17.40.030(A)(2)(a), Location of Residential Uses  |
| Urban Private Storage in Mixed-Use Zones   | Section 17.28.305, Urban Private Storage  |
| Height exceptions for residential development on Lots 46 through 64 of Tract 4938 in the RL-11 special residential overlay zone  | Appendix A, Subsection (K.4.B) in 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.

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

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.

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- 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. Applications not receiving the required votes for approval or conditional approval shall be deemed denied.
  - 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 (other than for a multifamily dwelling with five or more units, which is addressed in subsection F.2 below), 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. Prior to approval of a Conditional Use Permit, a multifamily dwelling with five or more units, only the following findings must be made: those in subsection F.1.a and b. and a finding that the proposed use will not be detrimental to the public health and safety to properties and improvements in the vicinity.
3. 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: |
|-------------------|---------------------|
|-------------------|---------------------|

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| New antennas on City property  | Section 17.28.070(F),<br>Required Findings for<br>Conditional Use Permits                                     |
| Density bonus requests   | Section 17.24.070(F),<br>Required Findings  |
| Exceptions to the Development Standards of Mixed Use Zone Lots of 12,000 Square Feet or Smaller  | Section 17.40.050(C),<br>Required Findings for<br>Exceptions  |
| Exceptions to the Development Standards for Mixed Use 3.2 Zone on Lots of 8,000 Square feet or Smaller   | Section 17.40.050(E),<br>Required Findings for<br>Exceptions  |
| Fences, hedges, and walls exceeding six feet in height for specific purposes in residential zones  | Section 17.24.090(D)(2),<br>Required Findings   |
| Grading requests not accompanying development requests   | Section 17.28.130(C),<br>Required Findings  |
| Height limitation exception for sloping topography in Mixed Use (MU) 3.0 and 3.3 Zones   | Section 17.40.050(F),<br>Building Height and<br>Stories in the Downtown<br>Core                               |
| Historic Structures, exceptions to the minimum commercial floor area for mixed-use projects in Mixed Use Zones   | Section 17.40.050(D)(2),<br>Required Findings   |
| Home occupations conducted outside enclosed structures   | Section 17.28.160(B),<br>Review Requirements  |
| Neighborhood Commercial 2 (NC 2) Height Increase   | Table 17.36.030E, Row<br>"Height Limitations",<br>Subsection 2  |
| Neighborhood Commercial 3 (NC 2) Height Increase   | Table 17.36.03F, Row<br>"Height Limitations",<br>Subsection 2   |
| Mixed Use 3.2 (MU 3.2) Top of Roof Height Ceiling Increase   | Table 17.40.040F, Row<br>"Height Limitations",<br>Subsection 1  |
| 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   | Section<br>17.72.070(B)(3)(b),<br>Structures damaged by 50<br>percent or greater of<br>replacement cost       |
| Nonconforming uses: change from prohibited use to a different prohibited use   | Section 17.72.060(C)(3),<br>Changes of Use.   |
| Outdoor dining areas   | Section 17.28.205(E),<br>Required Findings  |
| Parking waivers for the Downtown Parking Study Area, and certain projects and land uses outside the Downtown Parking Study Area, such as: historic nonresidential and mixed-use structures; historic structures in the RM and RH Zone; and hotel uses. | Section 17.64.125(A),<br>Waivers of Parking<br>Requirements in the<br>Downtown Parking Study<br>Area; Section |

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|  | 17.64.125(B), Waivers of Parking Requirements Outside the Downtown Parking Study Area |
| Public utilities   | Section 17.28.240(C)(2)(d), Minor Utilities   |
| Residential uses on the street level, buildings on the City's Designated Historic Structure List | Section 17.40.030(A)(2)(a), Location of Residential Uses                              |
| Height exceptions for residential development on Lots 46 through 64 of Tract 4938                | Appendix A, Subsection (K.4.B.2) of this Title  |

- 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.
- 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.
- 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 17.12.175 for related procedures and required findings. For antennas on City property, a Conditional Use Permit may also be revoked or modified if other findings can be met pursuant to Section 17.28.070(G).
- J. **Other Review Requirements.** 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.
- 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 12.** Section 17.16.070 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

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### 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. 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. Minor Conditional Use Permits are also required for the following requests:
1. Outdoor dining areas per Section 17.16.205(C), Review Requirements;
  2. Outdoor display, permanent, accessory, as provided for in Section 17.28.210(B), Review Requirements;
  3. Waivers of fees/development standards for Historic Resources and Landmarks per Section 17.16.180;
  4. Relocations of structures, as provided for in Section 17.24.160, Relocation of Structures;
  5. Parking modifications for the Downtown Parking Study Area, as provided for in Section 17.64.125(A), Waivers of Parking Requirements in the Downtown Parking Study Area;
  6. Parking modifications for outdoor dining for a restaurant, as provided for in Section 17.28.205(D)(5), Parking, and Section 17.64.125(B), Waivers of Parking Requirements Outside the Downtown Parking Study Area.
  7. Elevator towers that exceed the height limits of the zone in which they are located by more than six feet.
  8. Off-site parking according to Section 17.64.110.
  9. Shared parking according to Section 17.64.120.
- 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.
- E. **Application Filing, Processing, and Review.**
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.

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- 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. Applications not receiving the required votes for approval or conditional approval shall be deemed denied.
  - 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 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 per Section 17.28.205(E), Required Findings;
    - b. 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;
    - c. Parking modifications for outdoor dining for a restaurant, as provided for in Section 17.64.125(B)(7), Waivers of Parking Outside the Downtown Parking Study Area.
    - d. Shared Parking findings according to Section 17.64.120.
- 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.
- 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.



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- 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 17.12.175 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, 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 13.** Subsection (C) of Section 17.16.090 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

- 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;
  - 2. Encroachment from the median front yard setback, as provided for in Section 17.24.080, Encroachments into Setbacks and Height Limits;
  - 3. Encroachments of architectural projections and cornices, eaves, and roof overhangs into any required front yard setback areas, as provided for in Section 17.24.080, Encroachments into Setbacks and Height Limits;
  - 4. Encroachments of balconies, porches, decks, landing places, and stairways, into any required front, rear, or side yard setback area, as provided for in Section 17.24.080, Encroachments into Setbacks and Height Limits;
  - 5. Encroachments of bay windows into any required front yard setback areas, as provided for in Section 17.24.080, Encroachments into Setbacks and Height Limits;
  - 6. Fences, walls or hedges as provided for in Section 17.24.090(C)(2), Exceptions;
  - 7. Garage encroachments, as provided for in Section 17.32.050(E), Garage Encroachments into the Front Setback;
  - 8. Landscaping requirements for Residential Zones, as provided for in Section 17.68.050(A)(1)(a), Landscaping Requirements for Specific Zones, Residential Zones;
  - 9. 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;

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10. 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(1)(3)(b)(i)];
11. Parking modifications for nonresidential and mixed-use historic structures, as provided for in Section 17.64.125(B), Historic Nonresidential and Mixed-Use Structures;
12. 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;
13. 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;
14. 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;
15. Swimming pools, spas, hot tubs, and other bodies of water within the front and street side yard setbacks, as provided for in Section 17.24.080, Encroachments into Setbacks and Height Limits;
16. Retaining walls, as provided for in Section 17.24.180(D)2(b) and 17.24.180(D)(4), Exceptions;
17. Satellite antennas, as provided for in Section 17.28.080(B)(2), Minor Exception Permits;
18. Setbacks for buildings provided encroachments comply with length limitations in Section 17.24.080(B), 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.
19. Tandem parking, maximum curb break, as provided for in Section 17.64.090(A), Curb Break.

**SECTION 14.** A new Section 17.16.095 is hereby added to the San Clemente Municipal Code and shall read in its entirety as follows:

### **17.16.095 – Administrative Development Permit**

#### **A. Purpose.**

This section provides administrative approval of minor projects without significant impacts. Administrative Development Permits are intended to ensure that these minor projects comply with City standards and guidelines, yet provide a streamlined review procedure to facilitate and incentivize minor projects encouraged by City goals and policies.

#### **B. Applicability.** Administrative Development Permits are required to allow eligible projects proposed on the following types of properties:

1. Nonresidential sites (zones or by use of property);

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2. Properties within the Architectural Overlay district;
3. Properties abutting the City's historic resources and landmarks list;
4. Properties on the City's historic resources and landmarks list; and
5. Properties located further than 120 feet and two parcels, whichever is greater, up to 300 feet of separation from residentially zoned buildings on the City's historic resources and landmarks list, unless exempted by Subsection C.

**C. Exemptions.** The following activities are exempt from an Administrative Development Permit:

1. Improvements necessary to comply with State or Federal law (e.g. new or modified ramp to meet Americans with Disabilities Act [ADA] Requirements), in which feasible landscaping and architectural changes shall be made proportional to the scope of the proposed project, at the discretion of the City Planner, to maintain compliance with zoning standards and City Design Guidelines;
2. Interior projects not visible on the exterior of structures and from adjoining public right-of-way; and
3. Projects located further than 120 feet and two parcels, up to 300 feet of separation from residentially zoned buildings on the City's historic resources and landmarks list, if all of the following criteria apply:
  - a. Projects are not located in the Architectural Overlay district;
  - b. Projects are not visible from public right-of-way that adjoins properties on the City's historic resources and landmarks list;
  - c. Projects are not proposed on property abutting or including properties on the City's historic resources and landmarks list; and
  - d. Projects are not visible from public view corridors designated in the General Plan.

**D. Projects Eligible for Administrative Approval.**

The following types of projects are eligible for ministerial approval of an Administrative Development Permit, if proposed projects comply with both the general standards and project specific standards in this Section. If standards are unmet, projects shall require a Site Development Permit (Section 17.16.100) or Cultural Heritage Permit (Section 17.16.110).

1. New Residential Buildings, Location Limited.
2. Additions to Residential Buildings, Minor
3. Additions to Private Recreational Facilities
4. Accessory Structures: Other Minor
5. Awnings
6. Chimneys and Metal Flues
7. Color Changes: Exterior
8. Decks and Porches: Minor Alterations
9. Doors: Minor Alterations
10. Driveways/Paving/Minor Site Work
11. Fences
12. Historic Resources, Minor.
13. Landscape Alterations, Including Tree Removals

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14. Landscape Improvements
15. Lighting: Exterior
16. Mechanical Equipment: General
17. Mechanical Equipment: Rooftop
18. Porches
19. Roofs (and “Reroofs”)
20. Sheds and spas
21. Sidewalk Seating and Enclosures for Commercial Outdoor Dining Areas
22. Skylights
23. Trellises, pergolas, or arbors
24. Walls
25. Windows: Minor Alterations

### E. General Review Standards.

For approval of a permit, eligible projects must comply with the following general standards and applicable project specific standards in Subsection F, below.

1. Design. The architectural design of the addition, alteration, or site change is compatible with the style of buildings that will remain on site. One overall architectural style is required.
2. Materials. The exterior finish materials of the proposed project match the existing exterior finishes of the structures on the lot, or may be altered if compatible with the architectural style of structures.
3. Style. Style is expressed through architectural elements such as windows, doors, lighting, railings, trim, eaves, roof pitch, element proportions and materials. The style of the proposed work should be stated on the project plans and matches the existing style or style required for a design district if applicable, such as the Architectural Overlay. Wherever this document references a requirement for style compatibility, the following method is used to determine style compatibility. Staff may reference style books to confirm the proposed style classification. Staff will check for consistency of style of a structure’s proposed elements with the elements for the chosen style as described in reference materials. Staff will also check that any patterns or materials created by the existing elements are repeated in the proposed work.
4. Additions. Additions shall match the architectural style of the building with similar materials, details and colors.
5. Alterations. Alterations shall match the architectural style of the building or result in one architectural style consistent with Subsection E.3. Alterations are welcome that modify the structure’s appearance to be a more traditional form of the style on the site or the style required. Alterations to implement an architectural style that is not typical for the neighborhood or required by this Title are in eligible for an Administrative Development Permit.
6. Colors. Additions must match the existing colors of the building, siding or trim; or may be altered if compatible with the architectural style that meets guidelines in Subsection E.3.

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For Spanish architecture, existing colors may substituted with colors selected from the City Planner-approved color palette.

7. Scale. The scale of all additions is compatible with the scale of the existing structure, style of the building, and surrounding area. The scale of a project is consistent with the prevailing development patterns of additions in the area. The review criteria utilized to determine correct scale shall be the degree of project visibility, plate heights, roof pitch and maximum building heights. Additions or alterations out of character with the surrounding area or inappropriately sited on the lot, as determined by the City Planner, are not eligible for an Administrative Development Permit.
8. Historic Considerations. Minor alterations to City, State, or Federal lists of designated historic resources, or other potentially significant structures, shall maintain character-defining features or avoid any adverse change to the significance to a historic resource in order to be eligible for administrative approval. The City Planner has the discretion to consult with a licensed professional at the applicants cost to make a determination on the significance of structures and impacts of projects. If this guideline is not met, then the project shall be referred to the Zoning Administrator with required consultation of the Cultural Heritage Subcommittee.
9. Objective Design Standards. Projects shall comply with any objective design standards adopted by the City Council.
10. Not subject to CEQA. Projects are eligible only if they are categorically or statutorily exempt or otherwise not subject to the California Environmental Quality Act (CEQA).

### F. Project-Specific Standards.

In addition to complying with the general requirements specified in Subsection E above, projects seeking administrative approval must also comply with any applicable project specific requirements specified in project-specific standards in this Subsection where applicable.

1. New Residential Buildings. Excluding projects on the City's designated historic resources and landmarks list, new residential buildings are eligible that meet all of the following:
  - a. The project involves a single-family dwelling or duplex across a street abutting the City's designated historic resources and landmarks list, in which the building has at minimum:
    - i) a five-foot front setback between the first and second floors; and
    - ii) a 30-foot front setback for building height above the tallest roofline of historic buildings;
  - b. The project is are located further than 120 feet and two parcels, whichever is greater, up to 300 feet of separation from residentially zoned buildings on the City's historic resources and landmarks list;
  - c. The site is not located in the Architectural Overlay district; and
  - d. The project is not visible from a scenic corridor designated in the General Plan.
2. Additions to Residential Buildings, Minor. Excluding properties with historic resources and landmarks on the City's designated historic resources and landmarks list, small

additions may be reviewed and approved administratively if all of the following apply to the project:

- a. The addition is to a building abutting or located further than 120 feet or two parcels, whichever is greater, from the City's designated historic resources and landmarks list;
- b. The addition of floor area is less than or equal to 500 square feet;
- c. The addition of floor area is less than 50 percent of the primary building's existing floor area;
- d. The project is not located in the Architectural Overlay; and
- e. The addition is screened from adjoining public right-of-way.

3. Additions to Private Recreational Facilities. Excluding properties with historic resources and landmarks on the City's designated historic resources and landmarks list, small additions may be reviewed and approved administratively if all of the following apply to the project:

- a. The addition is to private recreational facility building;
- b. The addition of floor area is less than 2,000 square feet;
- c. The addition of floor area is less than 50 percent of the building's existing floor area;
- d. The project is not located in the Architectural Overlay; and
- e. The project is not visible from a scenic corridor designated in the General Plan.

4. Accessory Structures: Other Minor. Minor accessory structures, such as barbeques, fire pits, and low counter tops, not addressed otherwise in the project-specific standards (this Subsection) are eligible for administrative approval if the following apply:

- a. For the City's designated historic resources and landmarks list, accessory structures are limited to those that are a maximum height of six feet, are screened from public right-of-way, maintain landscaping, are detached from buildings, and meet general standards in Subsection E; and
- b. Structures are screened from adjoining public right-of-way and have materials that meet general standards in Subsection E.

5. Awnings. Small canvas awnings over window or door openings that are compatible with the style and colors of the structure. Proposals for bright colors or colors that do not match the building's style are ineligible.

6. Chimneys and Metal Flues. All of the following standards must be met:

- a. For the City's designated historic resources and landmarks list, the project is limited to repairing or altering the chimney and flue to improve the resource's

historical integrity with a design, style, and materials to restore the original condition or be architecturally compatible.

- b. Chimneys are consistent with the style of the existing structure and use masonry, stone, stucco, or metal pipe.
- c. Wood material is not used on chimneys.
- d. Metal flues are of traditional design and are painted to match the roof color.
- e. The shape of the chimney is fairly uniform, i.e. there is no awkward extensive projection of exposed pipe beyond the top of the chimney in response to Building and Safety requirements.

7. Color Changes: Exterior. The project is consistent with Subsection E, General Standards, Colors.

8. Decks and Porches: Minor Alterations. New or altered decks less than 200 square feet or decks at the first floor level are eligible for administrative approval if the following standards are met:

- a. For the City's designated historic resources and landmarks list, the decks must be screened from public right-of-way, detached, and over an existing hardscape area to be eligible.
- b. New decks are of a scale and style which is compatible with the structure to which the deck is attached.
- c. When viewed from a public viewing location, the proposed deck is not likely to be more noticeable than the structure it is attached to.
- d. When viewed from a public viewing location, the proposed deck is not likely to be more noticeable than other decks on adjacent properties or in the immediate area if no decks are on immediately adjacent properties.
- e. New decks are not located to cause potential privacy or noise impacts to adjacent properties.
- f. Deck wood is proposed to be left in a natural condition to weather or is proposed to be treated with a neutral or wood color stain or sealer or painted to match the color of the existing structure or trim.

9. Doors: Minor Alterations. Minor door alterations — for example, to enhance access by the physically challenged and for compliance with the Americans with Disabilities Act (ADA) — are covered by this provision. Installation of guard/hand rails shall be referred to the consent calendar. The modification of doors and sidelights within existing rough openings should be designed to comply with the following requirements for Administrative approvals:

- a. For the City's designated historic resources and landmarks list, every effort shall be made to avoid alterations first with repairs and maintaining the original doors. If this cannot be done, projects shall replace doors to match the originals to the best extent possible based on historical photos or the existing condition.

- b. The type of proposed doors and color of frames are compatible with the architectural style of the building and appear compatible with existing doors.
  - c. If the doors of an addition are the same size and material as existing nearby doors, the proposed doors match the existing nearby doors in appearance.
  - d. Door and sidelight sash material matches the window material.
  - e. Where adjacent windows are "divided light" type, the new doors and sidelights shall also mimic the appearance of divided lite windows. Where dual glaze glass is used, the mullions should break the exterior pane.
  - f. In door pairs, both doors should have the same width.
  - g. In doors with sidelights, sidelights should have the same width if feasible.
  - h. Doors and sidelights should be placed symmetrically within architectural elements.
  - i. Door hardware is appropriate to the architectural style of the building.
  - j. Any changes in paving material associated with the door alteration match the existing material.
10. Driveways/Paving/Minor Sitework. Extensions, modifications, and additions to driveways are eligible for administrative approval if all of the following requirements are met:
- a. For the City's designated historic resources and landmarks list, changes to site work shall be limited to providing access to entrances and exits, patios, courtyards, and utility pathways; so landscape area is preserved. The exception are changes to provide safe access to required parking and pedestrian sidewalks that meet City standards;
  - b. The proposed grading is less than 50 cubic yards;
  - c. There is no drainage impact on adjoining lots;
  - d. Any paving or driveway additions or modifications are of the same materials as the existing paving or driveway materials;
  - e. Any new driveway paving materials are compatible with the existing structure and surrounding area;
  - f. New paved parking areas are screened from public viewing areas through fencing, landscaping or other structures; and
  - g. Any construction of a driveway or sitework in close proximity to a creek or that may result in adverse drainage conditions is not eligible for administrative approvals.
11. Fences. Chain link, chicken wire, metal, plastic, vinyl, wire-mesh and unfaced cement block fence materials are not eligible for administrative approval. Fences not specifically excluded in the preceding sentence may be reviewed and approved administratively if:



- a. The fences meet zoning requirements;
- b. For the City's designated historic resources and landmarks list, eligible fences are not in yards adjacent to street frontages;
- c. For lot line fences, fence height, length and use of materials shall be compatible with the surrounding area; and
- d. Wood fences constructed of smooth cedar, redwood, high-quality pressure treated pine, or comparable material and left in a natural condition to weather or be treated with a neutral or wood color stain or sealer.

12. Historic Resources, Repairs and Material Upgrades. In addition to the general standards above (Subsection E) and other project-specific standards in this Subsection, the following applies to repairs and upgrades to historic resources and landmarks on the City's designated historic resources and landmarks list; Repairs and refinishing of existing materials are eligible; such as stucco, roof tiles, pavers, wood trim, and stone, if the following apply:

- a. Repairs and refinishing of existing materials shall be completed according to the Secretary of Interior guidelines for historic preservation; such as repairs to stucco, roof tiles, pavers, wood trim, and stone;
- b. Original materials are to be repaired and refinished to every extent possible versus replacement. Photographs of the existing material conditions and of the work completed shall be provided for the property file;
- c. Minor alterations are eligible that improve the historical integrity of historic resources and landmarks on the City's designated historic resources and landmarks list; such as installation of painted decorative tiles on stair risers or replacing non-original features with documented traditional period appropriate materials, such as replacing vinyl windows with wood windows that meet window standards in this Subsection;
- d. Work shall be completed according to the City's Henry Lenny Design Guidelines for Spanish Colonial Revival, if the historic resources and landmarks on the City's designated historic resources and landmarks list have the architectural style especially if that is a cited reason for the structure's historical significance; and
- e. If material replacement is demonstrated to be necessary, the materials shall be selected to mimic the original conditions unless alterations will improve the significance such as replacing vinyl with wood windows (see window guidelines for more on that work). Photographs of the existing material conditions and of the work completed shall be provided for the property file.

13. Landscape Alterations. The following landscape alterations are eligible:

- a. For the City's designated historic resources and landmarks list, changes shall not involve landscaping on a survey form for a historic resource or site, object, or structure that may have become potentially significant;

- b. Proposed plant species are drought-tolerant and non-invasive;
- c. Alterations affect an area less than 500 square feet.
- d. The alteration complies with zoning requirements;
- e. The alteration reduce or maintain landscape water usage;
- f. The alteration is consistent with City Design Guidelines;
- g. Tree Removal. A landscape alteration that involves a tree removal or replacement must meet the following criteria:
  - i. The tree proposed for replacement is less than 50 percent tree according to an licensed arborist or landscape architect;
  - ii. Trees are proposed to meet or exceed zoning requirements;
  - iii. Trees removed are replaced with tree(s) with a cumulative tree canopy width to equal or exceed the canopy of tree(s) removed;
  - iv. No more than two trees are proposed to be removed or replaced;
  - v. No front setback, historic or specimen tree is proposed for removal;
  - vi. No tree is located along a scenic corridor; and
  - vii. No skyline is proposed for removal.

14. Lighting: Exterior. The following standards must be met for administrative approval:

- a. Replacement or installation of additional fixtures is compatible in style, color and scale with the applicant's existing structure;
- b. Lighting fixtures and placement meet the Outdoor Lighting Ordinance and Design Guidelines; and
- c. For the City's designated historic resources and landmarks list, see Subsection F.12 for additional standards.

15. Mechanical Equipment: General. Equipment such as water heaters, water heater enclosures, electrical or gas metering equipment and pool and spa equipment must be located and screened as follows in order to be eligible for administrative approval:

- a. If the new mechanical equipment is installed at ground level, it is placed as close to the building as practicable and screened from view through fencing, landscaping or other structures. Landscape screening, the preferred method of screening, is indicated on project plans to be maintained;
- b. All cables connecting outdoor equipment are properly secured and/or buried in the ground;
- c. Equipment shall be installed over existing hardscape surfaces first if possible; and
- d. All pool and spa equipment is located as far away from adjoining properties as reasonably practicable in consideration of neighbors, and the equipment's property line decibel level is consistent with the Noise Ordinance.

16. Mechanical Equipment: Rooftop. Transmitting antennas, including wireless facilities, are not eligible for administrative approvals. Satellite antennas and other rooftop equipment reviewed by Staff must comply with the following standards:
  - a. Equipment is screened;
  - b. The screening proposal presents an integrated appearance with the overall building; and
  - c. If equipment will be visible from off-site locations, despite screening or in cases where only vegetative screening is used, the equipment is painted the same color as the roof or adjacent background, as specified by the City Planner. However, for the City's designated historic resources and landmarks list, visible equipment on historic resources and landmarks is ineligible for administrative approval.
  
17. Porches. Excluding projects on the City's designated historic resources and landmarks list, traditional porch designs are eligible for administrative approval if the following standards are met:
  - a. The porch is raised less than six feet above the sidewalk level or finished grade, whichever is higher, and has an understory which is completely enclosed.
  - b. The type and color of proposed porch materials are compatible with the architectural style of the structure.
  - c. The porch railing and supports are designed so that entrance doors are easily visible from the street.
  - d. The porch alignment with the structure complements the existing structure's architectural alignment, patterns and features.
  - e. The porch is in a scale compatible with the structure to which the porch is attached.
  - f. The proposed porch roofing matches the roofing material of the structure.
  
18. Roofs (and "Reroofs"). Roofs (including new roof material and "reroofs") must comply with the following standards:
  - a. The type and color of roofing material is compatible with the architectural style of the structure;
  - b. Roofs of additions or accessory buildings match the roof of the structure;
  - c. For Spanish architecture, roof tiles shall be installed according to the Henry Lenny Design Guidelines; and
  - d. S-Tile roofs are not eligible for administrative approvals.
  
19. Sheds and Spas. All of the following standards must be met:
  - a. The shed and spa is entirely screened from public right-of-way and separated from buildings according to the Building Code and less than five feet;

- b. For the City's designated historic resources and landmarks list, the shed and spa is sited over existing hardscape surfaces;
- c. The shed or spa area is 120 square feet or less;
- d. Accessory structures are located in consideration of neighbors and appropriately screened;
- e. Materials match site fencing or the main structure's materials and colors; and
- f. Any mechanical equipment meets criteria Subsection F.15 above.

20. Sidewalk Seating and Enclosures for Commercial Outdoor Dining Areas.

The placement, style, color and types of outdoor dining furniture and barriers shall be consistent with and complement the design and appearance of the building and site, consistent with General Standards in Subsection E. The outdoor dining furniture and barriers shall also be in conformity with Public Works standards.

21. Skylights. Skylights must meet the following standards for eligibility:

- a. For the City's designated historic resources and landmarks list, skylights shall not be installed over original building areas;
- b. There are no more than three skylights proposed for a building;
- c. Skylights are compatible with the architectural style of the building and with the character of the surrounding area;
- d. Skylights are located such that they are not visible from the front of the building or a street;
- e. Skylights follow one of the following standards:
  - I. Proposed skylights are flat and made of non-reflective materials; or
  - II. Will be invisible from off-site locations; or
  - III. Are screened by the building form, landscaping, or a parapet.

22. Trellises, pergola, and arbors. Trellises, pergolas, and arbors are architectural elements with posts or columns on the sides and connected by beams and topped with open rafters. They can also include trellis overhead between the rafters. Trellises, pergolas, and arbors are eligible for administrative approval if:

- a. For the City's designated historic resources and landmarks list, the trellis, pergola, or arbor is sited over existing hardscape surfaces;
- b. The trellis, pergola, or arbor is entirely screened from public right-of-way and separated from buildings according to the Building Code and less than five feet;
- c. For historic resources and landmarks, the trellis, pergola, or arbor is sited over existing hardscape surfaces;
- d. The trellis, pergola, or arbor covers less than 250 square feet and is less than 12 feet tall;

- e. The trellis, pergola, or arbor is constructed of smooth cedar, redwood, high-quality, pressure-treated pine, or comparable material and left in a natural condition to weather or be treated with a neutral or wood color stain or sealer;
  - f. Lot line trellis, pergola, or arbor height, length and use of materials are compatible with the surrounding area; and
  - g. The trellis, pergola, or arbor material is not chain link, chicken wire, metal, plastic, vinyl, wire-mesh, and painted or exposed concrete or concrete block.
23. Walls. Walls approved administratively must meet all the following criteria:
- a. For historic resources and landmarks, eligible walls are not in yards adjacent to street frontages;
  - b. The wall meets zoning standards;
  - c. Less than 50 cubic yards of grading outside the main building footprint is proposed for the wall project;
  - d. The appearance of the wall is similar in character with other walls visible in the surrounding area from public viewing locations;
  - e. Walls are designed in order to blend in with the natural surroundings;
  - f. The height, length, and materials used for walls on lot lines should be compatible with the surrounding area; and
  - g. Walls of not non-traditional material, such as painted or exposed concrete or concrete block, railroad ties, faux materials or stucco that is not 'steel, hand trowel' applied (no machine application) without a smooth Mission finish and slight undulations (applied during brown coat) and bull-nosed corners and edges, including archways (applied during lathe), and no control/expansion joints.
24. Window: Minor Alterations. Windows may be replaced or added if the following standards are met:
- a. For the City's designated historic resources and landmarks list, see Subsection F.12 for additional standards;
  - b. The type of windows and color of frames are compatible with the architectural style of the existing structure;
  - c. Windows of additions match the predominant windows of the existing structure;
  - d. The window types are of appropriate size and scale for the proposed location(s); and
  - e. For Spanish architectural districts and projects, windows are to:
    - I. Mimic true divided lite windows with a mullion and spacing design similar adjacent windows and doors.
    - II. The window surround or flange is to be constructed as part of the frame, not a plant on detail.

- III. Factory finishes are acceptable.
- IV. Be constructed of wood, steel, fiberglass, aluminum, or vinyl in certain instances. For nonresidential windows, vinyl is ineligible for administrative approval. For residential sites, vinyl windows are eligible if screened from public right-of-way adjoining the parcel.

**G. Application Process.**

- 1. Application Submittal. Administrative Development Permit review is initiated upon submittal of an application in compliance with Section 17.12.040, Filing an application.
- 2. Application Review.  
Projects are reviewed upon submittal of an application in compliance with Section 17.12.040, Filing an application. Then, a case planner is assigned to coordinate the review of the application upon receipt of an application, provided information and materials are reviewed to determine if applications meet criteria for approval of a permit.
- 3. Decisions. The City Planner shall approve or deny an application based on whether a project is consistent with the following:
  - a. General design standards in Subsection E.
  - b. Project-specific standards in Subsection F.
  - c. The City’s objective design standards.
- I. 4.Appeals. Decisions are subject to appeal processes according to Section 17.12.140. **Reporting of Decisions.** A summary of decisions will be provided concurrently to the Planning Commission and City Council at the next regularly scheduled meeting in the agenda packet, including permits issued up until the time of packet preparation.
- J. **Quality Assurance.** Projects shall be completed in accordance with City approvals and code compliance procedures in this Municipal Code. City staff have authority to require an inspection of approved projects to ensure work is completed according to approved materials.
- K. **General Review Requirements.** 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.
- L. **Approval Runs with the Land.** The approval of an Administrative Development Permit shall run with the land, and shall continue to be valid upon a change of ownership of the property to which it applies.

**SECTION 15.** The existing provisions of Section 17.16.100 are hereby struck and replaced with the following:

**17.16.100 - Development Permit**

**A. Purpose.**

- 1. Development Permits are required to ensure development projects, not involving the City’s designated historic resources and landmarks list, will:

- a. Promote the orderly development of the City in compliance with the goals, objectives, and policies of the General Plan, any applicable Specific Plan, and the standards specified in this Zoning Code.
- b. Preserve and strengthen the City's unique atmosphere as a Spanish village;
- c. Comply with the purpose and intent of the Architectural Overlay district for projects within the overlay area identified on the Zoning Map;
- d. Encourage site design and architecture sensitive to community and neighborhood character;
- e. Enhance the visual environment and protects the economic value of existing structures.
- f. Respect the physical and environmental characteristics of the site;
- g. Ensure safe and convenient access and circulation for pedestrians and vehicles;
- h. Exemplify the best professional design practices through consistency with the City's Design Standards and Guidelines;
- i. Allow for and encourage individual identity for specific uses and structures;
- j. Encourage a distinct community or neighborhood identity;
- k. Minimize or eliminate negative or undesirable visual impacts, especially on historic resources and landmarks on the City's designated historic resources and landmarks list;
- l. Prevent inappropriate design or development of structures; and
- m. Maintain and increase the desirability of other properties within the vicinity for the uses for which they are zoned.

**B. Definitions.** For purposes of this Section, the term "Sensitive areas" shall mean:

- a. Properties located within the Architectural Overlay district.
- b. Residential properties with single-family residences or duplexes abutting sites on the City's designated historic resources and landmarks list; and c. Properties within 120 feet or two parcels, whichever is smaller, from residentially zoned buildings on the City's designated historic resources and landmarks list.

**C. Applicability.**

1. When Required. Development activities listed in Table 17.16.100 require Development Permits for the development of structures and improvement of property, unless exempted by Subsection C.2.
2. Exemptions. The following activities are exempt from a Development Permit.
  - a. Activities exempted from an Administrative Development Permit specified in Section 17.16.095.
  - b. Improvements State or Federal law requires or preempts from local discretionary review procedures;
  - c. Interior projects not visible on the exterior of structures and from adjoining public right-of-way;
  - d. Maintenance of property and structures;

- e. Projects proposed on properties with three or four residential units located within 120 feet or two parcels, whichever is smaller, of residentially zoned historic buildings on the City’s designated historic resources and landmarks list, if all of the following criteria apply:
  - i. Projects are not located in 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 list;
  - iii. Projects are not proposed on property abutting or including properties on the City’s designated historic resources and landmarks list;
  - iv. Projects are not visible from public view corridors designated in the General Plan; and
- f. Public park facilities other than the development or expansion of buildings as described in Chapter 17.28.

**D. Review Authority.**

Table 17.16.100 identifies the required review authority and review process in Section 17.12.060 for each project. Cultural Heritage Permits are acted upon by the highest review authority designated in Table 17.16.100 for proposed development, or if a CHP is reviewed concurrently with other applications according to Section 17.12.090, Consideration of Concurrent Applications.

**Table 17.16.100 – Review Process for Development Permit**

| <b>Development Activities</b>   | <b>Review Process<br/>(Section 17.12.060)</b> |
|---|---|
| <b>A. New development of nonresidential buildings.</b>  |   |
| 1. New nonresidential primary buildings, excluding public park facilities.  | Process 3                                     |
| 2. Public park facilities, new buildings and additions with 1,500 square feet of floor area or greater in compliance with Chapter 17.28.  | Process 3                                     |
| 3. Public park facilities, new buildings and additions less than 1,500 square feet of floor area in compliance with Chapter 17.28.  | Process 2                                     |
| 4. New nonresidential accessory buildings that are screened from adjoining public right-of-way, where the proposed building has floor area less than or equal to 2,000 square feet and less than 50 percent of the primary building’s floor area. | Process 2                                     |
| 5. New nonresidential accessory buildings that are visible from adjoining public right-of-way, or the building has floor area larger than 2,000 square feet or greater than 50 percent of the primary building’s floor area.                      | Process 3                                     |
| <b>B. Nonresidential building additions.</b>  |   |
| 1. Nonresidential building additions of floor area 2,000 square feet or less to nonresidential buildings, excluding public park facilities.   | Process 2                                     |
| 2. Nonresidential building additions of floor area larger than 2,000 square feet to nonresidential buildings, excluding public park facilities.   | Process 3                                     |



| Development Activities   | Review Process (Section 17.12.060)  |
|--|---|
| <p><b>C. New development of residential buildings.</b></p> <ol style="list-style-type: none"> <li>1. Development of residential primary buildings that results in five or more dwelling units on a property.</li> <li>2. New residential primary buildings proposed in the Architectural Overlay District.</li> <li>3. New residential primary buildings on properties adjoining the City's designated historic resources and landmarks list.</li> <li>4. Two-story single-family dwellings and duplexes that are across a street abutting the City's designated historic resources and landmarks list, if the building less than: a) a five-foot front setback between the first and second floors; or b) a 30-foot front setback for building height above the tallest roofline of historic buildings.</li> <li>5. New residential primary buildings on properties developed with three or four dwellings that are not abutting but located within 120 feet or two parcels, whichever is smaller, of residentially zoned buildings on the City's designated resources and landmarks list, unless exempted by Subsection 17.16.100(C)(2).</li> <li>6. New residential accessory buildings in sensitive areas visible from adjoining public right-of-way, where the proposed building has floor area less than or equal to 500 square feet and less than 50 percent of the primary building's floor area.</li> <li>7. New residential accessory buildings in sensitive areas visible from adjoining public right-of-way, where the proposed building has floor area larger than 500 square feet or greater than 50 percent of the primary building's floor area.</li> <li>8. Accessory Dwelling Units that vary from standards as specified in Section 17.28.270 in which discretionary review is allowed by State law.</li> </ol> | <p>Process 3</p> <p>Process 3</p> <p>Process 3</p> <p>Process 3</p> <p>Process 3</p> <p>Process 2</p> <p>Process 3</p> <p>Process 3</p> |
| <p><b>D. Residential building additions.</b></p> <ol style="list-style-type: none"> <li>1. Residential building additions to residential buildings in sensitive areas visible from adjoining public right-of-way where the addition of floor area is less than or equal to 500 square feet and less than 50 percent of the primary building's floor area.</li> <li>2. Residential building additions to residential buildings in sensitive areas where the addition of floor area is larger than 500 square feet or greater than 50 percent of the primary building's floor area.</li> <li>3. Residential building additions of floor area 50 percent or greater to nonconforming single-family residences with less than 1,400 square feet of floor area as of March 21, 1996, expanded up to 2,100 square feet.</li> </ol>   | <p>Process 2</p> <p>Process 3</p> <p>Process 2</p>  |
| <p><b>E. New accessory structures.</b></p>   |   |

| Development Activities  | Review Process (Section 17.12.060)  |
|---|---|
| 1. New accessory structures that are ineligible for an Administrative Development Permit according to Section 17.16.095.  | Process 2   |
| <b>F. Exterior changes.</b><br>1. Exterior changes to structures and sites that are ineligible for an Administrative Development Permit according to Section 17.16.095.   | Process 2   |
| <b>G. Subdivisions and general provisions.</b><br>1. Development on new parcels created from a subdivision of property.<br>2. New Planned Residential Developments (PRD).<br>3. New golf courses.<br>4. Nonresidential projects abutting residentially zoned properties in compliance with Section 17.24.170.<br>5. Relocation of structures according to Section 17.24.160, Relocation of Structures.<br>6. Neighborhood Electrical Vehicle (NEV) parking credit in the North Beach Parking Overlay according to Section 17.56.080.<br>7. Subdivisions excluding condominiums.<br>8. Subdivision of building ownership (condominium maps)<br>9. Residential detached accessory buildings over 15 feet in height that encroach into required setbacks | Process 3<br>Process 3<br>Process 3<br>Process 2<br>Process 2<br>Process 2<br>Process 5<br>Process 2<br>Process 3 |

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

1. Application Filing.

- a. An application for a Development Permit shall be filed and processed according to Chapter 17.12.
- b. The application shall include the information and materials specified in the application for a Development Permit with required fees, and any additional information required by the City Planner or Review Authority to conduct a thorough review of the proposed project, as described according to Section 17.12.060.
- c. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.16.100.F below.

2. Application Review.

A Development Permit review is initiated when the Planning Division receives an application package. Then, a case planner is assigned to coordinate the review of the application with City staff and other agencies as needed. At the direction of the City Planner, proposals are reviewed by the Development Management Team (DMT), staff from City departments with expertise in

various subject areas. Upon receipt of an application, provided information and materials are reviewed to determine if applications are:

- i. Complete in compliance with Section 17.12.050;
- ii. In compliance with the California Environmental Quality Act as specified in Section 17.12.080. If studies or consultant work is required for this review, this shall be completed at the applicant's expense according to City policies and the City Planner's direction;
- iii. Consistent with the purpose of this Chapter and required findings in Subsection F to support the requested Development Permit; and
- iv. Meets applicable development standards, policies, regulations, and guidelines.

3. Design Review Subcommittee Review.

Applications require Design Review Subcommittee (DRSC) review if the application requires Planning Commission or City Council approval. Applications may also be referred to the DRSC by the City Planner or Zoning Administrator.

4. Decision and Appeal Process.

Table 17.16.100 identifies the Review Authority and Review Process described in Section 17.12.100 for each project. Refer to Section 17.12.060 for details on the review process. Notification procedures are in Section 17.12.100.

**F. Required Findings.**

1. General Findings. For approval of a Development Permit, the Review Authority shall make the following findings:
  - a. The proposed project is consistent with the General Plan;
  - b. The proposed project complies with zoning regulations;
  - c. The proposed project is consistent with the City's Design Guidelines;
  - d. The proposed development will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity; and
  - e. The proposed project is in character and compatible with the properties in the neighborhood.
2. Additional Findings for Requests. In addition to the general findings in Subsection F.1, the Review Authority shall make findings for approval of a Development Permit to allow the following.
  - a. For projects in the Architectural Overlay District, the Review Authority shall find: the proposed project complies with the purpose and intent of the Architectural Overlay District, Section 17.56.020.
  - b. For new structures and major remodels in the Architectural Overlay, the Review Authority shall also find one of the following:
    - 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 projects reviewed because they are abutting or within 300 feet of an historic property, the Review Authority shall find: the proposed project will not have negative visual or physical impacts upon the historic structure.
- c. For Planned Residential Developments (PRDs), the Review Authority shall make findings in Section 17.56.040(G).

G. **General Review Requirements.** Refer to Chapter 17.12, Development Review Process, for general application processing requirements, such as appeals, modifications to applications, time limits on approvals, time extensions, and the review of multiple applications concurrently.

H. **Approval Runs with the Land.** The approval of a Development Permit shall run with the land, and shall continue to be valid upon a change of ownership of the property to which it applies.

**SECTION 16.** The existing provisions of Section 17.16.110 of the San Clemente Municipal Code are hereby struck and replaced with the following:

#### **17.16.110 - Cultural Heritage Permits**

A. **Purpose.** Cultural Heritage Permits are required for projects affecting sites on the City's list of designated historic structures to ensure projects:

1. Preserve and strengthen the City's identity as a Spanish village;
2. Comply with the purpose and intent of the Architectural Overlay district for projects involving cultural and historical resources within the overlay zone identified on the Zoning Map;
3. Preserve and strengthen the pedestrian-oriented areas designated in the General Plan;
4. Preserve and protect those places, sites, buildings, structures, neighborhoods, objects, and improvements, manmade or natural, having a special historical, cultural, or architectural interest;
5. Protect and enhance the City's attraction as a historic community to tourists and visitors;
6. Promote the use of historic properties for the education, pleasure, and welfare of the people of the City;
7. Encourage and, where specified by this title, require architecture which reflects the community's historic pedestrian-oriented character;
8. Promote the orderly development of the City in compliance with the goals, objectives, and policies of the General Plan, any applicable Specific Plan, and the standards specified in this Zoning Code.
9. Encourage site design and architecture sensitive to community and neighborhood character;
10. Enhance the visual environment and protects the economic value of existing structures.
11. Respect the physical and environmental characteristics of the site;
12. Ensure safe and convenient access and circulation for pedestrians and vehicles;
13. Exemplify the best professional design practices through consistency with the City's Design Standards and Guidelines;

14. Allow for and encourage individual identity for specific uses and structures;
15. Encourage a distinct community or neighborhood identity;
16. Minimize or eliminate negative or undesirable visual impacts, especially on historic resources and landmarks on the City’s designated historic resources and landmarks list;
17. Prevent inappropriate design or development of structures; and
18. Maintain and increase the desirability of other properties within the vicinity for the uses for which they are zoned.

**B. Applicability.**

1. When Required. Development activities listed in Table 17.16.110 require Cultural Heritage Permits for the development of structures and improvement of property on the City’s designated historic resources and landmarks list, unless exempted by Subsection B.2.
2. Exemptions. The following activities are exempt from a Cultural Heritage Permit.
  - a. Activities exempted from an Administrative Development Permit specified in Section 17.16.095.
  - b. Improvements State or Federal law requires or preempts from local discretionary review procedures;
  - c. Interior projects not visible on the exterior of structures and from adjoining public right-of-way; and
  - d. Public park facilities other than the development or expansion of buildings as described in Chapter 17.28.

**C. Review Authority.**

Table 17.16.110 identifies the required review authority and review process in Section 17.12.060 for each project. Cultural Heritage Permits (CHP) are acted upon by the highest review authority designated in Table 17.16.110 for proposed development, or if a CHP is reviewed concurrently with other applications according to Section 17.12.090, Consideration of Concurrent Applications.

**Table 17.16.110 – Review Process for Cultural Heritage Permit**

| Development Activities   | Review Process (Section 17.12.060) |
|--|------------------------------------|
| <b>A. New nonresidential buildings.</b>  |                                    |
| 1. New nonresidential primary buildings, excluding public park facilities.   | Process 3                          |
| 2. Public park facilities, new buildings and additions with 1,500 square feet of floor area or greater in compliance with Chapter 17.28.       | Process 3                          |
| 3. Public park facilities, new buildings and additions less than 1,500 square feet of floor area in compliance with Chapter 17.28.             | Process 2                          |
| 4. New nonresidential accessory buildings screened from adjoining public right-of-way, where the proposed building has floor area less than or | Process 2                          |

| Development Activities  | Review Process (Section 17.12.060)                                  |
|---|---|
| <p>equal to 500 square feet and less than 50 percent of the primary building's floor area.</p> <p>5. New nonresidential accessory buildings visible from adjoining public right-of-way, or the building has floor area larger than 500 square feet or greater than 50 percent of the primary building's floor area.</p>   | Process 3   |
| <p><b>B. Nonresidential building additions.</b></p> <p>1. Nonresidential building additions of floor area 2,000 square feet or less to nonresidential buildings, excluding public park facilities.</p> <p>2. Nonresidential building additions of floor area larger than 2,000 square feet to nonresidential buildings, excluding public park facilities.</p>   | <p>Process 2</p> <p>Process 3</p>                                   |
| <p><b>C. New residential buildings.</b></p> <p>1. New residential primary buildings.</p> <p>1. New residential accessory buildings visible from adjoining public right-of-way with less than or equal to 500 square feet and less than 50 percent of the primary building's floor area.</p> <p>2. New residential accessory buildings larger than 500 square feet or greater than 50 percent of the primary building's floor area.</p> <p>3. Accessory Dwelling Units that vary from standards as specified in Section 17.28.270 in which discretionary review is allowed by State law.</p> | <p>Process 3</p> <p>Process 2</p> <p>Process 3</p> <p>Process 3</p> |
| <p><b>D. Residential building additions.</b></p> <p>1. Residential building additions of floor area visible from adjoining public right-of-way with less than or equal to 500 square feet and less than 50 percent of the primary building's floor area.</p> <p>2. Residential building additions of floor area larger than 500 square feet or greater than 50 percent of the primary building's floor area.</p>  | <p>Process 2</p> <p>Process 3</p>                                   |
| <p><b>E. New accessory structures.</b></p> <p>1. New accessory structures that are ineligible for an Administrative Development Permit according to Section 17.16.095.</p>  | Process 2   |
| <p><b>F. Exterior changes.</b></p> <p>1. Exterior changes to structures and sites that are ineligible for an Administrative Development Permit according to Section 17.16.095.</p>  | Process 2   |
| <p><b>G. Subdivisions and general provisions.</b></p> <p>1. Development on new parcels created from a subdivision of property.</p> <p>2. New Planned Residential Developments (PRD).</p> <p>3. New golf courses.</p>  | <p>Process 5</p> <p>Process 3</p> <p>Process 3</p>                  |

| Development Activities  | Review Process (Section 17.12.060) |
|---|------------------------------------|
| 4. Nonresidential projects abutting residentially zoned properties in compliance with Section 17.24.170.                  | Process 2                          |
| 5. Relocation of structures according to Section 17.24.160, Relocation of Structures.                                     | Process 3                          |
| 6. Neighborhood Electrical Vehicle (NEV) parking credit in the North Beach Parking Overly according to Section 17.56.080. | Process 2                          |
| 7. Subdivisions excluding condominiums.   | Process 5                          |
| 8. Subdivision of building ownership (condominium maps)   | Process 2                          |
| 9. Residential detached accessory buildings over 15 feet in height that encroach into required setbacks                   | Process 3                          |

**D. Application Filing, Processing, and Review.**

1. Application Filing.
  - a. An application for a Cultural Heritage Permit shall be filed and processed according to Chapter 17.12.
  - b. The application shall include the information and materials specified in the application for a Cultural Heritage Permit with required fees, and any additional information required by the City Planner or Review Authority to conduct a thorough review of the proposed project, as described according to Section 17.12.060.
  - c. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection E below.
2. Application Review. A Cultural Heritage Permit review is initiated when the Planning Division receives an application package. Then, a case planner is assigned to coordinate the review of the application with City staff and other agencies as needed. At the direction of the City Planner, proposals are reviewed by the Development Management Team (DMT), staff from City departments with expertise in various subject areas. Upon receipt of an application, provided information and materials are reviewed to determine if applications are:
  - i. Complete in compliance with Section 17.12.050;
  - ii. In compliance with the California Environmental Quality Act as specified in Section 17.12.080. If studies or consultant work is required for this review, this shall be completed at the applicant’s expense according to City policies and the City Planner’s direction;
  - iii. Consistent with the purpose of this Chapter and required findings in Subsection E to support the requested Cultural Heritage Permit; and
  - iv. Meets applicable development standards, policies, regulations, and guidelines.
3. Cultural Heritage Subcommittee Review. Applications require Cultural Heritage Subcommittee (CHSC) review if the application requires Planning Commission or City Council approval

Applications may also be referred to the CHSC by the City Planner or Zoning Administrator. The Design Review Subcommittee serves as the CHSC.

4. Decision and Appeal Process. Table 17.16.110 identifies the Review Authority and Review Process described in Section 17.12.100 for each project. Refer to Section 17.12.060 for details on the review process. Notification procedures are in Section 17.12.100. Appeals are addressed in Section 17.12.140.

**E. Required Findings.**

1. For approval of Cultural Heritage Permit, the Review Authority shall make the following findings:
    - a. The proposed project is consistent with the General Plan;
    - b. The proposed project complies with zoning regulations;
    - 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 project is in character and compatible with the properties in the neighborhood;
    - e. The proposed project is in conformance with the Secretary of the Interior Standards for the Treatment of Historic Properties and City's Design Guidelines to substantially further the City's goals of historic preservation, and
    - f. The proposed project preserves to the extent feasible the character defining features.
  2. Additional Findings for Requests. In addition to the general findings in Subsection E.1, the Review Authority shall make findings for approval of a Cultural Heritage Permit to allow the following.
    - a. For projects in the Architectural Overlay District, the Review Authority shall find: the proposed project complies with the purpose and intent of the Architectural Overlay District, Section 17.56.020. And, for new structures and remodels in the Architectural Overlay District, the Review Authority shall also find one of the following:
      - 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 exemptions from Chapter 17.72, Nonconforming Structures and Uses, the Review Authority shall find: the proposed exemption from nonconforming regulations is warranted to maintain the historical significance of national, state or a locally designated historic structure.
- G. General Review Requirements.** Refer to Chapter 17.12, Development Review Process, for general application processing requirements, such as appeals, time limits on approvals, time extensions, and the review of multiple applications concurrently.
- H. Approval Runs with the Land.** The approval of 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 17.** Subsection (D) of Section 17.16.145 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

- D. **Review Procedures.** Following receipt of a completed application, the City Planner shall review the application for compliance with the Zoning Ordinance.

**SECTION 18.** Subsection (A) of Section 17.16.175 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

- A. **Purpose and Intent.** In order to preserve and protect the cultural, historical, and architectural heritage of San Clemente, certain incentives are provided in various sections of this title to owners of designated historically significant properties. The purpose and intent of this section is to outline the process for obtaining property tax reduction incentives available through the execution of a voluntary Historic Property Preservation Agreement with the City of San Clemente. For other, regulatory incentives, see Sections 17.16.180, Waivers of Fees/Development Standards, Relocation of Historic Structures; 17.64.120, Modifications and Waivers of Parking Requirements; and Section 17.16.110. Please refer to the City's Building Division for additional provisions related to the use of the State Historical Building Code.

**SECTION 19.** Subsection (J) of Section 17.16.175 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

J. **Cancellation of Agreement.**

1. The City Council may cancel an Historic Property Preservation Agreement if the City Council determines that the property owner has breached any of the terms of the Agreement, or has allowed the property to deteriorate to the extent that it no longer meets the criteria in Section 17.16.160(F)(1).
2. Following completion of the Enforcement of Agreement procedures contained within each Historic Property Preservation Agreement and prior to the cancellation of an Historic Property Preservation Agreement, the City Council may initiate and review cancellation of an Agreement as described in Section 17.12.175, City Initiated Changes of Revocation of Approved Applications.
3. If the City Council cancels an Agreement, the property owner shall pay a penalty of 12½ percent of the full market value of the property, as determined by the County Tax Assessor, to the State.

**SECTION 20.** Section 17.16.180 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.16.180 Waiver of Fees/Development Standards for Historic Resources and Landmarks.**

- A. **Purpose and Intent.** In order to preserve and protect the cultural, historical, and architectural heritage of San Clemente, certain incentives are provided in various sections of this title to owners of designated historically significant properties. The purpose and intent of this section is to describe the waiver of fees/development standards for historic resources and landmarks on the City's designated historic resources and landmarks list. For other regulatory incentives, see Sections 17.16.175, Historic preservation incentives, historic property preservation (Mills Act) agreements; 17.64.120, Modifications and Waivers of Parking Requirements; and Section

17.16.110. Please refer to the City's Building Division for additional provisions related to the use of the State Historical Building Code.

B. **Authority.** The City Council is the final authority on the authorization and approval of fee/development standard waivers for properties on the City's Designated Historic Resources List.

C. **Fee waivers.**

1. The fees for the first eight hours of time required to process a Cultural Heritage Permit shall be waived for the following eligible properties:
  - a. All resources sites listed on the City's List of Designated Historic Structures Resources and Landmarks Lists.
  - b. All abutting single-family homes and duplexes.
  - c. All sites with three or more dwelling units within 300 feet of residentially zoned sites listed on the City's List of Designated Historic Structures Resources and Landmarks Lists.

The fee waiver shall not apply to non-historic properties located within the Architectural Overlay District.

The fee waiver shall not apply to any costs incurred for any required technical studies, miscellaneous associated fees with processing the application, additional permits, etc. Projects taking less than eight hours of staff time to process shall not be provided a credit for the value of the unused portion of the fee waiver.

**SECTION 21.** Section 17.16.250 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

#### **17.16.250 - Discretionary Sign Permits**

- A. **Purpose and Intent.** The purpose of this section is to provide a discretionary review process for signs that are significant in terms of size, number, location or type. The intent of discretionary review is to ensure 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 Zoning Administrator 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.
- 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.
  6. Master Sign Programs according to Section 17.84.020(G).

- 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.
- E. **Application Filing, Processing, and Review.**
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 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. Applications not receiving the required votes for approval or conditional approval shall be deemed denied.
    - 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.

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 17.12.175 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 22.** Subsection (D) of Section 17.24.090 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

D. **Standards for Fences, Walls and Hedges in Nonresidential Zones.** In nonresidential zones, fences, walls, and hedges shall comply with the following requirements:

1. **Height and Materials.** The height limit and other features of fences, walls, and hedges are determined through an architectural review process with required approval of a Development Permit (Section 17.16.100), or Cultural Heritage Permit (Section 17.16.110) for historic resources and landmarks on the City's designated historic resources and landmarks list.
2. **Fencing Around Parking Areas.** For requirements for fencing around parking lots, please refer to Section 17.28.220, Parking Lots.

**SECTION 23.** Subsection 17.24.040(C)(2) of the San Clemente Municipal Code is amended in its entirety as follows:

2. Height Limits. Except as modified by Section 17.24.080, Maximum Encroachments into Setbacks and Height Limits, General; the height limit for detached accessory buildings/structures shall be as follows:
  - a. Front One-Half of the Lot. Detached accessory buildings/structures in the front one-half of the lot shall not exceed 15 feet in height;
  - b. Rear One-Half of the Lot with Setback Encroachments. Detached accessory buildings or structures in rear one-half of the lot that encroach into required setbacks may be constructed over 15 feet high, up to the height limit of the zone with the approval of a Development Permit (Section 17.16.100) or Cultural Heritage Permit (Section 17.16.110), excluding through lots. Setback encroachments require compliance with Section 17.24.080 or the approval of an application in Chapter 17.16; and
  - c. Rear One-Half of the Lot with Setback Compliance. Detached accessory buildings in the rear one-half of the lot complying with required setbacks may be constructed up to the height limit of the zone.

**SECTION 24.** Subsection 17.24.040(C)(2) of the San Clemente Municipal Code is hereby struck in its entirety and retitled as “Reserved.”

**SECTION 25.** Subsection (B)(1) of Section 17.24.110 of the San Clemente Municipal Code is hereby amended to read follows:

- B. **General Regulations for the Measurement of Height.** The following regulations for calculating height shall apply to all development within the City of San Clemente:
  1. Measurement of Height From Original or Finished Grade.
    - a. Developments With Mass Recontouring. In the case of subdivisions and/or land development where mass recontouring has been or will be permitted by the City, building height shall be measured from finished grade based on City approved plans. Please refer to Figure 17.24.110A for a map of those areas in the City which have had mass recontouring. This subsection does not include properties with significant grading which have received the approval of a variance from height limits; please refer to the following paragraph b, for the method of measuring height on these properties.
    - b. All Other Development. In the case of developments where mass recontouring has not been permitted, or where significant grading has been allowed but through the approval of a variance from the height limit, building height shall be measured from original grade.
    - c. In cases where it is ambiguous whether building height should be measured from finished or original grade, or where a determination of finished or original grade is difficult, the City Planner shall make such determination, subject to the appeal provisions in Section 17.12.140, Appeals of an Action, of this title.

**SECTION 26.** Section 17.24.160 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.24.160 - Relocation of Structures.**

- A. **Review Requirements.** The relocation of a building or other structure from one lot to another requires the approval of a Minor Conditional Use Permit (Section 17.16.060) and a Development Permit (17.16.100) or Cultural Heritage Permit (17.16.110) for historic resources and landmarks on the City’s designated historic resources and landmarks list.
- B. **Minimum Standards.** The relocation of a building or structure requires the following:
  - 1. Compliance. Compliance with the requirements, relative to the building or structure, of the zone to which the building is being relocated; and
  - 2. Conformance. Conformance with or improvement upon the general character of the existing buildings in the neighborhood.
- C. **Public Notification.** Public notification for the required discretionary approvals shall be provided, as described in Section 17.12.100, Public Hearing and Notification, of this title, and shall be provided for both the original location of the building or structures and the location to which the building or structure is being moved.

**SECTION 27.** Section 17.24.170 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.24.170 - Residentially Zoned Property, Development Adjacent to.**

- A. **Purpose and Intent.** The purpose of this section is to establish review procedures for nonresidential and mixed-use development adjacent to residentially zoned property. The purpose of review is to allow development adjacent to residential property while addressing potential impacts related to noise, light and glare, parking and circulation and privacy.
- B. **Building Setbacks from Adjacent Residentially Zoned Property.** Except as provided for within this section, new nonresidential and mixed-use buildings and/or additions to existing buildings shall maintain a minimum 20-foot setback from adjacent residential property lines. Encroachment of the nonresidential or mixed-use building and/or addition into this setback shall be allowed through the discretionary review process required for the project based on measures included in the project to address noise, parking, lighting, massing and other similar impacts upon adjacent residential development..
- C. **Additions Within 50 Feet of Existing Single-Family Residences.** Any nonresidential or mixed-use building addition that is closer than 50 feet to an existing single-family residence shall require the approval of a Development Permit (Section 17.16.100), or a Cultural Heritage Permit (Section 17.16.110) for historic resources and landmarks on the City’s designated historic resources and landmarks list.

**SECTION 28.** Subsection (C) of Section 17.24.180 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

- 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 an architectural review process with the required approval of a Development Permit (Section 17.16.100), or a Cultural Heritage Permit (Section 17.16.110) for historic resources and landmarks on the City’s designated historic resources and landmarks list.

**SECTION 29.** Subsections (C)(1) and (C)(2) of Section 17.28.205 of the San Clemente Municipal Code are hereby amended to read in their entirety as follows:

**C. Review Requirements.**

1. Outdoor Dining Areas on Private Property. To allow an outdoor dining area on private property, the following is required:
  - a. Review of Exterior Modifications. Exterior modifications to establish outdoor dining areas require review in compliance with Section 17.16.095 (Administrative Development Permit), Section 17.16.100 (Development Permit), or Section 17.16.110 (Cultural Heritage Permit) for historic resources and landmarks on the City's designated historic resources and landmarks list.
  - b. Outdoor Dining Without Alcohol Service or Entertainment. The City Planner may approve outdoor dining areas with a maximum of 16 seats and four 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 four 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.
2. Outdoor Dining on Public Property. The following procedures are required to allow outdoor dining areas on public property, such as sidewalks:
  - a. Review of Exterior Modifications. Exterior modifications to establish outdoor dining areas require review in compliance with Section 17.16.095 (Administrative Development Permit), Section 17.16.100 (Development Permit), or Section 17.16.110 (Cultural Heritage Permit) for historic resources and landmarks on the City's designated historic resources and landmarks list.
  - 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.
  - e. Outdoor Dining with Alcohol Service or Entertainment. Alcohol and/or entertainment may be allowed on outdoor dining areas, on public 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.

**SECTION 30.** Section 17.28.230 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.28.230 - Public Park Facilities.**

- A. **Purpose and Intent.** The purpose of this section is to describe the architectural review procedures for public park facilities. For specific details regarding the review of parks and recreational facilities, please refer to the interim policy for the review of recreational facilities and streetscapes, until such time as this policy has been incorporated into the City's Parks and Recreation Master Plan.
- B. **Review Requirements.**
1. **Buildings.** The development of new park facility buildings or additions to existing buildings require architectural review with the approval of a Development Permit (Section 17.16.100), or Cultural Heritage Permit (17.16.110) for historic resources and landmarks on the City's designated historic resources and landmarks list, such as the Municipal Golf Course. The Review Authority considers architectural and aesthetic impacts of proposals.
  2. **Other Facilities.** The development or addition of sports courts, landscaping, benches, trails and other recreational facilities which do not include the development of buildings shall be exempt from the discretionary review requirements of the Zoning Ordinance.

**SECTION 31.** The former Subsection (G)—which, following City Council Ordinance No. 1742, is now subsection (H)—of Section 17.28.270 of the San Clemente Municipal Code is hereby amended to read as follows:

**17.28.270(H) Accessory Dwelling Units, Non-qualifying ADUs and JADUs and Discretionary Approval.**

Any proposed ADU or JADU that does not conform to the objective standards set forth in subsections A through F of this section may be allowed by the City with a Development Permit or Cultural Heritage Permit, in accordance with the other provisions of this title.

**SECTION 32.** Subsection (E) of Section 17.28.090 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

- E. **Converted Service Stations.** 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 an Administrative Development Permit (17.16.095) or Development Permit (Section 17.16.100).. For example, the conversion of a service station could involve the removal of all fuel equipment and underground storage tanks, pole signs, 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 33.** Subsection (I) of Section 17.28.300 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

- I. **Other Temporary Fencing for Security and Screening.** Temporary fencing, other than what is required for active construction projects, is allowed for the purpose of providing security and screening to ensure the health, safety and welfare of the community at the discretion of the City Planner, subject to the following regulations.



1. Review Requirements. Temporary fencing and similar structures erected higher than 42 inches and up to six feet in height shall require an Administrative Development Permit according to Section 17.16.095. .
2. Expiration of Permits. Any permit issued pursuant to this section shall become invalid upon the expiration of an approved permit for which the use has been approved.
3. Minimum Standards. Temporary fencing and similar structures shall not be chainlink. Acceptable materials are more permanent in nature and include wrought iron, wood, or similar material and must be compatible with the existing style of surrounding development. Temporary fences and similar structures shall be maintained in good condition with no unintentional rips/tears (except for minimization of wind effects), fading, or general disrepair. Maintenance shall not become so defective, unsightly, or in such condition of deterioration or disrepair to create a public nuisance as set forth in Section 5.82.030.

**SECTION 34.** The rows for “Accessory Buildings” entries in Table 17.32.030 of Section 17.32.030 of the San Clemente Municipal Code is hereby amended to read as follows:

**Table 17.32.030 - Residential Zone Uses**

| <b>5. Unclassified Uses</b>   |    |    |    |    |    |
|---|----|----|----|----|----|
| Accessory Buildings <sup>15</sup> :   |    |    |    |    |    |
| a. Accessory Buildings, Residential <sup>15</sup> Detached, Over 15 Feet in Height that Encroach into Required Setbacks | O  | O  | O  | O  | O  |
| b. All Others   | P  | P  | P  | P  | P  |
| c. Accessory Buildings, Nonresidential <sup>16</sup>  | MC | MC | MC | MC | MC |

**SECTION 35.** Table 17.36.020 of Section 17.36.020 of the San Clemente Municipal Code is hereby amended as follows:

1. Within Section 1’s “Commercial” entries, new rows are hereby regarding for Liquor Sales for On-Site Consumption and Dancing and/or entertainment;
2. Within Section 8’s “Restaurant and Bars” entries are amended in their entirety;
3. Within Section 9’s “Unclassified” entries for “Amusement Center”, “Bowling Alley”, “Pool Halls”, and “Theaters”; and
4. Footnotes 14 to 22 are amended and renumbered.

**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 | RMF1 | NOTE |
| 1. Commercial                           |        |        |        |      |      |      |      |      |      |      |      |
| Nurseries (Outdoor Garden Retail Sales) |        |        | C      | C    | C    | C    | C    | C    | C    | C    |      |
| Liquor Sales for On-Site Consumption:   |        |        |        |      |      |      |      |      |      |      |      |
| a. Hard alcohol                         | C      | C      | C      | C    | C    | C    | C    | C    | C    |      |      |

|   |               |               |               |             |             |             |             |             |             |             |             |
|---|---------------|---------------|---------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| b. Beer and wine indoors with active food service   | P             | P             | P             | P           | P           | P           | P           | P           | P           |             |             |
| c. Beer and Wine in outdoor dining areas with active food service   | MC            | MC            | MC            | MC          | MC          | MC          | MC          | MC          | MC          |             |             |
| d. Beer and Wine without active food service  | MC            | MC            | MC            | MC          | MC          | MC          | MC          | MC          | MC          |             |             |
| Dancing and/or entertainment that has:  |               |               |               |             |             |             |             |             |             |             |             |
| a. No amplified sound.  | MC            | MC            | MC            | MC          | MC          | MC          | MC          | MC          | MC          |             |             |
| b. Amplified sound.   | C             | C             | C             | C           | C           | C           | C           | C           | C           |             |             |
| <b>8. Restaurants and bars</b>  | <b>NC 1.1</b> | <b>NC 1.2</b> | <b>NC 1.3</b> | <b>NC 2</b> | <b>NC 3</b> | <b>CC 1</b> | <b>CC 2</b> | <b>CC 3</b> | <b>CC 4</b> | <b>RMF1</b> | <b>NOTE</b> |
| Bars, cocktail lounges (with or without dancing and/or entertainment)                                     | P             | P             | P             | P           | P           | P           | P           | P           | P           |             |             |
| Microbreweries (with limited production up to 5,000 barrels and tasting room) as defined in Section 17.88 | P             | P             | P             | P           | P           | P           | P           | P           | P           |             |             |
| Taprooms as defined in Section 17.88  | P             | P             | P             | P           | P           | P           | P           | P           | P           |             |             |
| Restaurants without a drive-through   | P             | P             | P             | P           | P           | P           | P           | P           | P           |             |             |
| Restaurants with drive-through  |               |               | C             | C           | C           | C           | C           | C           | C           |             | 13          |
| <b>9. Unclassified Uses</b>   | <b>NC 1.1</b> | <b>NC 1.2</b> | <b>NC 1.3</b> | <b>NC 2</b> | <b>NC 3</b> | <b>CC 1</b> | <b>CC 2</b> | <b>CC 3</b> | <b>CC 4</b> |             |             |
| Amusement Centers   | C             | C             | MC            | MC          | MC          | MC          | MC          | MC          | MC          |             | 14          |
| Bowling Alley   | C             | C             | MC            | MC          | MC          | MC          | MC          | MC          | MC          |             |             |
| Pool Halls  | C             | C             | MC            | MC          | MC          | MC          | MC          | MC          | MC          |             | 18          |
| Theaters  | C             | C             | MC            | MC          | MC          | MC          | MC          | MC          | MC          |             |             |

14. Refer to Section 17.28.040, Alcoholic beverages and motor vehicle fuel, concurrent sale of, of this title, for special provisions for concurrent sales of motor fuel and alcoholic beverages.

15. Refer to Section 17.28.050, Amusement Centers, of this title, for special provisions for arcades/amusement centers.
16. Refer to Section 17.28.130, Grading, of this title, for special provisions for grading requests that are not accompanying development requests.
17. Massage is subject to Section 5.28 of the City of San Clemente Municipal Code. Refer to Section 17.28.185, Massage Establishments, of this title, for special provisions for massage establishments and accessory massage establishments.
18. The provisions for amusement centers shall apply to pool halls. Please refer to Section 17.28.050, Amusement Centers, for special provisions for amusement centers.
19. Refer to Section 17.28.250, Recycling Facilities, of this title, for special provisions for recycling facilities.
20. Refer to Section 17.28.290, Service Stations, of this title, for special provisions.
21. Refer to Section 17.28.310, Vehicle Dealerships, Rental, and Sales of this title, for special provisions for vehicle dealerships.
22. Refer to Section 17.28.320, Vehicle Service and Repair-Related Facilities, of this title, for special provisions.

**SECTION 36.** Table 17.36.030(A) of the San Clemente Municipal Code is hereby amended in its entirety as follows:

**17.36.030 Commercial Zone General Development Standards.**

The following property development standards shall apply to all land and permitted or conditionally permitted buildings located within their respective commercial zones.

- A. **Creation of New Lots.** The creation of new lots within commercial zones following the date of adoption of this title shall conform to the minimum dimensions for lots established within this zone, except in the case of condominium lots or individual lots within a shopping center, in which case minimum dimensions shall be applied to the boundaries around the entire center. Individual lots created within shopping centers are exempt from the site development standards stated herein, as they relate to minimum lot areas and lot width, as long as the following conditions are met:
  1. The commercial center has been processed and approved pursuant to Section 17.16.100, Development Permits and Section 17.16.110, Cultural Heritage Permits;
  2. Easements for reciprocal access, parking and maintenance are recorded in a form approved by the City Attorney and maintained; and
  3. All applicable setbacks adjacent to the exterior boundaries of the shopping center or commercial development are met.

**SECTION 37.** Section 17.36.040 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.36.040 Commercial Zone Special Development Standards.**

Chapter 17.24, General Development Standards, of this title includes a number of special provisions affecting commercial properties. Unless otherwise indicated in the referenced sections, or in other City documents regulating commercial development, the development standards listed in Chapter 17.24, General Development Standards, of this title shall apply to all zones described in this chapter.

**Table 17.36.040  
Special Development Standards for All Commercial Zones**

| Standards  | Sections          |
|--|-------------------|
| Accessory Buildings  | Section 17.24.040 |
| Building Equipment and Services and Their Screening                  | Section 17.24.050 |
| Encroachment into Setbacks and Height Limits, General                | Section 17.24.080 |
| Fences, Walls, Hedges  | Section 17.24.090 |
| Height Limitations   | Section 17.24.110 |
| Lighting   | Section 17.24.130 |
| Off-Street Loading Area  | Section 17.24.150 |
| Relocation of Structures   | Section 17.24.160 |
| Residentially Zoned Properties, Development Adjacent To              | Section 17.24.170 |
| Retaining Walls  | Section 17.24.180 |
| Skirt Walls  | Section 17.24.190 |
| Substandard Lots   | Section 17.24.200 |
| Through Lots, Rear Yard Setback For                                  | Section 17.24.210 |
| Trip Reduction Measures for Projects With Greater than 100 Employees | Chapter 17.76     |

**SECTION 38.** Subsection (A)(2)(a) of Section 17.40.030 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

2. Special Use Regulations.
  - a. Residential and Nonresidential Uses on the Same Building Floor. In vertical mixed-use projects, nonresidential uses may be permitted on the same building floor as a residential use with the approval of a Conditional Use Permit, in accordance with Section 17.16.060, Conditional Use Permits, of this title.

**SECTION 39.** Table 17.40.030 of Section 17.40.030 of the San Clemente Municipal Code is hereby amended as follows:

1. Within Section 1’s “Commercial” entries, new rows are hereby regarding for Liquor Sales for On-Site Consumption and Dancing and/or entertainment;
2. Within Section 8’s “Restaurant and Bars” entries are amended in their entirety;
3. Within Section 9’s “Unclassified” entries for “Accessory Buildings, Residential”, “Amusement Center” and “Pool Halls” are amended as shown below; and
4. Footnotes 16 to 30 are amended and renumbered.

**Table 17.40.030 – Mixed Zone Uses.**

| Use   | Zones       |             |               |               |               |               |             |             |
|---|-------------|-------------|---------------|---------------|---------------|---------------|-------------|-------------|
|   | MU 1        | MU 2        | MU 3.0        | MU 3.1        | MU 3.2        | MU 3.3        | MU 5        | NOTE        |
| <b>1. Commercial</b>  |             |             |               |               |               |               |             |             |
| Liquor Sales for On-Site Consumption:   |             |             |               |               |               |               |             |             |
| a. Hard alcohol   | C           | C           | C             | C             | C             | C             | C           |             |
| b. Beer and wine indoors with active food service   | P           | P           | P             | P             | P             | P             | P           |             |
| c. Beer and Wine in outdoor dining areas with active food service   | MC          | MC          | MC            | MC            | MC            | MC            | MC          |             |
| d. Beer and Wine without active food service  | MC          | MC          | MC            | MC            | MC            | MC            | MC          |             |
| Dancing and/or entertainment that has:  |             |             |               |               |               |               |             |             |
| a. No amplified sound.  | MC          | MC          | MC            | MC            | MC            | MC            | MC          |             |
| b. Amplified sound.   | C           | C           | C             | C             | C             | C             | C           |             |
| <b>8. Restaurants and bars</b>  | <b>MU 1</b> | <b>MU 2</b> | <b>MU 3.0</b> | <b>MU 3.1</b> | <b>MU 3.2</b> | <b>MU 3.3</b> | <b>MU 5</b> | <b>NOTE</b> |
| Bars, cocktail lounges (with or without dancing and/or entertainment)                                     | P           | P           | P             | P             | P             | P             | P           |             |
| Microbreweries (with limited production up to 5,000 barrels and tasting room) as defined in Section 17.88 | P           | P           | P             | P             | P             | P             | P           |             |
| Taprooms as defined in Section 17.88  | P           | P           | P             | P             | P             | P             | P           |             |
| Restaurants without drive-through   | P           | P           | P             | P             | P             | P             | P           |             |
| Restaurants with drive-through  |             |             | C             | C             | C             | C             | C           | 16          |
| <b>9. Unclassified Uses</b>   | <b>MU 1</b> | <b>MU 2</b> | <b>MU 3.0</b> | <b>MU 3.1</b> | <b>MU 3.2</b> | <b>MU 3.3</b> | <b>MU 5</b> | <b>NOTE</b> |
| Accessory Buildings, Residential  |             |             |               |               |               |               |             | 20          |
| a. Detached, Over 15 Feet in Height   |             |             |               | MC            |               | MC            | MC          |             |
| b. All Others   |             |             |               |               |               |               | P           |             |
| Accessory Buildings, Nonresidential   | C           | C           | C             | C             | C             | C             | C           |             |
| Amusement Centers   | C           | C           | C             | C             | C             | C             | C           | 18          |

|               |   |   |   |   |   |   |   |    |
|---------------|---|---|---|---|---|---|---|----|
| Bowling Alley | C | C | C | C | C | C | C |    |
| Pool Halls    | C | C | C | C | C | C | C | 21 |
| Theaters      | C | C | C | C | C | C | C |    |

16. Refer to Section 17.28.260, Drive-Throughs.

17. Refer to Section 17.24.040, Accessory Buildings.

18. Refer to Section 17.28.040, Alcoholic beverages and motor vehicle fuel, concurrent sale of, of this title, for special provisions for concurrent sales of motor fuel and alcoholic beverages.

19. Refer to Section 17.28.050, Amusement Centers.

20. Refer to Section 17.28.130, Grading.

21. Massage is subject to Section 5.28 of the City of San Clemente Municipal Code. Refer to Section 17.28.185, Massage Establishments, of this title, for special provisions for massage establishments. To the extent otherwise allowed, Accessory Massage is permitted only in the commercial portion of a mixed-use building.

22. The provisions for amusement centers shall apply to pool halls. Refer to Section 17.28.050, Amusement Centers.

23. Refer to Section 17.28.250, Recycling Facilities.

24. Refer to Section 17.28.305, Urban Private Storage.

25. Refer to Section 17.28.320, Vehicle Service and Repair-Related Facilities.

26. A boarding house may not be located within 300 feet of any other boarding house measured by following a straight line without regard to intervening buildings from the nearest point of the parcel on which the proposed boarding house is to be located to the nearest point of the parcel that contains the existing boarding house. No more than one boarding house is allowed on a legal parcel.

27. Refer to Section 17.28.292, Short-Term Lodging Units, of this title for special provisions for STLUs and STARS.

**SECTION 40.** Subsection (A) of Section 17.36.030 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**SECTION 41.** Section 17.40.050 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.40.050 Mixed-Use Zone Special Development Standards.**

This section and Chapter 17.24, General Development Standards, of this title, includes a number of special provisions affecting mixed-use properties. Unless otherwise indicated in the referenced sections, or in other City documents regulating mixed-use development, the development standards listed in Chapter 17.24, General Development Standards, of this title shall apply to all zones described in this chapter.

**Table 17.40.050  
Special Development Standards for All Mixed-Use Zones**

| Standards | Sections |
|-----------|----------|
|-----------|----------|

|   |  |
|---|--|
| Accessory Buildings   | Section 17.24.040  |
| Arbors (Residential Structures Only)  | Section 17.32.050(A), Arbors   |
| Building Equipment and Services and Their Screening   | Section 17.24.050  |
| Density Allowance for Lots with Less than 3,600 Square Feet of Lot Area (Residential Lots Only)                         | Section 17.32.050(B), Density Allowance for Lots with Less than 3,600 Square Feet of Lot Area (residential lots only)  |
| Distance Between Primary Buildings, Minimum Required  | Section 17.32.050(C), Distance Between Primary Buildings, Minimum Required   |
| Encroachment into Setbacks and Height Limits, General   | Section 17.24.080  |
| Fences, Walls, Hedges   | Section 17.24.090  |
| Front Setback, Special Provisions for Reduction (Residential Lots Only)   | Section 17.32.050(D)   |
| Garage Encroachment into the Front Yard Setback (Residential Lots Only)   | Section 17.32.050(E)   |
| Height Limitations  | Section 17.24.110, Front Setbacks, Special Provisions for Reductions (residential lots only), Section 17.32.050(D), Garage Encroachment into the Front Yard Setbacks (residential lots only), Section 17.32.050(E) |
| Lighting  | Section 17.24.130  |
| Off-Street Loading Area   | Section 17.24.150  |
| Relocation of Structures  | Section 17.24.160  |
| Residential/Nonresidential Use Restrictions for MU 3.0-CB   | Please refer to Section 17.56.030, Central Business District Overlay.  |
| Residential/Nonresidential Use Restrictions for MU 5 (Minimum Contiguous Use)   | Please refer to subsection (A), Residential/Nonresidential Use Restrictions for MU 5.  |
| Residentially Zoned Properties, Development Adjacent to   | Section 17.24.170  |
| Retaining Walls   | Section 17.24.180  |
| Skirt Walls   | Section 17.24.190, Special Provisions for Dwelling Units with Front Entrances Located Along the Side Property Line (residential lots only), Section 17.32.050(F)   |
| Special Provisions for Dwelling Units with Front Entrances Located Along the Side Property Line (Residential Lots Only) | Section 17.32.050(F)   |
| Substandard Lots  | Section 17.24.200  |
| Through Lots, Rear Yard Setback For   | Section 17.24.210  |
| Trip Reduction Measures for Projects With Greater Than 100 Employees  | Chapter 17.76  |
| Unit Size, Minimum  | Please refer to subsection (B), Unit Size, Minimum   |

**SECTION 42.** Footnote 2 of Table 17.44.020 of Section 17.44.020 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

2 New golf courses in the OSC zone require approval of a Development Permit ( Section 17.16.100) or Cultural Heritage Permit (17.16.110).

**SECTION 43.** Section 17.52.040 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.52.040 - General Requirements for Specific Plan Zones.**

- A. **Determination of Land Uses and Development Regulations.** Precise locations of land uses and development regulations within the SP Zone shall not be fixed or predetermined until a specific plan has been adopted by the City in accordance with Section 17.16.030, Specific Plan Adoption and Amendments, of this title.
- B. **Limitations on Grading Permits, Building Permits, and Land Use Permits.** No Grading Permits, Building Permits, or Land Use Permits, or other development entitlements, shall be issued for any property with an SP designation prior to the adoption of a specific plan for the property, unless such permits or entitlements are solely for emergency measures, restoration or remedial maintenance and do not in any way predispose the future use of the land.
- C. **Scope of Specific Plan.**
  - 1. Each specific plan shall include the specific land uses, standards and criteria necessary for the development, maintenance and use of the subject property, in compliance with the policies and programs of the General Plan. Each specific plan shall clearly specify how and to what extent the plan is to improve upon, supplement or supersede the City's Zoning Ordinance.
  - 2. New specific plans and amendments to existing specific plans may be required, at the City's discretion, to include standards and a financing program for the installation of public facilities and utilities, schools, flood control and transportation facilities, and other public and private improvements and facilities related to the specific plan.
  - 3. Specific plans shall address the applicable portions of State law related to the preparation of a specific plan.
- D. **Amendment of the Zoning Ordinance and Map.** Adoption of a specific plan shall include an amendment to the Zoning Ordinance and Zoning Maps in accordance with Section 17.16.040, Zoning Amendments, of this title. Each specific plan shall be named. The Zoning Map shall not indicate the land use designations within the specific plan, but shall show the letters "SP" and an abbreviation of the specific plan name. Thereafter, all land use, development and improvements shall conform to the provisions of the adopted specific plan.
- E. **Inclusion of Specific Plan Text and Maps.** Adoption of a specific plan shall include the incorporation of the specific plan text and maps as an appendix to the Zoning Ordinance.
- F. **Reference of Specific Plan Text and Maps.** Adoption of a specific plan shall require the amendment of Table 17.52.060, Adopted Specific Plans, of this chapter to include a reference to the new specific plan.



- G. **Development Agreements.** Specific plans shall not be required to but may be accompanied by development agreements. Approved development agreements related to specific plans are listed in Table 17.52.060, Adopted Specific Plans, of this chapter.
- H. **Requirements Not Specified.** The standards in the Zoning Ordinance shall apply when development standards are not specified within individual specific plans. Any use that is not expressly permitted or prohibited in a specific plan is subject to the City's general zoning ordinance. This includes, among other things, the citywide prohibition on all cultivation of industrial hemp, as defined in Section 11018.5 of the California Health and Safety Code, and all marijuana dispensary, marijuana manufacturer, marijuana delivery, and marijuana testing laboratory uses.
- I. **Zoning Applications and Review Procedures.** Specific plans shall identify when a proposal requires zoning approval and refer to this Zoning Ordinance for applications, submittal requirements, and general review procedures, unless specific procedures are designated in a Specific plan. If a Specific Plan requires approval of an application unaddressed in Chapter 17.16, the current procedures and applications within this Title shall apply.

**SECTION 44.** Subsections (A)-(C)(3) of Section 17.56.040 of the San Clemente Municipal Code are hereby amended to read in their entirety as follows:

**17.56.040 - Planned Residential District (-PRD) Overlay.**

- A. **Purpose and Intent.** The purpose of the Planned Residential District (-PRD) Overlay is to provide flexible regulations in order to foster innovation, variety, amenities, and a sensitivity to the natural topography in residential development. The intent is to allow development to deviate from conventional residential standards to achieve higher quality rather than increased density.
- B. **Applicability.** The provisions in this section apply to all areas with the Planned Residential District (-PRD) designation.
- C. **Adoption and Amendment of the Planned Residential Overlay District (-PRD).**
  - 1. Adoption and amendment of the -PRD Overlay on any properties shall occur in accordance with the provisions described in Section 17.16.040, Zoning Amendments, of this title.
  - 2. Adoption of the -PRD Overlay shall require the concurrent approval of a Tentative Map, if property is being subdivided according to the City's Subdivision Ordinance and concurrent approval of a Development Permit (Section 17.16.100) or Cultural Heritage Permit (17.16.110)..
  - 3. Prior to submitting an application for adoption of the -PRD Overlay, the applicant or prospective developer shall schedule a preapplication review conference with the City Planner. Please refer to Section 17.12.030, Preapplication Review, of this title for the general purpose and intent of preapplication review.

**SECTION 45.** Subsection (D) of section 17.56.020 of the San Clemente Municipal Code is hereby amended to read as follows:

- D. **Development Review.** Development within the Architectural Overlay may require approvals specified in Chapter 17.16, such as an Administrative Development Permit; Section 17.16.100, Development Permit; or Section 17.16.110, Cultural Heritage Permit for historic resources and landmarks on the City's designated historic resources and landmarks list.

**SECTION 46.** Subsection (D)(6) of Section 17.56.050 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

6. Coastal Bluff and Canyon Preservation.

- a. Landscaping. Landscaping in coastal canyon setback areas or the coastal bluff setback areas, as defined in the subsections above, shall be primarily composed of native plant species. The removal of native plant species and the introduction of nonnative plant species in the canyons shall be discouraged. The use of native plant species in and adjacent to the canyons shall be encouraged.
- b. Landscape thinning and clearing within Coastal Canyons and Bluffs, including setback areas as defined in the subsections above, for areas located within 30 feet of any habitable structure or parking garage, shall be allowed when done in accordance with the following criteria:
  - i. Dead and dying plants, leaves and similar debris shall be removed.
  - ii. Non-native (also termed as ornamental or exotic) vegetation may be removed.
  - iii. Vegetation located next to or under combustible structures shall be removed.
  - iv. 30 feet shall be provided between the building and native (also defined as non-ornamental or non-exotic), non-irrigated vegetation, unless the vegetation is on a slope, in which case the native, non-irrigated plants shall be trimmed and thinned while retaining root structures in place for slope and soil stability. Where root zone is not sufficiently established, to be determined by the City Engineer, alternative measures for slope and soil stability may be required, to the satisfaction of the City Engineer and Coastal Commission staff.
  - v. Best Management Practices (BMPs) must be utilized to prevent any discharge of soil, vegetation or other material to the storm drain system (including natural canyons, area drains, streets, gutters, catch basins, pipes, channels or receiving waters) in compliance with the municipal storm water permit issued by the San Diego Regional Water Quality Control Board, the city's local implementation plan and the Orange County Drainage area management plan.
- c. Landscape thinning and clearing within Coastal Canyons and Bluffs, including setback areas as defined in the subsections above, for areas located within 100 feet of any habitable structure or parking garage, shall be allowed when done in accordance with the following criteria:
  - i. Dead and dying plants, leaves and similar debris shall be removed.
  - ii. Non-native (also termed as ornamental or exotic) vegetation may be removed.
  - iii. Nominal trimming of native vegetation is allowed. In no case shall plants be trimmed down to the root stalk, unless in-concept approved by the City Planner and approved by the California Coastal Commission.
  - iv. Best Management Practices (BMPs) must be utilized to prevent any discharge of soil, vegetation or other material to the storm drain system (including natural canyons, area drains, streets, gutters, catch basins, pipes, channels or receiving waters) in compliance with the municipal storm water permit issued by the San Diego Regional Water Quality

Control Board, the city's local implementation plan and the Orange County Drainage area maintenance plan.

- d. New landscaping and landscape modification, other than as described above, must be in-concept approved by the City Planner and reviewed and approved by the California Coastal Commission.
- e. Subdivision. Any subdivision of property in or adjacent to coastal bluffs and/or coastal canyons shall be reviewed for consistency with the coastal bluff and canyon preservation policies. New parcels that do not have an adequate building site area to comply with the setback standards of these policies shall not be created.
- f. Review of Projects:
  - i. Projects Requiring a Development Permit or Cultural Heritage Permit. Review of all projects within the Coastal Zone requiring Development Permit, Cultural Heritage Permit, or Conditional Use Permit review shall include an assessment of the potential impact on natural habitat areas. Site plan review of all development projects located adjacent to parks and recreation areas shall include an evaluation of potential impacts on coastal bluffs and coastal canyons.
  - ii. Mitigation measures identified during site plan review stages to limit a project's effect on the coastal bluff or coastal canyon environment shall be incorporated into final project design plans.
  - iii. Large-Scale Projects. The analysis and evaluation of large-scale development projects shall include a comprehensive inventory of biological resources. A determination should be made of the area's importance as a native habitat, including identification of rare or endangered species, or those species being considered to be listed as rare or endangered.

**SECTION 47.** Subsection (C)(3) of Section 17.56.080 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

- 3. Neighborhood Electric Vehicles. Parking for Neighborhood Electric Vehicles (NEV), as defined in Vehicle Code Section 385.5, may be applied toward the total required parking at a maximum of four percent and not more than eight spaces of the required number of parking spaces for a project through the approval of a Development Permit or Cultural Heritage Permit. Additional NEV spaces can be provided however those spaces will not apply to the required parking. NEV spaces shall be located in areas of parking lots that cannot accommodate a standard parking space, unless the required number of standard spaces has been satisfied.

**SECTION 48.** Subsection (D) of Section 17.56.090 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

- D. **Review Requirements.** Affordable housing projects are a permitted use in the [AH] Overlay. Refer to use tables in Sections 17.36.030 (Commercial Zone Uses) and 17.40.030 (Mixed-Use Zone Uses). Affordable housing projects in commercial and mixed-use zones require the approval of a

Development Permit (Section 17.16.100); or a Cultural Heritage Permit (Section 17.16.110) for historic resources and landmarks on the City's designated historic resources and landmarks list.. Additionally, depending on the project, other discretionary processes may apply in compliance with Chapter 17.16.

**SECTION 49.** Subsection (D)(7) of Section 17.56.100 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**D. Emergency Shelter Development Standards.**

7. Architectural Review. Emergency Shelters shall comply with the City's Design Guidelines, Specific Plans, and the Zoning Ordinance regarding architectural and development standards to ensure shelters are compatible with their surroundings, provide adequate privacy between uses, and minimize potential impacts of the proposed shelter on adjacent uses.

The process to review emergency shelter compliance with these requirements shall be a ministerial review that shall be considered at the time of building permit review or business license review, whichever comes first. Emergency shelters shall be exempt from all discretionary review processes in compliance with State law.

**SECTION 50.** Section 17.64.110 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.64.110 Off-Site Parking.**

Where permitted by this chapter, parking required for nonresidential uses may be provided off-site, within 300 feet of a use, through the execution of a legal document. The document shall comply with the following restrictions:

- A. The agreement shall restrict the use of the land on which the off-site parking is located for the duration of the use for which that parking is provided;
- B. The agreement shall be executed by the owner of the property on which the parking is located. Only the property owner may enter into these agreements; and
- C. The agreement shall be submitted for the review and approval of the City Attorney; and
- D. Following its approval of a Minor Conditional Use Permit pursuant to Section 17.16.070, the agreement shall be recorded by the applicant and a copy furnished to the Community Development Department when applying for a permit, for inclusion in any related discretionary application files and the Building Division address files.

**SECTION 51.** Subsection (A) of Section 17.64.120 of the San Clemente Municipal Code is hereby amended to read as follows:

**17.64.120 Shared Parking.**

In all nonresidential and mixed-use zones, private parking facilities may be shared by multiple uses whose activities are not normally conducted during the same hours, or when hours of peak use vary. The applicant shall have the burden of proof for a reduction in the total number of required off-street parking spaces.

- A. **Review Requirements.**

1. Existing Buildings with Change of Use [Except a Change to a Mixed Use (Residential/Commercial on the Same Site)]. Shared parking may be granted through the approval of a Minor Conditional Use Permit, in compliance with Section 17.16.070, Minor Conditional Use Permits.
2. New Mixed Use (Residential/Commercial on Same Site) Buildings. Shared parking may be granted through the approval of a Minor Conditional Use Permit, in compliance with Section 17.16.070, Minor Conditional Use Permits .
3. All Other Projects. Shared parking may be granted through the approval of a Conditional Use Permit, in compliance with Section 17.16.070, Minor Conditional Use Permits.

**SECTION 52.** Subsections (B)(2) and (B)(3) of Section 17.72.030 of the San Clemente Municipal Code are hereby amended to read in its entirety as follows:

**B. Exemptions.**

2. Nonconforming Structures. The following structures are exempt from nonconforming structure regulations in this Chapter:
  - a. Structures that comply with all zoning requirements except landscape standards.
  - b. Single-family dwellings constructed with a single-car garage or carport (“parking structure”) in residential zones prior to April 4, 1962 are exempt from being a Nonconforming Structure due to insufficient parking, except when a project removes or alters the single-family dwelling’s structural frame in 50 percent or greater of the structure’s exterior walls, as described in Section 17.72.050(E). Then, the residence and parking structure shall be made to comply zoning requirements as described in this Chapter.
  - c. In-the-bank garages located in residential zones which do not comply with front yard setback regulations.
  - d. National, state or locally designated historic structures may be exempted from this Chapter with the approval of a Cultural Heritage Permit in compliance with Section 17.16.100.
3. Nonconforming Uses. The following land uses are exempt from nonconforming use regulations in this Chapter:
  - a. Multiple-family dwellings constructed in the Residential Low Density zoning district prior to April 4, 1962.
  - b. Service stations and vehicle service and repair-related facilities are exempt, provided the uses were lawfully established on or before February 4, 2014 (adoption date of General Plan), the uses have not been discontinued more than 365 consecutive calendar days, and the uses meet any of the criteria below:
    - i. The service station or vehicle service repair-related use is on property fronting El Camino Real, or fronting other arterial streets defined in Section 17.88.030, or
    - ii. The service station use is located on property in gateway areas (identified in the General Plan Urban Design Element) abutting Interstate-5 off-ramps and intersections.

- c. Nonconforming uses associated with the historical significance of national, state or locally designated historic structures may be exempted from this Chapter with the approval of a Cultural Heritage Permit in compliance with Section 17.16.110.
- d. Mobilehome Parks in compliance with any applicable Conditional Use Permit shall be exempt from all provisions of Chapter 17.72, except as provided in SCMC Subsection 17.72.060.E.

**SECTION 53.** Subsection (B) of Section 17.72.040 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

- B. **Code compliance of projects.** The expansion and alteration of nonconforming structures shall comply with development standards, unless exceptions are granted with the approval of a Minor Exception Permit, Variance, or other provision in this Title.

**SECTION 54.** Subsection (A) of Section 17.72.050 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

- A. **Applicability of other review procedures.** This Title may require approval of permits to allow the modification of nonconforming structures according to Chapter 17.16 to projects are consistent with the General Plan, Design Guidelines, and regulations.

**SECTION 55.** Subsection (I)(2)(a)(i) of Section 17.72.050 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

- a. Nonconforming status shall be terminated. Nonconforming Buildings expanded by 50 percent or greater shall be made to conform to zoning requirements, except as follows:
  - i. Exception for single-family dwellings less than 1,400 square feet. Nonconforming single-family dwellings, smaller than 1,400 square feet, may be expanded to a maximum of 2,100 square feet and continue to be nonconforming with the approval of a Development Permit (Section 17.16.100) or a Cultural Heritage Permit (17.16.110) for historic resources and landmarks on the City’s designated historic resources and landmarks list..

**SECTION 56.** The rows for “Banner Signs” and “Grand Opening Signs” in Table 17.84.030A in Section 17.87.030 of the San Clemente Municipal Code are hereby amended to read in their entirety as follows:

**Table 17.84.030A, Matrix of Sign Types, Banner Signs and Grand Opening Signs**

**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  |
|---------------------|-----------------------------------|-----------------------|-------------------------|-----------------------|---|
| Banner Signs        | One per business                  | 64 sq. ft.            | —                       | Adm. Sign Permit      | See Section 17.84.030(H) for criteria                               |
| Grand Opening Signs | 1 per site                        | 4 sq. ft.             | —                       | Adm. Sign Permit      | Will not count toward banner allowance during calendar year. May be |

|  |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  |  |  | <p>displayed for a maximum of 30 days.</p> <p>The application for a Temp. Banner Permit must accompany a new business license application or new certificate of occupancy.</p> |
|--|--|--|--|--|--|

**SECTION 57.** Subsection (H)(1) of Section 17.84.030 of the San Clemente Municipal Code is hereby amended to read as follows:

H. **Temporary Banner Signs.** Temporary Banner Signs shall be allowed for businesses city-wide, excluding home-occupations.

1. Temporary Banner Sign Criteria.

- a. Each business shall be permitted a maximum of one temporary banner sign per business at any given time.
- b. The temporary banner sign cannot exceed 64 square feet. A temporary banner sign will not count towards a business's total sign area allowance.
- c. The temporary banner sign shall be placed on-site and flush on the building. These banners are prohibited in the following locations: city right-of-way, free-standing walls, fences or other areas or fixtures not part of the business's primary structure; other locations as determined by the City Planner to be inconsistent with the intent of this section. No portion of the temporary banner sign shall be free-hanging and all corners of the banner shall be secured to the building.
- d. Temporary banner signs shall be constructed of cloth, canvas, fabric, plastic or other similar durable material.
- e. The temporary banner sign shall be maintained in good condition, free of any defects, including cracking, torn or ripped material, or faded copy.
- f. Each business may have up to four permits per calendar year. Each permit allows the display of a banner sign up to 30 calendar days. Renewals of permits are allowed, but in no case shall a business display a temporary banner for more than 120 days per calendar year. Banners may be replaced during the authorized period so long as they are the same or smaller size and installed in the approved location. These provisions are to ensure temporary banner signs are not used as permanent display or in-lieu of permanent signs for the business.





**SECTION 1.** Section 17.12.020 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.12.020 Review Authorities.**

This section identifies the review authorities responsible for making decisions on applications required by the Zoning Ordinance.

- A. **City Council.** Refer to Chapter 2.04 for a description of the City Council's function, duties, and powers.
- B. **Planning Commission.** Refer to Chapter 2.32 for a description of the Planning Commission's function, duties, and powers.
- C. **Zoning Administrator.** Refer to Chapter 2.34 for a description of the Zoning Administrator's function, duties, and powers.
- 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 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 provisions and requirements ~~of~~<sup>in</sup> the Zoning Ordinance.
    - 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. The Planning Division participates in the Development Management Team (DMT), which is a group of City staff from various departments and staff from other agencies (e.g., the Orange County Fire Authority) that meets regularly to coordinate on the review of applications for completeness, consistency with requirements, guidelines, and policies. The DMT also makes non-binding recommendations to the applicable review authority. Unless required by this Title, the City Planner has discretion on whether to bring an application to the DMT for review and a recommendation.
    - d. **Application Status Updates.** The Planning Division shall provide information to applicants and interested parties on the status of applications.
- E. **Designated Powers-Review Authority for Required Approvals.** ~~Please r~~<sup>R</sup>Refer to Table 17.12.020, Review Authority for Permits or Entitlements ~~and Entitlements~~, for the review authority designated to act upon 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~~ or Entitlements

| Permit Application  | <del>Final</del> <u>Review</u> Authority <sup>1</sup>   | <u>Process Levels in Section 17.16.040</u>  | Public Hearings           |
|---|---|---|---------------------------|
| <u>Administrative Development Permit</u>                              | <u>City Planner</u>   | <u>Process 1</u>  | <u>No</u>                 |
| <u>Administrative Sign Permit</u>                                     | <u>City Planner</u>   | <u>Process 1</u>  | <u>No</u>                 |
| <del>Architectural Permit/Cultural Heritage Permit</del>              | <u>See Table 17.16.110</u> <del>Planning Commission</del>   | <u>Process 2 for Zoning Administrator decisions</u><br><u>Process 3 for Planning Commission</u> | <del>Yes</del> <u>Yes</u> |
| City Antenna Permit   | City Manager  | <u>Process 1</u>  | No                        |
| <del>Coastal Review In-Concept</del> <u>Coastal Review In-Concept</u> | City Planner  | <u>Process 1</u>  | No                        |
| Conditional Use Permit  | Planning Commission, except <del>height for actions on exceptions to height limits of the</del> <u>exceptions in MU 3.0 and MU 3.3 zones that require City Council approval.</u> <del>The City Council is the review authority for such height exceptions</del> | <u>Process 3 for Planning Commission decisions.</u><br><u>Process 4 for City Council</u>        | Yes                       |
| <u>Demolition of Historic Properties</u>                              | <u>City Council</u>   | <u>Process 5</u>  | <u>Yes</u>                |
| <u>Designation of Historic Resources and Landmarks</u>                | <u>City Council</u>   | <u>Process 5</u>  | <u>Yes</u>                |
| Development Agreements  | City Council  | <u>Process 5</u>  | Yes                       |
| <u>Development Permit</u>   | <u>See Table 17.16.100</u>  | <u>Process 2 for Zoning Administrator decisions. Process 3 for Planning Commission</u>          | <u>Yes</u>                |
| <u>Discretionary Sign Permit</u>                                      | <u>Zoning Administrator</u>   | <u>Process 3</u>  | <u>Yes</u>                |
| General Plan Amendment  | City Council  | <u>Process 5</u>  | Yes                       |
| <u>Historic Property Preservation (Mills Act) Agreements</u>          | <u>City Council</u>   | <u>Process 4</u>  | <u>Yes</u>                |
| Home Occupation Permit  | City Planner  | <u>Process 1</u>  | No                        |
| <del>Interpretations</del>  |   |   |                           |
| <u>Interpretations</u> , Minor  | City Planner  | <u>Process 1</u>  | No                        |
| <u>Interpretations</u> , Major  | Planning Commission   | <u>Process 3</u>  | No                        |
| <del>Minor Architectural Permit/Minor Cultural Heritage Permit</del>  | <del>Zoning Administrator</del>   |   | <del>Yes</del>            |

## Redline Zoning Amendments

|  |  |   |                                    |
|--|--|---|------------------------------------|
| <del>Staff Waiver</del>  | <del>City Planner</del>  |   | <del>No</del>                      |
| Minor Conditional Use Permit   | Zoning Administrator   | <a href="#">Process 2</a>   | Yes                                |
| Minor Exception Permit   | Zoning Administrator   | <a href="#">Process 2</a>   | Yes                                |
| <a href="#">Short-Term Lodging Unit Zoning Permit</a>                                | <a href="#">City Planner</a>                                       | <a href="#">Process 1</a>   | <a href="#">No</a>                 |
| <a href="#">Short-term Apartment Rental</a>  | <a href="#">City Planner</a>                                       | <a href="#">Process 1</a>   | <a href="#">No</a>                 |
| <del>Minor Site Plan Permit</del>  | <del>Zoning Administrator</del>                                    |   | <del>Yes</del>                     |
| Site <del>Plan</del> <a href="#">Development</a> Permit                              | <del>Planning Commission</del> <a href="#">See Table 17.16.100</a> | <a href="#">Process 2 for Zoning Administrator decision.</a><br><a href="#">Process 3 for Planning Commission</a> | <del>Yes</del> <a href="#">Yes</a> |
| <a href="#">Special Activities Permit</a>  | <a href="#">City Planner</a>                                       | <a href="#">Process 1</a>   | <a href="#">No</a>                 |
| Specific Plan Amendment  | City Council   | <a href="#">Process 5</a>   | Yes                                |
| Temporary Use Permit   | City Planner   | <a href="#">Process 1</a>   | No                                 |
| <a href="#">Tentative Parcel Map</a>   | <a href="#">See Municipal Code Title 16</a>                        |   | <a href="#">Yes</a>                |
| <a href="#">Tentative Tract Maps</a>   | <a href="#">See Municipal Code Title 16</a>                        |   | <a href="#">Yes</a>                |
| Variance   | Planning Commission  | <a href="#">Process 3</a>   | Yes                                |
| <a href="#">Waiver of Development Standards for Historic Resources and Landmarks</a> | <a href="#">Planning Commission</a>                                | <a href="#">Process 3</a>   | <a href="#">Yes</a>                |
| Wireless Permit  | City Planner   | <a href="#">Process 1</a>   | No                                 |
| Zoning Amendment   | City Council   | <a href="#">Process 5</a>   | Yes                                |

<sup>1</sup> Refer to Section 17.12.090, Consideration of Concurrent Applications, regarding review of concurrent applications.

**SECTION 2.** Section 17.12.025 of the San Clemente Municipal Code is hereby amended to read in its entirety 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), Zoning Ordinance, and Coastal Land Use Plan.

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. [For sites on the City's designated historic structures and landmarks list, the Design Review Subcommittee \(DRSC\) functions as the Cultural Heritage Subcommittee \(CHSC\). The CHSC has similar duties as the DRSC but with added emphasis on historic resource preservation.](#)

#### **B. Referrals to the Design Review Subcommittee.**

## Redline Zoning Amendments

The review authority may refer applications to the ~~The City Planner and review authority may refer projects to the~~ Design Review Subcommittee if not required otherwise by Chapter 17.16 for specific applications.

### 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**

| Application   | Zoning Ordinance Section No. | DRSC review  | Examples of design issues reviewed by Design Review Subcommittee  |
|---|------------------------------|--|---|
| <a href="#">Administrative Development Permit</a>               | <a href="#">17.16.095</a>    | <a href="#">City Planner discretion</a>  | <a href="#">Issues similar to those listed for Cultural Heritage Permits and Development Permits</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="#">Conditional Use Permit</a>                          | <a href="#">17.16.060</a>    | <a href="#">Required for new antenna projects and exceptions to development standards</a>  | <a href="#">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</a>  |
| <a href="#">Cultural Heritage Permit</a>                        | <a href="#">17.16.110</a>    | <a href="#">Required for Planning Commission and City Council decisions. Applications may also be referred to the DRSC. Refer to Section 17.16.110</a> | <a href="#">Preservation and restoration of historic resources and landmarks, site planning, setbacks, compatibility and relationships with adjacent development, and 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="#">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="#">Development Permit</a>                              | <a href="#">17.16.100</a>    | <a href="#">Required for Planning Commission and City Council decisions.</a>   | <a href="#">Site planning, parking lot design, setbacks, compatibility and relationships with adjacent development, and architectural design issues.</a>  |

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|  |                           |   |   |
|--|---------------------------|---|---|
|  |                           | <a href="#">Applications may also be referred to the DRSC. Refer to Section 17.16.100</a> | <a href="#">such as design quality and style, massing, scale, proportions, landscaping, materials, design features, visual impacts on aesthetic resources and adjacent historic resources</a>   |
| <a href="#">Discretionary Sign Permit</a>                            | <a href="#">17.16.250</a> | <a href="#">Required</a>  | <a href="#">Design, scale, materials, location, and other visual aspects of signs that require a public hearing process</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>   |
| <del>Site Plan Permit</del>  | <del>17.16.050</del>      | <del>Required</del>   | <del>Site planning, parking lot design, setbacks, compatibility and relationships with adjacent development</del>   |
| <del>Minor Site Plan Permit</del>                                    | <del>17.16.050</del>      | <del>City Planner determination</del>   | <del>Similar issues as Site Plan Permit</del>   |
| <del>Conditional Use Permit</del>                                    | <del>17.16.060</del>      | <del>Required for new antenna projects and exceptions to development standards</del>      | <del>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</del> |
| Variance   | 17.16.080                 | Required  | Visual impacts of development standard exceptions   |
| <del>Architectural Permit</del>                                      | <del>17.16.100</del>      | <del>Required</del>   | <del>Architectural design issues, such as architectural quality and style, massing, scale, proportions, landscaping, materials, design features, visual impacts on aesthetic resources</del>  |
| <del>Minor Architectural Permit</del>                                | <del>17.16.100</del>      | <del>City Planner determination</del>   | <del>Similar issues as Architectural Permit</del>   |
| <del>Cultural Heritage Permit</del>                                  | <del>17.16.100</del>      | <del>Required</del>   | <del>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,</del>  |

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|   |                      |                                       |  |
|---|----------------------|---------------------------------------|--|
|   |                      |                                       | <del>design features, and visual impacts on aesthetic resources</del>  |
| <del>Minor Cultural Heritage Permit</del>                       | <del>17.16.100</del> | <del>City Planner determination</del> | <del>Similar issues as Cultural Heritage Permit</del>  |
| <del>City Antenna Permit</del>                                  | <del>17.16.130</del> | <del>Required</del>                   | <del>Aesthetics of new wireless antennas on City property</del>  |
| <del>Designation of historic resources and landmarks</del>      | <del>17.16.160</del> | <del>Required</del>                   | <del>Designation of historic resources and landmarks</del>   |
| <del>Historic Property Preservation (Mills Act) Agreement</del> | <del>17.16.175</del> | <del>Required</del>                   | <del>Design, scale, materials, location, and other visual aspects of improvements to preserve and restore historic resources</del> |
| <del>Discretionary Sign Permit</del>                            | <del>17.16.250</del> | <del>Required</del>                   | <del>Signage design, size, materials, lighting, visual impacts</del>   |
| <del>Sign Exception Permit</del>                                | <del>17.16.260</del> | <del>Required</del>                   | <del>Visual impacts of sign standard exceptions</del>  |

**SECTION 3.** Section 17.12.040 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

### **17.12.040 Filing an Application.**

- A. **Persons Who May File an Application (or Preapplication).** Unless otherwise specified, an application required or permitted by this title will only be accepted if signed by the owner of the subject property or by the property owner's authorized agent. When the property owner's authorized agent submits an application, the application must be accompanied by written authorization from the property owner. If the property for which an application is submitted is in more than one ownership, all the owners or their authorized agents must either sign the application or submit a written, signed document indicating their consent to the application.
- B. **Application Forms.** Unless indicated otherwise by Chapter 17.16, Applications, of this title, applications required or authorized by this title shall be submitted to the Planning Division and shall include forms and any other materials, reports, dimensioned plans or other information required by the application checklist available from the Planning Division. If a public hearing is required prior to issuance or approval of the application, all public notification materials required by Table 17.12.100, Public Hearing Requirements, must be included with the application. It is the responsibility of the applicant to ensure that all required information is provided.
- C. **Fees.** The City Council shall, by resolution, establish and amend from time to time a schedule of fees for applications required or authorized by Chapter 17.16, Applications, of this title. Applicants

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shall pay the fees and costs for processing applications when the application is filed with the Planning Division. The purpose of the application fees is to reimburse the City for all costs incurred as the result of its administration of the provisions of this title.

- D. **Waiver of Fees.** For special circumstances, the City Council may waive or reduce the application fees established by resolution of the City Council, based on the merit of the request. Waiver of fees shall be approved prior to application submittal. The applicant must file a request for waiver of fees with the City's Planning Division. The letter shall explain the reasons for the request for a waiver. The Planning Division shall forward the letter requesting a waiver of fees to the City Council for their review at the next regularly scheduled City Council meeting at which time the request can be agendized under New Business.

E. **Supplemental Information.** The City Planner, or review authority, may request the applicant submit information to clarify, 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.

1. Story Pole Staking. Specific Projects that Require Story Pole Staking. At minimum, story pole staking is required for 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, and the construction or expansion of three story structures in the Architectural Overlay district.
2. Story Pole 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. Story Pole General 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. Story Pole 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:

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- 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.
5. Story Pole Removal. A deposit in the amount the City Planner determines 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. Story pole placement shall be photo-documented from viewpoints determined by the City Planner to document size, mass, height, and scale, and shall be submitted to [be] retained by the City with the project file. 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 17.12.050 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

### **17.12.050 Application Completeness.**

- A. **Review for Completeness.** The Planning Division shall determine the completeness of an application within the time period specified by State law, ~~( Government Code Section 65943)~~, after receiving a submitted application and associated information. No application shall be processed pursuant to this title until prior to the determination by the Planning Division determines that the application is complete. If the Planning Division fails to make a determination as to completeness of an application or resubmitted application within the time period specified by State law, (Government Code Section 65943), the application shall be automatically deemed complete and processed pursuant to the provisions of this title.
- B. ~~Complete Applications~~**Applicant Notification.** If an application is deemed complete, the Planning Division shall notify the applicant in writing. The application shall then be processed pursuant to the provisions of this title.
- ~~C. Incomplete Applications.~~ If an application is deemed incomplete, the Planning Division shall notify the applicant in writing, outlining the reason(s) for the determination and the information necessary to complete the application. ~~The letter shall also indicate that in the event the applicant does not wish to resubmit the application, a request can be made to the Planning Division within 90 days of the date of the letter for a refund of unused fees. Fees not requested for refund within this 90-day period shall be forfeited to the City.~~
- ~~D. Resubmitted Applications. The Planning Division shall determine in writing the completeness of the resubmitted application within the time period specified by State law, Government Code Section 65943, and transmit the determination to the applicant in the manner provided in Subsection (C) of this section.~~
- ~~E. Failure to Determine Completeness. If the Planning Division fails to make a determination as to completeness of an application or resubmitted application within the time period specified by~~



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~~State law, Government Code Section 65943, the application shall be automatically deemed complete and processed pursuant to the provisions of this title.~~

**SECTION 5.** The former Section 17.12.080 of the San Clemente Municipal Code is hereby re-numbered to Section 17.12.055 and is amended to read in its entirety as follows:

### **17.12.080-055 Environmental Review.**

All applications will be reviewed by the Planning Division for compliance with the California Environmental Quality Act (CEQA). No application shall be approved pursuant to this title prior to the completion and/or certification of applicable environmental documentation required by CEQA. Applications shall be processed within the time limits prescribed in CEQA (Government Code Section 65920 et seq.).

SECTION 6. The existing provisions of Section 17.12.060 of the San Clemente Municipal Code are hereby struck and replaced with the following:

### 17.12.060 Decision Process

Application for permits or other matters shall be acted upon in accordance with one of the five decision processes established shown on Figure 17.12.060.A, except for capital improvement program projects. The subject matter of the development application determines the process that shall be followed for each application. The provisions of Chapter 17.16 that pertain to each permit, map, or other matter describe the decision process in more detail. Depending on the proposal, the review process may also require review by an advisory body such as the Design Review Subcommittee. Figure 17.12.060.A is provided for convenience of reference only and does not define, describe, or limit the scope, meaning, or intent of any provision of this Title. This diagram describes the City of San Clemente's processes only, not decision processes that may be required by other agencies such as the California Coastal Commission.

**Figure 17.12.060.A, Decision Processes**

#### **Process 1 – Staff Decision Without Notice**

|                              |                           |                       |  |
|------------------------------|---------------------------|-----------------------|--|
| <u>Application Submitted</u> | <u>Staff Level Review</u> | <u>Staff Decision</u> | <u>Appeal to Planning Commission (hearing)</u> |
|------------------------------|---------------------------|-----------------------|--|

#### **Process 2 – Zoning Administrator Decision**

|                                     |                           |                                     |   |
|-------------------------------------|---------------------------|-------------------------------------|---|
| <u>Application/ Plans Submitted</u> | <u>Staff Level Review</u> | <u>Zoning Administrator Hearing</u> | <u>Appeal to City Council (hearing)</u> |
|-------------------------------------|---------------------------|-------------------------------------|---|

#### **Process 3 – Planning Commission Decision**

|                              |                           |                                    |   |
|------------------------------|---------------------------|------------------------------------|---|
| <u>Application Submitted</u> | <u>Staff Level Review</u> | <u>Planning Commission Hearing</u> | <u>Appeal to City Council (hearing)</u> |
|------------------------------|---------------------------|------------------------------------|---|

#### **Process 4 – City Council Decision**

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[Application Submitted](#)

[Staff Level Review](#)

[City Council Hearing \(decision final\)](#)

### Process 5– City Council Decision with Planning Commission Recommendation

[Application Submitted](#)

[Staff Level Review](#)

[Planning Commission Recommendation Hearing](#)

[City Council Hearing \(decision final\)](#)

#### A. Process One – Staff Decision Without Public Hearing

[A Process One decision on an application may be approved or denied by a City staff person specified in Table 17.12.020 or their designee. A public hearing will not be held. A decision may be appealed to the Planning Commission according to Section 17.12.140.](#)

#### B. Process Two – Zoning Administrator Decision

[A Process Two decision on an application shall be made as follows:](#)

- [1. Decision Process. The Zoning Administrator may approve, conditionally approve, or deny the application at a public hearing.](#)
- [2. Public Notification. Notice of a public hearing shall be provided according to Section 17.12.100 with necessary materials provided by an applicant.](#)
- [3. Appeals. The Zoning Administrator’s decision may be appealed to the City Council according to Section 17.12.140.](#)

#### C. Process Three – Planning Commission Decision

[A Process Three decision on application shall be made as follows:](#)

- [1. Decision Process. The Planning Commission may approve, conditionally approve, or deny the application at a public hearing.](#)
- [2. Public Notification. Notice of a public hearing shall be provided according to Section 17.12.100 with necessary materials provided by an applicant.](#)
- [3. Appeals. The Planning Commission’s decision may be appealed to the City Council according to Section 17.12.140.](#)

#### D. Process Four – City Council Decision

- [1. A Process Four decision on an application may be approved, conditionally approved, or denied by the City Council at a public hearing.](#)
- [2. Public Notification. Notice of a public hearing shall be provided according to Section 17.12.100 with necessary materials provided by an applicant.](#)
- [3. Ability to Act as Review Authority for a Lower Level Process.](#)

[The City Council by majority vote may decide to serve as the Review Authority for any applications that require a lower level Process according to Table 17.12.020.](#)

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### E. Process Five – City Council Decision with Planning Commission Recommendation

A Process Five decision on an application shall be made by the City Council as follows:

1. Planning Commission Recommendation.

Before the City Council decision, the Planning Commission shall hold a public hearing to consider the application. The hearing shall be noticed in accordance with Section 17.12.100. The hearing may be continued if desired by the Commission to solicit and obtain information needed to make a recommendation. However, the hearing shall be concluded no later than 60 calendar days after the initial hearing date. At the conclusion of the public hearing, the Planning Commission shall make a written recommendation to the City Council to approve, conditionally approve, or deny the application. If the Planning Commission fails to act within this 60-day period the matter shall proceed to City Council without a recommendation.

2. Decision Process.

After receiving the Planning Commission’s recommendation or expiration of the 60-day time period with no recommendation, the City Council shall hold a public hearing to consider the application. The hearing shall be noticed in accordance with Section 17.12.100. The City Council may approve, conditionally approve, or deny the application at the conclusion of the hearing.

3. Ability to Waive Planning Commission Recommendation

The City Council by majority vote may waive the requirement of Section 17.12.060(E)(2) that the Planning Commission make a recommendation before a decision by the City Council. In such a scenario, the application shall go straight to the Council for consideration.

F. Referrals to Higher Review Level. A Review Authority has the discretion to refer applications to a higher review level, as follows:

1. The City Planner may refer Process 1 decisions to the Zoning Administrator or Planning Commission, depending on level of public concern anticipated for a matter. If decisions are referred to the Zoning Administrator or Planning Commission, a public hearing and notification shall be required according to Chapter 17.12.

2. The Zoning Administrator may refer Process 2 decisions to the Planning Commission or City Council, depending on level of public concern anticipated for a matter;

3. The Planning Commission may refer Process 3 decisions to the City Council if a matter is of significant public concern to warrant a higher level of review.

### ~~17.12.060 Applications Requiring Additional Information.~~

~~The City Planner, or review authority, 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~~

## Redline Zoning Amendments

~~original determination that the application was complete at the time the determination was originally made.~~

### ~~A. Story Pole Staking.~~

- ~~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.~~~~
- ~~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 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.~~~~

**SECTION 7.** Section 17.12.065 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.12.065 Withdrawal of Inactive Applications.**

The City Planner has the authority to withdraw applications that are inactive for ~~180-60~~ days or more due to inactivity. Applications are inactive when requested materials, funds, or other information necessary to proceed with the processing of an application is not submitted.

- A. **Withdrawal ~~P~~rocedures.** When an application is inactive for ~~90-30~~ days or more, a ~~letter~~correspondence is sent ~~via certified mail~~ to inform applicants ~~that~~ they have ~~90-30~~ calendar days to submit requested materials, funds, or other information necessary to proceed with the processing of an application, based on contact information the applicant shall be responsible for keeping current on file with the City. If ~~City~~ requested materials or funds are not ~~thereafter~~ received within the ~~90-30~~ calendar days (a total of ~~180-60~~ calendar days since an application begins to be inactive), then the City Planner has the authority to:
1. Withdraw the application; or
  2. Schedule for the designated decision making authority (see Table 17.12.020) to consider the application as a consent item at the next available meeting. The City Planner may recommend for the decision making authority to deny the application without prejudice. The applicant would be notified of the meeting in advance.
- B. **Return of ~~U~~nused ~~deposit a~~ccount ~~F~~unds ~~and~~ materials.** If an application is withdrawn by the City or the applicant, the City shall contact the applicant to refund any unused deposit account fees. ~~are refunded and materials are returned upon request. If an applicant is unresponsive, the City will refund fees when an opportunity arises to communicate with the applicant.~~

**SECTION 8.** Section 17.12.100 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.12.100 Public Hearing and Notification.**

- A. **Purpose.** This section defines procedures for public notification~~for conducting public hearings for applications~~ when required by this title. The purpose of this section is to ensure public awareness and full and open public discussion and debate regarding proposed actions being taken pursuant to this title. ~~A public hearing shall be held prior to action by the Zoning Administrator, Planning Commission, or City Council when required by State law or the City's local ordinances, guidelines or policies.~~
- B. **Notice of Public Hearings.** A notice of public hearing is required for processes 3 to 6 in Section 17.12.060 that involve a public hearing action by the Zoning Administrator, Planning Commission, or City Council. The City Planner is authorized to advertise and notice Zoning Administrator and Planning Commission public hearings. The City Clerk is authorized to advertise and notice City Council public hearings. Table 17.12.020, Review Authority for Permits and Entitlements, identifies the applications that require a public hearing, as well as the review authorities for applications.

Notice of public hearings shall be given pursuant to applicable provisions of State law, Government Code Sections 65090 and 65091, and this title, including all of the following requirements which must be complied with at least 10 days prior to the public hearing:

1. Publication. Publication in a newspaper of general circulation in the City of San Clemente; ~~and~~

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2. Mailing Recipients. ~~Mailing a notice of~~ A notice of public hearing shall be mailed to the time, place and purpose of such hearing to all of the following:
  - a. ~~Required~~ Owners of property within 300 feet of a site that is the subject of the public hearing. If the number of owners to whom notice would be mailed or delivered pursuant to this subsection is greater than 1,000, the City, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the City at least 10 days prior to the hearing;
  - b. Local agencies expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, where ability to provide these facilities and services may be significantly affected; ~~and~~
  - c. Persons requesting notice of such hearing;
  - d. The City of San Clemente as owning property within a specified distance from the exterior boundaries of the subject property (radius of notice), unless the City is the sole applicant for the hearing that is the subject of the notice; and  
~~Table 17.12.100, Public Hearing Requirements, lists the radius of notice required and the number of copies of mailing labels and envelopes that must be provided with an application. If the number of owners to whom notice would be mailed or delivered pursuant to this subsection is greater than 1,000, the City, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the local agency in which the proceeding is conducted at least 10 days prior; and~~
3. Notice Content. At a minimum, the notice of public hearing shall include all of the following:
  - a. General subject of the public hearing;
  - b. The location of the property that is the subject of the application;
  - c. The date, time, and place of the public hearing;
  - d. The Review Authority holding the public hearing; and
  - e. The name, telephone number, and address of the City staff person to contact for additional information.
4. ~~3.~~ Posting. Posting three notices adjacent to the subject property in conspicuous places facing the public street. Posting of public hearing notices may be delegated by the City Planner to the project applicant. If posting is delegated to the project applicant, notices must be provided to the applicant by the Planning Division.
5. ~~C.~~ Affidavit of Mailing, Publication and/or Posting. Once a notice of public hearing has been given, in accordance with this Subsection ~~n (B) of this section~~, an affidavit shall be filed in the permanent records of the subject project, according to the following requirements:
  1. ~~a.~~ Mailing and Publication. The City Planner, if the hearing is held by the Zoning Administrator or Planning Commission, or the City Clerk, if the hearing is held by the City Council, shall be responsible for the affidavit of mailing and publication; and

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~~2b.~~ Posting. The City Planner, if the hearing is held by the Zoning Administrator or Planning Commission, or the City Clerk, if the hearing is held by the City Council, shall be responsible for the affidavit of posting. If posting is delegated to the project applicant, an affidavit of posting must be provided by the City and signed by the applicant or the applicant's representative.

~~DC.~~ **Failure of Any Person to Receive a Mailed Notice.** Failure of any person to receive notice according to this ~~specified in Subsection (B)-Section~~ of this section shall not invalidate any proceedings.

D. **Materials for Notice Mailings.** Applicants shall provide all necessary materials for each public notice required by this Title, including: one set of stamped, labeled envelope; a mailing list in label format; a radius map (for mailings); and a signed form certifying all materials are accurate at the time of notice distribution.

**Table 17.12.100 – Public Hearing Requirements**

| Application (required by this Title unless stated otherwise) | Required Radius | Number of Sets                          |              |
|--|-----------------|---|--------------|
|  |                 | Stamped, Labeled Envelopes <sup>±</sup> | Mailing List |
| Architectural/Cultural Heritage Permit                       | 300 feet        | 1                                       | 1            |
| Conditional Use Permit                                       | 300 feet        | 1                                       | 1            |
| Development Agreements                                       | 300 feet        | 2                                       | 1            |
| General Plan Amendment                                       | 300 feet        | 2                                       | 1            |
| Minor Architectural/Cultural Heritage Permit                 | 300 feet        | 1                                       | 1            |
| Minor Conditional Use Permit                                 | 300 feet        | 1                                       | 1            |
| Minor Exception Permit                                       | 300 feet        | 1                                       | 1            |
| Minor Site Plan Permit                                       | 300 feet        | 1                                       | 1            |
| Sidewalk Waiver Appeal (see Municipal Code Chapter 12.08)    | 300 feet        | 1                                       | 1            |
| Site Plan Permit   | 300 feet        | 1                                       | 1            |
| Specific Plan Amendment                                      | 300 feet        | 2                                       | 1            |
| Variance   | 300 feet        | 1                                       | 1            |
| Zoning Amendment   | 300 feet        | 2                                       | 1            |

<sup>±</sup>—Projects requiring the processing of a number of applications should provide one set of stamped, labeled envelopes for each review body plus one mailing list for the project file.

**SECTION 9.** Section 17.12.140 of the San Clemente Municipal Code is hereby amended in its entirety as follows:

### 17.12.140 Appeals of an Action.

#### A. Appeals by the Public.

##### 1. Right to Appeal.

## Redline Zoning Amendments

- a. Decisions of the Community Development Director or City Planner. Any person may appeal a decision of the Community Development Director and/or City Planner, except for a decision on a Wireless Permit, to the Planning Commission. The Planning Commission's decision may be appealed to the City Council, whose decision shall be final. Appeals of decisions of the City Planner on Wireless Permits are governed by Section 17.16.075(b)(2).
- b. Decisions of the City Manager on City Antenna Permits. Any person may appeal a decision of the City Manager on City Antenna Permits to the Planning Commission. The Planning Commission's decision may be appealed to the City Council, whose decision shall be final.
- c. Decisions of the Zoning Administrator, or Planning Commission. Any person may appeal a decision of the Zoning Administrator or Planning Commission to the City Council. The City Council's decision on the appeal shall be final.

### 2. Time Limits for Filing an Appeal.

- a. **Decisions of the Community Development Director or City Planner.** Except for appeals on Wireless Permit decisions, an appeal of a decision made by the Community Development Director or City Planner shall be filed with the Planning Division within ten consecutive calendar days following the decision sought to be appealed. Appeals of decisions of the City Planner on Wireless Permits are governed by Section 17.16.075(b)(2).
- b. **Decisions of the City Manager on City Antenna Permits.** An appeal of a decision made by the City Manager on a City Antenna Permit shall be filed with the Planning Division within ten consecutive calendar days following the decision sought to be appealed.
- c. **Decisions of the Zoning Administrator or Planning Commission.** An appeal of the decision of the Zoning Administrator, or Planning Commission shall be filed in the office of the City Clerk or with the City Planner within ten consecutive calendar days following the decision sought to be appealed.
- d. **Calculation of the Appeal Period.** For the purpose of calculating the appeal period, the first day of the appeal period shall be the day immediately following the day on which the decision occurred. Other than appeals on Wireless Permits, the final day of the appeal period shall be the tenth calendar day following the first day of the appeal period, at 5:00 p.m. If the last day to appeal falls on a holiday or on a Saturday or Sunday, the following business day shall be deemed the last day to appeal.

3. **Method of Appeal.** Appeals shall be in writing on a form obtained from the Planning Division or City Clerk. The appellant shall ~~State~~state the specific reasons for the appeal. ~~Appeal applications shall include~~, submit funds to pay the required appeal fee, and submit public notification materials. Unless otherwise provided for in Table 17.12.100, Public Hearing Requirements, of this chapter public notification materials shall consist of postage pre-paid envelopes addressed to each person owning property within 300 feet of the property which is the subject of the appeal, as such names appear on the latest County equalized tax assessment role.

### B. Appeals by the City Council.



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1. **Right to Appeal.** The City Council may appeal any decision of the Zoning Administrator or Planning Commission by calling up the decision for consideration by the City Council, in accordance with Subsection (B)(3) of this section.
  2. **Time Limits for Appealing a Decision.** An appeal by the City Council shall be made by the time the City Council receives and files the official transmittal of the decision on an application, through minutes, action memorandum or otherwise, by the body having original jurisdiction over the matter.
  3. **Method of Appeal.** Appeals by the City Council shall be by a majority vote of the City Council at a regular or adjourned regular City Council meeting.
- C. **Public Notice of the Appeal.** Notice of the public hearing on the appeal shall be provided as required in Section 17.12.100, Public Hearing and Notification, of this title. As indicated in Subsection (D) of this section, Time Limit for Hearing an Appeal, stamped envelopes for mailing the public hearing notices shall be provided by the appellant.
- D. **Time Limit for Hearing an Appeal.** Public hearings on appeals shall be held within 60 days of the City Clerk or Planning Division's receipt of a completed appeal application. The City Clerk shall notify the applicant, in writing, of the date established for the public hearing within 10 days of receipt of a completed appeal application. ~~The appellant, or applicant if the City Council is the appellant, must provide the City with stamped envelopes for public notification, by 20 days prior to the scheduled hearing on the appeal, or the appeal shall be taken off the City Council's calendar and the appellant shall have waived any and all rights to such appeal.~~
- E. **Scope of Review.** The body hearing the appeal shall not be limited to the issues raised on the appeal, but rather shall be entitled to review new evidence and to consider all elements of the appealed action. At the close of the public hearing on the appeal, the appellate body may reverse, affirm, revise or modify original action on the application being appealed.
- F. **Effective Date of Appealed Actions.** Please refer to Section 17.12.130, Effective Date of Decision on an Action, of this chapter, Effective Date of Decision.

## Redline Zoning Amendments

**SECTION 10.** Section 17.16.050 of the San Clemente Municipal Code is hereby deleted in its entirety.

### ~~17.16.050 — Site Plan Permit 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.~~
- ~~a. — 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.~~
- ~~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. 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;~~
  - ~~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;~~

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- 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. ~~Development adjacent to residentially zoned property, per Section 17.24.170(B).~~
  - 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

| <b>Project Type (FAR Compliance)</b>                     | <b>Site Plan Permit Required</b>               | <b>Minor Site Plan Permit Required</b>         | <b>Exempt From Site Plan Permit</b>  |
|--|--|--|--|
| <b>Project/Site Complies with FAR Standards for Zone</b> | <b>Additions of greater than 2,000 sq. ft.</b> | <b>Additions between 750 and 2,000 sq. ft.</b> | <del>1. Additions of less than 750 sq. ft.</del>                                       |
|  |  |  | <del>2. Internal remodels, tenant improvements, general maintenance, and repair.</del> |
|  |  |  | <del>3. External remodels, facade treatment, minor external alterations.</del>         |

~~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.~~

~~E. Application Filing, Processing, and Review.~~

~~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.~~

## Redline Zoning Amendments

~~a. \_\_\_\_\_~~

~~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.~~

~~i. 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. 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. c. 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.~~

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- ~~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.~~
  - ~~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.~~
  - ~~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 17.12.175 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 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 11.** Section 17.16.060 of the San Clemente Municipal Code is hereby amended to read in its entirety 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

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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.

- B. Review Authority.** The review authority for Conditional Use Permits is as follows:
1. **Planning Commission.** The Planning Commission is the review authority for Conditional Use Permits, except for requests to exceed height limitations on sites with sloping topography in the Mixed Use 3.0 Zone (Table 17.40.43) and Mixed Use 3.3 Zone (Table 17.40.46). For these requests, the Planning Commission is an advisory body that reviews applications and forwards a recommendation to the City Council.
  2. **City Council.** The City Council is the review authority for requests to exceed height limitations on sites with sloping topography in the Mixed Use 3.0 Zone (Table 17.40.43) and Mixed Use 3.3 Zone (Table 17.40.46).
  3. **Concurrent Review.** If a Conditional Use Permit is processed concurrently with other applications, refer to Section 17.12.090 for the final review authority.
  4. **Appeal of an Action.** If a Conditional Use Permit is appealed, the City Council is the final review authority per Section 17.12.140, Appeals of an Action.
- 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 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 |
| Exceptions to the Development Standards of Mixed Use Zone Lots of 12,000 Square Feet or Smaller                          | Section 17.40.050(C), Required Findings for Exceptions  |
| Exceptions to the Development Standards for Mixed Use 3.2 Zone on Lots of 8,000 Square feet or Smaller                   | Section 17.40.050(E), Required Findings for Exceptions  |

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|---|---|
| Fences, hedges, and walls exceeding six feet in height for specific purposes in residential zones   | Section 17.24.090((C)(2)(b), Review Procedures  |
| Flag poles and church steeples in residential zones that exceed the height limits of the zone where they are located  | Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits   |
| 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 | Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits   |
| Storage tanks and similar structures in nonresidential zones that exceed the height limits of the zone where they are located   | Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits   |
| Grading requests not accompanying development requests  | Section 17.28.130(B), Review Requirements   |
| Historic Structures, exceptions to the minimum commercial floor area for mixed-use projects in Mixed Use zones  | 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 |
| Home occupations conducted outside enclosed structures  | Section 17.28.160(B), Review Requirements   |
| Neighborhood Commercial 2 (NC 2) Height Increase  | Table 17.36.030E, Row "Height Limitations", Subsection 2  |
| Neighborhood Commercial 3 (NC 2) Height Increase  | Table 17.36.030F, Row "Height Limitations", Subsection 2  |
| Height limitation exception for sloping topography in Mixed Use 3.0 (MU 3.0) Zone   | Table 17.40.040D, Row "Height Limitations"  |
| Mixed Use 3.2 (MU 3.2) Top of Roof Height Ceiling Increase  | Table 17.40.040F, Row "Height Limitations", Subsection 1  |
| Height limitation exception for sloping topography in Mixed Use 3.3 (MU 3.3) Zone   | Table 17.40.040G, Row "Height Limitations"  |
| Nonconforming uses: change from prohibited use to a different prohibited use  | Section 17.72.060(C)(3), Changes of Use.  |
| Nonresidential uses allowed in the zone located on the same <del>level-floor</del> as residential uses <u>of a vertical mixed use building</u> in <del>the MU 1, MU 2, MU 3.0, and MU 3.2 zones</del> <u>Mixed Use zones</u>                              | Section 17.40.030(A)(2)(a), Special Use Regulations   |

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|   |   |
|---|---|
|   | for the MU 1, MU 2, MU 3.0, and MU 3.2 zones  |
| Outdoor dining areas  | Section 17.28.205(C), Review Requirements   |
| 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; <del>Off-site parking for nonresidential uses; Public utilities, Shared parking</del> | Section 17.28.090(D), Minimum Standards for Bed and Breakfast Inns in All Zones; Section 17.64.125, Waivers of parking requirements; <del>Section 17.64.110, Off-Site Parking; Section 17.28.240(C)(2)(d), Minor Utilities; Section 17.64.120, Shared Parking</del> |
| <del>Patio covers, detached, exceeding 15 feet in height and located within certain setback areas</del>   | <del>Table 17.24.080(B), Maximum Encroachments into Setbacks and Height Limits</del>  |
| Public utilities, major, initiated by outside agencies  | Section 17.28.240(B)(2)(a), Projects Initiated by Outside Agencies/Applicants   |
| Residential uses on the street level, buildings on the City's Designated Historic Structure List  | Section 17.40.030(A)(2)(a), Location of Residential Uses  |
| Urban Private Storage in Mixed-Use Zones  | Section 17.28.305, Urban Private Storage  |
| Height exceptions for residential development on Lots 46 through 64 of Tract 4938 in the RL-11 special residential overlay zone   | Appendix A, Subsection (K.4.B) in 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.

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

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.



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- 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. [Applications not receiving the required votes for approval or conditional approval shall be deemed denied.](#)
  - 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 (other than for a multifamily dwelling with five or more units, which is addressed in subsection F.2 below), 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. Prior to approval of a Conditional Use Permit, a multifamily dwelling with five or more units, only the following findings must be made: those in subsection F.1.a and b. and a finding that the

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proposed use will not be detrimental to the public health and safety to properties and improvements in the vicinity.

3. 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:

| <b>Use/Modifications</b>   | <b>As Provided for in:</b>  |
|--|---|
| New antennas on City property  | Section 17.28.070(F),<br>Required Findings for<br>Conditional Use Permits                               |
| Density bonus requests   | Section 17.24.070(F),<br>Required Findings  |
| Exceptions to the Development Standards of Mixed Use Zone Lots of 12,000 Square Feet or Smaller  | Section 17.40.050(C),<br>Required Findings for<br>Exceptions  |
| Exceptions to the Development Standards for Mixed Use 3.2 Zone on Lots of 8,000 Square feet or Smaller   | Section 17.40.050(E),<br>Required Findings for<br>Exceptions  |
| Fences, hedges, and walls exceeding six feet in height for specific purposes in residential zones  | Section 17.24.090(D)(2),<br>Required Findings   |
| Grading requests not accompanying development requests   | Section 17.28.130(C),<br>Required Findings  |
| Height limitation exception for sloping topography in Mixed Use (MU) 3.0 and 3.3 Zones   | Section 17.40.050(F),<br>Building Height and<br>Stories in the Downtown<br>Core                         |
| Historic Structures, exceptions to the minimum commercial floor area for mixed-use projects in Mixed Use Zones   | Section 17.40.050(D)(2),<br>Required Findings   |
| Home occupations conducted outside enclosed structures   | Section 17.28.160(B),<br>Review Requirements  |
| Neighborhood Commercial 2 (NC 2) Height Increase   | Table 17.36.030E, Row<br>"Height Limitations",<br>Subsection 2  |
| Neighborhood Commercial 3 (NC 2) Height Increase   | Table 17.36.03F, Row<br>"Height Limitations",<br>Subsection 2   |
| Mixed Use 3.2 (MU 3.2) Top of Roof Height Ceiling Increase   | Table 17.40.040F, Row<br>"Height Limitations",<br>Subsection 1  |
| 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 | Section<br>17.72.070(B)(3)(b),<br>Structures damaged by 50<br>percent or greater of<br>replacement cost |
| Nonconforming uses: change from prohibited use to a different prohibited use   | Section 17.72.060(C)(3),<br>Changes of Use.   |

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|--|---|
| Outdoor dining areas   | Section 17.28.205(E), Required Findings   |
| Parking waivers for the Downtown Parking Study Area, and certain projects and land uses outside the Downtown Parking Study Area, such as: historic nonresidential and mixed-use structures; historic structures in the RM and RH Zone; and hotel uses. <del>Parking modifications for off-site parking for nonresidential uses, and shared parking</del> | Section 17.64.125(A), Waivers of Parking Requirements in the Downtown Parking Study Area; Section 17.64.125(B), Waivers of Parking Requirements Outside the Downtown Parking Study Area; <del>Section 17.64.110, Off-Site Parking; Section 17.64.120(C), Shared Parking</del> |
| Public utilities   | Section 17.28.240(C)(2)(d), Minor Utilities   |
| Residential uses on the street level, buildings on the City's Designated Historic Structure List   | Section 17.40.030(A)(2)(a), Location of Residential Uses  |
| Height exceptions for residential development on Lots 46 through 64 of Tract 4938  | Appendix A, Subsection (K.4.B.2) of this Title  |

- 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.
- 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.
- 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 17.12.175 for related procedures and required findings. For antennas on City property, a Conditional Use Permit may also be revoked or modified if other findings can be met pursuant to Section 17.28.070(G).
- J. **Other Review Requirements.** 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.
- 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

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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 12.** Section 17.16.070 of the San Clemente Municipal Code is hereby amended to read in its entirety 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. 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. Minor Conditional Use Permits are also required for the following requests:
  - 1. Outdoor dining areas per Section 17.16.205(C), Review Requirements;
  - 2. Outdoor display, permanent, accessory, as provided for in Section 17.28.210(B), Review Requirements;
  - 3. Waivers of fees/development standards for Historic Resources and Landmarks per Section 17.16.180;
  - 4. Relocations of structures, as provided for in Section 17.24.160, Relocation of Structures;
  - 5. Parking modifications for the Downtown Parking Study Area, as provided for in Section 17.64.125(A), Waivers of Parking Requirements in the Downtown Parking Study Area;
  - 6. Parking modifications for outdoor dining for a restaurant, as provided for in Section 17.28.205(D)(5), Parking, and Section 17.64.125(B), Waivers of Parking Requirements Outside the Downtown Parking Study Area.
  - 7. Elevator towers that exceed the height limits of the zone in which they are located by more than six feet.
  - 8. [Off-site parking according to Section 17.64.110.](#)
  - 9. [Shared parking according to Section 17.64.120.](#)
- 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.
- E. **Application Filing, Processing, and Review.**

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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. [Applications not receiving the required votes for approval or conditional approval shall be deemed denied.](#)
  - 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 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 per Section 17.28.205(E), Required Findings;
  - b. 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;

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- c. Parking modifications for outdoor dining for a restaurant, as provided for in Section 17.64.125(B)(7), Waivers of Parking Outside the Downtown Parking Study Area.
  - d. [Shared Parking findings according to Section 17.64.120.](#)
- 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.
- 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.
- 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 17.12.175 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, 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 13.** Subsection (C) of Section 17.16.090 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

- 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;
  - 2. Encroachment from the median front yard setback, as provided for in ~~Table 17.24.080B~~[Section 17.24.080](#), ~~Maximum~~ Encroachments into Setbacks and Height Limits;
  - 3. Encroachments of architectural projections and cornices, eaves, and roof overhangs into any required front yard setback areas, as provided for in [Section 17.24.080](#), ~~Table 17.24.080(B)~~, ~~Maximum~~ Encroachments into Setbacks and Height Limits;
  - 4. Encroachments of balconies, porches, decks, landing places, and stairways, into any required front, rear, or side yard setback area, as provided for in [Section 17.24.080](#), ~~Table 17.24.080(B)~~, ~~Maximum~~ Encroachments into Setbacks and Height Limits;

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5. Encroachments of bay windows into any required front yard setback areas, as provided for in [Section 17.24.080, Table 17.24.080\(B\), Maximum](#) Encroachments into Setbacks and Height Limits;
6. Fences, walls or hedges as provided for in Section 17.24.090(C)(2), Exceptions;
7. Garage encroachments, as provided for in Section 17.32.050(E), Garage Encroachments into the Front Setback;
8. Landscaping requirements for Residential Zones, as provided for in Section 17.68.050(A)(1)(a), Landscaping Requirements for Specific Zones, Residential Zones;
9. 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;
10. 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(1)(3)(b)(i)];
11. Parking modifications for nonresidential and mixed-use historic structures, as provided for in Section 17.64.125(B), Historic Nonresidential and Mixed-Use Structures;
12. 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;
13. 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;
14. 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;
15. Swimming pools, spas, hot tubs, and other bodies of water within the front and street side yard setbacks, as provided for in [Section 17.24.080, Table 17.24\(B\), Maximum](#) Encroachments into Setbacks and Height Limits;
16. Retaining walls, as provided for in Section 17.24.180(D)2(b) and 17.24.180(D)(4), Exceptions;
17. Satellite antennas, as provided for in Section 17.28.080(B)(2), Minor Exception Permits;
18. 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~~ buildings provided encroachments comply with length limitations in [Section 17.24.080\(B\)](#), 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.
19. Tandem parking, maximum curb break, as provided for in Section 17.64.090(A), Curb Break.

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**SECTION 14.** A new Section 17.16.095 is hereby added to the San Clemente Municipal Code and shall read in its entirety as follows:

### **17.16.095 – Administrative Development Permit**

#### **A. Purpose.**

This section provides administrative approval of minor projects without significant impacts. Administrative Development Permits are intended to ensure that these minor projects comply with City standards and guidelines, yet provide a streamlined review procedure to facilitate and incentivize minor projects encouraged by City goals and policies.

#### **B. Applicability.** Administrative Development Permits are required to allow eligible projects proposed on the following types of properties:

1. Nonresidential sites (zones or by use of property);
2. Properties within the Architectural Overlay district;
3. Properties abutting the City’s historic resources and landmarks list;
4. Properties on the City’s historic resources and landmarks list; and
5. Properties located further than 120 feet and two parcels, whichever is greater, up to 300 feet of separation from residentially zoned buildings on the City’s historic resources and landmarks list, unless exempted by Subsection C.

#### **C. Exemptions.** The following activities are exempt from an Administrative Development Permit:

1. Improvements necessary to comply with State or Federal law (e.g. new or modified ramp to meet Americans with Disabilities Act [ADA] Requirements), in which feasible landscaping and architectural changes shall be made proportional to the scope of the proposed project, at the discretion of the City Planner, to maintain compliance with zoning standards and City Design Guidelines;
2. Interior projects not visible on the exterior of structures and from adjoining public right-of-way; and
3. Projects located further than 120 feet and two parcels, up to 300 feet of separation from residentially zoned buildings on the City’s historic resources and landmarks list, if all of the following criteria apply:
  - a. Projects are not located in the Architectural Overlay district;
  - b. Projects are not visible from public right-of-way that adjoins properties on the City’s historic resources and landmarks list;
  - c. Projects are not proposed on property abutting or including properties on the City’s historic resources and landmarks list; and
  - d. Projects are not visible from public view corridors designated in the General Plan.

#### **D. Projects Eligible for Administrative Approval.**

The following types of projects are eligible for ministerial approval of an Administrative Development Permit, if proposed projects comply with both the general standards and project



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specific standards in this Section. If standards are unmet, projects shall require a Site Development Permit (Section 17.16.100) or Cultural Heritage Permit (Section 17.16.110).

1. New Residential Buildings, Location Limited.
2. Additions to Residential Buildings, Minor
3. Additions to Private Recreational Facilities
4. Accessory Structures: Other Minor
5. Awnings
6. Chimneys and Metal Flues
7. Color Changes: Exterior
8. Decks and Porches: Minor Alterations
9. Doors: Minor Alterations
10. Driveways/Paving/Minor Site Work
11. Fences
12. Historic Resources, Minor.
13. Landscape Alterations, Including Tree Removals
14. Landscape Improvements
15. Lighting: Exterior
16. Mechanical Equipment: General
17. Mechanical Equipment: Rooftop
18. Porches
19. Roofs (and “Reroofs”)
20. Sheds and spas
21. Sidewalk Seating and Enclosures for Commercial Outdoor Dining Areas
22. Skylights
23. Trellises, pergolas, or arbors
24. Walls
25. Windows: Minor Alterations

### **E. General Review Standards.**

For approval of a permit, eligible projects must comply with the following general standards and applicable project specific standards in Subsection F, below.

1. Design. The architectural design of the addition, alteration, or site change is compatible with the style of buildings that will remain on site. One overall architectural style is required.
2. Materials. The exterior finish materials of the proposed project match the existing exterior finishes of the structures on the lot, or may be altered if compatible with the architectural style of structures.
3. Style. Style is expressed through architectural elements such as windows, doors, lighting, railings, trim, eaves, roof pitch, element proportions and materials. The style of the proposed work should be stated on the project plans and matches the existing style or style required for a design district if applicable, such as the Architectural Overlay. Wherever this document references a requirement for style compatibility, the following method is used to determine style compatibility. Staff may reference style books to confirm the proposed style classification. Staff will check for consistency of style of a structure’s proposed

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- elements with the elements for the chosen style as described in reference materials. Staff will also check that any patterns or materials created by the existing elements are repeated in the proposed work.
4. Additions. Additions shall match the architectural style of the building with similar materials, details and colors.
  5. Alterations. Alterations shall match the architectural style of the building or result in one architectural style consistent with Subsection E.3. Alterations are welcome that modify the structure's appearance to be a more traditional form of the style on the site or the style required. Alterations to implement an architectural style that is not typical for the neighborhood or required by this Title are in eligible for an Administrative Development Permit.
  6. Colors. Additions must match the existing colors of the building, siding or trim; or may be altered if compatible with the architectural style that meets guidelines in Subsection E.3. For Spanish architecture, existing colors may substituted with colors selected from the City Planner-approved color palette.
  7. Scale. The scale of all additions is compatible with the scale of the existing structure, style of the building, and surrounding area. The scale of a project is consistent with the prevailing development patterns of additions in the area. The review criteria utilized to determine correct scale shall be the degree of project visibility, plate heights, roof pitch and maximum building heights. Additions or alterations out of character with the surrounding area or inappropriately sited on the lot, as determined by the City Planner, are not eligible for an Administrative Development Permit.
  8. Historic Considerations. Minor alterations to City, State, or Federal lists of designated historic resources, or other potentially significant structures, shall maintain character-defining features or avoid any adverse change to the significance to a historic resource in order to be eligible for administrative approval. The City Planner has the discretion to consult with a licensed professional at the applicants cost to make a determination on the significance of structures and impacts of projects. If this guideline is not met, then the project shall be referred to the Zoning Administrator with required consultation of the Cultural Heritage Subcommittee.
  9. Objective Design Standards. Projects shall comply with any objective design standards adopted by the City Council.
  10. Not subject to CEQA. Projects are eligible only if they are categorically or statutorily exempt or otherwise not subject to the California Environmental Quality Act (CEQA).

### **F. Project-Specific Standards.**

In addition to complying with the general requirements specified in Subsection E above, projects seeking administrative approval must also comply with any applicable project specific requirements specified in project-specific standards in this Subsection where applicable.

1. New Residential Buildings. Excluding projects on the City's designated historic resources and landmarks list, new residential buildings are eligible that meet all of the following:
  - a. The project involves a single-family dwelling or duplex across a street abutting the City's designated historic resources and landmarks list, in which the building has at minimum: i) a five-foot front setback between the first and second floors; and ii) a 30-foot front setback for building height above the tallest roofline of historic buildings;
  - b. The project is are located further than 120 feet and two parcels, whichever is greater, up to 300 feet of separation from residentially zoned buildings on the City's historic resources and landmarks list;
  - c. The site is not located in the Architectural Overlay district; and
  - d. The project is not visible from a scenic corridor designated in the General Plan.
  
2. Additions to Residential Buildings, Minor. Excluding properties with historic resources and landmarks on the City's designated historic resources and landmarks list, small additions may be reviewed and approved administratively if all of the following apply to the project:
  - a. The addition is to a building abutting or located further than 120 feet or two parcels, whichever is greater, from the City's designated historic resources and landmarks list;
  - b. The addition of floor area is less than or equal to 500 square feet;
  - c. The addition of floor area is less than 50 percent of the primary building's existing floor area;
  - d. The project is not located in the Architectural Overlay; and
  - e. The addition is screened from adjoining public right-of-way.
  
3. Additions to Private Recreational Facilities. Excluding properties with historic resources and landmarks on the City's designated historic resources and landmarks list, small additions may be reviewed and approved administratively if all of the following apply to the project:
  - a. The addition is to private recreational facility building;
  - b. The addition of floor area is less than 2,000 square feet;
  - c. The addition of floor area is less than 50 percent of the building's existing floor area;
  - d. The project is not located in the Architectural Overlay; and
  - e. The project is not visible from a scenic corridor designated in the General Plan.
  
4. Accessory Structures: Other Minor. Minor accessory structures, such as barbeques, fire pits, and low counter tops, not addressed otherwise in the project-specific standards (this Subsection) are eligible for administrative approval if the following apply:
  - a. For the City's designated historic resources and landmarks list, accessory structures are limited to those that are a maximum height of six feet, are screened from public right-of-way, maintain landscaping, are detached from buildings, and meet general standards in Subsection E; and

- b. Structures are screened from adjoining public right-of-way and have materials that meet general standards in Subsection E.
- 5. Awnings. Small canvas awnings over window or door openings that are compatible with the style and colors of the structure. Proposals for bright colors or colors that do not match the building's style are ineligible.
- 6. Chimneys and Metal Flues. All of the following standards must be met:
  - a. For the City's designated historic resources and landmarks list, the project is limited to repairing or altering the chimney and flue to improve the resource's historical integrity with a design, style, and materials to restore the original condition or be architecturally compatible.
  - b. Chimneys are consistent with the style of the existing structure and use masonry, stone, stucco, or metal pipe.
  - c. Wood material is not used on chimneys.
  - d. Metal flues are of traditional design and are painted to match the roof color.
  - e. The shape of the chimney is fairly uniform, i.e. there is no awkward extensive projection of exposed pipe beyond the top of the chimney in response to Building and Safety requirements.
- 7. Color Changes: Exterior. The project is consistent with Subsection E, General Standards, Colors.
- 8. Decks and Porches: Minor Alterations. New or altered decks less than 200 square feet or decks at the first floor level are eligible for administrative approval if the following standards are met:
  - a. For the City's designated historic resources and landmarks list, the decks must be screened from public right-of-way, detached, and over an existing hardscape area to be eligible.
  - b. New decks are of a scale and style which is compatible with the structure to which the deck is attached.
  - c. When viewed from a public viewing location, the proposed deck is not likely to be more noticeable than the structure it is attached to.
  - d. When viewed from a public viewing location, the proposed deck is not likely to be more noticeable than other decks on adjacent properties or in the immediate area if no decks are on immediately adjacent properties.
  - e. New decks are not located to cause potential privacy or noise impacts to adjacent properties.
  - f. Deck wood is proposed to be left in a natural condition to weather or is proposed to be treated with a neutral or wood color stain or sealer or painted to match the color of the existing structure or trim.

9. Doors: Minor Alterations. Minor door alterations — for example, to enhance access by the physically challenged and for compliance with the Americans with Disabilities Act (ADA) — are covered by this provision. Installation of guard/hand rails shall be referred to the consent calendar. The modification of doors and sidelights within existing rough openings should be designed to comply with the following requirements for Administrative approvals:

- a. For the City's designated historic resources and landmarks list, every effort shall be made to avoid alterations first with repairs and maintaining the original doors. If this cannot be done, projects shall replace doors to match the originals to the best extent possible based on historical photos or the existing condition.
- b. The type of proposed doors and color of frames are compatible with the architectural style of the building and appear compatible with existing doors.
- c. If the doors of an addition are the same size and material as existing nearby doors, the proposed doors match the existing nearby doors in appearance.
- d. Door and sidelight sash material matches the window material.
- e. Where adjacent windows are "divided light" type, the new doors and sidelights shall also mimic the appearance of divided lite windows. Where dual glaze glass is used, the mullions should break the exterior pane.
- f. In door pairs, both doors should have the same width.
- g. In doors with sidelights, sidelights should have the same width if feasible.
- h. Doors and sidelights should be placed symmetrically within architectural elements.
- i. Door hardware is appropriate to the architectural style of the building.
- j. Any changes in paving material associated with the door alteration match the existing material.

10. Driveways/Paving/Minor Sitework. Extensions, modifications, and additions to driveways are eligible for administrative approval if all of the following requirements are met:

- a. For the City's designated historic resources and landmarks list, changes to site work shall be limited to providing access to entrances and exits, patios, courtyards, and utility pathways; so landscape area is preserved. The exception are changes to provide safe access to required parking and pedestrian sidewalks that meet City standards;
- b. The proposed grading is less than 50 cubic yards;
- c. There is no drainage impact on adjoining lots;
- d. Any paving or driveway additions or modifications are of the same materials as the existing paving or driveway materials;
- e. Any new driveway paving materials are compatible with the existing structure

and surrounding area;

- f. New paved parking areas are screened from public viewing areas through fencing, landscaping or other structures; and
- g. Any construction of a driveway or sitework in close proximity to a creek or that may result in adverse drainage conditions is not eligible for administrative approvals.

11. Fences. Chain link, chicken wire, metal, plastic, vinyl, wire-mesh and unfaced cement block fence materials are not eligible for administrative approval. Fences not specifically excluded in the preceding sentence may be reviewed and approved administratively if:

- a. The fences meet zoning requirements;
- b. For the City's designated historic resources and landmarks list, eligible fences are not in yards adjacent to street frontages;
- c. For lot line fences, fence height, length and use of materials shall be compatible with the surrounding area; and
- d. Wood fences constructed of smooth cedar, redwood, high-quality pressure treated pine, or comparable material and left in a natural condition to weather or be treated with a neutral or wood color stain or sealer.

12. Historic Resources, Repairs and Material Upgrades. In addition to the general standards above (Subsection E) and other project-specific standards in this Subsection, the following applies to repairs and upgrades to historic resources and landmarks on the City's designated historic resources and landmarks list; Repairs and refinishing of existing materials are eligible; such as stucco, roof tiles, pavers, wood trim, and stone, if the following apply:

- a. Repairs and refinishing of existing materials shall be completed according to the Secretary of Interior guidelines for historic preservation; such as repairs to stucco, roof tiles, pavers, wood trim, and stone;
- b. Original materials are to be repaired and refinished to every extent possible versus replacement. Photographs of the existing material conditions and of the work completed shall be provided for the property file;
- c. Minor alterations are eligible that improve the historical integrity of historic resources and landmarks on the City's designated historic resources and landmarks list; such as installation of painted decorative tiles on stair risers or replacing non-original features with documented traditional period appropriate materials, such as replacing vinyl windows with wood windows that meet window standards in this Subsection;
- d. Work shall be completed according to the City's Henry Lenny Design Guidelines for Spanish Colonial Revival, if the historic resources and landmarks on the City's designated historic resources and landmarks list have the architectural style especially if that is a cited reason for the

structure's historical significance; and

- e. If material replacement is demonstrated to be necessary, the materials shall be selected to mimic the original conditions unless alterations will improve the significance such as replacing vinyl with wood windows (see window guidelines for more on that work). Photographs of the existing material conditions and of the work completed shall be provided for the property file.

13. Landscape Alterations. The following landscape alterations are eligible:

- a. For the City's designated historic resources and landmarks list, changes shall not involve landscaping on a survey form for a historic resource or site, object, or structure that may have become potentially significant;
- b. Proposed plant species are drought-tolerant and non-invasive;
- c. Alterations affect an area less than 500 square feet.
- d. The alteration complies with zoning requirements;
- e. The alteration reduce or maintain landscape water usage;
- f. The alteration is consistent with City Design Guidelines;
- g. Tree Removal. A landscape alteration that involves a tree removal or replacement must meet the following criteria:
  - i. The tree proposed for replacement is less than 50 percent tree according to an licensed arborist or landscape architect;
  - ii. Trees are proposed to meet or exceed zoning requirements;
  - iii. Trees removed are replaced with tree(s) with a cumulative tree canopy width to equal or exceed the canopy of tree(s) removed;
  - iv. No more than two trees are proposed to be removed or replaced;
  - v. No front setback, historic or specimen tree is proposed for removal;
  - vi. No tree is located along a scenic corridor; and
  - vii. No skyline is proposed for removal.

14. Lighting: Exterior. The following standards must be met for administrative approval:

- a. Replacement or installation of additional fixtures is compatible in style, color and scale with the applicant's existing structure;
- b. Lighting fixtures and placement meet the Outdoor Lighting Ordinance and Design Guidelines; and
- c. For the City's designated historic resources and landmarks list, see Subsection F.12 for additional standards.

15. Mechanical Equipment: General. Equipment such as water heaters, water heater

enclosures, electrical or gas metering equipment and pool and spa equipment must be located and screened as follows in order to be eligible for administrative approval:

- a. If the new mechanical equipment is installed at ground level, it is placed as close to the building as practicable and screened from view through fencing, landscaping or other structures. Landscape screening, the preferred method of screening, is indicated on project plans to be maintained;
- b. All cables connecting outdoor equipment are properly secured and/or buried in the ground;
- c. Equipment shall be installed over existing hardscape surfaces first if possible; and
- d. All pool and spa equipment is located as far away from adjoining properties as reasonably practicable in consideration of neighbors, and the equipment's property line decibel level is consistent with the Noise Ordinance.

16. Mechanical Equipment: Rooftop. Transmitting antennas, including wireless facilities, are not eligible for administrative approvals. Satellite antennas and other rooftop equipment reviewed by Staff must comply with the following standards:

- a. Equipment is screened;
- b. The screening proposal presents an integrated appearance with the overall building; and
- c. If equipment will be visible from off-site locations, despite screening or in cases where only vegetative screening is used, the equipment is painted the same color as the roof or adjacent background, as specified by the City Planner. However, for the City's designated historic resources and landmarks list, visible equipment on historic resources and landmarks is ineligible for administrative approval.

17. Porches. Excluding projects on the City's designated historic resources and landmarks list, traditional porch designs are eligible for administrative approval if the following standards are met:

- a. The porch is raised less than six feet above the sidewalk level or finished grade, whichever is higher, and has an understory which is completely enclosed.
- b. The type and color of proposed porch materials are compatible with the architectural style of the structure.
- c. The porch railing and supports are designed so that entrance doors are easily visible from the street.
- d. The porch alignment with the structure complements the existing structure's architectural alignment, patterns and features.
- e. The porch is in a scale compatible with the structure to which the porch is attached.
- f. The proposed porch roofing matches the roofing material of the structure.

18. Roofs (and "Reroofs"). Roofs (including new roof material and "reroofs") must comply with the following standards:



- a. The type and color of roofing material is compatible with the architectural style of the structure;
- b. Roofs of additions or accessory buildings match the roof of the structure;
- c. For Spanish architecture, roof tiles shall be installed according to the Henry Lenny Design Guidelines; and
- d. S-Tile roofs are not eligible for administrative approvals.

19. Sheds and Spas. All of the following standards must be met:

- a. The shed and spa is entirely screened from public right-of-way and separated from buildings according to the Building Code and less than five feet;
- b. For the City's designated historic resources and landmarks list, the shed and spa is sited over existing hardscape surfaces;
- c. The shed or spa area is 120 square feet or less;
- d. Accessory structures are located in consideration of neighbors and appropriately screened;
- e. Materials match site fencing or the main structure's materials and colors; and
- f. Any mechanical equipment meets criteria Subsection F.15 above.

20. Sidewalk Seating and Enclosures for Commercial Outdoor Dining Areas.

The placement, style, color and types of outdoor dining furniture and barriers shall be consistent with and complement the design and appearance of the building and site, consistent with General Standards in Subsection E. The outdoor dining furniture and barriers shall also be in conformity with Public Works standards.

21. Skylights. Skylights must meet the following standards for eligibility:

- a. For the City's designated historic resources and landmarks list, skylights shall not be installed over original building areas;
- b. There are no more than three skylights proposed for a building;
- c. Skylights are compatible with the architectural style of the building and with the character of the surrounding area;
- d. Skylights are located such that they are not visible from the front of the building or a street;
- e. Skylights follow one of the following standards:
  - I. Proposed skylights are flat and made of non-reflective materials; or
  - II. Will be invisible from off-site locations; or
  - III. Are screened by the building form, landscaping, or a parapet.

22. Trellises, pergola, and arbors. Trellises, pergolas, and arbors are architectural elements with

posts or columns on the sides and connected by beams and topped with open rafters. They can also include trellis overhead between the rafters. Trellises, pergolas, and arbors are eligible for administrative approval if:

- a. For the City's designated historic resources and landmarks list, the trellis, pergola, or arbor is sited over existing hardscape surfaces;
- b. The trellis, pergola, or arbor is entirely screened from public right-of-way and separated from buildings according to the Building Code and less than five feet;
- c. For historic resources and landmarks, the trellis, pergola, or arbor is sited over existing hardscape surfaces;
- d. The trellis, pergola, or arbor covers less than 250 square feet and is less than 12 feet tall;
- e. The trellis, pergola, or arbor is constructed of smooth cedar, redwood, high-quality, pressure-treated pine, or comparable material and left in a natural condition to weather or be treated with a neutral or wood color stain or sealer;
- f. Lot line trellis, pergola, or arbor height, length and use of materials are compatible with the surrounding area; and
- g. The trellis, pergola, or arbor material is not chain link, chicken wire, metal, plastic, vinyl, wire-mesh, and painted or exposed concrete or concrete block.

23. Walls. Walls approved administratively must meet all the following criteria:

- a. For historic resources and landmarks, eligible walls are not in yards adjacent to street frontages;
- b. The wall meets zoning standards;
- c. Less than 50 cubic yards of grading outside the main building footprint is proposed for the wall project;
- d. The appearance of the wall is similar in character with other walls visible in the surrounding area from public viewing locations;
- e. Walls are designed in order to blend in with the natural surroundings;
- f. The height, length, and materials used for walls on lot lines should be compatible with the surrounding area; and
- g. Walls of not non-traditional material, such as painted or exposed concrete or concrete block, railroad ties, faux materials or stucco that is not 'steel, hand trowel' applied (no machine application) without a smooth Mission finish and slight undulations (applied during brown coat) and bull-nosed corners and edges, including archways (applied during lathe), and no control/expansion joints.

24. Window: Minor Alterations. Windows may be replaced or added if the following standards are met:

- a. For the City's designated historic resources and landmarks list, see Subsection F.12 for additional standards;

- b. The type of windows and color of frames are compatible with the architectural style of the existing structure;
- c. Windows of additions match the predominant windows of the existing structure;
- d. The window types are of appropriate size and scale for the proposed location(s); and
- e. For Spanish architectural districts and projects, windows are to:
  - I. Mimic true divided lite windows with a mullion and spacing design similar adjacent windows and doors.
  - II. The window surround or flange is to be constructed as part of the frame, not a plant on detail.
  - III. Factory finishes are acceptable.
  - IV. Be constructed of wood, steel, fiberglass, aluminum, or vinyl in certain instances. For nonresidential windows, vinyl is ineligible for administrative approval. For residential sites, vinyl windows are eligible if screened from public right-of-way adjoining the parcel.

**G. Application Process.**

- 1. Application Submittal. Administrative Development Permit review is initiated upon submittal of an application in compliance with Section 17.12.040, Filing an application.
- 2. Application Review.  
Projects are reviewed upon submittal of an application in compliance with Section 17.12.040, Filing an application. Then, a case planner is assigned to coordinate the review of the application upon receipt of an application, provided information and materials are reviewed to determine if applications meet criteria for approval of a permit.
- 3. Decisions. The City Planner shall approve or deny an application based on whether a project is consistent with the following:
  - a. General design standards in Subsection E.
  - b. Project-specific standards in Subsection F.
  - c. The City's objective design standards.
- 4. Appeals. Decisions are subject to appeal processes according to Section 17.12.140.
- I. **Reporting of Decisions.** A summary of decisions will be provided concurrently to the Planning Commission and City Council at the next regularly scheduled meeting in the agenda packet, including permits issued up until the time of packet preparation.
- J. **Quality Assurance.** Projects shall be completed in accordance with City approvals and code compliance procedures in this Municipal Code. City staff have authority to require an inspection of approved projects to ensure work is completed according to approved materials.
- K. **General Review Requirements.** 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.

L. **Approval Runs with the Land.** The approval of an Administrative Development Permit shall run with the land, and shall continue to be valid upon a change of ownership of the property to which it applies.

**SECTION 15.** The existing provisions of Section 17.16.100 are hereby struck and replaced with the following:

**17.16.100 - Development Permit**

**A. Purpose.**

1. Development Permits are required to ensure development projects, not involving the City's designated historic resources and landmarks list, will:
  - a. Promote the orderly development of the City in compliance with the goals, objectives, and policies of the General Plan, any applicable Specific Plan, and the standards specified in this Zoning Code.
  - b. Preserve and strengthen the City's unique atmosphere as a Spanish village;
  - c. Comply with the purpose and intent of the Architectural Overlay district for projects within the overlay area identified on the Zoning Map;
  - d. Encourage site design and architecture sensitive to community and neighborhood character;
  - e. Enhance the visual environment and protects the economic value of existing structures.
  - f. Respect the physical and environmental characteristics of the site;
  - g. Ensure safe and convenient access and circulation for pedestrians and vehicles;
  - h. Exemplify the best professional design practices through consistency with the City's Design Standards and Guidelines;
  - i. Allow for and encourage individual identity for specific uses and structures;
  - j. Encourage a distinct community or neighborhood identity;
  - k. Minimize or eliminate negative or undesirable visual impacts, especially on historic resources and landmarks on the City's designated historic resources and landmarks list;
  - l. Prevent inappropriate design or development of structures; and
  - m. Maintain and increase the desirability of other properties within the vicinity for the uses for which they are zoned.

**B. Definitions.** For purposes of this Section, the term "Sensitive areas" shall mean:

- a. Properties located within the Architectural Overlay district.
- b. Residential properties with single-family residences or duplexes abutting sites on the City's designated historic resources and landmarks list; and
- c. Properties within 120 feet or two parcels, whichever is smaller, from residentially zoned buildings on the City's designated historic resources and landmarks list.

**C. Applicability.**

1. When Required. Development activities listed in Table 17.16.100 require Development Permits for the development of structures and improvement of property, unless exempted by Subsection C.2.
2. Exemptions. The following activities are exempt from a Development Permit.
  - a. Activities exempted from an Administrative Development Permit specified in Section 17.16.095.
  - b. Improvements State or Federal law requires or preempts from local discretionary review procedures;
  - c. Interior projects not visible on the exterior of structures and from adjoining public right-of-way;
  - d. Maintenance of property and structures;
  - e. Projects proposed on properties with three or four residential units located within 120 feet or two parcels, whichever is smaller, of residentially zoned historic buildings on the City's designated historic resources and landmarks list, if all of the following criteria apply:
    - i. Projects are not located in 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 list;
    - iii. Projects are not proposed on property abutting or including properties on the City's designated historic resources and landmarks list;
    - iv. Projects are not visible from public view corridors designated in the General Plan; and
  - f. Public park facilities other than the development or expansion of buildings as described in Chapter 17.28.

**D. Review Authority.**

Table 17.16.100 identifies the required review authority and review process in Section 17.12.060 for each project. Cultural Heritage Permits are acted upon by the highest review authority designated in Table 17.16.100 for proposed development, or if a CHP is reviewed concurrently with other applications according to Section 17.12.090, Consideration of Concurrent Applications.

**Table 17.16.100 – Review Process for Development Permit**

| <b><u>Development Activities</u></b>  | <b><u>Review Process (Section 17.12.060)</u></b>         |
|---|--|
| <b><u>A. New development of nonresidential buildings.</u></b> <ol style="list-style-type: none"> <li>1. <u>New nonresidential primary buildings, excluding public park facilities.</u></li> <li>2. <u>Public park facilities, new buildings and additions with 1,500 square feet of floor area or greater in compliance with Chapter 17.28.</u></li> <li>3. <u>Public park facilities, new buildings and additions less than 1,500 square feet of floor area in compliance with Chapter 17.28.</u></li> </ol> | <u>Process 3</u><br><u>Process 3</u><br><u>Process 2</u> |

| <u>Development Activities</u>  | <u>Review Process (Section 17.12.060)</u>   |
|--|---|
| <p><u>4. New nonresidential accessory buildings that are screened from adjoining public right-of-way, where the proposed building has floor area less than or equal to 2,000 square feet and less than 50 percent of the primary building's floor area.</u></p>  | <u>Process 2</u>  |
| <p><u>5. New nonresidential accessory buildings that are visible from adjoining public right-of-way, or the building has floor area larger than 2,000 square feet or greater than 50 percent of the primary building's floor area.</u></p>   | <u>Process 3</u>  |
| <p><b><u>B. Nonresidential building additions.</u></b></p> <p><u>1. Nonresidential building additions of floor area 2,000 square feet or less to nonresidential buildings, excluding public park facilities.</u></p> <p><u>2. Nonresidential building additions of floor area larger than 2,000 square feet to nonresidential buildings, excluding public park facilities.</u></p>   | <p><u>Process 2</u></p> <p><u>Process 3</u></p>   |
| <p><b><u>C. New development of residential buildings.</u></b></p> <p><u>1. Development of residential primary buildings that results in five or more dwelling units on a property.</u></p> <p><u>2. New residential primary buildings proposed in the Architectural Overlay District.</u></p> <p><u>3. New residential primary buildings on properties adjoining the City's designated historic resources and landmarks list.</u></p> <p><u>4. Two-story single-family dwellings and duplexes that are across a street abutting the City's designated historic resources and landmarks list, if the building less than: a) a five-foot front setback between the first and second floors; or b) a 30-foot front setback for building height above the tallest roofline of historic buildings.</u></p> <p><u>5. New residential primary buildings on properties developed with three or four dwellings that are not abutting but located within 120 feet or two parcels, whichever is smaller, of residentially zoned buildings on the City's designated resources and landmarks list, unless exempted by Subsection 17.16.100(C)(2).</u></p> <p><u>6. New residential accessory buildings in sensitive areas visible from adjoining public right-of-way, where the proposed building has floor area less than or equal to 500 square feet and less than 50 percent of the primary building's floor area.</u></p> <p><u>7. New residential accessory buildings in sensitive areas visible from adjoining public right-of-way, where the proposed building has floor area larger than 500 square feet or greater than 50 percent of the primary building's floor area.</u></p> <p><u>8. Accessory Dwelling Units that vary from standards as specified in Section 17.28.270 in which discretionary review is allowed by State law.</u></p> | <p><u>Process 3</u></p> <p><u>Process 3</u></p> <p><u>Process 3</u></p> <p><u>Process 3</u></p> <p><u>Process 3</u></p> <p><u>Process 2</u></p> <p><u>Process 3</u></p> <p><u>Process 3</u></p> |

| <u>Development Activities</u>   | <u>Review Process (Section 17.12.060)</u>   |
|---|---|
| <p><b><u>D. Residential building additions.</u></b></p> <ol style="list-style-type: none"> <li>1. <u>Residential building additions to residential buildings in sensitive areas visible from adjoining public right-of-way where the addition of floor area is less than or equal to 500 square feet and less than 50 percent of the primary building’s floor area.</u></li> <li>2. <u>Residential building additions to residential buildings in sensitive areas where the addition of floor area is larger than 500 square feet or greater than 50 percent of the primary building’s floor area.</u></li> <li>3. <u>Residential building additions of floor area 50 percent or greater to nonconforming single-family residences with less than 1,400 square feet of floor area as of March 21, 1996, expanded up to 2,100 square feet.</u></li> </ol>  | <p><u>Process 2</u></p> <p><u>Process 3</u></p> <p><u>Process 2</u></p>   |
| <p><b><u>E. New accessory structures.</u></b></p> <ol style="list-style-type: none"> <li>1. <u>New accessory structures that are ineligible for an Administrative Development Permit according to Section 17.16.095.</u></li> </ol>   | <p><u>Process 2</u></p>   |
| <p><b><u>F. Exterior changes.</u></b></p> <ol style="list-style-type: none"> <li>1. <u>Exterior changes to structures and sites that are ineligible for an Administrative Development Permit according to Section 17.16.095.</u></li> </ol>   | <p><u>Process 2</u></p>   |
| <p><b><u>G. Subdivisions and general provisions.</u></b></p> <ol style="list-style-type: none"> <li>1. <u>Development on new parcels created from a subdivision of property.</u></li> <li>2. <u>New Planned Residential Developments (PRD).</u></li> <li>3. <u>New golf courses.</u></li> <li>4. <u>Nonresidential projects abutting residentially zoned properties in compliance with Section 17.24.170.</u></li> <li>5. <u>Relocation of structures according to Section 17.24.160, Relocation of Structures.</u></li> <li>6. <u>Neighborhood Electrical Vehicle (NEV) parking credit in the North Beach Parking Overlay according to Section 17.56.080.</u></li> <li>7. <u>Subdivisions excluding condominiums.</u></li> <li>8. <u>Subdivision of building ownership (condominium maps)</u></li> <li>9. <u>Residential detached accessory buildings over 15 feet in height that encroach into required setbacks</u></li> </ol> | <p><u>Process 3</u></p> <p><u>Process 3</u></p> <p><u>Process 3</u></p> <p><u>Process 2</u></p> <p><u>Process 2</u></p> <p><u>Process 2</u></p> <p><u>Process 5</u></p> <p><u>Process 2</u></p> <p><u>Process 3</u></p> |

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

**1. Application Filing.**

- a. An application for a Development Permit shall be filed and processed according to Chapter 17.12.

b. The application shall include the information and materials specified in the application for a Development Permit with required fees, and any additional information required by the City Planner or Review Authority to conduct a thorough review of the proposed project, as described according to Section 17.12.060.

c. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.16.100.F below.

## 2. Application Review.

A Development Permit review is initiated when the Planning Division receives an application package. Then, a case planner is assigned to coordinate the review of the application with City staff and other agencies as needed. At the direction of the City Planner, proposals are reviewed by the Development Management Team (DMT), staff from City departments with expertise in various subject areas. Upon receipt of an application, provided information and materials are reviewed to determine if applications are:

- i. Complete in compliance with Section 17.12.050;
- ii. In compliance with the California Environmental Quality Act as specified in Section 17.12.080. If studies or consultant work is required for this review, this shall be completed at the applicant's expense according to City policies and the City Planner's direction;
- iii. Consistent with the purpose of this Chapter and required findings in Subsection F to support the requested Development Permit; and
- iv. Meets applicable development standards, policies, regulations, and guidelines.

## 3. Design Review Subcommittee Review.

Applications require Design Review Subcommittee (DRSC) review if the application requires Planning Commission or City Council approval. Applications may also be referred to the DRSC by the City Planner or Zoning Administrator.

## 4. Decision and Appeal Process.

Table 17.16.100 identifies the Review Authority and Review Process described in Section 17.12.100 for each project. Refer to Section 17.12.060 for details on the review process. Notification procedures are in Section 17.12.100.

## **F. Required Findings.**

1. General Findings. For approval of a Development Permit, the Review Authority shall make the following findings:

- a. The proposed project is consistent with the General Plan;
- b. The proposed project complies with zoning regulations;
- c. The proposed project is consistent with the City's Design Guidelines;
- d. The proposed development will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity; and
- e. The proposed project is in character and compatible with the properties in the neighborhood.



2. Additional Findings for Requests. In addition to the general findings in Subsection F.1, the Review Authority shall make findings for approval of a Development Permit to allow the following.

a. For projects in the Architectural Overlay District, the Review Authority shall find: the proposed project complies with the purpose and intent of the Architectural Overlay District, Section 17.56.020.

b. For new structures and major remodels in the Architectural Overlay, the Review Authority shall also find one of the following:

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 projects reviewed because they are abutting or within 300 feet of an historic property, the Review Authority shall find: the proposed project will not have negative visual or physical impacts upon the historic structure.

c. For Planned Residential Developments (PRDs), the Review Authority shall make findings in Section 17.56.040(G).

G. General Review Requirements. Refer to Chapter 17.12, Development Review Process, for general application processing requirements, such as appeals, modifications to applications, time limits on approvals, time extensions, and the review of multiple applications concurrently.

H. Approval Runs with the Land. The approval of a Development Permit shall run with the land, and shall continue to be valid upon a change of ownership of the property to which it applies.

**SECTION 16.** The existing provisions of Section 17.16.110 of the San Clemente Municipal Code are hereby struck and replaced with the following:

**~~17.16.100-110 - Architectural Permits/Cultural Heritage Permits and Minor Architectural Permits/Minor 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 Permits 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 Permits and Minor 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. [Cultural Heritage Permits are required for projects affecting sites on the City's list of designated historic structures to ensure projects:](#)~~

- ~~1. [Preserve and strengthen the City's identity as a Spanish village;](#)~~
- ~~2. [Comply with the purpose and intent of the Architectural Overlay district for projects involving cultural and historical resources within the overlay zone identified on the Zoning Map;](#)~~
- ~~3. [Preserve and strengthen the pedestrian-oriented areas designated in the General Plan;](#)~~
- ~~4. [Preserve and protect those places, sites, buildings, structures, neighborhoods, objects, and improvements, manmade or natural, having a special historical, cultural, or architectural interest;](#)~~
- ~~5. [Protect and enhance the City's attraction as a historic community to tourists and visitors;](#)~~

6. Promote the use of historic properties for the education, pleasure, and welfare of the people of the City;
7. Encourage and, where specified by this title, require architecture which reflects the community's historic pedestrian-oriented character;
8. Promote the orderly development of the City in compliance with the goals, objectives, and policies of the General Plan, any applicable Specific Plan, and the standards specified in this Zoning Code.
9. Encourage site design and architecture sensitive to community and neighborhood character;
10. Enhance the visual environment and protects the economic value of existing structures.
11. Respect the physical and environmental characteristics of the site;
12. Ensure safe and convenient access and circulation for pedestrians and vehicles;
13. Exemplify the best professional design practices through consistency with the City's Design Standards and Guidelines;
14. Allow for and encourage individual identity for specific uses and structures;
15. Encourage a distinct community or neighborhood identity;
16. Minimize or eliminate negative or undesirable visual impacts, especially on historic resources and landmarks on the City's designated historic resources and landmarks list;
17. Prevent inappropriate design or development of structures; and
18. Maintain and increase the desirability of other properties within the vicinity for the uses for which they are zoned.

**~~B. Authority.~~**

- ~~1. Architectural Permits 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.~~
- ~~2. Minor Architectural Permits and Minor Cultural Heritage Permits. 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. The Zoning Administrator has the discretion to refer application to the Planning Commission for review and final action.~~

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

- ~~1. Architectural Permits. Architectural Permits are required for the following:
  - ~~a. Major public park facilities per Section 17.28.230(B)(1), Major Park Structures;~~
  - ~~b. Development outside the Architectural Overlay District per Table 17.16.100(A), Architectural and Minor Architectural Permits Required.~~~~
- ~~2. Minor Architectural Permits. Minor Architectural Permits are required for the following:
  - ~~a. Minor public park facilities per Section 17.28.230(B)(2), Minor Park Structures;~~
  - ~~b. Relocations of structures per Section 17.24.160, Relocation of Structures;~~~~

- c. ~~Development outside Architectural Overlay Districts 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.~~
- 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**

| <b>Project Type</b>                          | <b>Architectural Permit Required</b> | <b>Minor Architectural Permit Required</b> | <b>Other/Exempt Projects</b>                      |
|--|--------------------------------------|--|---|
| <b>A. Nonresidential and Mixed Use Sites</b> |                                      |  |   |
| New Buildings                                | X                                    |  | Some Minor Architectural Permits may be waived.   |
| Additions                                    | >2,000 s.f. addition                 | ≤2,000 s.f. addition                       | Refer to Section 17.16.110 for eligible projects. |

|   |                 |   |   |
|---|-----------------|---|---|
| New Accessory Structures and Expansions   |                 | X |   |
| Minor Exterior Alterations  |                 | X |   |
| <b>B. Residential and Mixed-Use Sites</b>   |                 |   |   |
| New Residential Projects  | 5 or more units |   | Refer to subsection 17.16.100(C)(5) for exempt projects.  |
| <b>C. Nonconforming Structures</b> – This subsection shall be applied in conjunction with subsections A and B to: |                 |   |   |
| Additions to nonconforming structures. See Section 17.72.050(1) of this Title.                                    |                 | X | Some Minor Architectural Permits may be waived. Refer to Section 17.16.110 for eligible projects. |

**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/Exempt Projects   |
|---|-----------------------------------|---|---|
| <b>A. Nonresidential and Mixed-Use Sites</b> – This subsection applies to: 1) resources listed on the City's Designated Historic Resources and Landmarks Lists 1 ; 2) development within the Architectural Overlay District (Please refer to Section 17.56.020); and 3) sites within 300 feet of properties listed on the City's Designated Historic Resources and Landmarks Lists; |                                   |   |   |
| New Buildings   | X                                 |   | Some Minor Cultural Heritage Permits may be waived. Refer to Section 17.16.110 for eligible projects. |
| Additions   | >2,000 s.f. addition              | ≤2,000 s.f. addition                    |   |

| Project Type  | Cultural Heritage Permit Required           | Minor Cultural Heritage Permit Required                           | Other/Exempt Projects   |
|---|---|---|---|
| New Accessory Structures and Expansions   |   | X   | Refer to subsection 17.16.100(C)(5) for exempt projects.  |
| Minor Exterior Alterations  |   | X   |   |
| <p><b>B. Residential Sites</b>—This subsection shall be applied to: 1) resources listed on the City's Designated Historic Resources and Landmarks Lists<sup>2</sup>; 2) single-family homes and duplexes abutting sites listed on the City's Designated Historic Resources and Landmarks Lists; 3) sites with three or more dwelling units within 300 feet of residentially zoned buildings listed on the City's Designated Historic Resources and Landmarks Lists; and 4) development within the Architectural Overlay District (Please refer to Section 17.56.020).</p> |   |   |   |
| New Buildings   | X   |   | Some Minor Cultural Heritage Permits may be waived for additions, accessory structures, and exterior alterations. Refer to Section 17.16.110 for eligible projects. |
| Additions   | >500 s.f. addition or 50 percent or greater | ≤ 500 s.f. addition or less than 50 percent, whichever is smaller | Refer to subsection 17.16.100(C)(5) for exempt projects.  |
| New Accessory Structures and Expansions   |   | X   |   |
| Minor Exterior Alterations  |   | X   |   |
| <p><b>C. Nonconforming Structures</b>—This subsection shall be applied in conjunction with subsections A and B.</p>   |   |   |   |
| Additions per Section 17.72.050(i).   |   | X   | Some Minor Cultural Heritage Permits may be waived for additions. Refer to Section 17.16.110 for eligible projects.   |
| Historic structure and use exemption from requirements in Chapter 17.72,  | X   |   |   |

| <b>Project Type</b>   | <b>Cultural Heritage Permit Required</b> | <b>Minor Cultural Heritage Permit Required</b> | <b>Other/Exempt Projects</b> |
|---|--|--|------------------------------|
| <del>Nonconforming Structure and Uses. Refer to Section 17.72.030(C).</del> |  |  |                              |

1. When Required. Development activities listed in Table 17.16.110 require Cultural Heritage Permits for the development of structures and improvement of property on the City's designated historic resources and landmarks list, unless exempted by Subsection B.2.
2. Exemptions. The following activities are exempt from a Cultural Heritage Permit.
  - a. Activities exempted from an Administrative Development Permit specified in Section 17.16.095.
  - b. Improvements State or Federal law requires or preempts from local discretionary review procedures;
  - c. Interior projects not visible on the exterior of structures and from adjoining public right-of-way; and
  - d. Public park facilities other than the development or expansion of buildings as described in Chapter 17.28.

C. **Applicability Review Authority.**

Table 17.16.110 identifies the required review authority and review process in Section 17.12.060 for each project. Cultural Heritage Permits (CHP) are acted upon by the highest review authority designated in Table 17.16.110 for proposed development, or if a CHP is reviewed concurrently with other applications according to Section 17.12.090, Consideration of Concurrent Applications.

**Table 17.16.110 – Review Process for Cultural Heritage Permit**

| <u>Development Activities</u>   | <u>Review Process (Section 17.12.060)</u> |
|---|---|
| <b>A. New nonresidential buildings.</b>   |   |
| <u>1. New nonresidential primary buildings, excluding public park facilities.</u>   | <u>Process 3</u>                          |
| <u>2. Public park facilities, new buildings and additions with 1,500 square feet of floor area or greater in compliance with Chapter 17.28.</u>       | <u>Process 3</u>                          |
| <u>3. Public park facilities, new buildings and additions less than 1,500 square feet of floor area in compliance with Chapter 17.28.</u>             | <u>Process 2</u>                          |
| <u>4. New nonresidential accessory buildings screened from adjoining public right-of-way, where the proposed building has floor area less than or</u> | <u>Process 2</u>                          |

| <p style="text-align: center;"><b><u>Development Activities</u></b></p>  | <p style="text-align: center;"><b><u>Review Process (Section 17.12.060)</u></b></p>   |
|--|---|
| <p><u>equal to 500 square feet and less than 50 percent of the primary building's floor area.</u></p> <p>5. <u>New nonresidential accessory buildings visible from adjoining public right-of-way, or the building has floor area larger than 500 square feet or greater than 50 percent of the primary building's floor area.</u></p>  | <p style="text-align: center;"><u>Process 3</u></p>   |
| <p><b><u>B. Nonresidential building additions.</u></b></p> <p>1. <u>Nonresidential building additions of floor area 2,000 square feet or less to nonresidential buildings, excluding public park facilities.</u></p> <p>2. <u>Nonresidential building additions of floor area larger than 2,000 square feet to nonresidential buildings, excluding public park facilities.</u></p>   | <p style="text-align: center;"><u>Process 2</u></p> <p style="text-align: center;"><u>Process 3</u></p>   |
| <p><b><u>C. New residential buildings.</u></b></p> <p>1. <u>New residential primary buildings.</u></p> <p>1. <u>New residential accessory buildings visible from adjoining public right-of-way with less than or equal to 500 square feet and less than 50 percent of the primary building's floor area.</u></p> <p>2. <u>New residential accessory buildings larger than 500 square feet or greater than 50 percent of the primary building's floor area.</u></p> <p>3. <u>Accessory Dwelling Units that vary from standards as specified in Section 17.28.270 in which discretionary review is allowed by State law.</u></p> | <p style="text-align: center;"><u>Process 3</u></p> <p style="text-align: center;"><u>Process 2</u></p> <p style="text-align: center;"><u>Process 3</u></p> <p style="text-align: center;"><u>Process 3</u></p> |
| <p><b><u>D. Residential building additions.</u></b></p> <p>1. <u>Residential building additions of floor area visible from adjoining public right-of-way with less than or equal to 500 square feet and less than 50 percent of the primary building's floor area.</u></p> <p>2. <u>Residential building additions of floor area larger than 500 square feet or greater than 50 percent of the primary building's floor area.</u></p>  | <p style="text-align: center;"><u>Process 2</u></p> <p style="text-align: center;"><u>Process 3</u></p>   |
| <p><b><u>E. New accessory structures.</u></b></p> <p>1. <u>New accessory structures that are ineligible for an Administrative Development Permit according to Section 17.16.095.</u></p>   | <p style="text-align: center;"><u>Process 2</u></p>   |
| <p><b><u>F. Exterior changes.</u></b></p> <p>1. <u>Exterior changes to structures and sites that are ineligible for an Administrative Development Permit according to Section 17.16.095.</u></p>   | <p style="text-align: center;"><u>Process 2</u></p>   |
| <p><b><u>G. Subdivisions and general provisions.</u></b></p> <p>1. <u>Development on new parcels created from a subdivision of property.</u></p> <p>2. <u>New Planned Residential Developments (PRD).</u></p> <p>3. <u>New golf courses.</u></p>   | <p style="text-align: center;"><u>Process 5</u></p> <p style="text-align: center;"><u>Process 3</u></p> <p style="text-align: center;"><u>Process 3</u></p>   |



| <u>Development Activities</u>  | <u>Review Process (Section 17.12.060)</u> |
|--|---|
| 4. <u>Nonresidential projects abutting residentially zoned properties in compliance with Section 17.24.170.</u>                  | <u>Process 2</u>                          |
| 5. <u>Relocation of structures according to Section 17.24.160, Relocation of Structures.</u>                                     | <u>Process 3</u>                          |
| 6. <u>Neighborhood Electrical Vehicle (NEV) parking credit in the North Beach Parking Overly according to Section 17.56.080.</u> | <u>Process 2</u>                          |
| 7. <u>Subdivisions excluding condominiums.</u>   | <u>Process 5</u>                          |
| 8. <u>Subdivision of building ownership (condominium maps)</u>   | <u>Process 2</u>                          |
| 9. <u>Residential detached accessory buildings over 15 feet in height that encroach into required setbacks</u>                   | <u>Process 3</u>                          |

~~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.~~

**DE. Application Filing, Processing, and Review.**

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.~~
  - a. An application for a Cultural Heritage Permit shall be filed and processed according to Chapter 17.12.
  - b. The application shall include the information and materials specified in the application for a Cultural Heritage Permit with required fees, and any additional information required by the City Planner or Review Authority to conduct a thorough review of the proposed project, as described according to Section 17.12.060.
  - c. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection E below.
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. A Cultural Heritage Permit review is initiated when the Planning Division receives an application package. Then, a case planner is assigned to coordinate the review of the application

with City staff and other agencies as needed. At the direction of the City Planner, proposals are reviewed by the Development Management Team (DMT), staff from City departments with expertise in various subject areas.

~~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. Upon receipt of an application, provided information and materials are reviewed to determine if applications are:~~

~~i. Complete in compliance with Section 17.12.050;~~

~~ii. In compliance with the California Environmental Quality Act as specified in Section 17.12.080. If studies or consultant work is required for this review, this shall be completed at the applicant's expense according to City policies and the City Planner's direction;~~

~~iii. Consistent with the purpose of this Chapter and required findings in Subsection E to support the requested Cultural Heritage Permit; and~~

~~iv. Meets applicable development standards, policies, regulations, and guidelines.~~

~~€3. Cultural Heritage Subcommittee Review. Applications require Cultural Heritage Subcommittee (CHSC) review if the application requires Planning Commission or City Council approval. Applications may also be referred to the CHSC by the City Planner or Zoning Administrator. The Design Review Subcommittee serves as the CHSC. 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, or if a project involves a 50 percent or greater expansion of a single-family dwelling with less than 1,400 square feet of floor area. 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.~~

~~–34. Public Hearing Decision and Appeal Provisions Process.~~

~~a. Public hearing is required. A public hearing and notification shall be conducted in compliance with Section 17.12.100. Table 17.16.110 identifies the Review Authority and Review Process described in Section 17.12.100 for each project. Refer to Section 17.12.060 for details on the review process. Notification procedures are in Section 17.12.100. Appeals are addressed in Section 17.12.140.~~

~~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.~~

#### **FE. Required Findings.**

~~1. Architectural and Minor Architectural Permits. Prior to For approval of an application for an Architectural or Minor Architectural Cultural Heritage Permit, the Review Authority shall make the following findings shall be made:~~

~~a. The architectural treatment of the project complies with the San Clemente General Plan;~~

- ~~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.;~~
- ~~c. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines;~~
- ~~d. The general appearance of the proposal is in keeping with the character of the neighborhood; and~~
- ~~e. The proposal is not detrimental to the orderly and harmonious development of the City.~~
- a. The proposed project is consistent with the General Plan;
- b. The proposed project complies with zoning regulations;
- 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 project is in character and compatible with the properties in the neighborhood;
- e. The proposed project is in conformance with the Secretary of the Interior Standards for the Treatment of Historic Properties and City's Design Guidelines to substantially further the City's goals of historic preservation, and
- f. The proposed project preserves to the extent feasible the character defining features.

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:~~Additional Findings for Requests. In addition to the general findings in Subsection E.1, the Review Authority shall make findings for approval of a Cultural Heritage Permit to allow the following.

- a. For projects in the Architectural Overlay District, the Review Authority shall find: the proposed project complies with the purpose and intent of the Architectural Overlay District, Section 17.56.020. And, f~~For new structures and remodels in the Architectural Overlay District, the Review Authority shall also find~~ 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.~~

~~For exemptions from Chapter 17.72, Nonconforming Structures and Uses, the Review Authority shall find: the proposed exemption from nonconforming regulations is warranted to maintain the historical significance of national, state or a locally designated historic structure.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.~~

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

~~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.~~

~~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 17.12.175 for related procedures and required findings.~~

~~J.G. Other General Review Requirements. Refer to Chapter 17.12, Development Review Process, for general application processing requirements, such as appeals, time limits on approvals, time extensions, and the review of multiple applications concurrently.~~

~~K.H. 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.~~

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

~~A. Purpose and Intent. 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, 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 City Planner has the discretion to refer applications to the Zoning Administrator for review and final action.~~

~~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 1.c.~~

~~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.~~

~~E.— Application Filing, Processing, and Review. The City Planner shall approve, approve with modifications and/or conditions, or deny a staff waiver request within 15 days following receipt of a completed application. If more than 15 days lapse, and a decision is not made, the City Planner, the applicant may request that the waiver application be forwarded to the Planning Commission for review and action. The Planning Commission shall be provided a summary of staff waiver decisions at the next regularly scheduled meeting.~~

~~F.— Required Findings. 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 a staff waiver decision shall be reviewed per Section 17.12.140, Appeals of an Action.~~

~~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 17.12.175 for related procedures and required findings.~~

~~I.— Other Review Requirements. 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.~~

**SECTION 17.** Subsection (D) of Section 17.16.145 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**D. Review Procedures.** Following receipt of a completed application, the City Planner shall review the application for compliance with the Zoning Ordinance. ~~When a Minor/Site Plan Permit, Minor/Architectural Permit, or Minor/Conditional Use Permit is approved for the property, STLU zoning permit Applications are also reviewed to ensure they are consistent with plans approved through the discretionary review process.~~

**SECTION 18.** Subsection (A) of Section 17.16.175 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

- A. **Purpose and Intent.** In order to preserve and protect the cultural, historical, and architectural heritage of San Clemente, certain incentives are provided in various sections of this title to owners of designated historically significant properties. The purpose and intent of this section is to outline the process for obtaining property tax reduction incentives available through the execution of a voluntary Historic Property Preservation Agreement with the City of San Clemente. For other, regulatory incentives, see Sections 17.16.180, Waivers of Fees/Development Standards, Relocation of Historic Structures; ~~17.24.100, Increase in Floor Area Ratios;~~ 17.64.120, Modifications and Waivers of Parking Requirements; and ~~Table-Section 17.16.110(B).~~ Please refer to the City's Building Division for additional provisions related to the use of the State Historical Building Code.

**SECTION 19.** Subsection (J) of Section 17.16.175 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

J. **Cancellation of Agreement.**

1. The City Council may cancel an Historic Property Preservation Agreement if the City Council determines that the property owner has breached any of the terms of the Agreement, or has allowed the property to deteriorate to the extent that it no longer meets the criteria in Section 17.16.160(F)(1).
2. Following completion of the Enforcement of Agreement procedures contained within each Historic Property Preservation Agreement and prior to the cancellation of an Historic Property Preservation Agreement, the City Council may initiate and review cancellation of an Agreement ~~in the same manner as revocation of a Site Plan Permit,~~ as described in Section 17.12.175, City Initiated Changes of Revocation of Approved Applications.
3. If the City Council cancels an Agreement, the property owner shall pay a penalty of 12½ percent of the full market value of the property, as determined by the County Tax Assessor, to the State.

**SECTION 20.** Section 17.16.180 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.16.180 Waiver of Fees/Development Standards for Historic Resources and Landmarks.**

- A. **Purpose and Intent.** In order to preserve and protect the cultural, historical, and architectural heritage of San Clemente, certain incentives are provided in various sections of this title to owners of designated historically significant properties. The purpose and intent of this section is to describe the waiver of fees/development standards for historic resources and landmarks on the City's designated historic resources and landmarks list. For other regulatory incentives, see Sections 17.16.175, Historic preservation incentives, historic property preservation (Mills Act) agreements; ~~17.24.100, Increase in Floor Area Ratios;~~ 17.64.120, Modifications and Waivers of Parking Requirements; and ~~17.72.100, Tables 17.16.100(B)~~ Section 17.16.110. Please refer to the City's Building Division for additional provisions related to the use of the State Historical Building Code.



B. **Authority.** The City Council is the final authority on the authorization and approval of fee/development standard waivers for properties on the City's Designated Historic Resources List.

C. **Fee waivers.**

1. The fees for the first eight hours of time required to process a Cultural Heritage Permit shall be waived for the following eligible properties:
  - a. All resources sites listed on the City's List of Designated Historic Structures Resources and Landmarks Lists.
  - b. All abutting single-family homes and duplexes.
  - c. All sites with three or more dwelling units within 300 feet of residentially zoned sites listed on the City's List of Designated Historic Structures Resources and Landmarks Lists.

The fee waiver shall not apply to non-historic properties located within the Architectural Overlay District.

The fee waiver shall not apply to any costs incurred for any required technical studies, miscellaneous associated fees with processing the application, additional permits, etc. Projects taking less than eight hours of staff time to process shall not be provided a credit for the value of the unused portion of the fee waiver.

**SECTION 21.** Section 17.16.250 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.16.250 - Discretionary Sign Permits**

- A. **Purpose and Intent.** The purpose of this section is to provide a discretionary review process for signs that are significant in terms of size, number, location or type. The intent of discretionary review is to ensure 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~~[Zoning Administrator](#) 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.
- 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.
  6. [Master Sign Programs according to Section 17.84.020\(G\).](#)
- 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.



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

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 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. [Applications not receiving the required votes for approval or conditional approval shall be deemed denied.](#)
  - 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.

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 17.12.175 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 22.** Subsection (D) of Section 17.24.090 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

D. **Standards for Fences, Walls and Hedges in Nonresidential Zones.** In nonresidential zones, fences, walls, and hedges shall comply with the following requirements:

1. Height and Materials. The height limit and other features of fences, walls, and hedges are ~~reviewed~~ [determined through an architectural review process with required approval of a Development Permit \(Section 17.16.100\), or Cultural Heritage Permit \(Section 17.16.110\) for historic resources and landmarks on the City's designated historic resources and landmarks list. and approved through the discretionary review process per Section 17.16.100](#)
2. Fencing Around Parking Areas. For requirements for fencing around parking lots, please refer to Section 17.28.220, Parking Lots.

**SECTION 23.** Subsection 17.24.040(C)(2) of the San Clemente Municipal Code is amended in its entirety as follows:

2. Height Limits. Except as modified by ~~Table 17.24.080~~Section 17.24.080B, Maximum Encroachments into Setbacks and Height Limits-, ~~General~~of this Title, the height limit for detached accessory buildings/structures shall be as follows:

- a. Front One-Half of the Lot. Detached accessory buildings/structures in the front one-half of the lot shall not exceed 15 feet in height;
- b. Rear One-Half of the Lot with Setback Encroachments. Detached accessory buildings or structures in rear one-half of the lot that encroach into required setbacks ~~(See Table 17.24.080B, Maximum Encroachments into Setbacks and Height Limits of this Title for additional restrictions for accessory structures)~~ in the rear one-half of the lot may exceed the 15-foot height limit and be constructed over 15 feet high, up to the height limit of the zone ~~through a~~with the approval of a Development Conditional Use Permit (Section 17.16.100) or Cultural Heritage Permit (Section 17.16.110), excluding through lots. Setback encroachments require compliance with Section 17.24.080 or the approval of an application in Chapter 17.16; and in accordance with Section 17.16.060, Conditional Use Permits, of this Title. Exception: through lots. Please refer to the standards for through lots provided in Section 17.24.210, Through Lots, Rear Setbacks For, of this Title;
- c. Rear One-Half of the Lot with Setback Compliance. Detached accessory buildings in the rear one-half of the lot complying with required setbacks may be constructed up to the height limit of the zone.

~~c. ——— When portions of the detached accessory buildings/structures are located in both the front and rear half of the lot, both subdivisions a and b shall apply.~~

**SECTION 24.** Subsection 17.24.040(C)(2) of the San Clemente Municipal Code is hereby struck in its entirety and retitled as “Reserved.”

~~**17.24.100 – Floor Area Ratios, Increase in. A. — Increase in Permitted Floor Area Ratios.** The standard floor ratio for commercial and mixed-use zones is specified in Chapters 17.36, Commercial Zones and Standards, and 17.40, Mixed-Use Zones and Standards, of this title. New buildings and additions to existing buildings may be allowed to increase the maximum floor area ratio for the zone in which they are located through either the Site Plan Permit process or Minor Site Plan Permit process, in accordance with Section 17.16.050, Site Plan Permits and Minor Site Plan Permits, of this title. In no event shall the increased floor area ratio approved exceed the maximum floor area ratios specified below:~~

~~**Table 17.24.100 – Increase in Floor Area Ratios**~~

| <del>Zone</del>  | <del>FAR</del> |
|--|----------------|
| <del>Mixed Use (MU) 3.0, 3.1, and 3.3</del>                                    |                |
| <del>Commercial projects</del>   | <del>1.0</del> |
| <del>Mixed-use projects</del>  | <del>2.0</del> |
| <del>Neighborhood Commercial (NC 2), excluding the Coastal Overlay Zone:</del> |                |

|                                  |   |
|----------------------------------|---|
| On-site historic preservation    | Maximum increase equal to existing historic structure's SF  |
| Relocation of historic structure | Maximum increase less than existing historic structure's SF |

**SECTION 25.** Subsection (B)(1) of Section 17.24.110 of the San Clemente Municipal Code is hereby amended to read follows:

**B. General Regulations for the Measurement of Height.** The following regulations for calculating height shall apply to all development within the City of San Clemente:

1. Measurement of Height From Original or Finished Grade.
  - a. Developments With Mass Recontouring. In the case of subdivisions and/or land development where mass recontouring has been or will be permitted by the City, building height shall be measured from finished grade [based on City approved plans](#), ~~subject to approval through the site plan permit process, as described in Section 17.16.050, Site Plan Permits and Minor Site Plan Permits, of this title.~~ Please refer to Figure 17.24.110A for a map of those areas in the City which have had mass recontouring. This subsection does not include properties with significant grading which have received the approval of a variance from height limits; please refer to the following paragraph b, for the method of measuring height on these properties.
  - b. All Other Development. In the case of developments where mass recontouring has not been permitted, or where significant grading has been allowed but through the approval of a variance from the height limit, building height shall be measured from original grade.
  - c. In cases where it is ambiguous whether building height should be measured from finished or original grade, or where a determination of finished or original grade is difficult, the City Planner shall make such determination, subject to the appeal provisions in Section 17.12.140, Appeals of an Action, of this title.

**SECTION 26.** Section 17.24.160 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.24.160 - Relocation of Structures.**

- A. **Review Requirements.** The relocation of a building or other structure from one lot to another, ~~from within or outside and to within or outside the City,~~ requires the approval of a Minor Conditional Use Permit ~~and a Minor Architectural Permit, as detailed in~~ Sections 17.16.0760) [and a Development Permit \(17.16.100\) or](#) ~~Minor Conditional Use Permits, and 17.16.100, Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits of this title~~ [Cultural Heritage Permit \(17.16.110\) for historic resources and landmarks on the City's designated historic resources and landmarks list.](#)
- B. **Minimum Standards.** The relocation of a building or structure requires the following:
  1. Compliance. Compliance with the requirements, relative to the building or structure, of the zone to which the building is being relocated; and

2. **Conformance.** Conformance with or improvement upon the general character of the existing buildings in the neighborhood, ~~as determined through the architectural review process detailed in Section 17.16.100, Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits, of this title.~~
- C. **Public Notification.** Public notification for the required discretionary approvals shall be provided, as described in Section 17.12.100, Public Hearing and Notification, of this title, and shall be provided for both the original location of the building or structures and the location to which the building or structure is being moved.

**SECTION 27.** Section 17.24.170 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.24.170 - Residentially Zoned Property, Development Adjacent to.**

- A. **Purpose and Intent.** The purpose of this section is to establish review procedures for nonresidential and mixed-use development adjacent to residentially zoned property. The purpose of review is to allow development adjacent to residential property while addressing potential impacts related to noise, light and glare, parking and circulation and privacy.
- B. **Building Setbacks from Adjacent Residentially Zoned Property.** Except as provided for within this section, new nonresidential and mixed-use buildings and/or additions to existing buildings shall maintain a minimum 20-foot setback from adjacent residential property lines. Encroachment of the nonresidential or mixed-use building and/or addition into this setback shall be allowed through the discretionary review process required for the project based on measures included in the project to address noise, parking, lighting, massing and other similar impacts upon adjacent residential development. ~~If no discretionary review is required for the building and/or additions, then it shall be reviewed through a Minor Site Plan Permit, in accordance with Section 17.16.050, Site Plan Permits and Minor Site Plan Permits, of this title.~~
- C. **Additions Within 50 Feet of Existing Single-Family Residences.** Any nonresidential or mixed-use building addition that is closer than 50 feet to an existing single-family residence shall require the approval of a ~~Minor Site Plan Permit, in accordance with Section 17.16.050, Site Plan Permits and Minor Site Plan Permits, of this title, if no other discretionary review is required by this title.~~ [Development Permit \(Section 17.16.100\), or a Cultural Heritage Permit \(Section 17.16.110\) for historic resources and landmarks on the City's designated historic resources and landmarks list.](#)

**SECTION 28.** Subsection (C) of Section 17.24.180 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

- 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 are determined~~ [reviewed and approved through an architectural review process with the required approval of a Development Permit \(Section 17.16.100\), or a Cultural Heritage Permit \(Section 17.16.110\) for historic resources and landmarks on the City's designated historic resources and landmarks list.](#)

**SECTION 29.** Subsections (C)(1) and (C)(2) of Section 17.28.205 of the San Clemente Municipal Code are hereby amended to read in their entirety as follows:

- C. **Review Requirements.**

1. Outdoor Dining Areas on Private Property. To allow an outdoor dining area on private property, the following is required:
  - a. Review of Exterior Modifications. Exterior modifications to establish outdoor dining areas require review in compliance with Section 17.16.095 (Administrative Development Permit), Section 17.16.100 (Development Permit), or Section 17.16.110 (Cultural Heritage Permit) for historic resources and landmarks on the City's designated historic resources and landmarks list. ~~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 four 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 four 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.
2. Outdoor Dining on Public Property. The following procedures are required to allow outdoor dining areas on public property, such as sidewalks:
  - a. Review of Exterior Modifications. Exterior modifications to establish outdoor dining areas require review in compliance with Section 17.16.095 (Administrative Development Permit), Section 17.16.100 (Development Permit), or Section 17.16.110 (Cultural Heritage Permit) for historic resources and landmarks on the City's designated historic resources and landmarks list. ~~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.
  - e. Outdoor Dining with Alcohol Service or Entertainment. Alcohol and/or entertainment may be allowed on outdoor dining areas, on public 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.

**SECTION 30.** Section 17.28.230 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.28.230 - Public Park Facilities.**

- A. **Purpose and Intent.** The purpose of this section is to describe the architectural review procedures for public park facilities. For specific details regarding the review of parks and recreational facilities, please refer to the interim policy for the review of recreational facilities and streetscapes, until such time as this policy has been incorporated into the City's Parks and Recreation Master Plan.
- B. **Review Requirements.** ~~Architectural review procedures shall be as follows for the development of public parks:~~
1. ~~Buildings. Major Park Structures. Requests to develop new buildings which are 1,500 square feet or greater or additions of 1,500 square feet or greater require the approval of an Architectural Permit, in accordance with Section 17.16.100, Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits, of this title. The development of new park facility buildings or additions to existing buildings require architectural review with the approval of a Development Permit (Section 17.16.100), or Cultural Heritage Permit (17.16.110) for historic resources and landmarks on the City's designated historic resources and landmarks list, such as the Municipal Golf Course. The Review Authority considers architectural and aesthetic impacts of the proposals shall be considered by the permitting authority.~~
  2. ~~Minor Park Structures and Facilities. Requests to develop new buildings of less than 1,500 square feet or additions of less than 1,500 square feet require the approval of a Minor Architectural Permit, in accordance with Section 17.16.100, Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits, of this title. The architectural and aesthetic impacts of the proposal shall be considered by the permitting authority.~~
  3. ~~Other Facilities. The development or addition of sports courts, landscaping, benches, trails and other recreational facilities which do not include the development of buildings shall be exempt from the discretionary review requirements of the Zoning Ordinance.~~

**SECTION 31.** The former Subsection (G)—which, following City Council Ordinance No. 1742, is now subsection (H)—of Section 17.28.270 of the San Clemente Municipal Code is hereby amended to read as follows:

**17.28.270(GH) Accessory Dwelling Units, Non-qualifying conforming ADUs and JADUs and Discretionary Approval.**

Any proposed ADU or JADU that does not conform to the objective standards set forth in subsections A through F of this section may be allowed by the City with an ~~Architectural Permit~~ Development Permit or Cultural Heritage Permit, in accordance with the other provisions of this title.

**SECTION 32.** Subsection (E) of Section 17.28.090 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

- E. **Converted Service Stations.** 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 an [Administrative Development Permit \(17.16.095\) or Development Permit](#) (~~Section 17.16.100~~), ~~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 fuel equipment and underground storage tanks, pole signs, 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 33.** Subsection (l) of Section 17.28.300 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

- I. **Other Temporary Fencing for Security and Screening.** Temporary fencing, other than what is required for active construction projects, is allowed for the purpose of providing security and screening to ensure the health, safety and welfare of the community at the discretion of the City Planner, subject to the following regulations.
  1. Review Requirements. Temporary fencing and similar structures erected higher than 42 inches and up to six feet in height shall require [an Administrative Development Permit- according to; Section 17.16.095](#). ~~the approval of a Minor Architectural Permit/Minor Cultural Heritage Permit in accordance with Section 17.16.100, Architectural Permits/Cultural Heritage Permits and Minor Architectural Permits/Minor Cultural Heritage Permits.~~
  2. Expiration of Permits. Any permit issued pursuant to this section shall become invalid upon the expiration of an approved permit for which the use has been approved.
  3. Minimum Standards. Temporary fencing and similar structures shall not be chainlink. Acceptable materials are more permanent in nature and include wrought iron, wood, or similar material and must be compatible with the existing style of surrounding development. Temporary fences and similar structures shall be maintained in good condition with no unintentional rips/tears (except for minimization of wind effects), fading, or general disrepair. Maintenance shall not become so defective, unsightly, or in such condition of deterioration or disrepair to create a public nuisance as set forth in Section 5.82.030.

**SECTION 34.** The rows for “Accessory Buildings” entries in Table 17.32.030 of Section 17.32.030 of the San Clemente Municipal Code is hereby amended to read as follows:

**Table 17.32.030 - Residential Zone Uses**

| <b>5. Unclassified Uses</b>  |            |                |                |                |                |
|--|------------|----------------|----------------|----------------|----------------|
| Accessory Buildings, <del>Residential<sup>15</sup> Detached, Over 15 Feet in Height;</del>   | €          | €              | €              | €              | €              |
| <a href="#">a. Accessory Buildings, Residential<sup>15</sup> Detached, Over 15 Feet in Height that Encroach into Required Setbacks</a> | <u>0</u>   | <u>0</u>       | <u>0</u>       | <u>0</u>       | <u>0</u>       |
| <del>a</del> b. All Others   | P          | P              | P              | P              | P              |
| <del>b</del> c. Accessory Buildings, Nonresidential <sup>16</sup>  | <u>MCE</u> | €<br><u>MC</u> | €<br><u>MC</u> | €<br><u>MC</u> | €<br><u>MC</u> |

**SECTION 35.** Table 17.36.020 of Section 17.36.020 of the San Clemente Municipal Code is hereby amended as follows:



1. Within Section 1’s “Commercial” entries, new rows are hereby regarding for Liquor Sales for On-Site Consumption and Dancing and/or entertainment;
2. Within Section 8’s “Restaurant and Bars” entries are amended in their entirety;
3. Within Section 9’s “Unclassified” entries for “Amusement Center”, “Bowling Alley”, “Pool Halls”, and “Theaters”; and
4. Footnotes 14 to 22 are amended and renumbered.

**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        | RMF1        | NOTE        |
| <b>1. Commercial</b>   |               |               |               |             |             |             |             |             |             |             |             |
| Nurseries (Outdoor Garden Retail Sales)                                  |               |               | C             | C           | C           | C           | C           | C           | C           | C           |             |
| <u>Liquor Sales for On-Site Consumption:</u>                             |               |               |               |             |             |             |             |             |             |             |             |
| <u>a. Hard alcohol</u>   | <u>C</u>      | <u>C</u>      | <u>C</u>      | <u>C</u>    | <u>C</u>    | <u>C</u>    | <u>C</u>    | <u>C</u>    | <u>C</u>    |             |             |
| <u>b. Beer and wine indoors with active food service</u>                 | <u>P</u>      | <u>P</u>      | <u>P</u>      | <u>P</u>    | <u>P</u>    | <u>P</u>    | <u>P</u>    | <u>P</u>    | <u>P</u>    |             |             |
| <u>c. Beer and Wine in outdoor dining areas with active food service</u> | <u>MC</u>     | <u>MC</u>     | <u>MC</u>     | <u>MC</u>   | <u>MC</u>   | <u>MC</u>   | <u>MC</u>   | <u>MC</u>   | <u>MC</u>   |             |             |
| <u>d. Beer and Wine without active food service</u>                      | <u>MC</u>     | <u>MC</u>     | <u>MC</u>     | <u>MC</u>   | <u>MC</u>   | <u>MC</u>   | <u>MC</u>   | <u>MC</u>   | <u>MC</u>   |             |             |
| <u>Dancing and/or entertainment that has:</u>                            |               |               |               |             |             |             |             |             |             |             |             |
| <u>a. No amplified sound.</u>  | <u>MC</u>     | <u>MC</u>     | <u>MC</u>     | <u>MC</u>   | <u>MC</u>   | <u>MC</u>   | <u>MC</u>   | <u>MC</u>   | <u>MC</u>   |             |             |
| <u>b. Amplified sound.</u>   | <u>C</u>      | <u>C</u>      | <u>C</u>      | <u>C</u>    | <u>C</u>    | <u>C</u>    | <u>C</u>    | <u>C</u>    | <u>C</u>    |             |             |
| <b>8. Restaurants and bars</b>   | <b>NC 1.1</b> | <b>NC 1.2</b> | <b>NC 1.3</b> | <b>NC 2</b> | <b>NC 3</b> | <b>CC 1</b> | <b>CC 2</b> | <b>CC 3</b> | <b>CC 4</b> | <b>RMF1</b> | <b>NOTE</b> |
| Bars, cocktail lounges (with or without dancing and/or entertainment)    | P             | P             | P             | P           | P           | P           | P           | P           | P           |             |             |
| Microbreweries (with limited production up to 5,000 barrels and          | P             | P             | P             | P           | P           | P           | P           | P           | P           |             |             |

|   |                 |                 |                 |                 |                 |                 |                 |                 |                 |  |                   |
|---|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|--|-------------------|
| tasting room) as defined in Section 17.88   |                 |                 |                 |                 |                 |                 |                 |                 |                 |  |                   |
| Taprooms as defined in Section 17.88  | P               | P               | P               | P               | P               | P               | P               | P               | P               |  |                   |
| Restaurants <u>without a drive-through</u> :                                      | <u>P</u>        | <u>P</u>        | <u>P</u>        | <u>P</u>        | <u>P</u>        | <u>P</u>        | <u>P</u>        | <u>P</u>        | <u>P</u>        |  |                   |
| <del>a. Restaurants with drive-through</del>                                      |                 |                 | C               | C               | C               | C               | C               | C               | C               |  | 13                |
| <del>b. With no on-site consumption of liquor, no dancing, no entertainment</del> | <del>P</del>    | <del>P</del>    | <del>P</del>    | <del>P</del>    | <del>P</del>    | <del>P</del>    | <del>P</del>    | <del>P</del>    | <del>P</del>    |  |                   |
| <del>c. With on-site sale of beer and wine:</del>                                 |                 |                 |                 |                 |                 |                 |                 |                 |                 |  |                   |
| <del>— i. Indoors</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   |  |                   |
| <del>— ii. Outdoors with up to 16 outdoor seats or four tables</del>              | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   |  |                   |
| <del>— iii. Outdoors with more than 16 outdoor seats and/or four tables</del>     | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   |  |                   |
| <del>d. With on-site sale of hard alcohol:</del>                                  |                 |                 |                 |                 |                 |                 |                 |                 |                 |  |                   |
| <del>— i. Indoors</del>   | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    |  |                   |
| <del>— ii. Outdoors with up to 16 outdoor seats or four tables</del>              | <del>MC/€</del> | <del>MC/€</del> | <del>MC/€</del> | <del>MC/€</del> | <del>MC/€</del> | <del>MC/€</del> | <del>MC/€</del> | <del>MC/€</del> | <del>MC/€</del> |  | <del>14, 15</del> |
| <del>— iii. Outdoors with more than outdoor 16 seats and/or four tables</del>     | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    |  | <del>14, 15</del> |
| <del>e. With dancing and/or entertainment that has:</del>                         |                 |                 |                 |                 |                 |                 |                 |                 |                 |  |                   |
| <del>— i. No amplified sound.</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   |  |                   |
| <del>— iii. Amplified sound.</del>  | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    |  |                   |
| <b>9. Unclassified Uses</b>   | <b>NC 1.1</b>   | <b>NC 1.2</b>   | <b>NC 1.3</b>   | <b>NC 2</b>     | <b>NC 3</b>     | <b>CC 1</b>     | <b>CC 2</b>     | <b>CC 3</b>     | <b>CC 4</b>     |  |                   |
| Amusement Centers   | C               | C               | <u>MCE</u>      | <u>MCE</u>      | <u>MCE</u>      | <u>MCE</u>      | <u>MCE</u>      | <u>MCE</u>      | <u>MCE</u>      |  | <del>17</del> 14  |
| Bowling Alley   | C               | C               | <u>MCE</u>      | <u>MCE</u>      | <u>MCE</u>      | <u>MCE</u>      | <u>MCE</u>      | <u>MCE</u>      | <u>MCE</u>      |  |                   |
| Pool Halls  | C               | C               | <u>MCE</u>      | <u>MCE</u>      | <u>MCE</u>      | <u>MCE</u>      | <u>MCE</u>      | <u>MCE</u>      | <u>MCE</u>      |  | <del>20</del> 18  |

|          |   |   |                     |                     |                     |                     |                     |                     |                     |  |  |
|----------|---|---|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|--|--|
| Theaters | C | C | <a href="#">MCE</a> | <a href="#">MCE</a> | <a href="#">MCE</a> | <a href="#">MCE</a> | <a href="#">MCE</a> | <a href="#">MCE</a> | <a href="#">MCE</a> |  |  |
|----------|---|---|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|--|--|

~~14. 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).~~

~~15. 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.~~

~~16~~14. Refer to Section 17.28.040, Alcoholic beverages and motor vehicle fuel, concurrent sale of, of this title, for special provisions for concurrent sales of motor fuel and alcoholic beverages.

~~17~~15. Refer to Section 17.28.050, Amusement Centers, of this title, for special provisions for arcades/amusement centers.

~~18~~16. Refer to Section 17.28.130, Grading, of this title, for special provisions for grading requests that are not accompanying development requests.

~~19~~17. Massage is subject to Section 5.28 of the City of San Clemente Municipal Code. Refer to Section 17.28.185, Massage Establishments, of this title, for special provisions for massage establishments and accessory massage establishments.

~~20~~18. The provisions for amusement centers shall apply to pool halls. Please refer to Section 17.28.050, Amusement Centers, for special provisions for amusement centers.

~~21~~19. Refer to Section 17.28.250, Recycling Facilities, of this title, for special provisions for recycling facilities.

~~22~~20. Refer to Section 17.28.290, Service Stations, of this title, for special provisions.

~~23~~21. Refer to Section 17.28.310, Vehicle Dealerships, Rental, and Sales of this title, for special provisions for vehicle dealerships.

~~24~~22. Refer to Section 17.28.320, Vehicle Service and Repair-Related Facilities, of this title, for special provisions.

**SECTION 36.** Table 17.36.030(A) of the San Clemente Municipal Code is hereby amended in its entirety as follows:

**17.36.030 Commercial Zone General Development Standards.**

The following property development standards shall apply to all land and permitted or conditionally permitted buildings located within their respective commercial zones.

- A. **Creation of New Lots.** The creation of new lots within commercial zones following the date of adoption of this title shall conform to the minimum dimensions for lots established within this zone, except in the case of condominium lots or individual lots within a shopping center, in which case minimum dimensions shall be applied to the boundaries around the entire center. Individual lots created within shopping centers are exempt from the site development standards stated

herein, as they relate to minimum lot areas and lot width, as long as the following conditions are met:

1. ~~A Site Plan Permit for the entire~~The commercial -center has been processed and approved pursuant to Section 17.16.10050, ~~Site Plan~~Development Permits and ~~Minor Site Plan Permits~~Section 17.16.110, Cultural Heritage Permits, ~~of this title~~;
2. Easements for reciprocal access, parking and maintenance are recorded in a form approved by the City Attorney and maintained; and
3. All applicable setbacks adjacent to the exterior boundaries of the shopping center or commercial development are met.

**SECTION 37.** Section 17.36.040 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.36.040 Commercial Zone Special Development Standards.**

Chapter 17.24, General Development Standards, of this title includes a number of special provisions affecting commercial properties. Unless otherwise indicated in the referenced sections, or in other City documents regulating commercial development, the development standards listed in Chapter 17.24, General Development Standards, of this title shall apply to all zones described in this chapter.

**Table 17.36.040  
Special Development Standards for All Commercial Zones**

| Standards  | Sections                     |
|--|------------------------------|
| Accessory Buildings  | Section 17.24.040            |
| Building Equipment and Services and Their Screening                  | Section 17.24.050            |
| Encroachment into Setbacks and Height Limits, General                | Section 17.24.080            |
| Fences, Walls, Hedges  | Section 17.24.090            |
| Height Limitations   | Section 17.24.110            |
| <del>Increase in Floor Area Ratios</del>                             | <del>Section 17.24.100</del> |
| Lighting   | Section 17.24.130            |
| Off-Street Loading Area  | Section 17.24.150            |
| Relocation of Structures   | Section 17.24.160            |
| Residentially Zoned Properties, Development Adjacent To              | Section 17.24.170            |
| Retaining Walls  | Section 17.24.180            |
| Skirt Walls  | Section 17.24.190            |
| Substandard Lots   | Section 17.24.200            |
| Through Lots, Rear Yard Setback For                                  | Section 17.24.210            |
| Trip Reduction Measures for Projects With Greater than 100 Employees | Chapter 17.76                |

**SECTION 38.** Subsection (A)(2)(a) of Section 17.40.030 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

2. Special Use Regulations.

- a. Residential and Nonresidential Uses on the Same [Building](#) Floor. [In vertical mixed-use projects](#) ~~In the MU 1, MU 2, MU 3.0, and MU 3.2 zones~~, nonresidential uses may be permitted on the same [building](#) floor as a residential use with the approval of a Conditional Use Permit, in accordance with Section 17.16.060, Conditional Use Permits, of this title.

**SECTION 39.** Table 17.40.030 of Section 17.40.030 of the San Clemente Municipal Code is hereby amended as follows:

1. Within Section 1’s “Commercial” entries, new rows are hereby regarding for Liquor Sales for On-Site Consumption and Dancing and/or entertainment;
2. Within Section 8’s “Restaurant and Bars” entries are amended in their entirety;
3. Within Section 9’s “Unclassified” entries for “Accessory Buildings, Residential”, “Amusement Center” and “Pool Halls” are amended as shown below; and
4. Footnotes 16 to 30 are amended and renumbered.

**Table 17.40.030 – Mixed Zone Uses.**

| Use   | Zones     |           |           |           |           |           |           | NOTE |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------|
|   | MU 1      | MU 2      | MU 3.0    | MU 3.1    | MU 3.2    | MU 3.3    | MU 5      |      |
| <b>1. Commercial</b>  |           |           |           |           |           |           |           |      |
| <a href="#">Liquor Sales for On-Site Consumption:</a>   |           |           |           |           |           |           |           |      |
| <a href="#">a. Hard alcohol</a>   | <u>C</u>  | <u>C</u>  | <u>C</u>  | <u>C</u>  | <u>C</u>  | <u>C</u>  | <u>C</u>  |      |
| <a href="#">b. Beer and wine indoors with active food service</a>   | <u>P</u>  | <u>P</u>  | <u>P</u>  | <u>P</u>  | <u>P</u>  | <u>P</u>  | <u>P</u>  |      |
| <a href="#">c. Beer and Wine in outdoor dining areas with active food service</a>                         | <u>MC</u> | <u>MC</u> | <u>MC</u> | <u>MC</u> | <u>MC</u> | <u>MC</u> | <u>MC</u> |      |
| <a href="#">d. Beer and Wine without active food service</a>  | <u>MC</u> | <u>MC</u> | <u>MC</u> | <u>MC</u> | <u>MC</u> | <u>MC</u> | <u>MC</u> |      |
| <a href="#">Dancing and/or entertainment that has:</a>  |           |           |           |           |           |           |           |      |
| <a href="#">a. No amplified sound.</a>  | <u>MC</u> | <u>MC</u> | <u>MC</u> | <u>MC</u> | <u>MC</u> | <u>MC</u> | <u>MC</u> |      |
| <a href="#">b. Amplified sound.</a>   | <u>C</u>  | <u>C</u>  | <u>C</u>  | <u>C</u>  | <u>C</u>  | <u>C</u>  | <u>C</u>  |      |
| <b>8. Restaurants and bars</b>  |           |           |           |           |           |           |           |      |
| Bars, cocktail lounges (with or without dancing and/or entertainment)                                     | P         | P         | P         | P         | P         | P         | P         |      |
| Microbreweries (with limited production up to 5,000 barrels and tasting room) as defined in Section 17.88 | P         | P         | P         | P         | P         | P         | P         |      |

|  |                 |                 |                 |                 |                 |                 |                 |                         |
|--|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-------------------------|
| Taprooms as defined in Section 17.88   | P               | P               | P               | P               | P               | P               | P               |                         |
| Restaurants <u>without drive-through</u> :   | <u>P</u>        | <u>P</u>        | <u>P</u>        | <u>P</u>        | <u>P</u>        | <u>P</u>        | <u>P</u>        |                         |
| <del>—a. Restaurants <u>with</u> drive-through</del>                               |                 |                 | C               | C               | C               | C               | C               | 16                      |
| <del>—b. With no on-site consumption of liquor, no dancing, no entertainment</del> | <del>P</del>    | <del>P</del>    | <del>P</del>    | <del>P</del>    | <del>P</del>    | <del>P</del>    | <del>P</del>    |                         |
| <del>—c. With on-site sale of beer and wine:</del>                                 |                 |                 |                 |                 |                 |                 |                 |                         |
| <del>—i. Indoors</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   |                         |
| <del>—ii. Outdoors with up to 16 outdoor seats or four tables</del>                | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   |                         |
| <del>—iii. Outdoors with more than 16 outdoor seats and/or four tables</del>       | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   |                         |
| <del>—d. With on-site sale of hard alcohol:</del>                                  |                 |                 |                 |                 |                 |                 |                 | <del>17, 18, 19</del>   |
| <del>—i. Indoors</del>   | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    |                         |
| <del>—ii. Outdoors with up to 16 outdoor seats or four tables</del>                | <del>MC/€</del> | <del>MC/€</del> | <del>MC/€</del> | <del>MC/€</del> | <del>MC/€</del> | <del>MC/€</del> | <del>MC/€</del> |                         |
| <del>—iii. Outdoors with more than outdoor 16 seats and/or four tables</del>       | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    |                         |
| <del>—e. With dancing and/or entertainment that has:</del>                         |                 |                 |                 |                 |                 |                 |                 |                         |
| <del>—i. No amplified sound</del>  | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   | <del>MC</del>   |                         |
| <del>—ii. Amplified sound</del>  | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    | <del>€</del>    |                         |
| <b>9. Unclassified Uses</b>  | <b>MU 1</b>     | <b>MU 2</b>     | <b>MU 3.0</b>   | <b>MU 3.1</b>   | <b>MU 3.2</b>   | <b>MU 3.3</b>   | <b>MU 5</b>     | <b>NOTE</b>             |
| Accessory Buildings, Residential   |                 |                 |                 |                 |                 |                 |                 | <u>20</u>               |
| a. Detached, Over 15 Feet in Height  |                 |                 |                 | <u>MC</u>       |                 | <u>MC</u>       | <u>€MC</u>      | <del>20</del>           |
| b. All Others  |                 |                 |                 |                 |                 |                 | P               |                         |
| Accessory Buildings, Nonresidential  | C               | C               | C               | C               | C               | C               | C               |                         |
| Amusement Centers  | C               | C               | C               | C               | C               | C               | C               | <del>22</del> <u>18</u> |
| Bowling Alley  | C               | C               | C               | C               | C               | C               | C               |                         |
| Pool Halls   | C               | C               | C               | C               | C               | C               | C               | <del>25</del> <u>21</u> |
| Theaters   | C               | C               | C               | C               | C               | C               | C               |                         |

16. Refer to Section 17.28.260, Drive-Throughs.

~~17. 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.~~

~~18. 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).~~

~~19. 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.~~

~~20~~17. Refer to Section 17.24.040, Accessory Buildings.

~~21~~18. Refer to Section 17.28.040, Alcoholic beverages and motor vehicle fuel, concurrent sale of, of this title, for special provisions for concurrent sales of motor fuel and alcoholic beverages.

~~19~~22. Refer to Section 17.28.050, Amusement Centers.

~~20~~23. Refer to Section 17.28.130, Grading.

~~21~~4. Massage is subject to Section 5.28 of the City of San Clemente Municipal Code. Refer to Section 17.28.185, Massage Establishments, of this title, for special provisions for massage establishments. To the extent otherwise allowed, Accessory Massage is permitted only in the commercial portion of a mixed-use building.

~~22~~5. The provisions for amusement centers shall apply to pool halls. Refer to Section 17.28.050, Amusement Centers.

~~23~~6. Refer to Section 17.28.250, Recycling Facilities.

~~24~~7. Refer to Section 17.28.305, Urban Private Storage.

~~25~~8. Refer to Section 17.28.320, Vehicle Service and Repair-Related Facilities.

~~26~~9. A boarding house may not be located within 300 feet of any other boarding house measured by following a straight line without regard to intervening buildings from the nearest point of the parcel on which the proposed boarding house is to be located to the nearest point of the parcel that contains the existing boarding house. No more than one boarding house is allowed on a legal parcel.

~~27~~30. Refer to Section 17.28.292, Short-Term Lodging Units, of this title for special provisions for STLUs and STARs.

**SECTION 40.** Subsection (A) of Section 17.36.030 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**SECTION 41.** Section 17.40.050 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.40.050 Mixed-Use Zone Special Development Standards.**

This section and Chapter 17.24, General Development Standards, of this title, includes a number of special provisions affecting mixed-use properties. Unless otherwise indicated in the referenced sections, or in other City documents regulating mixed-use development, the development standards listed in

Chapter 17.24, General Development Standards, of this title shall apply to all zones described in this chapter.

**Table 17.40.050  
Special Development Standards for All Mixed-Use Zones**

| <b>Standards</b>  | <b>Sections</b>  |
|---|--|
| Accessory Buildings   | Section 17.24.040  |
| Arbors (Residential Structures Only)  | Section 17.32.050(A), Arbors   |
| Building Equipment and Services and Their Screening   | Section 17.24.050  |
| Density Allowance for Lots with Less than 3,600 Square Feet of Lot Area (Residential Lots Only)                         | Section 17.32.050(B), Density Allowance for Lots with Less than 3,600 Square Feet of Lot Area (residential lots only)  |
| Distance Between Primary Buildings, Minimum Required  | Section 17.32.050(C), Distance Between Primary Buildings, Minimum Required   |
| Encroachment into Setbacks and Height Limits, General   | Section 17.24.080  |
| Fences, Walls, Hedges   | Section 17.24.090  |
| Front Setback, Special Provisions for Reduction (Residential Lots Only)   | Section 17.32.050(D)   |
| Garage Encroachment into the Front Yard Setback (Residential Lots Only)   | Section 17.32.050(E)   |
| Height Limitations  | Section 17.24.110, Front Setbacks, Special Provisions for Reductions (residential lots only), Section 17.32.050(D), Garage Encroachment into the Front Yard Setbacks (residential lots only), Section 17.32.050(E) |
| <del>Increase in Floor Area Ratios</del>  | <del>Section 17.24.100</del>   |
| Lighting  | Section 17.24.130  |
| Off-Street Loading Area   | Section 17.24.150  |
| Relocation of Structures  | Section 17.24.160  |
| Residential/Nonresidential Use Restrictions for MU 3.0-CB   | Please refer to Section 17.56.030, Central Business District Overlay.  |
| Residential/Nonresidential Use Restrictions for MU 5 (Minimum Contiguous Use)   | Please refer to subsection (A), Residential/Nonresidential Use Restrictions for MU 5.  |
| Residentially Zoned Properties, Development Adjacent to   | Section 17.24.170  |
| Retaining Walls   | Section 17.24.180  |
| Skirt Walls   | Section 17.24.190, Special Provisions for Dwelling Units with Front Entrances Located Along the Side Property Line (residential lots only), Section 17.32.050(F)   |
| Special Provisions for Dwelling Units with Front Entrances Located Along the Side Property Line (Residential Lots Only) | Section 17.32.050(F)   |



|  |  |
|--|--|
| Substandard Lots   | Section 17.24.200                                  |
| Through Lots, Rear Yard Setback For                                  | Section 17.24.210                                  |
| Trip Reduction Measures for Projects With Greater Than 100 Employees | Chapter 17.76                                      |
| Unit Size, Minimum   | Please refer to subsection (B), Unit Size, Minimum |

**SECTION 42.** Footnote 2 of Table 17.44.020 of Section 17.44.020 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**Table 17.44.020, Open-Space Zone Uses, Footnote 2**

2 New golf courses in the OSC zone require approval of a [Development Permit \( Section 17.16.100\) or Cultural Heritage Permit \(17.16.110\)](#) ~~Site Plan Permit, in accordance with Section 17.16.050, Site Plan Permits and Minor Site Plan Permits, of this title.~~

**SECTION 43.** Section 17.52.040 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.52.040 - General Requirements for Specific Plan Zones.**

- A. **Determination of Land Uses and Development Regulations.** Precise locations of land uses and development regulations within the SP Zone shall not be fixed or predetermined until a specific plan has been adopted by the City in accordance with Section 17.16.030, Specific Plan Adoption and Amendments, of this title.
- B. **Limitations on Grading Permits, Building Permits, and Land Use Permits.** No Grading Permits, Building Permits, or Land Use Permits, or other development entitlements, shall be issued for any property with an SP designation prior to the adoption of a specific plan for the property, unless such permits or entitlements are solely for emergency measures, restoration or remedial maintenance and do not in any way predispose the future use of the land.
- C. **Scope of Specific Plan.**
  - 1. Each specific plan shall include the specific land uses, standards and criteria necessary for the development, maintenance and use of the subject property, in compliance with the policies and programs of the General Plan. Each specific plan shall clearly specify how and to what extent the plan is to improve upon, supplement or supersede the City's Zoning Ordinance.
  - 2. New specific plans and amendments to existing specific plans may be required, at the City's discretion, to include standards and a financing program for the installation of public facilities and utilities, schools, flood control and transportation facilities, and other public and private improvements and facilities related to the specific plan.
  - 3. Specific plans shall address the applicable portions of State law related to the preparation of a specific plan.
- D. **Amendment of the Zoning Ordinance and Map.** Adoption of a specific plan shall include an amendment to the Zoning Ordinance and Zoning Maps in accordance with Section 17.16.040, Zoning Amendments, of this title. Each specific plan shall be named. The Zoning Map shall not indicate the land use designations within the specific plan, but shall show the letters "SP" and an abbreviation of

the specific plan name. Thereafter, all land use, development and improvements shall conform to the provisions of the adopted specific plan.

- E. **Inclusion of Specific Plan Text and Maps.** Adoption of a specific plan shall include the incorporation of the specific plan text and maps as an appendix to the Zoning Ordinance.
- F. **Reference of Specific Plan Text and Maps.** Adoption of a specific plan shall require the amendment of Table 17.52.060, Adopted Specific Plans, of this chapter to include a reference to the new specific plan.
- G. **Development Agreements.** Specific plans shall not be required to but may be accompanied by development agreements. Approved development agreements related to specific plans are listed in Table 17.52.060, Adopted Specific Plans, of this chapter.
- H. **Requirements Not Specified.** The standards in the Zoning Ordinance shall apply when development standards are not specified within individual specific plans. Any use that is not expressly permitted or prohibited in a specific plan is subject to the City's general zoning ordinance. This includes, among other things, the citywide prohibition on all cultivation of industrial hemp, as defined in Section 11018.5 of the California Health and Safety Code, and all marijuana dispensary, marijuana manufacturer, marijuana delivery, and marijuana testing laboratory uses.
- I. [Zoning Applications and Review Procedures. Specific plans shall identify when a proposal requires zoning approval and refer to this Zoning Ordinance for applications, submittal requirements, and general review procedures, unless specific procedures are designated in a Specific plan. If a Specific Plan requires approval of an application unaddressed in Chapter 17.16, the current procedures and applications within this Title shall apply.](#)

**SECTION 44.** Subsections (A)-(C)(3) of Section 17.56.040 of the San Clemente Municipal Code are hereby amended to read in their entirety as follows:

**17.56.040 - Planned Residential District (-PRD) Overlay.**

- A. **Purpose and Intent.** The purpose of the Planned Residential District (-PRD) Overlay is to provide flexible regulations in order to foster innovation, variety, amenities, and a sensitivity to the natural topography in residential development. The intent is to allow development to deviate from conventional residential standards to achieve higher quality rather than increased density.
- B. **Applicability.** The provisions in this section apply to all areas with the Planned Residential District (-PRD) designation.
- C. **Adoption and Amendment of the Planned Residential Overlay District (-PRD).**
  - 1. Adoption and amendment of the -PRD Overlay on any properties shall occur in accordance with the provisions described in Section 17.16.040, Zoning Amendments, of this title.
  - 2. Adoption of the -PRD Overlay shall require the concurrent approval of a [Tentative Map, if property is being subdivided according to the City's Subdivision Ordinance and concurrent approval of a Development Permit,— \(Section 17.16.100\) or Cultural Heritage Permit \(17.16.110\).](#) ~~Site Plan Permit, in accordance with Section 17.16.050, Site Plan Permits and Minor Site Plan Permits, of this title, as well as the concurrent approval of a tentative map, if property is being subdivided, in accordance with the City's Subdivision Ordinance.~~
  - 3. Prior to submitting an application for adoption of the -PRD Overlay, the applicant or prospective developer shall schedule a preapplication review conference with the City Planner. Please refer

to Section 17.12.030, Preapplication Review, of this title for the general purpose and intent of preapplication review.

**SECTION 45.** Subsection (D) of section 17.56.020 of the San Clemente Municipal Code is hereby amended to read as follows:

- D. **Development Review.** Development ~~in areas with this~~within the Architectural Overlay ~~overlay designation will be subject to architectural review for compliance with the City's Design Guidelines. See Section 17.16.100, Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits for requirements regarding architectural review.~~may require approvals specified in Chapter 17.16, such as an Administrative Development Permit; Section 17.16.100, Development Permit; or Section 17.16.110, Cultural Heritage Permit for historic resources and landmarks on the City's designated historic resources and landmarks list.

**SECTION 46.** Subsection (D)(6) of Section 17.56.050 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

6. Coastal Bluff and Canyon Preservation.
  - a. Landscaping. Landscaping in coastal canyon setback areas or the coastal bluff setback areas, as defined in the subsections above, shall be primarily composed of native plant species. The removal of native plant species and the introduction of nonnative plant species in the canyons shall be discouraged. The use of native plant species in and adjacent to the canyons shall be encouraged.
  - b. Landscape thinning and clearing within Coastal Canyons and Bluffs, including setback areas as defined in the subsections above, for areas located within 30 feet of any habitable structure or parking garage, shall be allowed when done in accordance with the following criteria:
    - i. Dead and dying plants, leaves and similar debris shall be removed.
    - ii. Non-native (also termed as ornamental or exotic) vegetation may be removed.
    - iii. Vegetation located next to or under combustible structures shall be removed.
    - iv. 30 feet shall be provided between the building and native (also defined as non-ornamental or non-exotic), non-irrigated vegetation, unless the vegetation is on a slope, in which case the native, non-irrigated plants shall be trimmed and thinned while retaining root structures in place for slope and soil stability. Where root zone is not sufficiently established, to be determined by the City Engineer, alternative measures for slope and soil stability may be required, to the satisfaction of the City Engineer and Coastal Commission staff.
    - v. Best Management Practices (BMPs) must be utilized to prevent any discharge of soil, vegetation or other material to the storm drain system (including natural canyons, area drains, streets, gutters, catch basins, pipes, channels or receiving waters) in compliance with the municipal storm water permit issued by the San Diego Regional Water Quality Control Board, the city's local implementation plan and the Orange County Drainage area management plan.

- c. Landscape thinning and clearing within Coastal Canyons and Bluffs, including setback areas as defined in the subsections above, for areas located within 100 feet of any habitable structure or parking garage, shall be allowed when done in accordance with the following criteria:
  - i. Dead and dying plants, leaves and similar debris shall be removed.
  - ii. Non-native (also termed as ornamental or exotic) vegetation may be removed.
  - iii. Nominal trimming of native vegetation is allowed. In no case shall plants be trimmed down to the root stalk, unless in-concept approved by the City Planner and approved by the California Coastal Commission.
  - iv. Best Management Practices (BMPs) must be utilized to prevent any discharge of soil, vegetation or other material to the storm drain system (including natural canyons, area drains, streets, gutters, catch basins, pipes, channels or receiving waters) in compliance with the municipal storm water permit issued by the San Diego Regional Water Quality Control Board, the city's local implementation plan and the Orange County Drainage area maintenance plan.
- d. New landscaping and landscape modification, other than as described above, must be in-concept approved by the City Planner and reviewed and approved by the California Coastal Commission.
- e. Subdivision. Any subdivision of property in or adjacent to coastal bluffs and/or coastal canyons shall be reviewed for consistency with the coastal bluff and canyon preservation policies. New parcels that do not have an adequate building site area to comply with the setback standards of these policies shall not be created.
- f. Review of Projects:
  - i. Projects Requiring ~~Site Plan Review~~ [Development Permit or Cultural Heritage Permit](#). Review of all projects within the Coastal Zone requiring ~~Site Plan~~[Development Permit](#), [Cultural Heritage Permit](#), ~~Review~~ or Conditional Use Permit review shall include an assessment of the potential impact on natural habitat areas. Site plan review of all development projects located adjacent to parks and recreation areas shall include an evaluation of potential impacts on coastal bluffs and coastal canyons.
  - ii. Mitigation measures identified during site plan review stages to limit a project's effect on the coastal bluff or coastal canyon environment shall be incorporated into final project design plans.
  - iii. Large-Scale Projects. The analysis and evaluation of large-scale development projects shall include a comprehensive inventory of biological resources. A determination should be made of the area's importance as a native habitat, including identification of rare or endangered species, or those species being considered to be listed as rare or endangered.

**SECTION 47.** Subsection (C)(3) of Section 17.56.080 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

3. Neighborhood Electric Vehicles. Parking for Neighborhood Electric Vehicles (NEV), as defined in Vehicle Code Section 385.5, may be applied toward the total required parking at a maximum of four percent and not more than eight spaces of the required number of parking spaces for a project through the approval of a ~~Site Plan Permit~~ [Development Permit or Cultural Heritage Permit](#). Additional NEV spaces can be provided however those spaces will not apply to the required parking. NEV spaces shall be located in areas of parking lots that cannot accommodate a standard parking space, unless the required number of standard spaces has been satisfied.

**SECTION 48.** Subsection (D) of Section 17.56.090 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

- D. **Review Requirements.** Affordable housing projects are a permitted use in the [AH] Overlay. Refer to use tables in Sections 17.36.030 (Commercial Zone Uses) and 17.40.030 (Mixed-Use Zone Uses). Affordable housing projects in commercial and mixed-use zones require [the approval of a Development Permit \(Section 17.16.100\); or a Cultural Heritage Permit \(Section 17.16.110\) for historic resources and landmarks on the City's designated historic resources and landmarks list](#), ~~either a Cultural Heritage Permit or Architectural Permit per Section 17.16.100,-~~. Additionally, ~~d~~ Depending on the project, other discretionary processes may apply [per in compliance with](#) Chapter 17.16.

**SECTION 49.** Subsection (D)(7) of Section 17.56.100 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

D. **Emergency Shelter Development Standards.**

7. Architectural Review. Emergency Shelters shall comply with the City's Design Guidelines, Specific Plans, and the Zoning Ordinance regarding architectural and development standards to ensure shelters are compatible with their surroundings, provide adequate privacy between uses, and minimize potential impacts of the proposed shelter on adjacent uses.

The process to review emergency shelter compliance with these requirements shall be a ministerial review that shall be considered at the time of building permit review or business license review, ~~which ever~~ [whichever](#) comes first. Emergency shelters shall be exempt from all discretionary review processes ~~including Site Plan Permit (Zoning Ordinance Section 17.16.070) and Architectural Permit (Zoning Ordinance Section 17.16.100)~~ in [accordance-compliance](#) with State law.

**SECTION 50.** Section 17.64.110 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

**17.64.110 Off-Site Parking.**

Where permitted by this chapter, parking required for nonresidential uses may be provided off-site, within 300 feet of a use, through the execution of a legal document. The document shall comply with the following restrictions:

- A. The agreement shall restrict the use of the land on which the off-site parking is located for the duration of the use for which that parking is provided;
- B. The agreement shall be executed by the owner of the property on which the parking is located. Only the property owner may enter into these agreements; and
- C. The agreement shall be submitted for the review and approval of the City Attorney; and

- D. Following its approval of a [Minor](#) Conditional Use Permit pursuant to Section 17.16.0760, the agreement shall be recorded by the applicant and a copy furnished to the Community Development Department when applying for a permit, for inclusion in any related discretionary application files and the Building Division address files.

**SECTION 51.** Subsection (A) of Section 17.64.120 of the San Clemente Municipal Code is hereby amended to read as follows:

**17.64.120 Shared Parking.**

In all nonresidential and mixed-use zones, private parking facilities may be shared by multiple uses whose activities are not normally conducted during the same hours, or when hours of peak use vary. The applicant shall have the burden of proof for a reduction in the total number of required off-street parking spaces.

**A. Review Requirements.**

1. Existing Buildings with Change of Use [Except a Change to a Mixed Use (Residential/Commercial on the Same Site)]. Shared parking may be granted through the approval of a Minor Conditional Use Permit, in [accordance-compliance](#) with Section 17.16.070, Minor Conditional Use Permits, ~~of this title, subject to the requirements and findings in subsections (B) and (C) of this section.~~
2. New Mixed Use (Residential/Commercial on Same Site) Buildings. Shared parking may be granted through the approval of a [Minor](#) Conditional Use Permit, in [complianceaccordance](#) with Section 17.16.060070, [Minor](#) Conditional Use Permits, ~~of this title, subject to the requirements and findings in sub\_sections (B) and (C) of this section.~~
3. All Other Projects. Shared parking may be granted through the approval of a Conditional Use Permit, in [accordance-compliance](#) with Section 17.16.060070, [Minor](#) Conditional Use Permits, ~~of this title, subject to the requirements and findings in subsections (B) and (C) of this section.~~

**SECTION 52.** Subsections (B)(2) and (B)(3) of Section 17.72.030 of the San Clemente Municipal Code are hereby amended to read in its entirety as follows:

**B. Exemptions.**

2. Nonconforming Structures. The following structures are exempt from nonconforming structure regulations in this Chapter:
  - a. Structures that comply with all zoning requirements except landscape standards.
  - b. Single-family dwellings constructed with a single-car garage or carport (“parking structure”) in residential zones prior to April 4, 1962 are exempt from being a Nonconforming Structure due to insufficient parking, except when a project removes or alters the single-family dwelling’s structural frame in 50 percent or greater of the structure’s exterior walls, as described in Section 17.72.050(E). Then, the residence and parking structure shall be made to comply zoning requirements as described in this Chapter.

- c. In-the-bank garages located in residential zones which do not comply with front yard setback regulations.
  - d. National, state or locally designated historic structures may be exempted from this Chapter with the approval of a Cultural Heritage Permit ~~per Table~~ [in compliance with Section 17.16.100B](#).
3. Nonconforming Uses. The following land uses are exempt from nonconforming use regulations in this Chapter:
- a. Multiple-family dwellings constructed in the Residential Low Density zoning district prior to April 4, 1962.
  - b. Service stations and vehicle service and repair-related facilities are exempt, provided the uses were lawfully established on or before February 4, 2014 (adoption date of General Plan), the uses have not been discontinued more than 365 consecutive calendar days, and the uses meet any of the criteria below:
    - i. The service station or vehicle service repair-related use is on property fronting El Camino Real, or fronting other arterial streets defined in Section 17.88.030, or
    - ii. The service station use is located on property in gateway areas (identified in the General Plan Urban Design Element) abutting Interstate-5 off-ramps and intersections.
  - c. Nonconforming uses associated with the historical significance of national, state or locally designated historic structures may be exempted from this Chapter with the approval of a Cultural Heritage Permit ~~per Table~~ [in compliance with Section 17.16.100110-B](#).
  - d. Mobilehome Parks in compliance with any applicable Conditional Use Permit shall be exempt from all provisions of Chapter 17.72, except as provided in SCMC Subsection 17.72.060.E.

**SECTION 53.** Subsection (B) of Section 17.72.040 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

- B. **Code compliance of projects.** ~~Projects shall~~ [The expansion and alteration of nonconforming structures shall not make structures and uses more nonconforming comply with development standards, unless exceptions are granted with the approval of a Minor Exception Permit, Variance, or other provision in this Title.](#)

**SECTION 54.** Subsection (A) of Section 17.72.050 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

~~**17.72.050(A), Repair, Alteration, and Expansion of Nonconforming Structures, Applicability of other review procedures.**~~

- A. **Applicability of other review procedures.** ~~Section 17.16.050 (Site Plan Permits and Minor Site Plan Permits) or Section 17.16.100 (Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits) may apply to projects that change Nonconforming Structures~~ [This Title may require approval of permits to allow the modification of nonconforming structures according to Chapter 17.16](#) ~~. These permits may be required to ensure site plans and~~



architecture are reviewed through a discretionary process, where applicable projects are consistent with the General Plan, Design Guidelines, and regulations.

**SECTION 55.** Subsection (I)(2)(a)(i) of Section 17.72.050 of the San Clemente Municipal Code is hereby amended to read in its entirety as follows:

~~17.72.050(I)(2)(a), Nonconforming structures, 50 percent or greater additions~~

- a. Nonconforming status shall be terminated. Nonconforming Buildings expanded by 50 percent or greater shall be made to conform to zoning requirements, except as follows:
  - i. Exception for single-family dwellings less than 1,400 square feet. Nonconforming single-family dwellings, smaller than 1,400 square feet, may be expanded to a maximum of 2,100 square feet and continue to be nonconforming ~~if they are expanded to a maximum of 2,100 square feet with the approval of a Development Permit (Section 17.16.100) or a Cultural Heritage Permit (17.16.110) for historic resources and landmarks on the City’s designated historic resources and landmarks list, provided that a Minor Architectural Permit or Minor Cultural Heritage Permit is approved in compliance with Section 17.16.100. The Design Review Subcommittee shall review projects, prior to a Zoning Administrator hearing, to ensure additions are in character with a neighborhood and are consistent with the City’s Design Guidelines.~~

**SECTION 56.** The rows for “Banner Signs” and “Grand Opening Signs” in Table 17.84.030A in Section 17.87.030 of the San Clemente Municipal Code are hereby amended to read in their entirety as follows:

**Table 17.84.030A, Matrix of Sign Types, Banner Signs and Grand Opening Signs**

**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  |
|---------------------|-----------------------------------|-----------------------|-------------------------|---|---|
| Banner Signs        | One per business                  | 64 sq. ft.            | —                       | <del>Temporary</del> <u>Adm.</u> Sign Permit    | See Section 17.84.030(H) for criteria   |
| Grand Opening Signs | 1 per site                        | 4 sq. ft.             | —                       | <del>Temp. Banner</del> <u>Adm.</u> Sign Permit | Will not count toward banner allowance during calendar year. May be displayed for a maximum of 30 days. The application for a Temp. Banner Permit must accompany a new business |



|  |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  |  |  | license application or new certificate of occupancy. |
|--|--|--|--|--|--|

**SECTION 57.** Subsection (H)(1) of Section 17.84.030 of the San Clemente Municipal Code is hereby amended to read as follows:

H. **Temporary Banner Signs.** Temporary Banner Signs shall be allowed for businesses city-wide, excluding home-occupations.

1. Temporary Banner Sign Criteria.

- a. Each business shall be permitted a maximum of one temporary banner sign per business at any given time.
- b. The temporary banner sign cannot exceed 64 square feet. A temporary banner sign will not count towards a business's total sign area allowance.
- c. The temporary banner sign shall be placed on-site and flush on the building. These banners are prohibited in the following locations: city right-of-way, free-standing walls, fences or other areas or fixtures not part of the business's primary structure; other locations as determined by the City Planner to be inconsistent with the intent of this section. No portion of the temporary banner sign shall be free-hanging and all corners of the banner shall be secured to the building.
- d. Temporary banner signs shall be constructed of cloth, canvas, fabric, plastic or other similar durable material.
- e. The temporary banner sign shall be maintained in good condition, free of any defects, including cracking, torn or ripped material, or faded copy.
- f. Each business may have up to four ~~banner~~ permits per calendar year. [Each permit allows the display of a banner sign up to 30 calendar days.](#) Renewals of ~~banner~~ permits are allowed, but in no case shall a business display a temporary banner for more than 120 days per calendar year. ~~A minimum of 14 days between permits is required, except upon renewal of an existing banner permit.~~ Banners may be replaced during the authorized period so long as they are the same or smaller size and installed in the approved location. These provisions are to ensure temporary banner signs are not used as permanent display or in-lieu of permanent signs for the business.

**6. Closed Session Report - City Attorney.**

City Attorney Smith announced that Council took no reportable action during this evening's Closed Session; noted that Council completed the City Manager's evaluation and authorized the Mayor and Mayor Pro Tem to meet with the City Manager to debrief him on the results; advised that Closed Session Item B related to Family Assistance Ministries was deferred to a later date.

**7. Special Presentations.****A. Update on Homeless Issue (April Update)**

Deputy Community Development Director Atamian and Community Outreach Worker Hunter reviewed the April 2022 City Outreach and Engagement Report and responded to Council inquiries. A hard copy of the April 2022 report is on file with the City Clerk.

**B. Presentation of Proclamation - National Beach Safety Week**

Mayor James presented a Proclamation to Marine Safety Captain Mellot, and Lieutenant Staudenbaur, proclaiming May 23-30, 2022, as National Beach Safety Week. Marine Safety staff displayed a video concerning beach safety.

**8. PUBLIC HEARINGS**

(Budget Public Hearing was held at 3:00 p.m.)

**9. UNFINISHED BUSINESS**

None.

**10. NEW BUSINESS**

MOTION BY MAYOR JAMES, SECOND BY COUNCILMEMBER FERGUSON, CARRIED 5-0, to hear Agenda Item 10E as the first item under New Business.

- A. **Permit Streamlining** (Agendized at the March 1, 2022 City Council Meeting by Councilmember Knoblock, with the support of Councilmember Ferguson and Mayor James).

Report from the Community Development Director concerning permit streamlining opportunities.

Zhen Wu, San Clemente, requested clarification on the dispute between the City of San Clemente and California Coastal Commission concerning major remodels; suggested the delay in processing permits is due to staffing shortages.

Deputy Community Development Director Atamian and Senior Planner Toma reviewed the contents of the Administrative Report and responded to Council inquiries.

Following discussion, MOTION BY MAYOR JAMES, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to agendize a Special Presentation for the June 21, 2022 Regular Council meeting to outline a timeline to implement the streamlining opportunities identified and discuss the possibility of implementing a shot clock on project approvals.

- B. **Outlets at San Clemente – Conditional Use Permit for Special Events**  
(Agendized at the February 15, 2022 City Council Meeting by Mayor James, with the support of Mayor Pro Tem Duncan and Councilmember Ward).

Report from the Community Development Director concerning the Outlets at San Clemente Conditional Use Permit for Special Events.

Deputy Community Development Director Atamian reviewed the contents of the Administrative Report and responded to Council inquiries.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER FERGUSON, CARRIED 5-0, to receive and file the Administrative Report dated May 25, 2022, and on file with the City Clerk.

- C. **Actions to Prevent Human Trafficking in Massage Establishments and Similar Businesses**

Report from the Community Development Director concerning actions to prevent human trafficking in massage establishments and similar businesses.

Alejandra Baker, I-5 Freedom Network, urged Council to direct enforcement of massage establishments to the business, not the workers; thanked the Public Safety Committee for working with the I-5 Freedom Network on this effort.

Deputy Community Development Director Atamian reviewed the contents of the Administrative Report and responded to Council inquiries.





# AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING  
Meeting Date: May 25, 2022

Agenda Item 10A  
Approvals:  
City Manager CS  
Dept. Head CGD  
Attorney CS  
Finance JW

**Department:** Community Development, Planning Division  
**Prepared By:** Sara Toma, AICP, Senior Planner

**Subject:** *PERMIT STREAMLINING – REPORT TO CITY COUNCIL*

**Fiscal Impact:** None to receive this report. The City Council previously allocated funding for the work programs outlined below in the Fiscal Year 2021-22 Budget. Any additional projects initiated may require an appropriation of supplemental funding to undertake.

**Summary:** This report provides information about opportunities to streamline the City’s permit approval process. Current efforts to accomplish this task include the Housing Element Rezoning Program, the development of the Implementation Plan of the City’s Local Coastal Program, six Specific Plan Updates, and an upgrade to the Community Development Department’s permit-tracking system.

**Background:** On March 1, 2022, the City Council directed staff to bring back a report on potential code or design guideline modifications to streamline the permitting process.

As an ongoing work program, staff routinely amends the zoning code to clarify procedures, streamline or eliminate various planning permits, and modify or eliminate some ineffective rules. Some of the topics of focus have been general procedures, permit and process eliminations, permit exemptions, formalization of procedures/role of the design review subcommittee, and allowing more staff-level decisions to shorten the review process. This report identifies streamlining processes currently underway, and future streamlining ideas that staff has compiled to bring forward in the future when the current efforts have been completed.

**Discussion:**

**Planning Division Work Program**

The Planning Division is working on four major projects that will facilitate the streamlining permit process by removing barriers that cause project delays such as the level of hearing body review, amendments to regulations, application submittal requirements, and design review time. These projects will help promote a faster development review process, create certainty for developers, and further the goals, policies, and implementation measures of the City’s General Plan.

The Planning Division’s current work program includes the Housing Element Rezoning Program, the preparation of the Implementation Plan of the City’s Local Coastal

Program, six Specific Plan Updates, and an upgrade to the Community Development Department's permit tracking system.

### ***I. Housing Element Rezoning Program***

The Housing Element Rezoning Program would implement the Zoning Program in the 6<sup>th</sup> Cycle Housing Element (2021-2029). This effort will amend zoning regulations to:

- Update the City's existing Affordable Housing Overlay District;
- Require by-right approval of residential development if 20 percent of the units are set aside for lower income (very low and low) households;
- Remove Conditional Use Permit Requirements for 5+ units for projects that meet certain objective standards up to a certain threshold;
- Develop and codify objective design standards; and
- Evaluate, and revise the development standards for height limits, lot coverage, and parking requirements to ensure that residential development projects have the ability to achieve the allowable densities.

### ***II. Implementation Plan of the Local Coastal Program***

The City is working on obtaining a fully certified Local Coastal Program (LCP) and is currently preparing the Implementation Plan, which is the companion document to the recently certified Coastal Land Use Plan. This effort will result in a new Title 18 of the municipal code for development in the Coastal Zone. Having a certified LCP will give the City more control over approving projects within the Coastal Zone and provide greater certainty to local property owners and businesses.

The result of this LCP effort will be a streamlined Coastal Development Permit (CDP) process for local property owners by enabling them to obtain a single permit from the City. The efforts on the Housing Element and Specific Plan updates described in this report will also need to be incorporated into the Coastal Implementation Plan.

### ***III. Specific Plan Updates***

Staff is updating six Specific Plans to be consistent with the City's General Plan and the recently certified Coastal Land Use Plan. The amendments include the allowance of auto uses, including electric vehicle delivery service centers, in the Business Parks, and a streamlined review process for development in the Los Molinos area with codified design guidelines. The six Specific Plan Updates include the following:

1. West Pico Corridor,
2. Forster Ranch,
3. Marblehead Coastal,
4. Marblehead Inland,
5. Rancho San Clemente, and

6. Talega.

**IV. Permit Tracking System Upgrade**

The City's permit tracking system (TRAKiT) which allows applicants to submit building permits, check project status, and provide other property search features is currently in the process of being upgraded. The update will include an e-TRAKiT planning and building application submittal portal that will allow prospective applicants to submit ministerial or discretionary permit applications and required documents online. This will reduce time and cost for both the applicant and City by reducing submittal errors and ensuring faster processing time. This customer friendly web based system upgrade will track all building permits, inspections, site plan reviews, and code enforcement violations. The workflow provided by the system allows for the efficient transfer of work, providing visibility, comprehensive collaboration tools, and reporting.

Moreover, the public will continue to be able to utilize the upgraded e-TRAKiT system to view application status and review comments, allowing users to manage projects more effectively.

**Future Streamlining Opportunities**

Staff has compiled a list of future streamlining opportunities. This list is provided as Attachment 1. These prospective recommendations include simplification of some applications, addressing the processing of minor additions and remodels in proximity to historic resources, allowing more staff level decisions and changing some process levels from Planning Commission to a Zoning Administrator approval. A future Planning Division work program includes updating the City's Design Guidelines and codifying objective design standards to simplify review and process decisions.

Staff anticipates bringing forward these potential code modifications to City Council for consideration once the current efforts underway have been completed. Staff expects to pursue these opportunities to further streamline the review process once work on the Housing Element update and rezoning program, and Specific Plan updates are completed and we have made progress in merging these updates into the Local Coastal Program. Staff anticipates initiating some of these efforts, including updating the City's Design Guidelines, in Fiscal Year 2023.

**Recommended**

**Action:** STAFF RECOMMENDS THAT the City Council receive and file this report.

**Attachments:** Attachment 1: List of Future Streamlining Opportunities

**Notification:** None.

| <b>List of Future Streamlining Opportunities</b> |   |
|--|---|
| <b>Signs</b>                                     | <ul style="list-style-type: none"> <li>• Sign programs with City Planner approval, except for historic structures and signage on new development and major remodels approved through a discretionary process. For such signage, allow subsequent review with ZA approval (vs. PC).</li> <li>• Monument signs with City Planner approval when they consolidate advertising of multiple tenants.</li> </ul>   |
| <b>Simplify Applications</b>                     | <ul style="list-style-type: none"> <li>• Finish work on consolidating applications with similar findings to simplify our process and make it more intuitive (note: Council initiated this in the past). We would expand this to include signage applications and possibly combining special events/temporary use permits.</li> </ul>  |
| <b>Residential Buildings</b>                     | <ul style="list-style-type: none"> <li>• Currently, new development and additions over 500 square feet on sites with 3+ units within 300 feet of residential zoned historic structures are subject to PC approval of Cultural Heritage Permits, except for projects:               <ol style="list-style-type: none"> <li>1) Not visible from right of way adjoining historic structure sites,</li> <li>2) Not in the architectural overlay,</li> <li>3) Not abutting historic structure sites,</li> <li>4) Not on sites with historic structure sites, or</li> <li>5) Not visible from a public view corridor.</li> </ol> <p>New buildings and additions over 500 square feet require PC approval. Staff suggests allowing projects with City Planner approval vs. PC if located 100-300 feet from historic structures.</p> </li> <li>• Minor remodels/additions to single-family and duplexes adjoining historic structure sites (not in architectural overlay).               <ul style="list-style-type: none"> <li>○ Allow additions under 50% with ZA approval vs. PC if not screened from the street. Currently, the limit is 500 square feet w/ZA approval.</li> <li>○ Allow ZA to approve accessory buildings visible from street (currently PC).</li> <li>○ Allow staff to approve accessory buildings screened from the street.</li> </ul> </li> </ul> |
| <b>Accessory Structures</b>                      | <ul style="list-style-type: none"> <li>• Accessory structures (all sites) - Allow with City Planner approval where a project has proposed materials and design in character with the primary building's appearance and has a height and size that maintain visual focus of primary buildings from the public right-of-way and support an open street scene along the block on the same side of the street as the project.</li> <li>• Residential accessory buildings - Allow with City Planner approval up to height limit of the zone (vs. 15 feet) if they comply with setbacks.</li> <li>• Nonresidential accessory buildings with ZA approval vs. PC.</li> <li>• Allow walls over 3 ½ feet in front yard/street side yard with City Planner approval if criteria are met (and we incorporate common conditions into the zoning code).</li> </ul>  |

ATTACHMENT 1

|                          |  |
|--------------------------|--|
| <b>Parking</b>           | <ul style="list-style-type: none"><li>• Allow off-site and shared parking agreements with ZA or City Planner approval (vs. PC).</li></ul>  |
| <b>Design Guidelines</b> | <ul style="list-style-type: none"><li>• Update City Design Guidelines (General Plan Implementation Measure)</li><li>• Codify design guidelines as objective development standards to simplify review and processing (some of this work is underway with the Housing Element Rezoning Program and the West Pico Corridor Specific Plan Update).</li></ul> |



These minutes will be considered for approval at the Planning Commission meeting of 06-22-2022.



## MINUTES OF THE REGULAR MEETING OF THE CITY OF SAN CLEMENTE PLANNING COMMISSION

June 8, 2022 @ 6:00 p.m.

San Clemente Community Center Auditorium

100 Calle Seville, San Clemente, CA 92672

Teleconference via [www.san-clemente.org/live](http://www.san-clemente.org/live) or Cox Channel 854

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### CALL TO ORDER

Commissioner Crandell called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:02 p.m. The meeting was offered in person at The City of San Clemente Community Center Auditorium, located at 100 Calle Seville, San Clemente California, and also via live stream through the City's YouTube Channel or live on Cox Channel 854.

### **2 PLEDGE OF ALLEGIANCE**

Commissioner Cosgrove led the Pledge of Allegiance.

### **3. ROLL CALL**

Commissioners Present: Cameron Cosgrove, Gary P. Mccaughan, M.D., Karen Prescott-Loeffler; Chair pro tem Scott McKhann, Chair Barton Crandell.

Commissioners Absent: M. Steven Camp

Staff Present: Adam Atamian, Deputy Community Development Director  
Sara Toma, Senior Planner  
\*Christopher Wright, Associate Planner 11  
\*David Carrillo, Assistant Planner  
Matthew Richardson, Assistant City Attorney  
Eileen White, Recording Secretary

\*Participated in meeting via teleconference

### **4. SPECIAL ORDERS OF BUSINESS**

None

### **5. MINUTES**

A. Minutes from the Regular Planning Commission Meeting of May 18 2022.

~~IT WAS MOVED BY eCOMMISSIONER-MCCAAtJGHAN-SECe>NDED -sy~~  
COMMISSIONER PRESCOTT-LOEFFLER, AND UNANIMOUSLY CARRIED

TO RECEIVE AND FILE THE MINUTES FROM THE MAY 18, 2022, PLANNING COMMISSION MEETING AS SUBMITTED.

**6. ORAL AND WRITTEN COMMUNICATION**

None

**7. CONSENT CALENDAR**

None

**8. PUBLIC HEARING**

A. Conditional Use Permit, 22-165, Ashiatsu by the Sea Massage (Carrillo)

A request to consider a massage establishment at a multi-tenant suite, within a commercial plaza, located at 1401 North El Camino Real, Suite 100, within the Neighborhood Commercial 2 Zoning District.

David Carrillo, Assistant Planner, narrated a PowerPoint Presentation entitled, "Ashiatsu by the Sea, CUP 22-165," dated June 8, 2022. A copy of the Presentation is on file in the Planning Division.

Sheila Neumann, applicant, was available for questions.

Chair Crandell opened the public hearing.

Deputy Director Atamian read aloud two letters received concerning this item.

Susan Neal, partner at previous location, submitted a letter recounting the positive experience she had with Ms. Neumann during their partnership; supported approval of the current proposal.

Suzette Shoulders, provided a letter detailing her experience as a customer of Ms. Neumann at her previous workplace and recommended approval of the request due to Ms. Neuman's professionalism and skill; described the results she experienced as a patient.

Chair Crandell closed the public hearing.

In response to questions from the Commission, Assistant Planner Carrillo and Deputy Community Development Director Atamian described the formal certification, documentation and license requirements to be fulfilled during the approval process; described staff's ability to access and inspect the workplace unannounced.

IT WAS MOVED BY COMMISSIONER MCKHANN, SECONDED BY COMMISSIONER MCCAUGHAN, AND UNANIMOUSLY CARRIED TO:

1) DETERMINE THE PROJECT IS CATEGORICALLY EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO CEQA GUIDELINES SECTION 15301 (CLASS 1: EXISTING FACILITIES); AND;

2) ADOPT RESOLUTION NO. PC 22-012, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 22-165, ASHIATSU BY THE SEA MASSAGE, TO ALLOW A MASSAGE ESTABLISHMENT AT A MULTI-TENANT SUITE WITHIN A COMMERCIAL PLAZA LOCATED AT 1401 NORTH EL CAMINO REAL, SUITE 100.

**[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL.]**

**9. NEW BUSINESS**

**A. Permit Streaming (Atamian)**

A City-initiated review of potential streamlining opportunities.

Sara Toma, Senior Planner narrated a PowerPoint Presentation entitled, "Permit Streamlining, San Clemente," dated June 8, 2022. A copy of the Presentation is on file in the Planning Division.

Deputy Director Atamian advised that, in response to direction from City Council, Planning Staff has prepared a list of potential streamlining opportunities and is requesting input from the Planning Commission. The List will be presented to City Council for review at its June 21, 2022, regular meeting. Comments, suggestions and proposed revisions/concerns from the Commission will also be presented to Council at that time.

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

The Commission reviewed the List with staff and provided the following commentary:

- Expressed concern with proposed relegation of review level for certain types of projects that may generate controversy and public interest/testimony; opposed changing certain projects' review levels from a governing body with noticing requirements, to staff/department review that does not require resident notification.
- Suggested that in order to allow changes to levels of review, such as monument signage, the City should develop and codify objective and detailed design standards to ensure projects are complementary to the building architecture, area themes, and location designations.



- Expressed concern with relaxing level of review for projects within prescribed distance of historic homes; requested staff identify situations/instances where the level of review may be bumped up to a higher level.
- Requested examples, potential exemptions, and identified instances where changes in level of review, and subsequent elimination of notification requirement, could occur for accessory structures, including setbacks, height limits, wall heights, locations within proscribed distance of historic homes, accessory structures joined to existing structures, etc.
- Requested identification of landscape/hardscape projects subject/not subject to review level especially with regard to historic homes and locations within proscribed distance of historic homes, including clarification of “minor” designation, the use of historic landscaping materials and architectural standards.
- With regard to parking agreements, commented that level of review that includes public notification is important when the subject properties seeking agreements are located in or adjacent to residential areas.
- Requested examples of standards, real instances and potential scenarios that would allow a level of review change for allowing residential on different floors of mixed-use buildings.
- Commented that before permit streamlining can occur, the City’s Specific Plans need to be updated and scrutinized carefully with permit streamlining in mind.
- Check boxes on applications are a great addition to alert applicants as to when additional plans/documents/certifications/licenses, etc., have to be submitted.
- Commented that permit streamlining may be difficult to achieve if the City does not have adequate Planning staff.
- Although a premium price to expedite may help, an economic downturn will also affect the streamlining effort.
- The City currently has the ability to estimate the time an application will take as it moves through the process, and this should be shared with the applicants. However, staff should avoid attaching automatic timelines to projects; tickler files to ensure projects are on track are more efficient and increase transparency.
- Outreach to other departments, such as Engineering and Inspections, will also help to coordinate and maintain accurate timelines.
- Ensure the public/applicants are consistently kept informed as to the status of projects to increase transparency and manage expectations.
- Incorporate text messaging when there are time delays; codify guidelines with objective standards; encourage complete packages (as much as possible) at time of submittal.
- Expressed concern with changing any height standards, movement of property lines, and Zoning Code changes without the public notification process.

Larry Culbertson, President of the San Clemente Historical Society was in attendance and expressed concerns with streamlining's impact on historical resources.

Deputy Director Atamian noted this draft will be presented for City Council input at its June 21, 2022, meeting; requested Commissioners contact staff if they think of any other comments.

**10. OLD BUSINESS**

None

**11. REPORTS OF COMMISSIONERS AND STAFF**

A. Tentative Future Agenda

B. Staff Waiver Memo and Reports

Deputy Director Atamian announced that Council has canceled its July 5, 2022, meeting; noted there are no items of business currently on the Commission's July 6, 2022, agenda. The Commissioners expressed support for canceling their July 6, 2022, meeting.

Chair Crandell commented that there is an upcoming Planning Commission Seminar in Dana Point in November; requested staff consider organizing and supporting Planning Commissioner attendance.

**12. ADJOURNMENT**

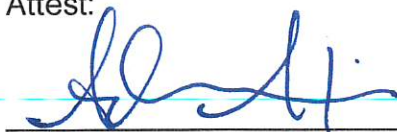
IT WAS MOVED BY COMMISSIONER MCCAUGHAN, SECONDED BY COMMISSIONER COSGROVE AND UNANIMOUSLY CARRIED TO ADJOURN AT 9:45 P.M. TO THE REGULAR MEETING TO BE HELD ON JUNE 22, 2022, AT 6:00 P.M. IN-PERSON AT THE COMMUNITY CENTER, LOCATED AT 100 CALLE SEVILLE, SAN CLEMENTE, CA, 92672, AND TELECONFERENCE AVAILABLE TO THE PUBLIC VIA LIVE STREAM FROM THE CITY'S YOUTUBE CHANNEL OR LIVE ON COX CHANNEL 854.

Respectfully submitted,



Bart Crandell, Chairman

Attest:



Adam Atamian, Deputy Community Development Director





## STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: June 7, 2022

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**PLANNER:** Adam Atamian, Deputy Community Development Director 

**SUBJECT:** Permit Streamlining, a City-initiated review of potential streamlining opportunities.

### **BACKGROUND**

On May 25, 2022, the City Council directed staff to present potential streamlining opportunities to the Planning Commission for feedback prior to returning to the City Council on June 21, 2022.

### ***Noticing***

None required.

### **PROJECT DESCRIPTION**

Staff has compiled a preliminary list (Attachment 2) of ideas for future streamlining opportunities. These prospective recommendations include simplification of some zoning applications, addressing how we process certain projects, reducing the level of City review of items found to have less potential for public concern or land use impacts than the level of review currently required. This includes new residential buildings, minor residential building additions and remodels, landscape/hardscape, accessory structures (e.g. fences) with a focus on properties in proximity to historic resources or in the Architectural Overlay. The proposed streamlining would allow staff to make more decisions on these projects and change some process levels from Planning Commission to a Zoning Administrator approval. In addition, a future Planning Division work program will update the City's Design Guidelines and codify objective design standards to simplify review and process decisions.

Staff expects to pursue these opportunities to further streamline the review process once work on the Housing Element update and rezoning program, and Specific Plan updates are completed and we have made progress in merging the work on the Housing Element programs and Specific Plan updates into the Local Coastal Program. Later, staff anticipates initiating updates to the City's Design Guidelines, in Fiscal Year 2023.

**RECOMMENDATION**

Staff recommends that the Planning Commission provide feedback on permit streamlining opportunities proposed by staff and any additional input related to streamlining efforts.

***Attachments:***

1. City Council Agenda Report on Permit Streamlining, dated May 25, 2022.
2. List of Potential Streamlining Opportunities



## AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING  
Meeting Date: May 25, 2022

Agenda Item 10A

Approvals:

City Manager ES

Dept. Head CGD

Attorney CJ

Finance JW

**Department:** Community Development, Planning Division  
**Prepared By:** Sara Toma, AICP, Senior Planner

**Subject:** ***PERMIT STREAMLINING – REPORT TO CITY COUNCIL***

**Fiscal Impact:** None to receive this report. The City Council previously allocated funding for the work programs outlined below in the Fiscal Year 2021-22 Budget. Any additional projects initiated may require an appropriation of supplemental funding to undertake.

**Summary:** This report provides information about opportunities to streamline the City's permit approval process. Current efforts to accomplish this task include the Housing Element Rezoning Program, the development of the Implementation Plan of the City's Local Coastal Program, six Specific Plan Updates, and an upgrade to the Community Development Department's permit-tracking system.

**Background:** On March 1, 2022, the City Council directed staff to bring back a report on potential code or design guideline modifications to streamline the permitting process.

As an ongoing work program, staff routinely amends the zoning code to clarify procedures, streamline or eliminate various planning permits, and modify or eliminate some ineffective rules. Some of the topics of focus have been general procedures, permit and process eliminations, permit exemptions, formalization of procedures/role of the design review subcommittee, and allowing more staff-level decisions to shorten the review process. This report identifies streamlining processes currently underway, and future streamlining ideas that staff has compiled to bring forward in the future when the current efforts have been completed.

**Discussion:**

**Planning Division Work Program**

The Planning Division is working on four major projects that will facilitate the streamlining permit process by removing barriers that cause project delays such as the level of hearing body review, amendments to regulations, application submittal requirements, and design review time. These projects will help promote a faster development review process, create certainty for developers, and further the goals, policies, and implementation measures of the City's General Plan.

The Planning Division's current work program includes the Housing Element Rezoning Program, the preparation of the Implementation Plan of the City's Local Coastal



Program, six Specific Plan Updates, and an upgrade to the Community Development Department's permit tracking system.

### ***I. Housing Element Rezoning Program***

The Housing Element Rezoning Program would implement the Zoning Program in the 6<sup>th</sup> Cycle Housing Element (2021-2029). This effort will amend zoning regulations to:

- Update the City's existing Affordable Housing Overlay District;
- Require by-right approval of residential development if 20 percent of the units are set aside for lower income (very low and low) households;
- Remove Conditional Use Permit Requirements for 5+ units for projects that meet certain objective standards up to a certain threshold;
- Develop and codify objective design standards; and
- Evaluate, and revise the development standards for height limits, lot coverage, and parking requirements to ensure that residential development projects have the ability to achieve the allowable densities.

### ***II. Implementation Plan of the Local Coastal Program***

The City is working on obtaining a fully certified Local Coastal Program (LCP) and is currently preparing the Implementation Plan, which is the companion document to the recently certified Coastal Land Use Plan. This effort will result in a new Title 18 of the municipal code for development in the Coastal Zone. Having a certified LCP will give the City more control over approving projects within the Coastal Zone and provide greater certainty to local property owners and businesses.

The result of this LCP effort will be a streamlined Coastal Development Permit (CDP) process for local property owners by enabling them to obtain a single permit from the City. The efforts on the Housing Element and Specific Plan updates described in this report will also need to be incorporated into the Coastal Implementation Plan.

### ***III. Specific Plan Updates***

Staff is updating six Specific Plans to be consistent with the City's General Plan and the recently certified Coastal Land Use Plan. The amendments include the allowance of auto uses, including electric vehicle delivery service centers, in the Business Parks, and a streamlined review process for development in the Los Molinos area with codified design guidelines. The six Specific Plan Updates include the following:

1. West Pico Corridor,
2. Forster Ranch,
3. Marblehead Coastal,
4. Marblehead Inland,
5. Rancho San Clemente, and

6. Talega.

#### **IV. Permit Tracking System Upgrade**

The City's permit tracking system (TRAKiT) which allows applicants to submit building permits, check project status, and provide other property search features is currently in the process of being upgraded. The update will include an e-TRAKiT planning and building application submittal portal that will allow prospective applicants to submit ministerial or discretionary permit applications and required documents online. This will reduce time and cost for both the applicant and City by reducing submittal errors and ensuring faster processing time. This customer friendly web based system upgrade will track all building permits, inspections, site plan reviews, and code enforcement violations. The workflow provided by the system allows for the efficient transfer of work, providing visibility, comprehensive collaboration tools, and reporting.

Moreover, the public will continue to be able to utilize the upgraded e-TRAKiT system to view application status and review comments, allowing users to manage projects more effectively.

#### **Future Streamlining Opportunities**

Staff has compiled a list of future streamlining opportunities. This list is provided as Attachment 1. These prospective recommendations include simplification of some applications, addressing the processing of minor additions and remodels in proximity to historic resources, allowing more staff level decisions and changing some process levels from Planning Commission to a Zoning Administrator approval. A future Planning Division work program includes updating the City's Design Guidelines and codifying objective design standards to simplify review and process decisions.

Staff anticipates bringing forward these potential code modifications to City Council for consideration once the current efforts underway have been completed. Staff expects to pursue these opportunities to further streamline the review process once work on the Housing Element update and rezoning program, and Specific Plan updates are completed and we have made progress in merging these updates into the Local Coastal Program. Staff anticipates initiating some of these efforts, including updating the City's Design Guidelines, in Fiscal Year 2023.

#### **Recommended**

**Action:** STAFF RECOMMENDS THAT the City Council receive and file this report.

**Attachments:** Attachment 1: List of Future Streamlining Opportunities

**Notification:** None.

## ATTACHMENT 2

### Signs

- Sign programs with City Planner approval, except for historic structures and signage on new development and major remodels approved through a discretionary process. For that signage, allow subsequent review with ZA approval (vs. PC).
- Monument signs with City Planner approval when they consolidate advertising of multiple tenants.

### Simplify applications

- Finish work on consolidating applications with similar findings to simplify our process and make it more intuitive (note: Council initiated this in the past). Staff would expand this to include signage applications and possibly combining special events/temporary use permits.

### Development - Residential, New and Additions

- Currently, new development and additions over 500 square feet on sites with 3+ units within 300 feet of residential zoned historic structures are subject to PC approval of Cultural Heritage Permits, except for projects: 1) not visible from right of way adjoining historic structure sites, 2) not in the architectural overlay, 3) not abutting historic structure sites, 4) not on sites with historic structure sites, or 5) not visible from a public view corridor. New buildings and additions over 500 square feet require PC approval. Staff suggests allowing projects with City Planner approval vs. PC if located 100-300 feet from historic structures.
- Single-family and duplexes, new and additions over 500 square feet, are subject to PC approval of Cultural Heritage Permits when located across the street from historic buildings. Staff suggests allowing projects with City Planner approval (vs. PC), if the project site is not in the architectural overlay.
- Minor remodels/additions to single-family and duplexes adjoining historic structure sites (not in architectural overlay).
  - Allow additions under 50% with ZA approval vs. PC if not screened from the street. Currently, the limit is 500 square feet w/ZA approval.
  - Allow staff to approve additions under 50% that are screened from the street.
  - Allow ZA to approve accessory buildings visible from street (currently PC).
  - Allow staff to approve accessory buildings screened from the street.
- Allow the continuation of legal-nonconforming side setbacks with City Planner approval vs. ZA.

### Development – Commercial

- Nonresidential accessory buildings with ZA approval vs. PC.

### Development - Accessory structures

- Accessory structures (all sites) - Allow with City Planner approval where a project has proposed materials and design in character with the primary building's appearance and has a height and size that maintain visual focus of primary buildings from the public

right-of-way and support an open street scene along the block on the same side of the street as the project.

- Height of residential accessory buildings – Eliminate Conditional Use Permit to allow with City Planner approval of accessory buildings up to the height limit of the zone (vs. 15 feet) if they comply with setbacks.
- Restore the prior height limit for detached Accessory Dwelling Units from 15 feet to the maximum height of the primary building.
- Allow walls over 3 ½ feet in front yard/street side yard with City Planner approval if criteria are met (and we incorporate common conditions into the zoning code)
- Currently, City Planner approval of a zoning permit is required to allow the development of accessory structures (e.g. fences, arbors, patio covers, etc.) on a site that is subject to architectural review, such as properties in the Architectural Overlay district or adjacent to a historic structure. There are circumstances where structures are clearly compatible with a property and existing development. The proposed streamlining items below would exempt accessory structures from special zoning permits that meet criteria.
- Accessory structures on non-historic structure sites when the structures have a design and materials in character with the primary building’s architectural style; the structure’s scale, size, and location is screened from public right-of-way; and the structure’s consistent with the City’s Design Guidelines, General Plan policies, and regulations. Currently, ZA or City Planner approval is required depending on the circumstances.
- Detached accessory structures on historic resource sites when the structures have traditional design and materials in character with the historic structure’s architectural style; the structure’s scale, size, and location is screened from public right-of-way; and the structure’s consistent with the City’s Design Guidelines, General Plan policies, and regulations

#### Landscape/Hardscape

Currently, City Planner of a zoning permit is required to allow “minor” landscape/hardscape changes. The scope of minor changes isn’t defined so clearly positive yet larger area changes may not be exempt from a special planning review. The proposed streamlining items would specify the types of landscape and hardscape changes that would be exempt zoning permits.

- Landscape changes on properties subject to architectural review, when changes improve water efficiency, improve drainage, add landscaping coverage and accent entrances when there are practical opportunities; and the changes are consistent with the City’s Design Guidelines, General Plan policies, and regulations. Note that landscape changes may be subject to plan review depending on state law but this procedural change would save applicants time and expense.
- Hardscape changes on non-historic sites that have proposed materials and a design in character with the primary building’s architectural style, the hardscape plans preserve historic tiles and surfaces, if existing; the changes reduce impervious surfaces when there

are practical opportunities; and the changes are consistent with the City's Design Guidelines, General Plan policies, and regulations.

- Hardscape changes on historic sites that have traditional materials and design in character with the primary building's architectural style, the hardscape plans preserve historic tiles and surfaces, if existing; the changes reduce impervious surfaces when there are practical opportunities, the proposal preserves the historical orientation of entrance pathways; and the changes are consistent with the City's Design Guidelines, General Plan policies, and regulations.

#### Parking

- Allow off-site and shared parking agreements with ZA or City Planner approval (vs. PC)

#### Reduce review to establish certain uses

- Remove CUP requirement for developing 5 or more units.
- Allow restaurants to sell alcohol for on-site consumption (type 41/47) and have non-amplified entertainment. The noise ordinance already addresses noise and doesn't require a CUP for non-amplified sound.
- Allow residential on the same level as nonresidential uses/floors of mixed use buildings by-right vs. w/CUP.
- Reduce review of several conditionally permitted uses from a CUP to MCUP. For example, allow service stations to be converted into a permitted use with a MCUP vs. CUP.

#### Application Shot Clock – Proposed by City Council

- Establish a shot clock provision in the municipal code to automatically determine projects as approved if staff is unable to process an application in a target timeframe (i.e. 6 months).