



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

**Wednesday, June 7, 2023
6:00 P.M.**

**San Clemente City Hall Council Chambers
910 Calle Negocio, 2nd Floor
San Clemente, California 92673**

MISSION STATEMENT

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

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

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

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

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT. The California Environmental Quality Act ("CEQA") is the state law that requires the City to evaluate and document the potential environmental consequences of discretionary decisions. (See, California Public Resources Code Sections 21000-21189.3; and the "CEQA Guidelines" at California Code of Regulations Title 14, Division 6, Chapter 3, Sections 15000-15387). For each item that requires a CEQA determination by the Planning Commission, there is a reference to that determination on this agenda, and more information regarding the CEQA analysis is included in the documents that accompany this agenda. To the extent that City staff determines that particular items are not subject to CEQA, there will be no indication of a CEQA action on this agenda.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. SPECIAL ORDER OF BUSINESS/SPECIAL PRESENTATION**

None

5. MINUTES

- A. [Minutes from the Regular Meeting of the Planning Commission of May 17, 2023](#)

6. ORAL AND WRITTEN COMMUNICATIONS

Members of the audience may address the Commission on matters of public interest which pertain to the City and are not otherwise on the agenda. If you wish to speak, please step forward to the microphone and, if you desire, state your name and/or city of residence for the record and make your presentations. Please limit your presentations to three (3) minutes.

7. CONSENT CALENDAR

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

- A. [Parking Modification South El Camino Real – Avenida San Luis Rey](#)

Should the Planning Commission forward to the City Council a recommendation to modify parking restrictions on South El Camino Real and Avenida San Luis Rey?

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

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

- A. [Conditional Use Permit 23-063, EOS Fitness, 93 Via Pico Plaza, Suite A](#)

A request to establish and operate an approximately 30,000 square foot full-service fitness center (including locker room facilities and childcare) in an existing commercial space within the Pico Plaza shopping center. The site is zoned Community Commercial 2 (CC2) within the West Pico Corridor Specific Plan and Professional Business overlay.

Staff recommends that the project be found categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (14 CCR § 15301, Class 1: Existing Facilities).

B. Conditional Use Permit 22-398, Togethershhip Holistic Sport Academy, 1010 Calle Sombra

A request to establish and operate a private middle school for grades 6-8, with a maximum enrollment of 160 students. The school will have an emphasis on academic and athletic education with facilities including 6 classrooms, a basketball court, weight training room, student lounge, homework areas, outdoor area with tables, teacher lounge, work room, conference room, and administrative offices. The existing site is a two story office/warehouse building, zoned Business Park (BP) within the Rancho San Clemente Specific Plan.

Staff recommends that the project be found categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (14 CCR § 15301, Class 1: Existing Facilities).

C. Zoning Amendment 22-366 – Zoning Permit Streamlining

A request to consider a City-initiated amendment to Title 17 (Zoning) of the San Clemente Municipal Code to:

1. Clarify planning permit review procedures to facilitate staff implementation and promote public understanding;
2. Consolidate planning applications, making it easier for the public to understand which zoning permits are required and to submit applications, and reduce staff time on report writing, which allows the reallocation of those resources to other City priorities and review of other project applications. These amendments preserve findings for project consistency with planning documents, such as the General Plan, Zoning Ordinance, and Design Guidelines; use compatibility, quality design, historic preservation, and other planning issues. Therefore, the amendments maintain a focus on ensuring projects implement community goals and policies for quality of a life;
3. Update the staff-level approval process for minor architectural changes. Currently, the Zoning Code has a “staff waiver” application that functions as a permit than a waiver. There are approval findings, an ability to add conditions, and types of eligible projects, including a broad category: “Other minor projects that do not substantially alter the visual appearance and/or architectural integrity of the property or structure.” The proposed Ordinance replaces the staff waiver application with an “Administrative Development Permit” that:

- a. Replace criteria for review of administrative applications. Currently, there are required findings that would be replaced with objective 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 general standards address design issues, such as architectural style, materials, colors, massing, scale, and historic considerations. The project-specific standards are additional objective criteria for eligible projects, such as types of windows that are minor for staff approval;
 - b. List types of eligible projects for staff approval that meet general and project standards. The existing broad category for eligible projects would be removed with a list specific set of projects staff has authority to act upon. This makes the administrative process more objective. The projects that don't meet eligibility criteria would require a public hearing. Also, the City Planner would continue to have the authority to refer applications to a public hearing if finding a proposal has potential for significant public concern or impacts; and
 - c. Record of staff approvals would be included in City Council packets for transparency and public oversight of staff decisions. Currently, staff waiver decisions are reported to the Planning Commission in their agenda packet and the City Council reviews the minutes at the follow up hearing with review of Planning Commission minutes.
4. Streamline the level of review required to approval several project 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. The proposed streamlining is described in Attachment 2 of the administrative staff report. The streamlining includes: 1) reducing the level of hearing required, such as changing the review authority for a project type from a Planning Commission decision to Zoning Administrator review; and 2) in three limited instances, the proposed amendments change the decision process from a discretionary public hearing decision to a staff level ministerial process with required approval of an Administrative Development Permit.

Staff recommends that 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 the California Environmental Quality Act ("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.

9. NEW BUSINESS

None

10. OLD BUSINESS

None

11. REPORTS OF COMMISSIONERS AND STAFF

A. [Tentative Future Agenda](#)

B. [Staff Waivers](#)

12. ADJOURNMENT

The next Regular Meeting of the Planning Commission will be held on Wednesday, June 21, 2023 at 6:00 p.m. at the San Clemente City Hall Council Chambers located at 910 Calle Negocio, 2nd Floor, San Clemente, California.

PLANNING COMMISSION MEETING PROCEDURES

PRESENTATION OF WRITTEN MATERIALS TO THE COMMISSION

In order to ensure that the Commissioners have adequate time to consider written materials concerning agenda items, it is strongly recommended that such materials be submitted to the Community Development Department by noon the date preceding the Planning Commission meeting.

MEETINGS RECORDED AND TELEVISED

Planning Commission meetings are broadcast live on Cox Communications Local Access Channel 854 and are available on the City's YouTube channel at.

USE OF ELECTRONIC VISUAL AIDS BY PUBLIC AT MEETINGS

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

LENGTH OF MEETINGS

At 11:00 p.m., the Planning Commission will determine which of the remaining agenda items can be considered and acted upon at this meeting and will continue all other agenda items to a future meeting.

AMERICANS WITH DISABILITIES ACT

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the Community Development Department at (949) 361-6100. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

COMMUNICATION DEVICES

To minimize meeting distractions and sound system interference, please be sure all personal communication devices are turned off or on silent mode.

MEETING SCHEDULE

Regular Planning Commission Meetings are held on the first and third Wednesdays of each month following the first Tuesday in the Council Chambers located at City Hall, 910 Calle Negocio, 2nd Floor, San Clemente. The Regular Planning Commission Meeting will commence at 6:00 p.m. Additional meetings of the Planning Commission may be called as needed.

AGENDAS, ADMINISTRATIVE REPORTS AND SUPPLEMENTAL WRITTEN MATERIALS

Agendas and Administrative Reports can be viewed by accessing the City's website at www.san-clemente.org. All written material distributed to a majority of the Planning Commission after the original agenda packet was distributed is available for public inspection in the Community Development Department, located at 910 Calle Negocio, San Clemente, during normal business hours.

The Community Development Department also offers an agenda packet subscription service free of charge. If you wish to receive email copies of Planning Commission agendas, which include hyperlinks to staff reports and other back-up material, please send an email to Planning@san-clemente.org or call (949)361-6184.