



## **CITY OF SAN CLEMENTE | PLANNING DIVISION**

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## **Discretionary Permit Purpose and Review Process**

### **PURPOSE**

The purpose of the discretionary permit process is to review development projects to ensure their compliance with the City's General Plan, Zoning Ordinance, and Design Guidelines. The discretionary permit process is intended to preserve and strengthen San Clemente's unique atmosphere as a Spanish village. This form is meant to generally inform how the discretionary process works, and depending on the project additional or less steps may be required.

### **REVIEW PROCESS**

#### ***Step 1: Applicant Consideration of Project***

Early in the consideration of a discretionary permit, the applicant should determine what the General Plan and Zoning Ordinance outline for the site under consideration. It is important that the proposed use be consistent with the City's General Plan and Zoning Ordinance. Planning staff may be consulted for opinions on compatibility and compliance with City standards.

#### ***Step 2: Pre-Application Conference***

Prior to submitting a formal application, the applicant is advised to make an appointment with a member of the Planning Division to discuss the feasibility of the request. This will allow staff to provide a cursory review of the request and identify for the applicant some of the significant issues and community concerns that may arise as the project moves through the process. Planning staff may also refer the applicant to other divisions or departments for preliminary comments.

#### ***Step 3: Filing of Application***

The applicant should submit the finished application, filing fee, and other required information to the Planning Division of the Community Development Department. It is important to submit all necessary application components, as missing information can cause delays in the processing of the project.

#### ***Step 4: Assignment of a Case Manager***

Once an application has been submitted to the City, the City Planner assigns a planner to be your case manager to process the application. The case manager is the project manager for the discretionary application, acting as the applicant's contact person during the process and coordinating the application through various review procedures and noticing requirements. Processing a project requires significant coordination between the applicant, case manager, and all of the other various components of this process. Whenever you have questions as to where your application is in the process or what steps need to be taken, please contact the case manager.

**Step 5: Determination of an Application’s Completeness**

The project planner’s first task will be to review the application to make sure all the required information is provided. The applicant will be notified within 30 days after filing as to whether the application is complete or what additional information is required. If the application is incomplete, all processing will stop until the application is made complete by the applicant.

**Step 6: Development Management Team (DMT) Review**

To determine if an application is complete, the Development Management Team (DMT) will review the proposal and make comments regarding the project’s compliance with applicable City codes, and help determine what additional information is needed to determine your application complete. The DMT consists of staff members from various City departments who have a vested interest in the proposed project. Their concerns and recommendations will be considered by Planning staff in the final analysis and recommendation. The DMT responses may require redesign of the project, which may require additional review by the DMT, or become recommended conditions of approval, forwarded to the Zoning Administrator/Planning Commission for approval with the project.

**Step 7: Environmental Review**

All discretionary permit requests are subject to the California Environmental Quality Act (CEQA) and reviewed to determine whether they are exempt from environmental review or require a Negative Declaration or Environmental Impact Report (EIR). If a Negative Declaration or EIR is required, State law requires a certain amount of public review for the document.

**Step 8: Staff Review for Zoning Administrator/Planning Commission**

Following DMT review, the Planning staff will study the application by reviewing the relationship of the request with the City’s General Plan, Zoning Ordinance, and other applicable Planning documents as well as analyze the architectural, environmental, land use, traffic, site plan, and other elements of the proposed project. If design review is required by the Zoning Ordinance or staff determines that the project may not comply with applicable design guidelines, then the project must be referred to the City’s Design Review Subcommittee (a subcommittee of the Planning Commission) for recommendations. A written staff report will be prepared for the Zoning Administrator/Planning Commission, which will include Design Review Subcommittee recommendations (if required), a description of the project, and staff recommendations. A copy of this report will be forwarded to the applicant prior to the Planning Commission hearing. Copies are also available to the public after they have been sent to the Planning Commission.

**Step 9: Design Review Subcommittee Consideration**

If staff determines that a project requires design review, the project will be scheduled for a Design Review Subcommittee meeting (a subcommittee of the City’s Planning

Commission). Subcommittee meetings do not require a public hearing. They are intended to be an informal meeting between the Subcommittee, staff, and the applicant to discuss design ideas intended to bring a project into compliance with applicable design guidelines. At the meeting, staff makes a brief oral presentation to the committee, after which a discussion takes place between the Subcommittee, staff, and the applicant. At the conclusion of the discussion, the Subcommittee makes specific recommendations regarding the project's design. The applicant may choose to revise the project in accordance with the comments, or the comments may be forwarded to the Planning Commission for their consideration at the public hearing regarding the project.

### ***Step 10: Zoning Administrator/Planning Commission Review***

The Zoning Administrator/Planning Commission is required to hold at least one public hearing on discretionary applications. Depending on the size and scope of your project, the Municipal Code states which approval body your project will require. At least ten days prior to the meeting, owners of property within 300 feet of the subject site will be notified by mail of the forthcoming hearing. In addition, a notice of the public hearing will be published in the local newspaper.

At the public hearing, staff will first present an oral report and staff recommendation. This presentation will be followed by a presentation from the applicant and then by any interested persons who wish to comment on the application. The Zoning Administrator/Planning Commission may question staff, the applicant, or the public and then close the hearing and make a decision approving or conditionally approving the request, denying the request, or postponing the decision to a later date. Alternatively, the Administrator/Commission may keep the public hearing open and continue it to a specified time, date and place for action at that future date. The Zoning Administrator's/Planning Commission's decision is final, unless an appeal is filed as described below.

### **NOTE**

#### ***Appeal to City Council***

Any person may appeal the Administrator's/Commission's decision to the City Council by filing an appeal notice with the City Clerk or the Planning Division within the time limits specified within the City's Zoning Ordinance. After the filing of an appeal, a public hearing will be scheduled for the City Council. At least ten days prior to the public hearing date, a notice of the time, date, and place of the hearing will be mailed to the appellant, the applicant, owners of property within 300 feet of the project site, and any other person requesting such notice. Following the public hearing on an appeal, the Council may refer the matter back to the Planning Commission for further consideration or may affirm, modify, or reverse the decision of the Planning Commission.

In addition to the above described appeal process, a majority of the City Council may appeal the decision of the Zoning Administrator/Planning Commission when the Council receives and files the minutes of the Zoning Administrator's/Planning Commission's decision on the project. Such an appeal by the Council follows the same procedures outlined above.

### ***Meeting Schedules***

The Design Review Subcommittee and the Planning Commission meet twice a month. The Development Management Team (DMT) generally meets every Thursday of the month; the Design Review Subcommittee generally meets on the second and fourth Wednesdays of the month; and the Zoning Administrator/Planning Commission generally meets the first and third Wednesdays of each month. The schedule for your project can be affected by these established meeting dates. To allow Planning staff to process an application as expediently as possible, please make sure the application package is complete and that information requested by staff is provided by indicated deadlines. For further information regarding the review of your project and processing time frames, please contact the case manager assigned to your application.