RESOLUTION NO. PC 24-012

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AMENDMENT TO DEVELOPMENT PERMIT 20-399 AND MINOR CONDITIONAL USE PERMIT 22-430, CHABAD JEWISH CENTER, TO CONSTRUCT A 1,479 SQUARE FOOT ADDITION, REMODEL, AND OFF-SITE PARKING FOR AN EXISTING INSTITUTIONAL FACILITY, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES SECTION 15301 (CLASS 1: EXISTING FACILITIES, 14 CCR §15301).

WHEREAS, on December 4, 2022, an application was submitted by Rabbi Slavin, 1306 North El Camino Real, CA 92672, for Amendment to Development Permit (AM DP) 20-399 and Minor Conditional Use Permit (MCUP) 22-430, and deemed complete on May 6, 2024, which is a request to construct a 1,479 square foot addition, remodel, and off-site parking for an existing institutional facility located at 1306 North El Camino Real. The project site is in the Neighborhood Commercial Zoning District and Coastal Zone, Architectural and Affordable Housing Overlays (NC2-A-AH-CZ). The site's legal description is Lots 8 and 9 of TR 793 and lot 4 of Tract 820, and Assessor's Parcel Number 692-381-57; and

WHEREAS, the Planning Division has completed an initial environmental assessment of the above matter in accordance with the California Environmental Quality Act (CEQA) and recommends that the Planning Commission determine that the project is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities). This is recommended because the project involves a 1,479 square foot addition, remodel, and off-site parking for an existing institutional facility within a developed commercial area; and

WHEREAS, on February 8, 2024, the City's Development Management Team (DMT) reviewed the proposed project and determined it complies with the General Plan, Zoning Ordinance, and other applicable City ordinances and codes; and

WHEREAS, on December 14, 2022, the City's Design Review Subcommittee (DRSC) considered the project and supports it with further clarifying information and design recommendations; and

WHEREAS, on June 5, 2024, the Planning Commission of the City of San Clemente held a duly noticed public hearing on the subject application, and considered written and oral comments, and facts and evidence presented by the applicant, City staff, and other interested parties.

NOW, THEREFORE, the Planning Commission of the City of San Clemente does hereby find, determine and 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 resolution.

Section 2. CEQA Findings.

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Planning Commission, and the facts outlined below, the Planning Commission hereby finds and determines that the proposed project is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities).

The Class 1 exemption specifically exempts from further CEQA review, the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The use of this exemption is limited to the addition and remodel of an existing institutional building. The project involves the construction of a 1,479 square foot addition, remodel, and off-site parking for an existing institutional facility within a developed commercial area. Thus, the project qualifies for the Class 1 exemption.

Furthermore, none of the exceptions to the use of the Class 1 categorical exemption identified in State CEQA Guidelines section 15300.2 apply. The project is not located in a particularly sensitive environment, and will not impact an environmental resource of hazardous or critical concern, in that the project site is located within an urbanized residential area. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time, in that, a successive project of the same type in the same place would not meet City policies. There are no unusual circumstances surrounding the project that result in a reasonably possibility of a significant effect on the environment, in that, there are no especially sensitive resources (endangered species, wetlands, etc.) on the project site or in the vicinity. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings, or similar resources, in that, the project will avoid the adjacent historic resources at 233 Avenida La Cuesta and 243 Avenida La Cuesta. The project does not include any hazardous waste sites, and the project will not cause a substantial adverse change in the significance of a historical resource, in that, the historical integrity of the adjacent historic resources will remain. Thus, the Class 1 exemption applies, and no further environmental review is required.

Section 3. Development Permit Findings

With respect to Amendment to Development Permit (AM DP) 20-399, the Planning Commission finds as follows:

A. The proposed project is consistent with the General Plan, in that:

1. The structure is retained as a religious institutional use which is an authorized land use in the Neighborhood Commercial 2 land use designation, as approved by CUP13-190, and would continue serving the members of the community;

2. The project would ensure continued Neighborhood Compatibility, consistent with General Plan Policy LU-2.03. – Neighborhood Compatibility, which states "We require that commercial projects abutting residential neighborhoods be designed and operated to protect residents from the effects of noise, light, odors, vibration traffic, parking and other operational impacts.";

3. The project would reflect the Spanish architecture required by the Architectural Overlay (per Section 17.56.020.A.3.a of the SCMC and Urban Design Element Policy 5.07, which states "New buildings and major building remodels may utilize either Spanish Colonial Revival or other Spanish Architecture on North El Camino Real between West Avenida Palizada and Calle Los Bolas, and on South El Camino Real between Avenida Rosa and Interstate-5, per the Design Guidelines." Spanish design elements are incorporated into the project with the use of stucco walls, arched openings, inset windows, Spanish tile roof, tower elements, arched elements, and wood eaves; and

B. The proposed project complies with zoning regulations, in that:

1. The project complies with all development standards of the NC2 Zone, including height, setbacks, lot coverage, floor area ratio and landscaping;

2. The required parking for the project is being accomplished through off-site shared parking between the different uses at the site and the parking lot at Bonita Park parking lot 150 feet from the subject property.

C. The proposed project is consistent with the City's Design Guidelines, in that:

1. The project would reflect the Spanish architecture required by the Architectural Overlay (per Section 17.56.020.A.3.a of the SCMC and Urban Design Element Policy 5.07 "New buildings and major building remodels may utilize either Spanish Colonial Revival or other Spanish Architecture on North El Camino Real between West Avenida Palizada and Calle Los Bolas, and on South El Camino Real between Avenida Rosa and Interstate-5, per the Design Guidelines.") with the incorporation of Spanish design elements,

as identified in Section IV.G of the Design Guidelines, are incorporated into the project with the use of tower elements, stucco walls, arched openings, inset windows, Spanish tile roof, and wood eaves.

2. The arched hallway and openings on the front and rear elevations reflect Design Guideline, DG.II.2., which states, "The building components are divided into parts scaled to human size."; and

3. The project provides articulation on each building elevation through the use of tower elements, 4/12 sloped roof, and a covered arched hallway at the entry to be consistent with Design Guidelines DG.II.B.3 and DG.II.C.3.b, which state, "Design buildings to be compatible in scale, mass and form with adjacent structures and the pattern of development for the commercial area and carefully design rear and side facades to be compatible with the principal facades of the building (DG.II.B.3.), and avoid long and unrelieved wall planes (DG.II.C.3.b.)."

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, in that:

1. The project is subject to all applicable California Building Code and Orange County Fire Authority standards.

E. The proposed project is in character and compatible with the properties in the neighborhood, in that:

1. The subject neighborhood consists of commercial properties that line North El Camino Real with a mix of architectural styles that include a variety of elements, such as, but not limited to, one and two stories, wide and narrow building footprints, roof styles and pitches, building materials and forms, color palettes, front yard sizes and elements, and driveway depths. the structure complies with the NC2 development standards by complying with the maximum height of 33 feet and two stories.

2. The project's compliance with the development standards and the enhancement of the Spanish design will ensure its compatibility with the properties in the neighborhood; and

F. The proposed project complies with the purpose and intent of the Architectural Overlay District, in that:

1. The project would reflect the Spanish architecture required by the Architectural Overlay (per Section 17.56.020.A.3.a of the SCMC and Urban Design Element Policy 5.07 "New buildings and major building remodels may utilize either Spanish Colonial Revival or other Spanish Architecture on North El Camino Real between West Avenida Palizada and Calle Los Bolas, and on South El Camino Real between Avenida Rosa and Interstate-5, per

the Design Guidelines.") with the incorporation of Spanish design elements, as identified in Section IV.G of the Design Guidelines, are incorporated into the project with the use of tower elements, stucco walls, arched openings, inset windows, Spanish tile roof, and wood eaves.

G. The proposed project/use preserves and strengthens the pedestrian-orientation of the district and/or San Clemente's historic identity as a Spanish village, in that:

1. The project's design enhances the Spanish architecture with the use of towers, arches, white stucco, red terra cotta tile roof, and full arches to comply with the General Plan Urban Design Element Policy 5.07 which states "New buildings and major building remodels may utilize either Spanish Colonial Revival or other Spanish Architecture on North El Camino Real between West Avenida Palizada and Calle Los Bolas, and on South El Camino Real between Avenida Rosa and Interstate-5, per the Design Guidelines."

2. The front elevation with the arched hallway and openings reflect Design Guideline, DG.II.2., which states, "The building components are divided into parts scaled to human size."

3. The structure steps with the topography and from the rear/alley elevation the structure is only viewed as one story.

Section 4. Minor Conditional Use Permit Findings

With respect to Minor Conditional Use Permit (CUP) 22-430, the Planning Commission finds as follows:

A. The proposed use is permitted within the subject zone pursuant to the approval of a Minor 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.

1. The current religious use and shared parking was established with CUP13-190 in 2013 to accommodate the mix of uses that operate in the facility at different times.

2. The proposed expansion of the religious facility complies with the applicable development standards for the NC2 zoning district in that project complies with the required setbacks, height, lot coverage, floor area ratio, and landscape coverage.

3. The request for off-site parking is consistent with General Plan Policy LU-10.11. Parking Opportunities, which states "Through a combination of parking standards, provision of public parking spaces and incentives, we ensure adequate parking for residents, employees and visitors", and Policy LU-10.12 Shared Parking, which states "We encourage the development of

shared parking facilities and shared parking management techniques" in that the use of off-site and shared parking allows the different operations/uses within the building to utilize the parking available on-site and when increased parking is required for Saturday Shabbat Services from 9:30 am to 11:30 am. If more than seven vehicles of congregants drive, the additional members are able to utilize the nearby Bonita Park parking lot to provide additional parking for members. The shared and off-site parking allows the mix of uses to operate without requiring an excess or parking on-site for the one religious service use which is limited to Saturdays from 9:30 am to 11:30 am.

4. There should be no parking demand for Saturday Shabbat Service because the Jewish Sabbath prohibits work on Saturdays, which includes driving/riding in cars or utilizing other forms of transportation; therefore, the required off-site parking should not be needed; however, the applicant is proposing the off-site parking agreement to accommodate the zoning code's parking demand for religious uses.

B. The site is suitable for the type and intensity of use that is proposed.

1. The proposed expansion of the Chabad Jewish Center complies with all of the applicable NC2 development standards and maintains the existing structure's footprint.

2. The continuation of the shared parking for the facility under CUP13-190 allows the religious facility to operate efficiently without providing an excess of parking on-site for Saturday Shabbat Services from 9:30am to 11:30am.

3. The project includes off-site parking to accommodate the 68 congregants that will participate in the highest demand parking use for the religious facility which is on Saturday mornings and is supported by General Plan Policy LU-10.11. Parking Opportunities. Which states "Through a combination of parking standards, provision of public parking spaces and incentives, we ensure adequate parking for residents, employees and visitors" as the off-site parking is only required for Saturday Shabbat Services from 9:30am to 11:30am.

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.

1. The proposed remodel and addition of the Chabad Jewish Center complies with all of the applicable development standards for the NC2 zoning district.

2. The project will be review to ensure compliance with the Building Code and OCFA requirements to ensure all users of the facility are safe, and adjacent uses and properties are not impacted.

D. The proposed use will not negatively impact surrounding land uses.

1. The project does not involve a change of use but an expansion of the building and improved architectural design. The existing operations of the religious facility have not resulted in any impacts to the adjacent uses.

2. The project is conditioned to have the windows and doors closed during Shabbat Services to ensure there will not be the potential to generate noise that would exceed the City's Noise Ordinance level.

3. The project is conditioned to limit the Saturday service to seating for 68 participants to not exceed the available on-site and off-site parking requirements.

Section 5. Planning Commission Approval.

Based on the foregoing recitals and findings, and the written and oral comments, facts, and evidence presented, the City of San Clemente Planning Commission approves Amended Development Permit (AM DP) 20-399 and a Minor Conditional Use Permit (MCUP) 22-430, Chabad Jewish Center, subject to the Conditions of Approval set forth in Exhibit A, which is fully incorporated herein.

PASSED AND ADOPTED at a regular meeting of the City of San Clemente Planning Commission on June 5, 2024.

Cameron Cosgrove

Cameron Cosgrove, Chair

CERTIFICATION:

I HEREBY CERTIFY this Resolution was adopted at a regular meeting of the City of San Clemente Planning Commission on June 5, 2024, carried by the following roll call vote:

AYES:	COMMISSIONERS:	McCaughan, Prescott-Loeffler, Cosgrove, Camp, Crandell, McKhann
NOES:	COMMISSIONERS:	
ABSTAIN:	COMMISSIONERS:	
ABSENT:	COMMISSIONERS:	

J. Lightfoot

Jonathan Lightfoot, Secretary of the Planning Commission

CONDITIONS OF APPROVAL
AMENDMENT TO DEVELOPMENT PERMIT 20-399 AND Minor CONDITIONAL USE PERMIT 22-430, CHABAD JEWISH CENTER

1.0 GENERAL CONDITIONS OF APPROVAL

1.1	Within 30 days of receipt of the signed conditions of approval, the applicant shall submit to the City Planner a signed acknowledgement concurring with all conditions of approval on a form to be provided by the City, unless an extension is granted by the City Planner.	Planning
1.2	The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of San Clemente and its officers, employees, and agents from and against any claim, action, proceeding, fines, damages, expenses, and attorneys' fees, against the City, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City concerning this project, including but not limited to any approval or condition of approval of the City Council, Planning Commission, or City Planner, Zoning Administrator, or City employees or environmental finding. Applicant shall pay all costs upon request by the City. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter at the applicant's expense. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter at the applicant's cost. If the applicant fails to so defend the matter, the City shall have the right, at its own option, to do so and, if it does, the applicant shall promptly pay the City's full cost of the defense.	Planning
1.3	Use and development of this property shall be in substantial conformance with the approved plans and other applicable information submitted with this application, and with these conditions of approval. Any modifications to the project shall be reviewed by the City Planner in accordance with Zoning Ordinance Section 17.12.180.	Planning
1.4	The applicant shall comply with all applicable current and future provisions of the San Clemente Municipal Code, adopted ordinances, and state laws.	All
1.5	Use of the subject property shall conform to all occupancy requirements, including posting of signs related to the maximum occupancy limitations.	Code Comp

1.6	Within five business days of project approval, the applicant shall submit to the Planning Division a check made payable to the Orange County Clerk-Recorder in the amount of $50 for filing the CEQA Notice.	Planning

4.0 PRIOR TO ISSUANCE OF BUILDING PERMITS

4.1	The working drawings shall include within the first four pages a list of all conditions of approval included in this resolution.	Planning
4.2	In the event the project valuation is $50,000 or more per Municipal Code 12.08, the applicant shall be responsible for the construction of all required frontage improvements as approved by the City Engineer including but not limited to the following: A. Sidewalk, including construction of compliant sidewalk along the property frontage and around obstructions such as the drive approach to meet current City standards (2% cross fall) when adequate right-of-way exists, unless a waiver is applied for and approved by the City Manager. Since the street right-of-way along the alley is only 20 feet wide, an easement would be required to install sidewalk along this frontage, but it is anticipated that a waiver will be granted due to conflicts with existing private improvements.. B. Contractor shall replace any damaged street improvements resulting from construction activities to the satisfaction of the City Inspector. Additionally, projects with valuations of $50,000 or more are required to repair any existing damage to the sidewalk area. (SCMC Chapter 15.36 and Sections 12.08.010, and 12.24.050)	Public Works
4.3	Prior to the issuance of a building permit the applicant shall obtain approval from the City Council to enter into a lease agreement with the City for the use of off-site parking spaces in Bonita Park parking lot. The lease agreement approved by the City Council shall specify the days and hours of availability for the use of the City's off-site parking spaces and shall not be transferable to future property owners.	Planning **
4.4	The applicant shall demonstrate to the City Planner that the project has secured approval from the California Coastal Commission.	Planning
4.5	The building permit plans shall incorporate additional details into the elevations including bird stops, mortar packing, and gutters.	Planning **

5.0 PRIOR TO FINAL INSPECTION

5.1	The applicant shall submit, and must obtain approval from the City Planner, a letter from a registered landscape architect confirming	Planning

	that landscaping and irrigation have been installed in accordance with the approved plans.	
5.2	The applicant shall submit, and must obtain approval from the City Planner, a letter from a registered landscape architect confirming that parkway trees have been planted and staked according to the approved landscape plans.	Planning
	Surveys / Landscaping	
5.3	Prior to approval of the framing inspection, the applicant shall submit, and must obtain approvals from the City Planner and Building Official, a survey prepared by a registered civil engineer that is licensed to do surveying or a land surveyor confirming that the height of all structures conforms to the dimensions set forth on the approved plans.	Planning Building
5.5	The applicant shall submit, and must obtain approval from the City Planner, a letter from a registered landscape architect confirming that landscaping and irrigation have been installed in accordance with the approved plans.	Planning
5.8	Prior to approval to pour foundations, the applicant shall submit, and must obtain approvals from the City Planner and Building Official, a survey prepared by a registered civil engineer that is licensed to do surveying or a land surveyor confirming that the building foundations conform to the required setbacks as set forth on the approved plans.	Planning Building
7.0	**OPERATIONAL CONDITIONS OF APPROVAL**	
7.1	All exterior windows and doors shall remain closed when live entertainment (including religious music and performances) is being conducted.	Code Comp
7.2[1]	If the use or operations of the religious facility changes and would result in an increase in parking demand for the use and/or property, including an increase of congregants who drive to Shabbat services on Saturday, the applicant shall obtain an amendment to CUP22-430.	Planning **

* Denotes a modified Standard Condition of Approval

** Denotes a project-specific Condition of Approval

[1] The Planning Commission motion included direction to incorporate hours of operation into the off-site parking agreement into COA 7.2. As COA 4.3 more specifically pertains to the lease agreement, the requested language related to hours of operation has been added to COA 4.3.

Please complete this form and return it to:
City of San Clemente
Planning Division
910 Calle Negocio, Suite 100
San Clemente, CA 92673

APPLICANT CONSENT TO CONDITIONS OF APPROVAL

RE:	**Project Number**	AM DP 20-399 & CUP 22-430
	Project Name	Chabad Jewish Center
	Project Address	1306 N El Camino Real
	Resolution No.	PC 24-012

To the City of San Clemente Planning Division:

In reference to the following standard Condition of Approval (Section 1.1):

> Within 30 days of receipt of the signed conditions of approval, the applicant shall submit to the City Planner a signed acknowledgement concurring with all conditions of approval on a form to be provided by the City, unless an extension is granted by the City Planner.

I, MENACHEM SLAVIN (owner/designee)

of 1306 North El Camino Real, San Clemente, California 92672 (address)

hereby agree to the imposed conditions set forth by the above referenced Resolution.

M. Slavin
Signature

7/31/2024
Date

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