

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 W. BROADWAY, STE. 380

P.O. BOX 1450

LONG BEACH, CA 90802-4416

(310) 590-5071

## RECORD PACKET COPY



DATE: February 16, 1996

TO: Commissioners & Interested Persons

FROM: Peter Douglas, Executive Director  
Charles Damm, South Coast District Director  
Teresa Henry, Assistant District Director  
Robin Maloney-Rames, Staff Analyst

SUBJECT: Concurrence with the Executive Director's Determination that the action of the City of San Clemente accepting the Commission's action with suggested modifications on the City of San Clemente's Land Use Plan Amendment 1-95 is legally adequate. (For Commission review at the March 12-15, 1996 meeting in Santa Barbara.)

STAFF RECOMMENDATION:

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate.

BACKGROUND:

On October 11, 1995, the Coastal Commission certified an amendment to the Land Use Plan (LUP) of the City of San Clemente with suggested modifications. The City's LUP was originally certified on May 11, 1988. The amendment was an overhaul and update of the certified LUP with new land use designations, a new format, improved graphics, expanded content, and editorial changes.

On December 20, 1995, the City of San Clemente City Council adopted Resolution No. 95-91 acknowledging receipt of the Commission's resolution and accepting the suggested modifications.

As provided in Section 13544.5 of the California Code of Regulations, the Executive Director must determine that the City's action is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless the Commission objects to the Executive Director's determination, the certification of Amendment 1-95 to the City of San Clemente LUP shall become effective upon the filing of the required notice of certification with the Secretary of Resources as provided in Public Resources Code Section 21080.5(d)(2)(V).

6365F



## CITY OF SAN CLEMENTE

PLANNING DIVISION  
JAMES R. BARNES, CITY PLANNER  
(714) 498-2533 FAX (714) 361-8281

CALIFORNIA COASTAL COMMISSION  
South Coast District  
245 West Broadway Street, Suite 380  
Long Beach, CA 90802-4416

~~JAN 11 1996~~

JAN 12 1996

January 10, 1996

Chuck Damm, South Coast District Director  
California Coastal Commission  
245 W. Broadway, Suite 380  
P.O. Box 1450  
Long Beach, CA 90802-4416

Re: LUP Amendment NO. 1-95 adoption of the Coastal Commission Suggested Modifications

Dear Mr. Damm:

On December 20, 1995 the City Council reviewed and approved the Coastal Commission suggested modifications to the City's Coastal Element Land Use Plan. Attached for your review are two copies of the City Council Resolution 95-91 adopting the Coastal Commission's suggested modifications into the City's LUP. Please call Jim Pechous, or myself if there is anything else needed to certify that the City has complied with the Coastal Commissions action.

Thank you, Mr. Maloney-Rames and all of your staff for your help in completing this project. We are presently completing phase II of the City's Local Coastal Program and anticipate submitting the LCP for Coastal Commission Certification in March. We look forward to working with you and your staff on this and other projects in the near future.

Sincerely,

James R. Barnes,  
City Planner

JAN 11 1996

RESOLUTION NO. 95-91

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING  
COASTAL COMMISSION SUGGESTED MODIFICATIONS  
TO THE COMPREHENSIVE UPDATE  
TO THE CITY OF SAN CLEMENTE COASTAL ELEMENT LAND USE PLAN**

WHEREAS, Proposition 20 passed by the people of the State of California in 1972, declared the California Coastal Zone a resource of State-wide significance; and

WHEREAS, the California Coastal Act of 1976, Public Resources Code Section 30000 et.seq. (the Coastal Act), was promulgated to implement the goals of Proposition 20 and to establish certain basic goals, as follows:

1. To protect, maintain, enhance and where feasible, restore the overall quality of the Coastal Zone environment;
2. To assure balanced utilization of Coastal Zone resources;
3. To maximize public access and recreational opportunities consistent with resource conservation principles and private property rights;
4. To assure priority for coastal-dependent development over other development;
5. To encourage State and local efforts to coordinate planning for mutually beneficial uses; and

WHEREAS, the Coastal Act requires local government to prepare a Local Coastal Program for that portion of the Coastal Zone which lies within its jurisdiction; and

WHEREAS, on May 11, 1988, the Coastal Commission certified the City of San Clemente Coastal Element Land Use Plan; and

WHEREAS, The City Council approved a comprehensive update to the General Plan on May 6, 1993; and

WHEREAS, the comprehensive update to the General Plan requires that the Coastal Element Land Use Plan be updated to make it consistent with the Land Use Element of the General Plan; and

WHEREAS, much of the coastal resource information and other information contained in the 1988 Coastal Element Land Use Plan was incomplete or out of date and needed to be expanded and updated; and

WHEREAS, on July 18, 1994, a notice of availability of the draft Update to the City of San Clemente Land Use Plan was duly-advertised for the public, local, coastal, and state agencies review and comment; and

WHEREAS, on September 30, 1994, the Parks and Recreation Commission held a duly-noticed public hearing on the Coastal Element Land Use Plan Update and considered evidence and testimony presented by the City Staff; and

WHEREAS, on November 1, and December 6, 1994, the Planning Commission held duly-noticed public hearings on the Coastal Element Land Use Plan Update and considered evidence presented by the City Staff; and

WHEREAS, on January 18, 1995, the City Council held a duly-noticed public hearing on the Coastal Element Land Use Plan Update and considered evidence and testimony presented by the City Staff and other interested parties; and

WHEREAS, on March 31, 1995, the Coastal Commission requested the City to revise its Resolution submitted with the proposed update to its Local Coastal Element Update; and

WHEREAS, City Staff has reviewed the Resolution in the manner requested by the Coastal Commission; and

WHEREAS, on October 11, 1995, the California Coastal Commission held a duly-noticed public hearing on the City of San Clemente's request to update the Coastal Element Land Use Plan and considered evidence and testimony presented by the Coastal Staff and other interested parties and approved the amendment request with modifications; and

WHEREAS, on October 31, 1995, the Planning Commission held a duly-noticed public hearing on the Coastal Commission's suggested modifications to the Coastal Element Land Use Plan resolution and considered evidence and testimony presented by the City Staff, and other interested parties; and

WHEREAS, on December 6, 1995, the City Council held a duly-noticed public hearing on the Coastal Commission's suggested modifications to the Coastal Element Land Use Plan Resolution and considered evidence and testimony presented by the City Staff, and other interested parties.

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

Section 1. The above recitals are all true and correct.

Section 2. Adoption of the Coastal Element Land Use Plan will not render the City General Plan internally inconsistent.

Section 3. The City Council adopts the Update to the Coastal Element Land Use Plan as an element to the City General Plan, as amended and attached hereto as Exhibit "A."

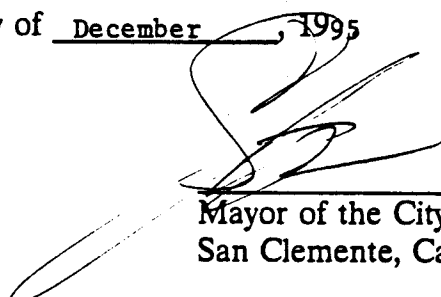
Section 4. That the City Council finds that this Update to the Coastal Element Land Use Plan is consistent with all surrounding land uses and determines it is in the public interest and general welfare of the community and properties in the coastal neighborhoods.

Section 5. The City Council requests that the California Coastal Commission consider, approve and certify the City of San Clemente Coastal Element Land Use Plan Comprehensive Update attached hereto as Exhibit "A."

Section 6. The City Council hereby certifies that the Coastal Element Land Use Plan is intended to be carried out in a manner in full conformity with Chapter 3 of the California Coastal Act.

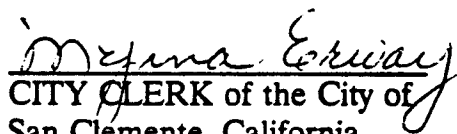
Section 7. That pursuant to Section 13551(b) of the Coastal Commission Regulations, the City of San Clemente Coastal Element Land Use Plan comprehensive update will take effect automatically upon final action of the California Coastal Commission action.

PASSED AND ADOPTED this 20th day of December, 1995



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

ATTEST:

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


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

I, MYRNA ERWAY, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 95-91 was adopted at a regular meeting of the City Council of the City of San Clemente held on the 20th day of December , 1995 , by the following vote:

AYES:     AHLE, ANDERSON, DIEHL, HAGGARD, MAYOR APODACA

NOES:     NONE

ABSENT:   NONE

  
CITY CLERK of the City of  
San Clemente, California

Approved as to form:


  
City Attorney

EXHIBIT "A"

Modifications to the Local Coastal Program

1. The first paragraph of Section 202 on page 2-1 shall be revised to read as follows:

"Environmentally sensitive habits" means any ecosystem or habitat that has rare plant or animal life or is itself rare (See definition in Chapter 5).

2. The second and third lines in the last paragraph on page 2-1 shall be revised to read as follows:

There are limited amounts of wetlands, riparian, native grasses, and coastal sage scrub on the 253-acre Marblehead Coastal site, an area of deferred certification.

There are also ~~several~~ seven coastal canyons within the urban areas of San Clemente's Coastal Zone which ~~contain degraded native plan communities.~~ contains valuable open space and may contain coastal sage scrub and are designated as Environmentally Sensitive Habitat Areas.

3. The first sentence in Section A on page 2-2 shall be revised to read as follows:

The coastal bluffs and canyons ~~potentially~~ contain important natural habitat.

4. The first sentence of the fourth paragraph on page 2-2 shall be revised to read as follows:

~~Distressed riparian and coastal sage scrub habitat areas are present in the coastal eanyons.~~ The coastal canyons contain areas of flourishing coastal sage scrub as well as areas of coastal sage scrub intermixed with introduced vegetation. The native vegetation is drought tolerant and has deep root systems which help consolidate the surface soils on coastal canyons and coastal bluffs.

5. The fourth sentence of paragraph five on page 2-2 shall be revised to read as follows:

The canyons have been cut off from larger habitat areas since the 1930's. ~~This isolation has significantly degraded the coastal canyon flora, through the introduction of invasive plants, and the fauna, through the elimination of large predators. The introduction of domestic dogs and cats from the surrounding urban areas impacts native bird, small mammal, and reptile populations.~~ Increasing built-out around the coastal canyons has led to the introduction of invasive non-native plants. In addition, the introduction of domestic animals has impacted the native fauna.

6. The final sentence on page 2-2 shall be revised to read as follows:

The primary environmental value of these habitat areas is ~~that they are becoming less and less common~~ that they represent an ever-diminishing resource within urbanized portions of the coast.

7. Section b of policy VII.15 on page 3-21 shall be revised to read as follows:

A minimum of 30% of the depth of the lot, and setback from the ~~primary vegetation line~~ line of native vegetation (not less than 15 feet from coastal sage scrub vegetation or not less than 50 feet from riparian vegetation); or

8. The following definition shall be added to the Chapter 5 list:

"Canyon" shall be those features having vertical relief of ten feet or more. A "canyon face" is a scarp or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding or excavation of the land mass. The canyon face may be a simple planar or curved surface or it may be steplike in section. "Canyon edge" is the upper termination of a canyon face. When the top edge of the canyon is rounded away from the face of the canyon as a result of erosional processes, related to the presence of the steep canyon face, the "edge" shall be defined as that point nearest the canyon face beyond which the downward gradient of the land surfaces increases more or less continuously until it reaches the general gradient of the canyon face. In a case where there is a step like feature at the top of the canyon face, the landward edge of the topmost riser shall be taken to be the canyon edge. Developers proposing projects adjacent to coastal canyons shall be required to demonstrate that the development plan does not overhang or in any way adversely affect the physical or visual integrity of canyon open space.

9. This sentence shall be added to the end of section 205 on page 2-41:

The City is negotiating with the Orange County Transportation Agency for a pedestrian and bicycle easement in the railroad right-of-way between the tracks and the coastal bluffs. This easement would extend from North Beach to Cottons Point and would direct pedestrians from current accesses where there is not a legal right to cross the railroad tracks to those legal at grade crossings, underpasses and overpasses.

10. Policy IX.2 on page 3-26 shall be revised as follows:

Monitor and attempt to improve the safety of pedestrians crossing El Camino Real and the ~~Acheson Topeka and Santa Fe (AT&SF)~~ railway along the coast (*GP Policy 4.15.1*). Specifically, the City shall work with OCTA to implement a safe and legal



railroad crossing at Linda Lane Park, at an existing access centrally located between Linda Lane Park and North Beach, and at an existing access centrally located between "T" street and Calafia State Beach.

11. The following policy shall be inserted as policy IX.15 on page 3-29:

Access management programs for the private beach area north of Capistrano Shores and the Capistrano Shores, La Ladera, Cyprus Shore and Cotton Point, private communities shall be prepared when development in one of these private communities is required to prepare a public access dedication in accordance with policies IX.14, IX.17 and IX.18. The purpose of the access management programs shall be to provide maximum public access consistent with the Coastal Act of 1976, the analysis contained in policies IX.17 and IX.18, and site-specific constraints. The access management programs shall be implemented by the City of San Clemente or other public agencies or private associations which have accepted the offers of dedication.

1. The access management program shall include the following:

- a. Establishment of hours of public access which shall include, at minimum, the hours between sunrise and sunset.
- b. The provision of bicycle racks for a minimum of 25 bicycles at the beach terminus of the vertical accessway.
- c. The provision of signing at the entrance to the private communities in order to make the public aware of the existence of the accessway and its hours of operation.
- d. The provision of a public restroom facility.

2. The following elements may be incorporated into the management program:

- a. The accepting agency may charge a reasonable entrance or use fee, comparable to those charged by State and City-operated day use facilities, in order to defray costs for maintenance.
- b. The Community Association may be allowed, subject to permit approval, to erect small posts, bollards or similar structures at reasonable intervals in order to delineate the public access and recreation areas. Small signs describing the uplands as private property may also be allowed, subject to permit approval. No fences may be erected on the beach.

12. Page 1-1, Purpose, shall be revised to read as follows:

As such, the Coastal Element is the primary planning document for reviewing coastal-related issues and development in the Coastal Zone. It identifies specific ~~goals, policies, and implementation measures~~ goals and policies regarding the use and development of land and the preservation and enhancement of coastal resources.

13. Page 1-2, first paragraph, shall be revised to read as follows:

The City of San Clemente Coastal Element consists of ~~goals, policies, and implementing actions~~ goals and policies for specific coastal land uses contained in the plan.

14. Page 1-3,, first paragraph, shall be revised to read as follows:

Implementation Measures - identifies the measures is a partial summary of the measures which shall be supplied in the implementation plan portion of the local coastal program that will carry out implement the Coastal Element Goals and Policies.

15. Page 1-3, paragraph 4, shall be revised to read as follows:

The Coastal Element is ~~considered the primary planning element in the General Plan for all coastal-related issues~~ the primary planning document for reviewing coastal related issues and guiding development in the coastal zone.

16. Page 1-3, paragraph 5, shall be revised to read as follows:

The LCP is divided into ~~three~~ two components: 1) A Land Use Plan, which establishes the guiding coastal policies for review of coastal-related issues and development in the Coastal Zone; and ~~2) Coastal Zoning, which implements the policies of the Coat Element;~~ 3) An Implementation Plan, which establishes coastal permit application and review procedures. ~~The Coastal Element constitutes the Land Use Plan component of the City's LCP.~~ 2) an implementation plan which includes zoning ordinances, zoning district maps and other implementing actions which conform with and are adequate to carry-out the goals and policies of the certified Land Use Plan.

17. The last paragraph on page 1-3 shall be revised to read as follows:

The City's Zoning Ordinance ~~is the document that implements the General Plan and the Coastal Element~~ shall include sections which will implement

the Coastal Element. The Zoning Ordinance ~~provides~~ shall provide regulations regarding land use, development review processes, and development standards for the entire City. The portions of the Zoning Ordinance which apply to the Coastal Zone make up the majority of the ~~Coastal Zoning Implementation Plan~~ component of the City's LCP.

18. The first sentence of the second paragraph on page 2-5 shall be revised to read as follows:

~~The City's Zoning and Coastal Act restricts any development on coastal bluffs. The City's Certified Land Use Plan and the Coastal Act contain policies for restricting development on coastal bluffs.~~

19. The last sentence on paragraph 2 of page 2-31 shall be revised to read as follows:

~~For details of the proposed improvements in the Pier Bowl, refer to the Pier Bowl Specific Plan. The City will formulate a Specific Plan for the Pier Bowl area which shall include details of the proposed improvements. The Specific Plan shall be included in the City's submittal of the Implementation Plan.~~

20. The last sentence of paragraph 4 on page 2-42 shall be revised to read as follows:

~~Refer to the Pier Bowl and Pico Corridor Specific Plans for details. The City is preparing specific plans for the Pier Bowl and Pico Corridor which shall be submitted with the implementation plan portion of the LCP.~~

21. The first sentence of Section 301 on page 3-1 shall be revised to read as follows:

This portion of the Coastal Element establishes the goals and policies ~~and implementation programs~~ that will determine the manner in which growth, development and preservation occur in the City's Coastal Zone.

22. Policy IX.8 on page 3-27 shall be deleted. It reads:

~~Parking to accommodate the Beach Club area shall be proposed on the Marblehead Coastal parcel. Parking shall be situated within easy walking distance of the Beach Club. The specifics of utilization of visitor serving facilities shall be addressed in the Marblehead Coastal LCP.~~

23. Policy X.8 on page 3-35 shall be deleted. It reads:

~~Parking spaces shall be provided on Marblehead Coastal within easy walking distance of North Beach.~~

24. Policy XV.6 on page 3-49 shall be deleted. It reads:

~~Analyze the Undeveloped Areas (UA) (which include riparian corridors and the Coastal Sage Scrub Communities) of the City, as shown on Figure 10-1 of the biological resources map to determine whether significant biological habitats exist and how and to what extent they should be appropriately preserved. (GP Policy 10.1.2).~~

25. Policy XV.7 on page 3-49 shall be revised as follows:

Require that applications for development in the Undeveloped Areas UA, and for areas which an Initial Study has determined there is potential for significant adverse impacts to biological resources (therefore requiring an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND) shall include a Biological Assessment Report which: ...

26. The Land Use Classification Table (page 3-4) shall be revised as follows:

The Community Serving category (CC) needs to be added to the table.

27. The definition of primary vegetation line on page 5-3 shall be revised as follows:

**PRIMARY VEGETATION LINE LINE OF NATIVE VEGETATION:**

~~One A~~ development setback standard that may be utilized for coastal canyons. ~~Characteristics to be~~ The line of native vegetation shall be established based on an on-site visit, and inventory of existing vegetation and topography of vegetation native to South Orange County.