

CALIFORNIA COASTAL COMMISSION

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September 28, 2000

W12c

TO: Commissioners and Interested Persons

FROM: Deborah Lee, South Coast District Director
Teresa Henry, South Coast District Manager
Stephen Rynas, Orange County Area Supervisor

SUBJECT: CITY OF SAN CLEMENTE IMPLEMENTATION PROGRAM

SUMMARY OF STAFF REPORT**DESCRIPTION OF THE SUBMITTAL**

The City of San Clemente, on June 3, 1999, submitted this implementation program for certification. The proposed implementation program encompasses the entire coastal zone area of the City of San Clemente with the exception of the 254 acre Marblehead site. The Marblehead site is an area of deferred certification and the owner of the site is working with the City in developing a specific plan. Certification of the implementation program by the Commission would result in the City of San Clemente having a fully certified Local Coastal Program (except for the Marblehead site) and assuming coastal development permit authority. The City's Implementation Program under the City's resolution of submittal (Resolution No. 99-30) consists of four components: 1. Title 17 of the Municipal Code; 2. Pier Bowl Specific Plan; 3. West Pico Corridor Specific Plan; and 4. The portion of the City's Zoning Map covering the City's coastal zone.

The major issues of this staff report can be divided into three topical areas discussed on Page 2: water quality, an internal inconsistency in the Pier Bowl Specific Plan and textual deficiencies in Title 17 of the Municipal Code.

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission **DENY** the proposed implementation program for the City of San Clemente. The motions to accomplish this begin on Page 6.

ANTICIPATED AREAS OF CONTROVERSY

The following topical areas below summarize issues that may be of concern.

Water Quality:

Section 306 of the City's certified land use plan (Coastal Element) requires that the City develop implementation measures to protect and/or enhance the quality of coastal waters. The recent flurry of beach closures in Orange County resulting from urban runoff and sewage spills has indicated that the protection of water quality is a serious issue that must be resolved. Though the City of San Clemente has adopted a water quality implementation program, it is not adequate for protecting coastal waters consistent with the requirements of Section 306 of the City's certified land use plan.

Pier Bowl Specific Plan:

The Pier Bowl Specific Plan (Specific Plan) has an internal inconsistency related to the protection and enhancement of coastal views and neighborhood character. Though the Pier Bowl Specific Plan recognizes that public views and neighborhood character are to be protected, the Specific Plan also allows residential development to be constructed to a maximum height of forty-five feet without being limited by the public view corridor and neighborhood character policies. This inconsistency has allowed the City of San Clemente to conceptually approve two residential developments that would conflict with the public view and neighborhood character policies. To resolve this internal inconsistency, the City must review the Pier Bowl Specific Plan and make appropriate revisions.

Textual Deficiencies of Title 17 of the Municipal Code:

Title 17 of the Municipal Code contains textual deficiencies which need to be resolved. Some of the textual deficiencies relate to correctly incorporating the requirements of the Coastal Act for defining when it is the City's responsibility or the Commission's responsibility to issue coastal development permits and that development be sited in a manner that is most protective of coastal resources.

ADDITIONAL INFORMATION

For further information, please contact Stephen Rynas at the South Coast District Office of the Coastal Commission at: **562-590-5071**. The proposed implementation program for the City of San Clemente is available for review at the Long Beach Office of the Coastal Commission or at the City of San Clemente. The offices of the City of San Clemente are located at 910 Calle Negocio, City of San Clemente, CA 92673. Jim Pechus is the contact person for the City, and he may be reached by calling **949-361-6195**.

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EXHIBIT LISTING¹

Exhibit Listing (attached to the end of the staff report)

1. Location Graphic
2. City of San Clemente
3. Resolution No. 99-30
4. Resolution No. 99-29
5. Commission Letter of August 1, 2000
6. Beauchamp Letter of July 10, 2000
7. Steblay Letter of August 31, 2000
8. Johnson Letter of July 3, 2000
9. Pier Bowl Specific Plan View Corridors

¹ Because of the combined size of the following documents, they have not been attached to this staff report, instead Commission staff has requested that the City provide copies of these documents directly to the Commissioners. The documents are: Title 17 of the Municipal Code (384 pages), the West Pico Corridor Specific Plan (70 pages), and the Pier Bowl Specific Plan (206 pages). Copies of these documents are available for public review at the Commission's Long Beach Office or the City of San Clemente.

I. EXECUTIVE SUMMARY

The San Clemente implementation program submitted in August 1999 is rejected for the following reasons. First, Section 306 of the City's land use plan states that; "*there are several measures that the City can take to help further protect coastal waters*". Among the activities specified is the establishment of a water monitoring program, implementation of procedures to reduce storm drain related pollution, increased water conservation, the use of urban pollutant control devices, the use of vegetation to reduce runoff and the potential for erosion, and that the City would develop a Water Quality Ordinance to comply with Federal requirements to control urban pollutants. The implementation program, as submitted, does not have regulations to help protect coastal waters and the City's Water Quality Ordinance has been deemed not to be in conformance with and inadequate to implement the certified land use plan.

Second, the Commission has found an internal inconsistency with the Pier Bowl Specific Plan. The Pier Bowl Specific Plan recognizes that public view corridors and neighborhood character are to be protected and preserved. The Pier Bowl Specific Plan, however, allows a maximum residential height of forty-five (45) feet without reconciling this maximum height with the preservation of public views and neighborhood character. The City of San Clemente conceptually approved two residential developments that met the forty-five foot height limitation but were not in conformance with the public view corridor and/or neighborhood protection policies. Therefore, the Pier Bowl Specific Plan is not in conformance with nor is it adequate to implement the land use plan.

Third, some of the regulatory text for Title 17 of the Municipal Code was found not to be in conformance with nor adequate to implement the certified land use plan. Additionally, up to date versions of the Pier Bowl Specific Plan and the West Pico Corridor Specific Plan were not submitted.

As summarized above, the implementation program, as submitted, is deficient in that an adequate water quality program was not submitted, public view/community character issues in the Pier Bowl Specific Plan were left unresolved, and obsolete versions of the Pier Bowl Specific Plan and the West Pico Corridor Specific Plan were submitted. These latter technical deficiencies and miscellaneous corrections should be addressed in a resubmittal.

II. COMMISSION RESOLUTIONS ON CITY OF SAN CLEMENTE IMPLEMENTATION PROGRAM

Following a public hearing, staff recommends the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided just prior to the resolution.

A. **RESOLUTION #1** (*Resolution to deny certification of the Implementation Program for the City of San Clemente, as submitted*)

Motion #1

*"I move that the Commission **REJECT** the Implementation Program for the City of San Clemente as submitted."*

Staff Recommendation

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the Implementation Program and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution #1

*The Commission hereby **DENIES** certification of the Implementation Program submitted for the City of San Clemente and adopts the findings set forth below on the grounds that the Implementation Program, as submitted, does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.*

III. PROCEDURAL PROCESS (LEGAL STANDARD FOR REVIEW)

A. *Standard of Review*

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission must act by majority vote of the Commissioners present when making a decision on the implementing portion of a local coastal program.

B. *Procedural Requirements*

Pursuant to Section 13518(b) of the California Code of Regulations, a resolution for submittal must indicate whether the local coastal program will take effect automatically upon Coastal Commission approval or as a program that will require formal local government adoption after Commission approval pursuant to Public Resources Code Sections 30512, 30513 and 30519. The City's resolution of adoption (99-30) states that the implementation program will take effect immediately upon Commission certification. In this case, Commission has rejected certification. Consequently, the City of San Clemente will need to submit a revised implementation program for Commission certification.

IV. BACKGROUND

The history of the San Clemente LCP process began in 1979 when the Commission adopted a work program. The City submitted an LCP to the Commission in 1981. In 1981, the Commission certified the Land Use Plan with suggested modifications and rejected the implementation program of the LCP. The City resubmitted the land use plan in March 1984; and, on May 15, 1987, the Commission denied the land use plan, as submitted, and certified the plan with suggested modifications. At the May 15, 1987 hearing, the Commission found that the land use plan was inconsistent with the public access and recreation, resource protection, and new development policies of the Coastal Act. On March 2, 1988, the City adopted the Commission's suggested modifications in the areas deemed inconsistent by the Commission and the document was resubmitted to the Commission on March 23, 1988. The land use plan was certified on May 11, 1988.

Background

The Commission certified an amendment to the land use plan in October 1995. This amendment was undertaken to bring the City's Coastal Element (land use plan) into conformance with the City's updated General Plan. In March 1995, the Commission found that the action of the City of San Clemente in accepting the suggested modifications was legally adequate.

The City of San Clemente submitted an implementation program for certification on April 23, 1996. The implementation plan consisted of Chapters 7, 15, 21 of the City's Municipal Code plus the Pier Bowl Specific Plan. The City then submitted additional elements to the Commission for inclusion into the City's implementation program. These additional elements included the West Pico Corridor Specific Plan, the Outdoor Dining Ordinance, and the Downtown Parking Waiver Ordinance. The implementation program submission, as amended, was determined to be complete in August 1997. On April 10, 1998, the Commission certified, with suggested modifications, the City's implementation program. Section 13537(b) of Title 14 of the California Regulations requires that the City adopt the Commission's suggested modifications within six months of Commission action or the certification expires. The City did not adopt the Commission's suggested modifications within this required timeframe. The Commission's certification of the implementation program consequently expired on October 10, 1998.

In terms of this Commission action, the City, on June 3, 1999, submitted this implementation program for Commission certification. Certification of the implementation program by the Commission would result in the City of San Clemente having a fully certified Local Coastal Program which includes the ability of the City to issue coastal development permits. Under this Commission action, the Marblehead site, however, would still remain an area of deferred certification and the Commission would issue coastal development permits for any proposed development on this site. The City's implementation program consists of four components:

1. Title 17 of the Municipal Code, including but, not limited to, Chapter 17.20 (Coastal Development Permit Review Process, and Chapter 17.60 (Coastal Overlay District), and Chapter 17.88 (Definitions).
2. Pier Bowl Specific Plan
3. West Pico Corridor Specific Plan
4. The portion of the City's Zoning Map, which is in the coastal zone.

The submittal was deemed incomplete on June 17, 1999. Upon the receipt of information requested in the incomplete letter, the submission was deemed complete on August 17, 1999. The Commission extended the sixty (60) day time limit to act on the implementation program for a period not to exceed one year on October 15, 1999. The one-year extension period expires on October 15, 2000.

Therefore, the Commission must act on this submittal at the October hearing unless the City were to withdraw the proposed implementation program.

V. SUMMARY OF PUBLIC PARTICIPATION

The City of San Clemente held numerous public hearings on the implementation program. The Planning Commission held public hearings on December 5, 1995, December 19, 1995, February 6, 1996 and April 6, 1999. The City Council held public hearings on all aspects of the local coastal program on March 6, 1996, May 5, 1999, and May 19, 1999. At the May hearing, the City Council adopted the implementation program and forwarded it to the Commission for certification.

The Commission has received three letters from the public, objecting to an approval of the implementation program. Copies of these letters are attached as exhibits.

VI. FINDINGS FOR DENIAL OF THE CITY'S IMPLEMENTATION PROGRAM

The Commission hereby finds and declares as follows. The Commission finds that, pursuant to Section 30513 of the Coastal Act, the City of San Clemente's (City) implementation program does not conform with nor is it adequate to carry out the City's land use plan (Coastal Element) for the reasons articulated below. The following pages contain the specific findings for denial of the implementation program for the City of San Clemente (City) as submitted.

A. WATER QUALITY

The water quality policies are found in Section 306 of the certified land use plan. Section 406 of the certified land use plan contains water and marine resources programs that the City will undertake to implement Section 306 of the certified land use plan. Section 306 notes that the preservation of water and marine resources is critical for assuring a clean and healthy marine environment for beach users, and to maintain and enhance habitat to support local populations of marine life. Section 406 references the adoption of a water pollution control ordinance, undertaking a reconnaissance survey to eliminate illegal surface and groundwater discharges, the adoption of a drainage management plan, and establishment of requirements to control pollutant runoff. The City's certified land use plan (Coastal Element) has several policies designed to maintain and promote a safe and healthy

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beach and marine environment for beach users and marine species. Among them are the following policies.

Policy XIV.1 states: *"Marine resources shall be maintained enhanced and where feasible restored. Special protection shall be given to areas and species of special biological and economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long term commercial, recreational, scientific, and educational purposes."*

Policy XIV.2 states: *"The biological productivity and the quality of coastal waters, appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, the protection of human health shall be maintained and, where feasible restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing, depletion of ground water supplies and substantial interference with surface waterflow and encouraging wastewater reclamation."*

Policy XIV.4 states: *"Provide a clean and enjoyable marine environment that sufficiently meets the needs of beach users."*

Policy XIV.5 states: *"Maintain a healthy coastline, preventing degradation of the community's visual and environmental resources."*

The Los Angeles Times reported on August 4, 2000 that California's coastline is far more polluted than previously thought according to a study by the Natural Resources Defense Council. Though some of beach closures cited were due to changes in State law requiring more stringent monitoring, the results of the monitoring also indicated that the water was more polluted than previously believed. According to the Los Angeles Times article, urban runoff was cited as a major problem for California; at least forty-seven percent (47%) of high bacteria counts were caused by pollutants that washed off streets and lawns into storm drains that eventually empty into the ocean.

Section 406 of the City's land use plan relates to water and marine resources and states: *"Protect the water quality of San Clemente's coastline and the area's marine resources through the following measures: 1. Adopt and enforce a water pollution control ordinance to protect the City's surface waters and groundwater resources. 2. Perform a reconnaissance survey to eliminate illegal and illicit surface water and groundwater discharges. 3. Adopt a drainage area management plan for the City to control pollutant runoff 4. Require programs to control pollutant runoff such as structural controls, non-structural controls and best management practices."*

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Require all residential, commercial/industrial sites, and construction sites to implement the pollutant runoff control program."

The implementation program, as submitted, did not contain any of the follow-up implementation actions identified in Sections 306 and 406 of the land use as policies to be put into operation. For the implementation program to adequately carry out the land use plan, it must contain implementing actions that fulfill the policies of the certified land use plan. To address the water quality issue, Commission staff contacted the City of San Clemente to obtain a copy of any regulations that the City may have to implement Sections 306 and 406 of the land use plan but were not submitted.

Commission staff received a copy of a water quality ordinance (Ordinance No. 1232) on October 28, 1999. Ordinance 1232, added Chapter 13.40 Stormwater Runoff to the Municipal Code. This chapter of the Municipal Code, however, was not part of the City's original implementation program submission. For the reasons cited below, Ordinance No. 1232, is not in conformance with nor is it adequate for implementing Sections 306 and 406 of the certified land use plan.

In a letter to the City of San Clemente (August 1, 2000, Exhibit 5), Commission staff indicated that Ordinance 1232 was deficient as it lacked specificity and measurable commitments necessary to conform with and effectively carry out the goals and policies articulated in Section 306 of the City's certified land use plan. Many of the policies of Section 306 and requirements of Section 406 call for specific actions such as monitoring sand movement, researching the impacts of coastal erosion and developing mitigation measures to avoid or lessen impacts, establishing a water monitoring program and the use of best management practices during construction. The actions cited above have not been included in Ordinance 1232. To accomplish this goal, the implementation program must include measures that go beyond simply controlling the transmission of pollutants into the storm drain system. To help resolve this issue, Commission staff offered guidance to the City by providing examples of an EPA recognized Model Ordinance and a recent Commission action on an LCP amendment. However, the Commission recognizes that it is difficult for Commission staff to draft a water quality ordinance for local entities. The local government best knows how such an ordinance would fit into its existing regulatory framework.

Ordinance 1232 contains a definition of "*New Development*" that is inconsistent with the Commission's definition of new development found in Section 30106 of the Coastal Act. The Commission's definition of "*development*" has been incorporated in Chapter 5 of the City's certified land use plan. Under Ordinance 1232, "*new development*" is defined as "*shall mean all public and private residential (whether single family, multi-unit or planned unit development), industrial, commercial, retail, and other non-residential construction projects, or grading for future, construction, for which either a discretionary land use approval,*

grading permit, building permit or Non-residential Plumbing Permit is required." Under this definition, certain activities which the Commission considers development may not qualify as development under the definition contained in Ordinance 1232 and development could occur absent compliance with the ordinance's provisions, or in the worst cast without a coastal development permit being issued.

Section 406 of the City's certified land use plan indicates the programs which will be used by the City to implement the goals and policies of the Water and Marine Resources section. One of the actions cited was the adoption of a drainage area management plan for the City to control pollutant runoff. Ordinance 1232 does not meet this goal. Actions not mandated by Ordinance 1232, but required by Sections 306 and 406 of the City's certified land use plan include, but are not limited to: a reconnaissance survey to eliminate illegal and illicit surface water and groundwater discharges, promoting water conservation, the use of landscaping standards and the use of post-construction best management practices. Ordinance 1232 consequently does not conform to the policies of Section 306 and the requirements of Section 406 of the City's certified land use plan. For the reasons cited above, the Commission finds that Ordinance 1232 is not in conformance with nor is it adequate for implementing the City's certified land use plan and the implementation program must be rejected.

The significance of the water quality measures to coastal resource protection and the need to formulate the necessary provisions to respect the City's updated Municipal Code cannot be understated. While the Commission and its staff can provide direction and examples of model ordinances to the City, it is incumbent on the City to assume the responsibility and draft implementation provisions which conform with its certified land use plan and reflect the community's geography, hydrology, institutional structure, and water quality management efforts.

B. PIER BOWL SPECIFIC PLAN

The Pier Bowl Specific Plan (Specific Plan) area encompasses approximately fifty-six (56) acres of land adjacent to the San Clemente Municipal Pier in the western portion of San Clemente. As described in the Specific Plan, the topography of the area gently slopes seaward, forming a "*natural amphitheater to the ocean*". The approximate boundaries of this area are Linda Lane Park to the north, Trafalgar Canyon to the south, the Pacific Ocean to the west, and the inland residential neighborhoods to the east. Existing development in the Pier Bowl area includes restaurants, retail shops, community markets, bed-and-breakfast inns, hotels, motels, timeshares, recreational uses, open space, and institutional uses.

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The predominant use of the area is residential (apartments, condominium, and single family residences) mixed within and around the commercial uses.

Because of its central location, view preservation within the Pier Bowl Specific Plan area has been identified as an important design issue. The coastal bluffs, the oceanfront, the Municipal Pier, and Casa Romantica provide scenic views in the Pier Bowl. The most important public view corridor in the Pier Bowl is the oceanfront from Avenida Del Mar over the Municipal Parking Lot (Exhibit 9). Another important view is the view of the Casa Romantica as seen from the beach and pier. In recognition of the scenic view issue, the Pier Bowl Specific Plan states that any development in the Pier Bowl area should consider both the creation and preservation of public view sheds. Building design and siting should enhance, not obstruct, public view sheds.

Recently, the Commission acted on a coastal development permit application that revealed an internal inconsistency within the Pier Bowl Specific Plan. The Commission also received three letters from the public, which are attached as Exhibits 6, 7, and 8 drawing attention to this internal inconsistency. Under Coastal Development Permit 5-00-111 (Ballard), the applicants were proposing the construction of a forty-three (43) foot high duplex within the Specific Plan area on Capistrano Lane. At present, the structures along the south side of Capistrano Lane do not typically exceed a 35 foot maximum height above existing grade (the existing grade slopes down from Capistrano Lane, which means that the portion of the structure facing Capistrano Lane is approximately 20 feet in height). This pattern of development has created a uniform line of structures. The proposal for a forty-three foot high duplex, accordingly, exceeded the height of the adjacent structures by approximately eight feet and would have resulted in an obtrusive nonconforming structure. Moreover, this additional height would have adversely affected public views from Avenida Del Mar which contains a public view corridor.

At its August 16, 2000 Commission meeting, the Ballard duplex was approved provided that it be limited to 20 feet above the centerline of Capistrano Lane based on public view issues and community character. By limiting the height of the structure to 20 feet above the centerline of Capistrano Lane, the proposed home will match the height of adjacent structures and would not adversely impact the public view from Avenida Del Mar. Additionally, the Commission found that allowing a taller than normal building would have an incremental impact which could result in a cumulative significant adverse visual impact. The Commission has been limiting residential height in the vicinity of Capistrano Lane beginning in the late 1970's.

Though the Specific Plan requires that the impact of proposed development be evaluated in terms of community character and protection of public views in Sections 302, 303, and 307; Section 408, however, allows a maximum height of forty-five (45) feet without taking into account the requirements of Sections 302,

303, and 307. This internal inconsistency allowed the city to conceptually approve the development considered under Coastal Development Permit 5-00-111 (Ballard) that the Commission restricted in height. Furthermore, the City's conceptual approval of the house under Coastal Development Permit 5-00-111 (Ballard) was not one isolated event. Subsequent to Ballard, the City conceptually approved another house (at 44 feet in height) that exceeded the height of neighboring residences. This house will be considered by the Commission under Coastal Development Permit 5-00-141 (Montesinos) at this Commission meeting. As with Ballard, the Montesinos residence would appear to be out of scale with neighboring residential development.

As summarized in the proceeding paragraph, the Pier Bowl Specific Plan is internally inconsistent. This inconsistency makes the Pier Bowl Specific Plan inadequate for implementing the City's certified land use plan. The City's certified land use plan notes that *"Building design in the Pier Bowl is required to preserve public views, encourage pedestrian activity, to be sensitive to the Pier Bowl's topography and to be a Spanish Colonial Revival Architecture style."* Policy VI.6 of the City's certified land use plan requires that the City *"Formulate a Specific Plan incorporating detailed land uses, design, and public improvement requirements to ensure consistent development of the Pier Bowl area."* Policies VII.3 and VII.4 of the City's certified land use plan require that visual resources be protected and that permitted development be visually compatible with the character of the surrounding area.

To implement the certified land use visual protection policies, the Pier Bowl Specific Plan addresses view preservation as a major issue. Section 307 of the Pier Bowl Specific Plan recognizes that the ocean view from Avenida Del Mar to the Ocean is to be preserved. Additionally, the view inland from the pier is also to be preserved. Section 302(B)(4) states that: *"As a part of the Site Plan and Architectural Design Review process, the City shall encourage private-property owners to preserve and enhance the pedestrian scale of residential neighborhoods. Development of large monolithic residential structures shall be discouraged."* The narrative to Section 303 states, in pertinent part, that: *"The design of buildings should be compatible with the surrounding area, particularly adjacent buildings and nearby public activity areas."*

Section 408 of the Pier Bowl Specific Plan permits residential development to have a maximum height of forty-five (45) feet. This section contains no additional text necessitating that building height may need to be minimized in accordance with the requirements of Sections 302, 303, and 307 of the Specific Plan. Based on the application of Section 407, the City approved development, which the Commission found inconsistent with the requirements to preserve public view, and that development be compatible in character with adjacent development. Consequently, the City needs to re-examine how the various components of its implementation program interact with each other and to resolve those inconsistencies. For that reason, the Commission finds that the implementation program as submitted is not

in conformance with nor is it adequate to implement the land use plan and must be rejected.

C. TITLE 17 OF THE CITY OF SAN CLEMENTE'S MUNICIPAL CODE

The core of the City's submittal for an implementation program is Title 17 of the City's Municipal Code. The Commission has already rejected the implementation program based on water quality issues, and an inconsistency with the Pier Bowl Specific Plan. This section of the findings focuses on some of the textural deficiencies found in Title 17 necessitating that the Commission reject this part of the implementation program as well.

Section 17.20.040 of the new Municipal Code identifies the review body responsible for the approval, conditional approval, or denial of coastal development permits. Section 30519 of the Coastal Act establishes that the Commission retains coastal development permit authority for public trust lands, "*whether filled or unfilled*". Section 17.02.040(C) only cites that the Commission has authority over filled public trust lands. The failure to accurately incorporate the requirements of Section 30519 of the Coastal Act could result in the City erroneously believing that it could issue coastal development permits for proposed development on public trust lands.

Section 17.24.180 of the Municipal Code relates to permitting requirements for retaining walls. This section notes that some retaining walls do not require a building permit. In the prior version of the implementation program, heard by the Commission in April 1998, a suggested modification was made to add the following language: "*For information on permit requirements for retaining walls, including whether a retaining wall requires a coastal development permit application, see Section 14.050 of Chapter 14 of the Zoning Code.*" This additional language was necessary to clarify that a proposed retaining wall may still need to receive coastal development permits, even if a building permit is not required. In anticipation of this issue, Chapter 4 of the City's certified land use plan when discussing development review states: "*In preparing the implementing Zoning Ordinance for this Plan, the City should re-evaluate its discretionary review regulations for their consistency with Coastal Act requirements and their adequacy in providing effective public review and comment on proposed development projects. As necessary, the thresholds for review should be revised to reflect the potential impacts of a project based on type of use, size, location, trips generated, infrastructure demands, or other appropriate criteria.*" Section 17.24.180 does not contain the appropriate wording to assure that a coastal development permit will be

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obtained when necessary. Consequently, a retaining wall necessitating a coastal development permit could be built without obtaining one.

Development on a coastal bluff or canyon is inherently risky. The coastal bluffs and canyons in San Clemente are geotechnically active and prone to sliding. The Commission has acted on numerous coastal development permits in San Clemente for slope stabilization and repair. At this Commission meeting, the Commission will be acting on Coastal Development Permit 5-00-034(McKinley/Bass) for a 110 foot long by 20 foot high retaining wall to protect two single family residences as part of a slope repair project following a slide in 1998. Consequently new development must be sited in a manner which minimizes the risk and protects coastal resources. Section 302 of the City's certified land use plan (Coastal Element) contains the policies related to new development in hazardous areas and new development, which could involve land form alterations. Policy VII.5 is a reiteration of Section 30253 of the Coastal Act, which mandates that new development minimize risks to life and property in hazardous areas. Policy VII.14 requires that new development on blufftop lots be setback at least 25 feet. Policy VII.15 relates to setbacks for new development on coastal canyons and requires that the setback be either a minimum of 30% of the depth of the lot (and not less than 15 feet from the canyon edge) or a minimum of 30% of the depth of the lot (and not less than 15 feet from coastal sage or 50 feet from riparian vegetation) or in accordance with a stringline. Additionally, the certified land use plan contains policies which require that new development in coastal canyons or coastal blufftops require a biological assessment report (Policy VII.10) to assure that the biological integrity of coastal bluffs and canyons is preserved (Policy VII.11). Policy VII.12 encourages activities which improve the natural biological, integrity, and corridor function of the coastal canyons through vegetation restoration and the control of alien plants and animals. In terms of the implementation program, Section 17.60.050 is one of the implementation actions for Section 302 of the City's certified land use.

Section 17.60.050 relates to siting development which could have an adverse impact on coastal landforms. This section notes that various setbacks procedures can be used (such as the stringline or a specific distance from top of bluff) when determining how far a proposed development must be setback from the top edge of a coastal bluff or coastal canyon. To resolve the issue of which standard is to be applied, this section notes that the City Planner will make a determination based on geology, soil, topography, vegetation, public views, and other site characteristics. This policy goes on to state that: *"The setback required shall be determined through the Coastal Development Permit process and shall be protective of coastal resources."* Missing from this text is the requirement that the decision be based on a finding that the required setback should be the one that is *"most protective"* of coastal resources. Given the risky nature of development occurring on coastal bluffs and canyons and the environmental sensitivity of coastal bluffs and canyons, new development must be setback from bluff and canyon edges to minimize the risk that the development would be damaged by a slide and to protect the sensitive

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habitat areas found on the bluffs and canyons. To assure that the adverse impacts of new development are minimized, the requisite setback must be the one that is the most protective of coastal resources.

Suggested modifications were made to both the Pier Bowl Specific Plan and the West Pico Specific Plan when the Commission acted on the implementation program back in 1998. Though the period for adopting the suggested modifications expired on October 10, 1998, the City of San Clemente incorporated the Commission's suggested modifications through Resolution No. 99-29 (Exhibit 4) adopted on July 21, 1999, just prior to the August 1999 submission of the current submittal. Though the City adopted the Commission's suggested modifications, neither the Pier Bowl Specific Plan nor the West Pico Specific Plan were actually updated over the span of one year to include these 1998 revisions when they were submitted to the Commission in August 1999 for review. The Commission finds that it is the City's responsibility to provide current versions of the documents constituting the implementation program. Based on the foregoing deficiencies cited above, the Commission finds that the implementation program is not in conformance with nor is it adequate for implementing the City's certified land use plan and must be rejected.

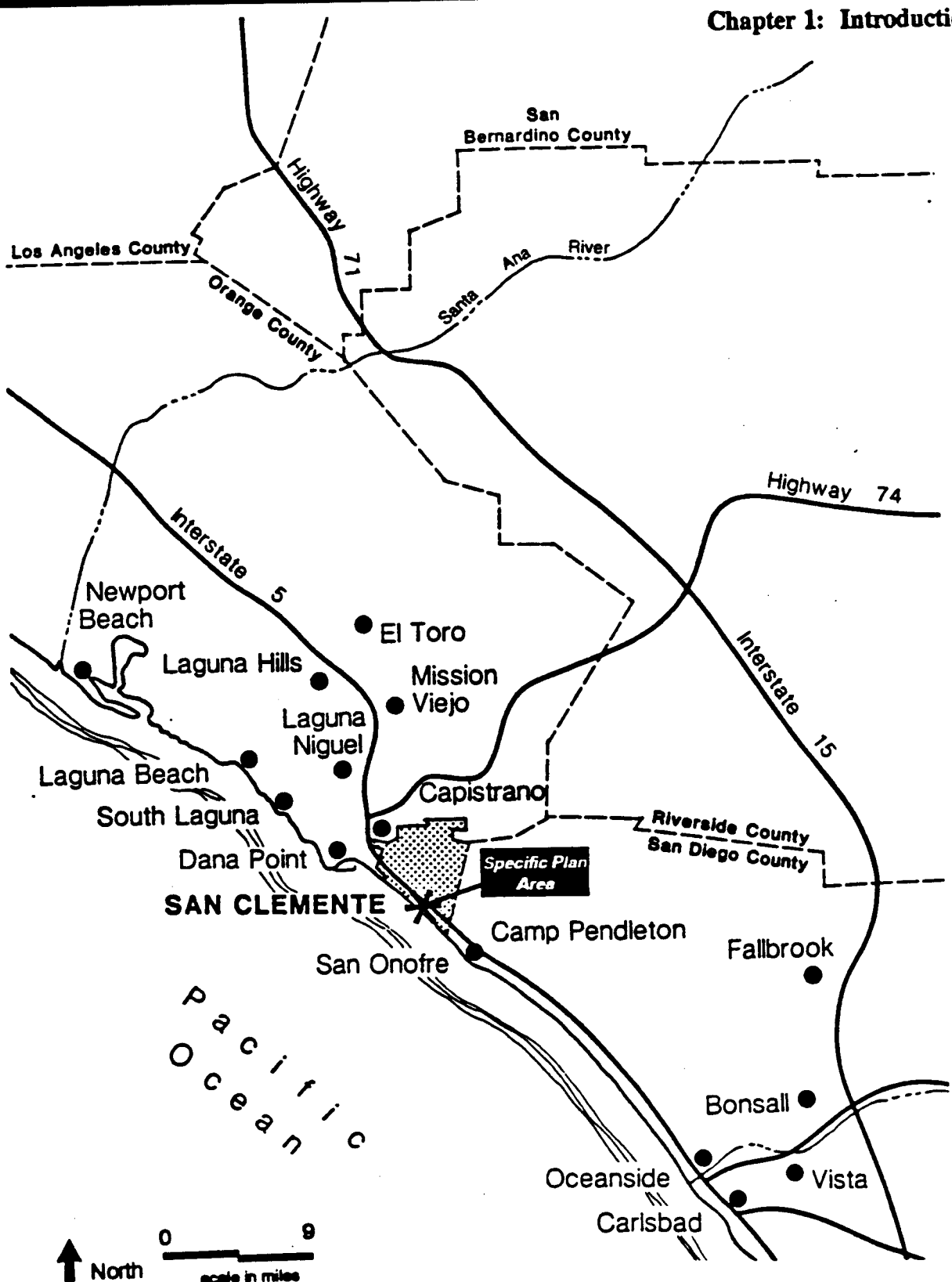
VII. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. Additionally, the Commission's Local Coastal Program review and approval procedures have been found by the Resources Agency to be functionally equivalent to the environmental review process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an environmental impact report for each local coastal program submitted for Commission review and approval. Nevertheless, the Commission is required when approving a local coastal program to find that the local coastal program does conform with the provisions of CEQA.

As outlined in this staff report, the implementation program is not in conformity with the water/marine resource protection and the public view/community character policies of the City's land use plan and the implementation program is internally inconsistent. Accordingly, the implementation program is not in conformity with nor adequate to carry out the certified land use plan. Therefore, the Commission finds that approval of the LCP amendment will result in significant adverse environmental impacts under the meaning of CEQA. A feasible alternative exists in

CEQA Consistency

that the City can revise the implementation program to address the deficiencies identified. Therefore, the Commission finds that there are feasible alternatives under the meaning of CEQA which would reduce the potential for significant adverse environmental impacts. Therefore, the Commission denies the implementation program.



**PIER BOWL
SPECIFIC PLAN**

EXHIBIT No. 1
Application Number: City of San Clemente Implementation Program
Location Map
California Coastal Commission

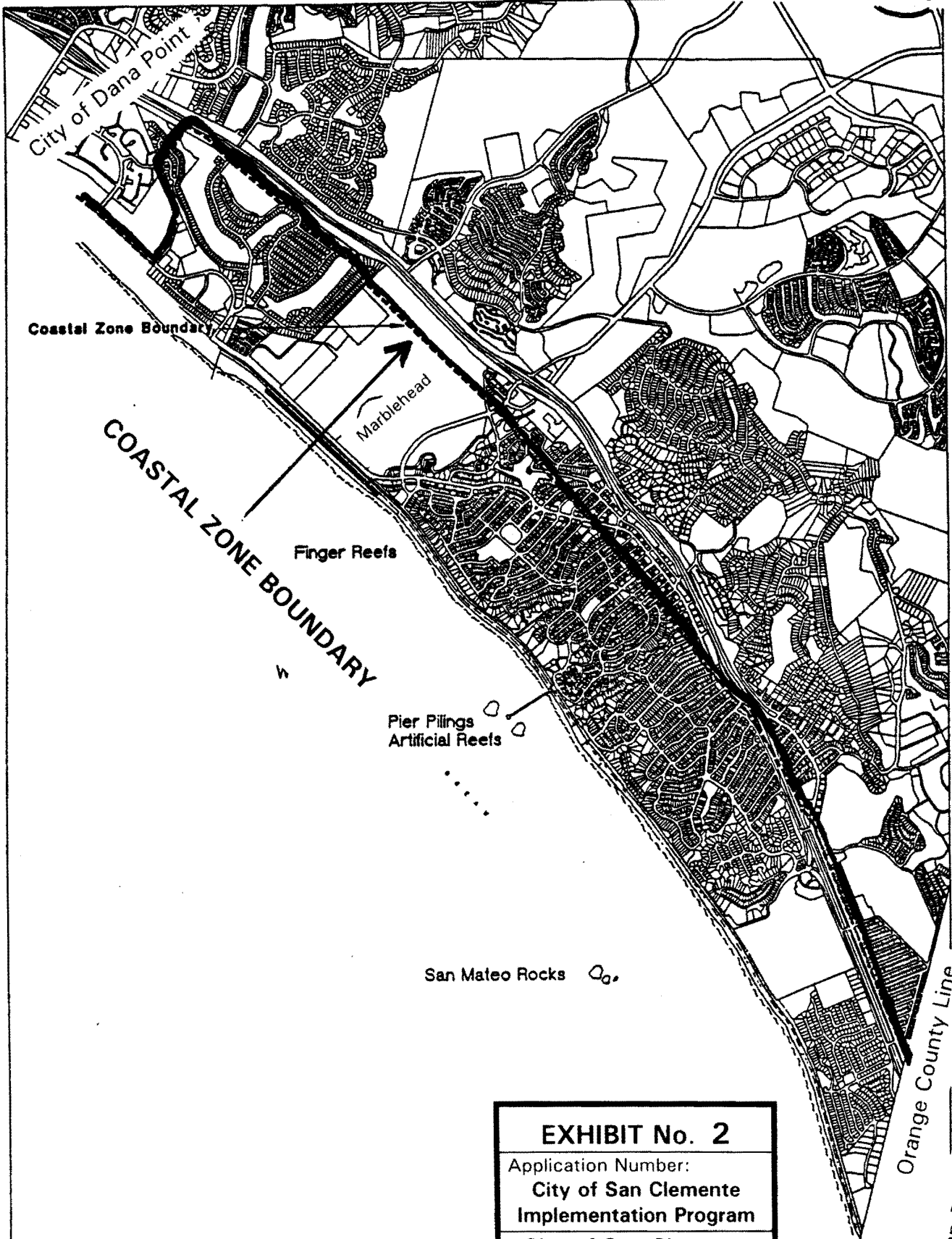

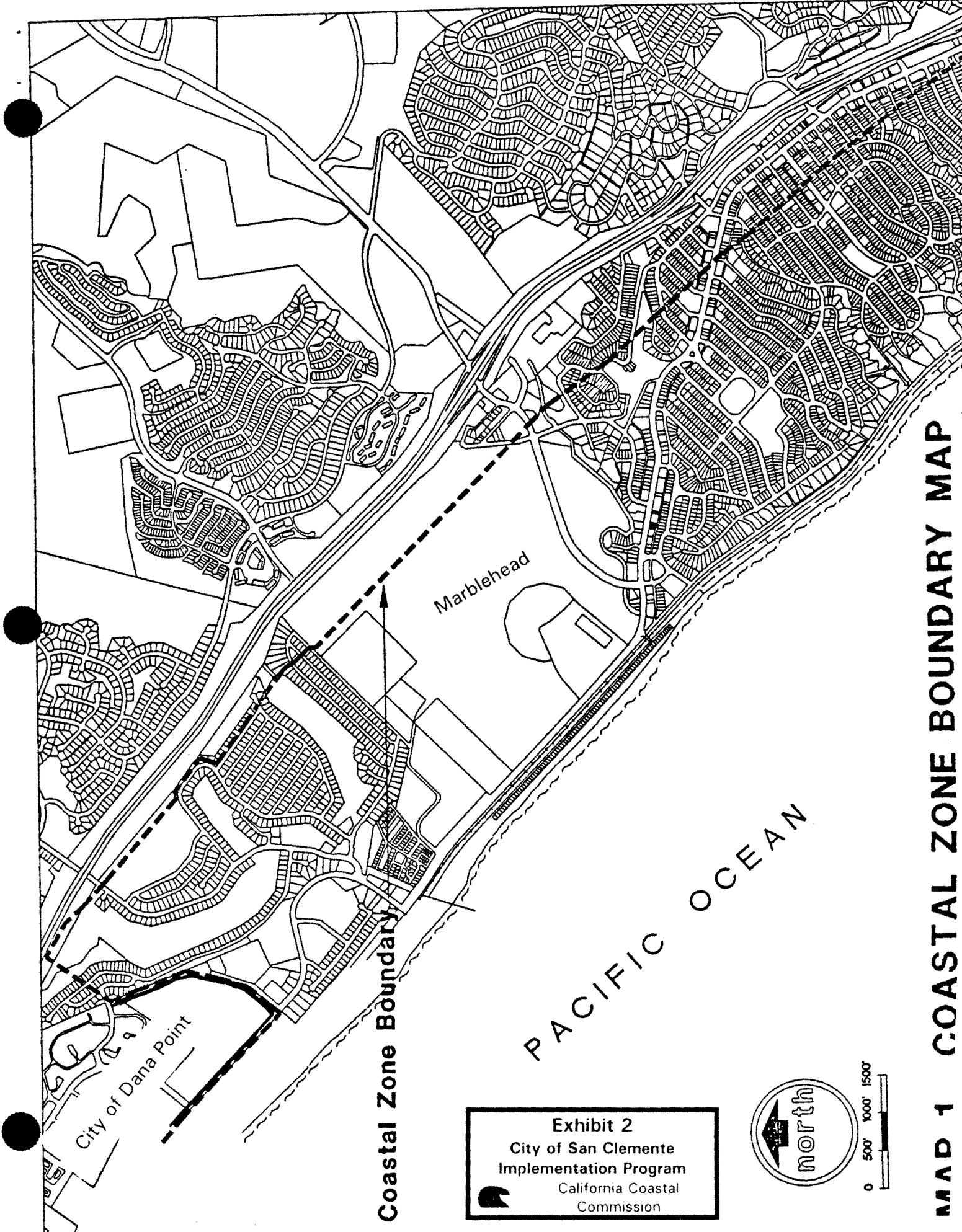


EXHIBIT No. 2
Application Number: City of San Clemente Implementation Program
City of San Clemente
 California Coastal Commission



CITY OF SAN CLEMENTE



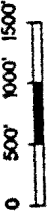
Coastal Zone Boundary

Marblehead

City of Dana Point

PACIFIC OCEAN

Exhibit 2
City of San Clemente
Implementation Program
California Coastal
Commission



MAD 1 COASTAL ZONE BOUNDARY MAP

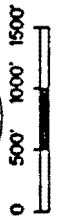
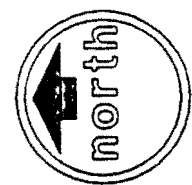
San Diego County

Orange County Line

PACIFIC OCEAN

Coastal Zone Boundary

Exhibit 2
 City of San Clemente
 Implementation Program
 California Coastal
 Commission



MAP 2 COASTAL ZONE BOUNDARY MAP

RESOLUTION NO. 99-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA APPROVING THE CITY OF SAN CLEMENTE LOCAL COASTAL PROGRAM

AUG 3 1999

CALIFORNIA COASTAL COMMISSION

WHEREAS, pursuant to Division 20, commencing with Section 30000, of the California Public Resources Code, the California Coastal Act, the City of San Clemente, has prepared a Local Coastal Program for the portion of the City located within the coastal zone; and

WHEREAS, pursuant to Section 30503 of the California Public Resources Code and Section 65351 of the California Government Code, the Planning Commission of the City of San Clemente held duly advertised public hearings on all aspects of said Local Coastal Program on December 5, 1995, December 19, 1995, February 6, 1996, and April 6, 1999, and all interested persons were given the opportunity to be heard; and

WHEREAS, on February 6, 1996, the Planning Commission of the City of San Clemente adopted Resolution Nos. PC 95-53 and PC 95-49 recommending approval of the San Clemente Local Coastal Program, and recommending amending the Local Coastal Program Implementation Plan to comply with Coastal Commission requirements; and

WHEREAS, pursuant to Section 30503 of the California Public Resources Code and Section 65351 of the California Government Code, the City Council of the City of San Clemente held a duly noticed public hearing on all aspects of said Local Coastal Program on March 6, 1996, May 5, 1999, and May 19, 1999, and all interested persons were given the opportunity to be heard; and

WHEREAS, the San Clemente Local Coastal Program constitutes all of the following documents, copies of which are on file with the City Clerk's Office:

- a. City of San Clemente Coastal Element Land Use Plan;
- b. City of San Clemente Zoning Ordinance, Title 17 of the Municipal Code, including, but not limited to, Chapter 17.20, Coastal Development Permit Review Process, and Chapter 17.60, Coastal Zone Overlay District, and Chapter 17.88, Definitions;
- c. Pier Bowl Specific Plan, as amended by 99-29;
- d. West Pico Corridor Specific Plan, as amended by 99-29;
- e. The Coastal Zone portion of the City of San Clemente Zoning Map; and

WHEREAS, on March 6, 1996, the City Council of the City of San Clemente adopted Resolution No. 96-11 approving the City of San Clemente Local Coastal Program; and

WHEREAS, after having subsequently reviewed the San Clemente Local Coastal Program, the California Coastal Commission has provided numerous comments suggesting modifications to the City's Local Coastal Program; and

WHEREAS, pursuant to California Public Resources Code Section 30503 and California Government Code Section 65351, the City Council of the City of San Clemente held a duly noticed public hearing on all aspects of the City's Local Coastal Program on May 5, 1999 and all interested persons given an opportunity to be heard; and

WHEREAS, pursuant to Section 30510 of the California Public Resources Code, the City is authorized to submit its Local Coastal Program to the California Coastal Commission for review and approval provided that the Local Coastal Program is certified by a resolution adopted following a public hearing and contains materials sufficient for a thorough and complete review.

WHEREAS, the preparation and adoption of the Local Coastal Program is statutorily exempt from the California Environmental Quality Act pursuant to Section 21080.9 of the California Public Resources Code; and

WHEREAS, on May 19, 1999, the City Council adopted Resolution Nos. 99-29 99-30; and

WHEREAS, Resolution Nos. 99-29 and 99-30 were forwarded to the Coastal Commission for processing; and

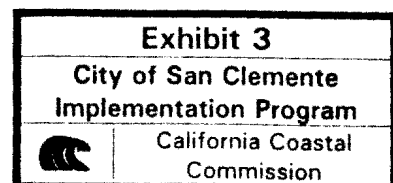
WHEREAS, the Coastal Commission requested the City make some non-substantive changes to Resolution Nos. 99-29 and 99-30; and

WHEREAS, the City Council desires to amend Resolution Nos. 99-29 and 99-30 to make the non-substantive changes recommended by the Coastal Commission.

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

Section 1: The City Council of the City of San Clemente hereby repeals Resolution No. 96-11, a resolution of the City Council of the City of San Clemente approving the City of San Clemente's Local Coastal Program and Resolution No. 96-11 is of no further force or effect.

Section 2: The San Clemente Local Coastal Program, which includes the San Clemente Coastal Element Land Use Plan, The Coastal Zone portion of the San Clemente Zoning Map, West Pico Corridor Specific Plan as amended by 99-29, Pier Bowl Specific Plan as amended by 99-29, and Chapter 17 of the Municipal Code, is hereby approved and certified.

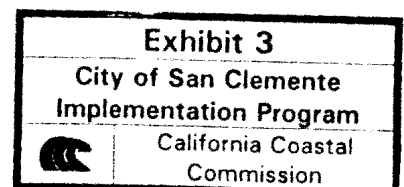


Section 3: Pursuant to Section 30510 of the California Public Resources Code, the San Clemente Local Coastal Program shall be submitted to the California Coastal Commission for approval and certification.

Section 4: Pursuant to Section 30510(a), the Local Coastal Program is intended to be carried out in a manner fully in conformity with the Coastal Act.

Section 5: In accordance with California Code of Regulations, Title 14, Division 5.5, § 13518, the San Clemente Local Coastal Program shall take effect automatically upon California Coastal Commission approval pursuant to California Public Resources Code Sections 30512, 30513 and 30519.

Section 6: The previously adopted version of Resolution 99-30 adopted by the City Council on May 19, 1999 is hereby rescinded and replaced with this version of Resolution 99-30, and the prior version is of no further force or effect.



ADOPTED, SIGNED and APPROVED this 21st day of July, 1999.

Luis Berg
MAYOR OF THE CITY OF SAN CLEMENTE

ATTEST:

Myrna Erway
CITY CLERK OF THE CITY OF
SAN CLEMENTE

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

I Myrna Erway, duly elected City Clerk of the City of San Clemente, California, do hereby certify that the foregoing Resolution Number 99-30 was duly and regularly adopted by the City Council of the City of San Clemente at a regular meeting thereof held the 21st day of July, 1999, by the following roll call vote:

AYES: DAHL, DIEHL, EGGLESTON, RITSCHEL, MAYOR BERG
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

Myrna Erway
City Clerk

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Approved as to Form

[Signature]
City Attorney

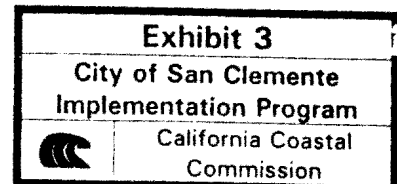
I, MYRNA ERWAY, CITY CLERK OF THE CITY OF SAN CLEMENTE, STATE OF CALIFORNIA, HEREBY CERTIFY UNDER PENALTY OF PERJURY THE FOREGOING INSTRUMENT TO BE A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL NOW ON FILE IN MY OFFICE.

DATE:

7-26-99

MYRNA ERWAY
CITY CLERK

[Signature]
Reporting



RESOLUTION NO. 99-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SAN CLEMENTE, CALIFORNIA AMENDING THE
WEST PICO CORRIDOR SPECIFIC PLAN (SP 96-01) AND
THE PIER BOWL SPECIFIC PLAN (SP 92-04) TO
COMPLY WITH COASTAL COMMISSION
REQUIREMENTS FOR THE ADOPTION OF THE SAN
CLEMENTE LOCAL COASTAL PROGRAM

RECEIVED
AUG 3 1999
CALIFORNIA
COASTAL COMMISSION

WHEREAS, pursuant to Division 20, commencing with Section 30000, of the California Public Resources Code, the California Coastal Act, the City of San Clemente, has prepared a Local Coastal Program for the portion of the City located within the coastal zone; and

WHEREAS, pursuant to Section 30503 of the California Public Resources Code and Section 65351 of the California Government Code, the City Council of the City of San Clemente held duly advertised public hearings on all aspects of said Local Coastal Program on May 5, 1999, and May 19, 1999 and all interested persons were given the opportunity to be heard; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") Public Resource Code Section 21080.9 and the CEQA Guidelines 14 California Code of Regulations Section 15265 sub. a, the Specific Plan amendments adopted herein are exempt for the CEQA process because they are activities and approvals which are necessary for the adoption of a local coastal program; and

WHEREAS, on April 6, 1999, the Planning Commission of the City of San Clemente adopted Resolution Nos. PC 99-29 and PC 99-30 recommending amending the Local Coastal Program Implementation Plan to comply with Coastal Commission requirements.

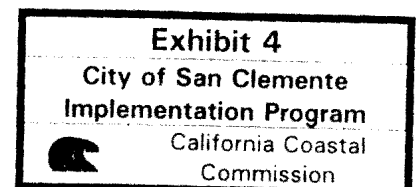
WHEREAS, on May 19, 1999, the City Council adopted Resolution Nos. 99-29 99-30; and

WHEREAS, Resolution Nos. 99-29 and 99-30 were forwarded to the Coastal Commission for processing; and

WHEREAS, the Coastal Commission requested the City make some non-substantive changes to Resolution Nos. 99-29 and 99-30; and

WHEREAS, the City Council desires to amend Resolution Nos. 99-29 and 99-30 to make the non-substantive changes recommended by the Coastal Commission.

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



Section 1: The City Council has reviewed the proposed amendments to both the West Pico Corridor Specific Plan (SP 96-01) and the Pier Bowl Specific Plan (SP 92-04) as contained in Exhibits "A" and "B," respectively. In doing so, the City Council finds as follows:

- a. The proposed Specific Plan amendments are consistent with the goals, objectives, policies and programs of the General Plan, and are necessary and desirable to implement the provisions of the Coastal Element of the General Plan in that they have been determined to be consistent with the California Coastal Act, they are protective of coastal resources, provide procedures to process Coastal Development Permits and provide provisions for coastal access;
- b. The uses proposed in the Specific Plan amendments are compatible with the adjacent uses and properties because the amendments do not change the existing land uses in the Specific Plans;
- c. The proposed Specific Plan amendments will not adversely affect the public health, safety, and welfare because the amendments do not change the existing land uses in the Specific Plans; and
- d. The proposed Specific Plan amendments will not create internal inconsistencies within the Specific Plans being amended because the proposed amendments have been evaluated and it has been determined that no internal inconsistencies will result.

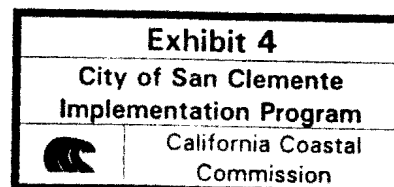
Section 2: Based upon the foregoing findings, the City Council of the City of San Clemente amends the West Pico Corridor Specific Plan (SP 96-01) and the Pier Bowl Specific Plan (SP 92-04) in the manner set forth in Exhibits "A" and "B," respectively, attached hereto and incorporated herein by this reference.

Section 3: Pursuant to Section 30510 of the California Public Resources Code, the San Clemente Local Coastal Program shall be submitted to the California Coastal Commission for approval and certification.

Section 4: Pursuant to Section 30510(a), the Local Coastal Program is intended to be carried out in a manner fully in conformity with the Coastal Act.

Section 5: In accordance with California Code of Regulations, Title 14, Division 5.5, § 13518, the San Clemente Local Coastal Program shall take effect automatically upon California Coastal Commission approval pursuant to California Public Resources Code Sections 30512, 30513 and 30519.

Section 6: The previously adopted version of Resolution No. 99-29 adopted by the City Council on May 19, 1999 is hereby rescinded and replaced with this version of Resolution 99-29, and the prior version is of no further force or effect.



Luis Berg
MAYOR OF THE CITY OF SAN CLEMENTE

ATTEST:

Myrna Erway
CITY CLERK

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

I, Myrna Erway, City Clerk of the City of San Clemente, San Clemente, California, do hereby certify that the foregoing Resolution Number 99-29 was duly and regularly adopted by the City Council of the City of San Clemente at a regular meeting thereof held the 21st day of July, 1999, by the following roll call vote:

AYES: DAHL, DIEHL, EGGLESTON, RITSCHER, MAYOR BERG
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

Myrna Erway
City Clerk

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Approved as to Form

Henry M. Odem
City Attorney

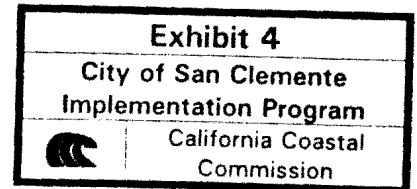
I, MYRNA ERWAY, CITY CLERK OF THE CITY OF SAN CLEMENTE, STATE OF CALIFORNIA, HEREBY CERTIFY UNDER PENALTY OF PERJURY THE FOREGOING INSTRUMENT TO BE A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL NOW ON FILE IN MY OFFICE.

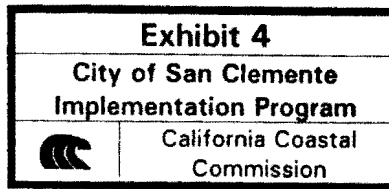
DATE

7-26-99

MYRNA ERWAY
CITY CLERK

BY Henry M. Odem
representing



**EXHIBIT A****West Pico Corridor Specific Plan**

Chapter 1, Section 103 II and III are amended to read as follows:

II. LOCAL COASTAL PROGRAM

The California Coastal Act mandates that all local jurisdictions located entirely or partially in the coastal zone, prepare a Local Coastal Program (LCP). The purpose of the LCP is to establish policies, procedures, and implementation measures that preserve coastal resources as defined in the Coastal Act. The City's LCP consists of:

- A. A Coastal Element with goals, policies and objectives for the preservation of coastal resources within San Clemente;
- B. Zoning documents for all land within San Clemente's coastal zone. The Pier Bowl Specific Plan, the West Pico Corridor Specific Plan, and portions of the Zoning Ordinance make up the coastal zoning portion of the City's LCP;
- C. An Implementation Ordinance to establish Coastal Development Permit application and review procedures. Unless exempt, development in the Coastal Zone requires a Coastal Development Permit, as per the procedures in Chapter 17.20 of the San Clemente Municipal Code.

III. ZONING ORDINANCE

The City's Zoning Ordinance is the document that implements the General Plan. It provides regulations regarding permitted land uses, development standards, the development entitlement process, etc. for all parcels of land within the corporate boundaries of the City of San Clemente. Certain areas of the City, e.g., the Pier Bowl, North Beach Village, Rancho San Clemente, Forster Ranch, Marblehead Inland, Marblehead Coastal, the West Pico Corridor and Talega are zoned SP (Specific Plan). The various adopted Specific Plans for these areas are incorporated into the Zoning Ordinance by reference. They establish regulations applicable to the land within the boundaries of a particular Specific Plan. Likewise, the Zoning Ordinance provides certain regulations that apply within the Specific Plan areas. Each Specific Plan incorporates these sections of the Zoning Ordinance by reference.

The Zoning Ordinance includes several sections which are geared specifically to development in the Coastal Zone. These sections include Chapter 17.20 (Coastal

Development Permit Processing), (Coastal Zone Overlay District), and the definitions entitled "Coastal Zone Definitions" in Chapter 17.88, Definitions..

Chapter 7, Definitions the introductory paragraph is amended to read as follows:

Definitions

For the purposes of this Specific Plan, certain terms shall be defined as set forth in this Section. Terms not listed herein shall be defined per the City's Zoning Ordinance, or if not listed in the Zoning Ordinance, shall be construed in accordance with accepted usage. Words used in the present tense shall include the future; words in the singular shall include the plural; the words "will" and "shall" are mandatory and the word "may" is permissive. The word "should" refers to policy guidance which must be followed in the absence of compelling opposing considerations identified by the City.

For definitions pertaining specifically to the Coastal Zone please refer to "Coastal Zone Definitions" in Chapter 17.88 of the San Clemente Municipal Code.

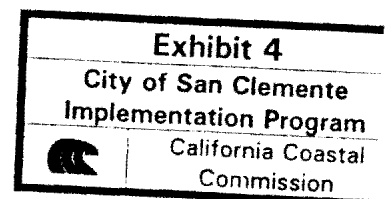


Exhibit B

The Pier Bowl Specific Plan

Chapter 2, Area Description/Land Use, Section 201 is amended to read as follows:

CHAPTER 2 SECTIONS

- 201 Relationship to Other City Planning Documents
- 202 Existing Zoning/Land Use
- 203 Existing Development
- 204 Potential Development

Section 201. Relationship to Other City Planning Documents

A. GENERAL PLAN

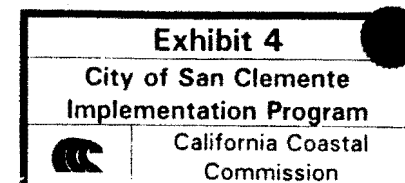
The General Plan Land-Use Element and Coastal Element regulate the land uses in the Pier Bowl. The Land-Use Element has been recently updated as part of a Comprehensive General Plan Amendment and was adopted in May of 1993. The Coastal Element was certified by the Coastal Commission in 1988, and a major amendment was certified in 1995. The Specific Plan reflects the land uses in the General Plan, which is the most recent statement of the City's land-use policies (see Figure 6 in Chapter 4). The General Plan land uses for the Pier Bowl area include:

MU 4.1 & 4.2-P-A	Mixed-Use Pedestrian/Architectural Design Overlay
MU 4.3-A	Mixed-Use Architectural Design Overlay
P-A	Public Architectural Overlay
RM-A	Residential Medium Density Architectural Overlay
RH-A	Residential High Density Architectural Overlay
CRC1-P-A	Tourist/Visitor-Serving Commercial Architectural Overlay

B. LOCAL COASTAL PROGRAM

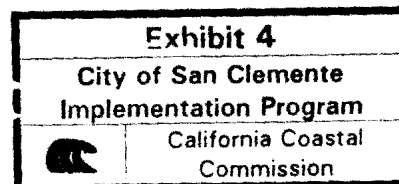
The California Coastal Act mandates that all local jurisdictions, located entirely or partially in the coastal zone, prepare a Local Coastal Program (LCP). The purpose of the LCP is to establish policies, procedures, and implementation measures that preserve coastal resources as identified in the Coastal Act. The City's LCP consists of:

- 1 A Coastal Element with goals, policies and objectives for the preservation of coastal resources within San Clemente;
- 2 Zoning documents for all land within San Clemente's Coastal Zone. The Pier Bowl Specific Plan, the West Pico Corridor Specific Plan, and portions of the Zoning Ordinance make up the coastal zoning portion of the City's LCP;
- 3 An Implementation Ordinance to establish Coastal Development Permit application and review

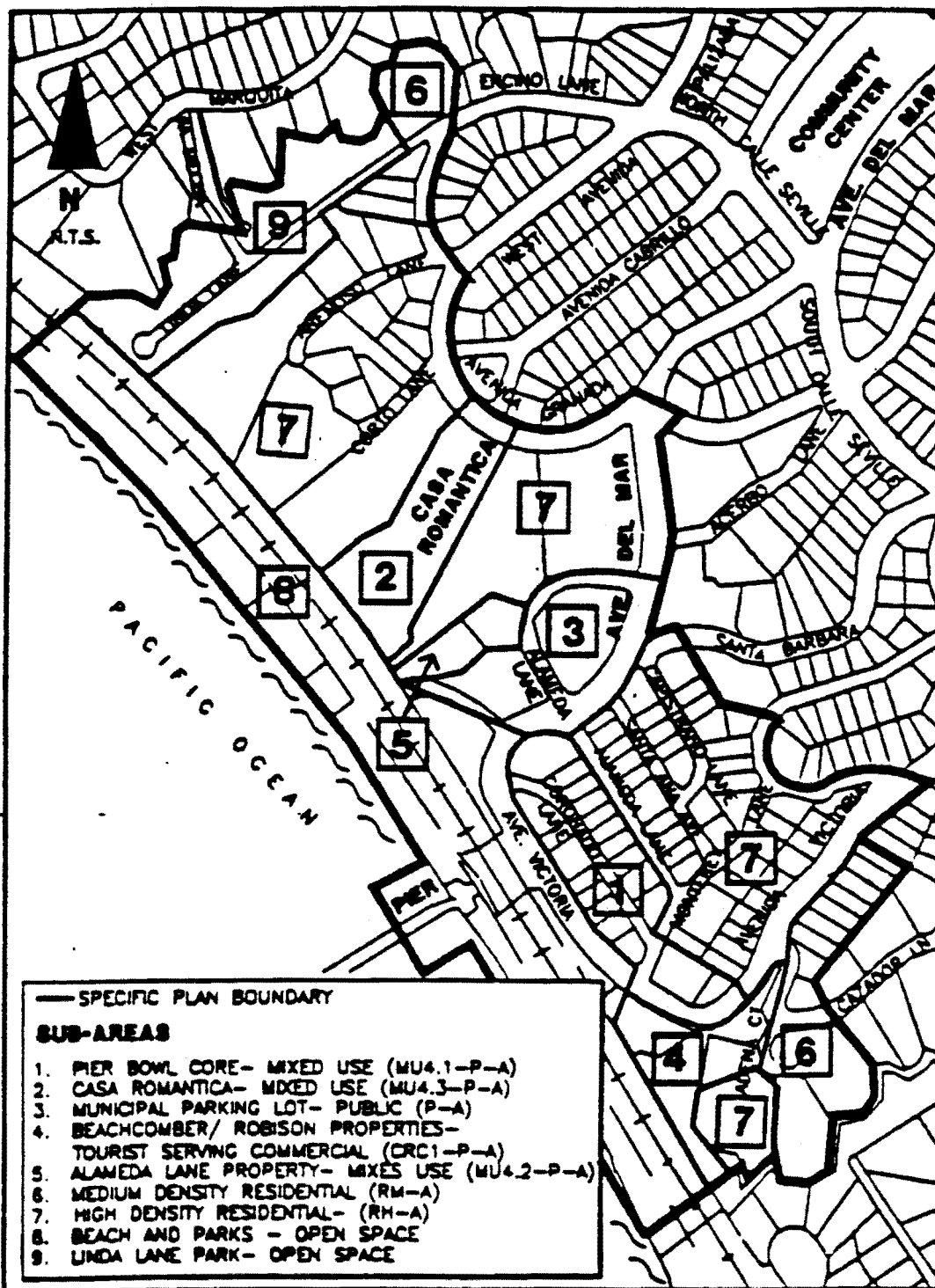


Chapter 2: Area Description/Land Use


procedures. Unless exempt development in the Coastal Zone requires a Coastal Development Permit, as per the procedures in Chapter 17.20, Coastal Development Permit Review Process of the City of San Clemente Municipal Code.



Chapter 4, Land Use/Development Standards, Figure 6, Land Use Map is amended to read as follows:



**PIER BOWL
SPECIFIC PLAN**

Exhibit 4	
City of San Clemente Implementation Program	
	California Coastal Commission

LAND USE M.

FIGURE

Chapter 4, Section 402 F subsections 1 and 2 are amended to read as follows:

F. DEVELOPMENT STANDARDS

1. Maximum Floor Area Ratio - A maximum floor area ratio of 1.0 is allowed. Floor area ratios that exceed 1.0, but not to exceed 2.0, may be permitted if substantial public benefit that exceeds standards mandated by the Specific Plan and other City Codes and Ordinances is provided, subject to the approval of a Conditional Use Permit. Substantial public benefit might include: more than fifteen (15) percent of the net lot area as public open space, public parking, courtyards, arcades, conversion of an existing building into a Spanish Colonial Revival architectural design, the use of exemplary materials, public art, and other types of public amenities or exemplary design features.

2. Maximum Unit Density

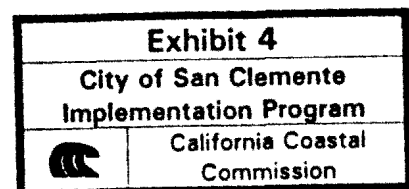
Hotel/B-&-B Inn	1 unit/500 square feet lot area
Motel	1 unit/700 square feet lot area
Time Shares	1 unit/500 square feet lot area
Residential	1 unit/1,200 square feet lot area

Up to a ten (10) percent density increase may be permitted for hotels, motels, bed-and-breakfast inns and time shares if substantial public benefits are provided. Density bonuses shall only be granted if the substantial public benefit is roughly proportional to the increased density and exceeds standards mandated by the Specific Plan, Zoning Ordinance and other applicable codes and ordinances. Substantial public benefits provided may include but are not limited to; lower cost visitor serving overnight accommodations, public open space, creation of new beach public parking spaces, and/or conversion of an existing contemporary building design to Spanish Colonial Revival Architecture.

These are the maximum unit densities allowable; lower densities may be required through Site Plan Review/Conditional Use Permit approval of a project. Refer to Chapter 5, Design Guidelines, for further explanation on determining the appropriate size and scale of a project

Chapter 4, Section 402 F subsections 11 -13 are amended to read as follows:

11 Special Parking Provisions for Restaurants - a) Stacked or tandem parking may be allowed for restaurants when valet service is provided with the approval of a Conditional Use Permit in accordance with City Zoning Ordinance. b) In some cases, no parking is required for up to sixteen (16) outdoor seats and four (4) outdoor tables; however, restaurants with more than 3000 square feet of gross floor area, must provide parking in accordance with the parking requirements for indoor restaurant seating, for all outdoor dining seating. For specific requirements for outdoor dining and parking, refer to Section 17.28.205, Outdoor dining areas on private property and Section



17.28.206, Outdoor dining areas on public property, in the City Municipal Code.

12. Off-Site Parking - Off-site parking on both public and private lots may be granted for commercial uses (residential projects shall provide all parking on-site) through the approval of a Conditional Use Permit provided that all the required parking for the project is in place at the time of development of the project. Off-site parking on public property shall not be allowed if it reduces the number of existing public parking spaces.
13. Joint-Use Parking - Joint-use parking for both public and private lots may be granted through the approval of a Conditional Use Permit. Joint use parking shall not use existing public parking for new development. Standard parking ratios required for individual-use projects may be reduced when a parking study, prepared by a professional traffic engineer, shows a reduced parking demand to the satisfaction of the Community Development Director for multiple-use projects.

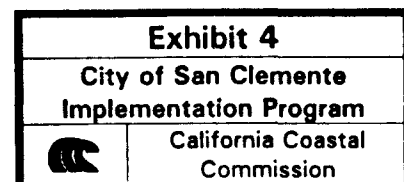
Chapter 4, Section 403 F, subsection 9 is amended to read as follows:

9. Landscaping - A minimum of ten (10) percent of the net lot area shall be private landscape area. Landscaping should be concentrated in areas that are open or visible to public view adjacent to streets, courtyards or pedestrian corridors. A minimum of one 15-gallon tree, or equivalent as approved by the City Planner, per twenty-five (25) linear feet of street frontage shall be planted adjacent to the street within the landscape setback. This requirement is in addition to required streetscape planting in the City parkway. Hardscape improvements shall not be counted toward fulfilling the required landscape. Refer to Chapter 10, Landscaping/Streetscape Design Standards, for further landscape requirements.

Whenever feasible, preserve the mature landscaping on site. Preserve and/or enhance native coastal vegetation on the coastal bluff in accordance with the ESHA policies of Section 17.60, Coastal Zone Overlay District of the San Clemente Municipal Code.

Chapter 4, Section 403 F, subsections 11 -13 are amended to read as follows:

11. Special Parking Provisions for Restaurants - a) Stacked or tandem parking may be allowed for restaurants when valet service is provided with the approval of a Conditional Use Permit. b) In some cases, no parking is required for up to sixteen (16) outdoor seats and four (4) outdoor tables; however, restaurants with more than 3000 square feet of gross floor area, must provide parking in accordance with the parking requirements for indoor restaurant seating, for all outdoor dining seating. For specific requirements for outdoor dining and parking, refer to Section 17.28.205, Outdoor dining areas on private property and Section 17.28.206, Outdoor dining areas on public property, in the City Municipal Code.
12. Off-Site Parking - Off-site parking on both public and private lots may be granted for commercial uses (residential projects shall provide all parking on-site) through the approval of a Conditional Use Permit provided that all the required parking for the project is in place with the development of the project. Off-site parking on public



property shall not be allowed if it reduces the number of existing public parking spaces.

- 13. Joint-Use Parking - Joint-use parking for private lots may be granted through the approval of a Conditional Use Permit. Joint use parking shall not use existing public parking for new development. Standard parking ratios required for individual-use projects may be reduced when a parking study, prepared by a professional traffic engineer, shows a reduced parking demand for multiple-use projects.

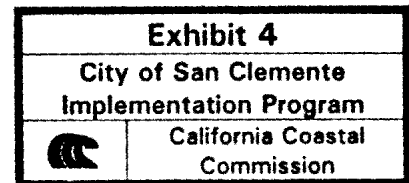
Section 404 G, subsection 11 -13 are amended to read as follows:

- 11. Special Parking Provisions for Restaurants - a) Stacked or tandem parking may be allowed for restaurants when valet service is provided with the approval of a Conditional Use Permit in accordance with City Zoning Ordinance. b) The parking requirements for a maximum of 16 outdoor seats and 4 tables per restaurant may be waived under the City Zoning Code Public Outdoor Dining Ordinance. In some cases, no parking is required for up to sixteen (16) outdoor seats and four (4) outdoor tables; however, restaurants with more than 3000 square feet of gross floor area, must provide parking in accordance with the parking requirements for indoor restaurant seating, for all outdoor dining seating. For specific requirements for outdoor dining and parking, refer to Section 17.28.205, Outdoor dining areas on private property and Section 17.28.206, Outdoor dining areas on public property, in the City Municipal Code.
- 12. Off-Site Parking - Off-site parking on both public and private lots may be granted for commercial uses (residential projects shall provide all parking on-site) through the approval of a Conditional Use Permit provided that all the required parking for the project is in place at the time of the development of the project. Off-site parking on public property shall not be allowed if it reduces the number of existing public parking spaces.
- 13. Joint-Use Parking - Joint-use parking for both public and private lots may be granted through the approval of a Conditional Use Permit. Joint use parking shall not use existing public parking for new development. Standard parking ratios required for individual-use projects may be reduced when a parking study, prepared by a professional traffic engineer, shows a reduced parking demand to the satisfaction of the Community Development Director for multiple uses/projects.

Section 405 B is amended to read as follows:

B PRINCIPAL USES PERMITTED

- 1 Surface parking lot
- 2 Parks, plazas, and open space- and
- 3 Subterranean parking structure



Section 405 E is amended to read as follows:

E. TEMPORARY USES PERMITTED

1. Outdoor sales, such as food, art displays, or similar types of uses associated with special or promotional events, are permitted with the approval of a Temporary Use Permit in accordance with the City Zoning Ordinance; so long as there is no reduction in the supply of available public beach parking, if the event is private.

Section 405 F, subsections 5-8 are amended to read as follows:

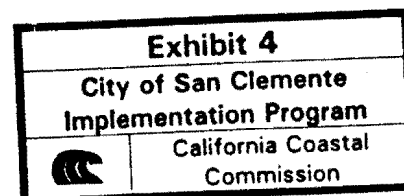
F. DEVELOPMENT STANDARDS

5. Joint-Use and Off-site Parking – Joint use and off-site for commercial development in the Pier Bowl Core. Casa Romantica and Alameda Lane Sub-Areas is allowed within the Pier Bowl Municipal Parking Lot through the approval of a Conditional Use Permit, provided the parking capacity in the Municipal Parking Lot is expanded to create new parking spaces to meet the commercial parking requirements and there is no reduction of the existing number of public parking spaces.
6. View Preservation - The public view corridor of the Pier and the coast from Avenida Del Mar shall be maintained. A view analysis shall be required for any development within this view corridor. (See Figure 5 of Chapter 3, Goals, Objectives, and Policies.)
7. Pedestrian Circulation - A pedestrian link shall be provided to the Casa Romantica, Parque Del Mar, and Alameda Lane sites. The intent is to provide a pedestrian walkway that will connect the sites. A funicular may also be considered for this connection.

Section 406 G subsections 1-3 are amended to read as follows:

G. DEVELOPMENT STANDARDS

1. Maximum Floor Area Ratio - A maximum floor area ratio of 1.0. Floor area ratios that exceed 1.0, but not to exceed 1.5, may be permitted if substantial public benefits are provided exceeding those development standards mandated by the Specific Plan and other City Codes and Ordinances, subject to the approval of a Conditional Use Permit. Increases in floor area ratio shall only be granted if the substantial public benefit exceeds standards mandated by the Specific Plan, Zoning Ordinance and other applicable codes and ordinances. Substantial public benefits might include lower cost, visitor-serving overnight accommodations, creation of new beach public parking spaces, fifteen (15) percent of the net lot area in public open space, and conversion of an existing contemporary building design to Spanish Colonial Revival Architecture/and or preservation of historic structures.



2. Maximum Unit Density

Hotel/B-&-B Inn	1 unit/500 square feet lot area
Motel	1 unit/700 square feet lot area
Time share	1 unit/500 square feet lot area
Residential	1 unit/1,200 square feet lot area

These densities are the maximum per unit allowable; lower densities may be required during the Site Plan Review/Conditional Use Permit approval of a project. Refer to Chapter 5, Design Guidelines, for further explanation on determining the appropriate size and scale of a project.

3. Maximum Height:

A maximum of forty-five (45) feet, not to exceed five (5) levels above grade at any one location and provided that the fifth story element does not exceed twenty-five (25) percent of the total roof-plan area. The Avenida Victoria view corridor shall be preserved in conformance with policy (14) of this section.

For the Robison Property if developed residential - A maximum of forty-five (45) feet.

For purposes of this chapter, height shall be determined in accordance with the City Zoning Ordinance.

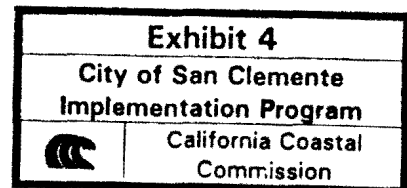
Section 406 G subsections 9-15 are amended to read as follows:

9. Landscaping

Option A - Landscape area provided at grade that is equal to ten (10) percent of the net lot area. A minimum of one 15-gallon tree, or equivalent as approved by the City Planner, per twenty-five (25) linear feet of street frontage shall be planted adjacent to the street. This requirement is in addition to the required streetscape planting in the City parkway.

Option B - Landscape area equal to twenty (20) percent of the net lot area. The Landscape area may be provided on the upper level balconies, decks, or roofs with permanently-affixed planter boxes

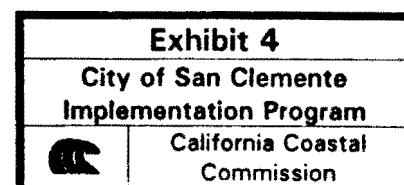
The landscaping meeting either of the two requirements shall be visible from the street or other public spaces. Hardscape improvements shall not be counted toward fulfilling the required landscape. If feasible, preserve the mature landscaping on site. Preserve and/or enhance native coastal vegetation on the coastal bluff in accordance with the ESHA policies of Section 14.050 of Chapter 14 of the Zoning Code.



10. Parking Standards - The following minimum off-street parking standards shall be provided and shall be kept accessible at all times:
- Retail 1/250 square feet
 - Restaurants and Bars 1/4 seats
 - Hotel/Motel/B-&-B Inn 1/unit, 2/managers unit, 1 employee space for every ten units
 - Conference Facilities 1/5 fixed seats or 1/35 square feet seating area
 - Time share 1.2/unit
 - Residential Parking shall be in accordance with the City Zoning Ordinance

When parking is enclosed, residential and commercial/office parking facilities must be separated to ensure security. Exceptions to this requirement may be granted if adequate security measures are provided with the approval of a Conditional Use Permit.

11. Special Parking Provisions for Restaurants - a) Stacked or tandem parking may be allowed for restaurants when valet service is provided with the approval of a Conditional Use Permit in accordance with the City Zoning Ordinance. b) In some cases, no parking is required for up to sixteen (16) outdoor seats and four (4) outdoor tables; however, restaurants with more than 3000 square feet of gross floor area, must provide parking in accordance with the parking requirements for indoor restaurant seating, for all outdoor dining seating. For specific requirements for outdoor dining and parking, refer to Section 17.28.205, Outdoor dining areas on private property and Section 17.28.206, Outdoor dining areas on public property, in the City Municipal Code.
12. Joint-Use Parking - Joint-use parking for both public and private lots may be granted through the approval of a Conditional Use Permit. Joint use parking shall not use existing public parking for new development. Standard parking ratios required for individual-use projects may be reduced when a parking study, prepared by a professional traffic engineer, shows a reduced parking demand for multiple-use projects.
13. Historic Preservation - Preservation and restoration of the Beachcomber and Robison buildings and the Robison Gardens are encouraged. Remodel or demolition of any of these structures shall be subject to historic preservation requirements of the City Zoning Ordinance. In the event that it is demonstrated that the preservation,



restoration, or relocation of any or all of these structures can not be reasonably accomplished, replacement structures shall be of an authentic Spanish Colonial Revival design and character pursuant to the Architectural Design Review approval process.

14. View Preservation - Public views of the ocean from Avenida Victoria shall be maintained. A view analysis shall be required for any new development within this view corridor. (See Figure 5 of Chapter 3, Goals, Objectives, and Policies.) Building height of proposed development within the Avenida Victoria view corridor shall be reduced so that the development conforms to the view preservation policies of Section 307 of this document. Any adverse impacts to the Avenida Victoria view corridor shall be mitigated by providing on-site public viewing opportunities consistent with the policies of Chapter 17.60, Coastal Overlay District of the Municipal Code concerning public access and ESHAs.
15. Pedestrian Circulation - With development of the Beachcomber site, pedestrian access to the beach and a pedestrian linkage between Parque Del Mar and T-Street is encouraged. (See Chapter 9, Public Improvements, for a more detailed discussion on the bluff-top walk connecting to T-Street.)

Section 407 A is amended to read as follows:

A. PURPOSE AND APPLICABILITY

1. Purpose - The purpose of the Beaches and Parks Development and Design Standards is to ensure the continuation and enhancement of recreational opportunities in the Pier Bowl and Linda Lane Park.
2. Applicability - This section applies to the Lane Park Sub-Area and Beach and Parks Sub-Area (Figure 6).

Section 407 F is amended to read as follows:

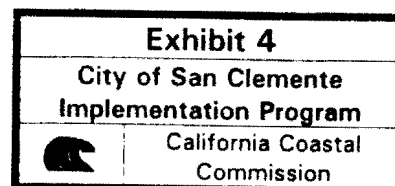
F. TEMPORARY USES PERMITTED

1. Special cultural, sports, and community events, such as the "Ocean Festival," "Chowder Cook-Off," surf contest, beach runs, ocean swims, volleyball tournaments, art shows, music festivals, and other similar types of events, if a Special Events Permit is approved in accordance with the City Zoning Ordinance and if the event is private, it does not result in a reduction in the available supply of public beach parking.

Section 407 G is amended to read as follows:

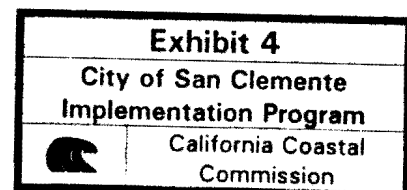
G. DEVELOPMENT STANDARDS

1. General - The development standards, including a structure's size and setbacks, shall be



determined through the Site Plan Review and/or Conditional Use Permit process. The height of a structure shall be limited to one story and shall not block any of the public view corridors identified in this Specific Plan. Refer to Chapter 9, Public Improvements, for more specific design criteria for public improvements in the Beach and Parks Sub-Area.

2. Municipal Pier - No additional commercial structure shall be allowed on the Pier. Refer to Chapter 9, Public Improvements, for design criteria for recreational structures on the Municipal Pier.
3. Parking Standards - The following minimum off-street parking standards shall be provided and shall be kept accessible at all times:
 - Retail 1/250 gross square feet
 - Restaurants and Bars 1/4 seats
4. Special Parking Provisions for Restaurants - In some cases, no parking is required for up to sixteen (16) outdoor seats and four (4) outdoor tables; however, restaurants with more than 3000 square feet of gross floor area, must provide parking in accordance with the parking requirements for indoor restaurant seating, for all outdoor dining seating. For specific requirements for outdoor dining and parking, refer to Section 17.28.205, Outdoor dining areas on private property and Section 17.28.206, Outdoor dining areas on public property, in the City Municipal Code.
5. Joint-Use Parking - Joint-use parking for both public and private lots may be granted through the approval of a Conditional Use Permit. Joint use parking shall not use existing public parking for new development. Standard parking ratios required for individual-use projects may be reduced when a parking study, prepared by a professional traffic engineer, shows a reduced parking demand to the satisfaction of the Community Development Director for multiple-use projects.
6. Off-Site Parking - Parking for non-private events shall be provided on-street, at Linda Lane Park, at the Municipal Parking Lot, and at satellite parking lots.
7. View Preservation - The public view corridor of the Pier and the coast from Avenida Del Mar shall be maintained. A view analysis shall be required for any development within this view corridor. (See Figure 5.)
8. Pedestrian Circulation - Provide a pedestrian link to the Linda Lane Park, the Casa Romantica, Parque Del Mar, and Alameda Lane site.



CALIFORNIA COASTAL COMMISSION


South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



August 1, 2000

James E. Pechous
Associate Planner
City of San Clemente
910 Calle Negocio, Suite 100
San Clemente, CA 92672

RE: San Clemente Local Coastal Program
Water Quality Issues

EXHIBIT No. 5
Application Number: City of San Clemente Implementation Program
Commission Letter of August 1, 2000
 California Coastal Commission

Dear Jim,

This letter is a follow up to the conversations between you, Carrie Bluth of the Commission's Water Quality Program staff and myself concerning the above matter. You have requested that Commission staff provide you with written comments concerning the adequacy of the water quality implementation actions. Pursuant to Section 30513 of the Coastal Act, the Implementation Plan portion of a Local Coastal Program (LCP) must be in conformity with and be adequate to carry out the provisions of the certified Land Use Plan (LUP). In reviewing the San Clemente Local Coastal Program Implementation Plan submittal we identified the lack of implementing actions to carry out Section 306 Water and Marine Resources Goals and Policies of the certified San Clemente Land Use Plan. The certified LUP also included Chapter 4, Implementation Measures. The corresponding section of Chapter 4 is Section 406, Water and Marine Resources. While Chapter 4 was only advisory in nature and was not intended to be the City's formal Implementation Plan, it provided a good starting point for the types of actions that are necessary to conform with and carry out the applicable LUP policies and goals.

The formal San Clemente Implementation Plan submittal of summer 1999 primarily consists of Chapter 17 of the San Clemente Municipal Code as amended to incorporate previous suggested modifications. Chapter 17 of the City's Municipal Code does not include water quality provisions. On October 28, 1999 you submitted the City's recently adopted water quality ordinance, Ordinance 1232, which added Chapter 13.40 Stormwater Runoff to the Municipal Code.

We have reviewed Ordinance 1232 and find that it lacks the specificity and measurable commitment necessary to conform with and effectively carry out the goals and policies articulated in Section 306, Water and Marine Resources of the certified LUP. Commission staff related this opinion to you verbally in November. You have requested that Commission staff provide you with written comments concerning the adequacy of the water quality implementation actions.

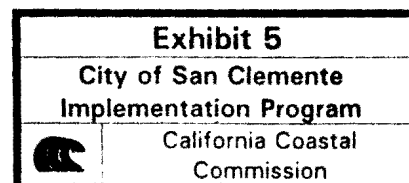
San Clemente LCP
Water Quality Issues

- 2 -

Additionally, we discussed a model water quality ordinance that we feel has the necessary provisions to protect coastal water quality from non-point source development impacts. On December 1, 1999 we provided you with an Urban Runoff Ordinance recognized as "model" by the U.S. EPA for the control of Non-Point Source (NPS) Pollution (City of Santa Monica). Another copy of that model ordinance is enclosed. The Coastal Commission has recently acted on a number of planning and regulatory matters containing good water quality discussions, suggested modifications and special conditions. One such action was at the Commission's April, 2000 meeting concerning the appeal and coastal development permit for the Treasure Island project in Laguna Beach. Another is their July, 2000 action on the City of Carlsbad, Agua Hedionda LCP Amendment (Kelly Ranch). A copy of the staff report for both of these matters is also enclosed. Under separate cover I will also provide you with the Avila Beach staff report for the Central Coast area and any other staff reports or local government submittals containing good water quality discussions and suggested modifications and/or special conditions.

While the Santa Monica ordinance, the Carlsbad LCP Amendment and the Treasure Island coastal permit provide a good model ordinance, suggested modifications and special conditions, respectively, please keep in mind that the San Clemente water quality ordinance and other LCP implementing actions must be tailored to conform with and carry out the specific policies of the San Clemente LUP that have already been certified by the Commission. The applicable water resources protection policies are found in Section 306 and Section 406 of the Implementation Measures of the LUP. Additionally, there may be other policies in the certified LUP that need water quality measures to implement them, for example, the LUP policies dealing with landscaping serve not only to maintain and enhance environmentally sensitive habitat areas but also serve a water quality function of decreasing sedimentation and erosion.

However, the focus of letter is based on a review of the policies of Sections 306 and 406 of the LUP. Please keep in mind that these comments are based on planning and water quality staff preliminary review and have not been reviewed by Commission legal staff or subject to final internal staff review. The applicable water resources protection policies of Section 3306 and 406 of the LUP are cited below and followed by Commission staff comments.



Section 306. Water and Marine Resources Goals and Policies

(excerpt – partial list)

XIV.4 Provide a clean and enjoyable marine environment that sufficiently meets the needs of beach users (GP Policy 7.7)

XIV.5 – Maintain and enhance the City's beaches and marine resources (GP Policy 7.8).

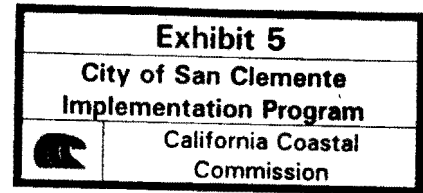
XIV.8 Maintain a healthy coastline, preventing the degradation of the community's visual and environmental resources (GP Policy 7.9).

XIV 12 Despite the fact that much of the responsibility for protection of water resources lies with regional and state agencies, there are several measures the City can take to help further protect coastal waters. These include the following:

- a) The City shall establish a water monitoring program, if necessary for selected target areas in the Coastal Zone to ensure water and marine resources are adequately protected.
- b) The City shall encourage reduction in storm drain related pollution by requiring baffled catch basins in large scale new developments and require their proper maintenance where drainage could damage sensitive areas
- c) The City shall promote increased water conservation by requiring conservation measures in the design of new projects in the Coastal Zone.
- d) The City shall encourage utilization of urban pollutant control devices such as street sweeping, litter removal, irrigation, fertilizer and insecticide control, and landscape debris removal.
- e) The City shall require use of landscape materials which impede erosion on sloped surfaces.
- f) The City shall encourage use of native species for landscaping to minimize water consumption, fertilization and chemical application, and to visually relate development to existing natural landscape.
- i) The City shall develop a Water Quality Ordinance to comply with federal requirements (NPDES) for control of urban pollutants to storm water runoff.

San Clemente LCP
Water Quality Issues

- 4 -



Comments:

RE: XIV12 (b)

The City shall encourage reduction in storm drain related pollution by requiring baffled catch basins in large scale new developments and require their proper maintenance where drainage could damage sensitive areas

- 1) The rationale for selecting "baffled catch basins" as a specific BMP, as opposed to other types of BMPs with the intention of reducing storm drain related pollution in large scale new development is unclear. Staff is concerned that this BMP may not always be the most appropriate or only type, for mitigating the range of pollutants of concern that may be associated with "large scale new development".
- 2) Criteria must be established to qualify the term "large scale " and "new development" in carrying out this policy. Please include definitions of all subjective terminology in a section of the LCP, regarding the application of this BMP and more generally, for clarification purposes on the applicability of water quality related requirements, on new development. We note that Ordinance 1232 contains definitions. There is a definition for "New Development" which would not include many activities that are defined as "development" in the Coastal Act Section 30601. The Ordinance also contains a definition for "Significant Redevelopment". Would this activity be subject to the provisions of Policy XIV.12(b)? "Significant Redevelopment" would be considered "development" under the Coastal Act and therefore these activities should also be subject to water quality regulations.

RE:

XIV12 (i)

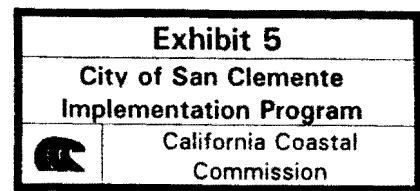
The City shall develop a Water Quality Ordinance to comply with federal requirements (NPDES) for control of urban pollutants to storm water runoff.

The intent of 306 XIV12 (i) is apparent in 406 A. (1.) of the City's Implementation Program. Please see comments below pertaining to both 306.XIV12 (i) and 406.A. (1)

406. Water and Marine Resources

A. Water Quality

Protect the water quality of San Clemente's coastline and the area's marine resources through the following measures:



1. Adopt and enforce a water pollution control ordinance to protect the City's surface waters and groundwater resources.

406. Water and Marine Resources

A. Water Quality (continued)

2. Perform a reconnaissance survey to eliminate illegal and illicit surface water and groundwater discharges.
3. Adopt a drainage area management plan for the City to control pollutant runoff.
4. Require programs to control pollutant runoff, such as structural controls and non structural controls and best management practices. Require all residential, commercial/industrial sites and construction sites to implement the pollutant runoff control program.
5. The Marine Safety Division shall coordinate with the Orange County Coalition of Cities and support its lobbyist's efforts to ensure a cohesive effort in opposing off shore oil drilling along the coastline of Orange County.
6. City shall work with organizations such as the Surfrider Foundation to establish a stenciling program for all storm drains in the City.

Comments:

RE:

306. XIV12 (i)

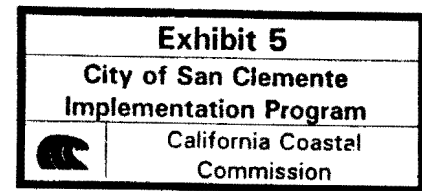
The City shall develop a Water Quality Ordinance to comply with federal requirements (NPDES) for control of urban pollutants to storm water runoff.

And

406. A. (1.)

Adopt and enforce a water pollution control ordinance to protect the City's surface waters and groundwater resources.

- 1) Staff recognizes the potential for a Water Quality Ordinance to implement the City's Water and Marine Resource Policies intended to protect beach use, and prevent degradation of water quality, specifically Section 306.XIV (4) (5) and (8). In light of the fact that the recently adopted water quality ordinance (Ordinance 1232) does not however in the opinion of Commission staff do this, staff is not in a position to make a determination of adequacy of the



strength of that potential to carry out the goals and policies pertaining to Water and Marine Resources.

- 2) Further staff finds that the intent of both XIV (i) and 406 A. (1.) do not reflect the comprehensive goals implicit in the Water and Marine Resource Policies of Section 306. For example, XIV (5) states: "Maintain and enhance the City's beaches and marine resources". In order to accomplish this goal, the implementation plan must include measures that go beyond those aimed at controlling the transmission of pollutants to stormwater to include those measures capable of addressing volume and velocity. Addressing these issues, as well as pollutant loads will help control erosion, maintain natural drainage patterns and encourage the use of infiltration which will aid in groundwater recharge. Therefore stagg suggests the City develop ordinance(s) for the control of Urban Runoff, aimed at effectively implementing the Water and Marine Resource Policies of the City's LUP, for inclusion in the LCP, as a part of the submittal.
- 3) Staff is supportive of the City regulating new development in a way which is protective of water quality, and finds that doing so will help to ensure the capability of the provisions of the LCP to carry out Coastal Act policies. Staff has offered guidance to the City, providing examples of an EPA recognized Model Ordinance for the control of NPS pollution, and a recent Commission action on a LCP amendment and can try to provide more examples if you desire. However it is difficult for staff to draft water quality ordinances for local entities. The local government knows best how such an ordinance would fit into its existing regulatory framework.
- 4) Many of the LUP policies of Section 306 call for specific actions, such as: the monitoring of sand movement, researching the impacts of coastal erosion and developing mitigation measures to avoid or lessen the impacts (Policy XIV.7); permit the use of suitable excavation material to be used for interim beach nourishment (Policy XIV.11); establish a water monitoring program (Policy XIV.12(a); promote water conservation (Policy XIV.12 (c); require specific landscaping standards (Policy XIV.12(e) and (f); encourage the use of post-construction best management practices (Policies XIV.12 (b), (d) and (g)(4).; and require the use of BMPs during construction (Policy 12XIV.(g) (1-3). Finally, Policy XIV.12(i) requires the City to specifically develop a Water Quality Ordinance to comply with NPDES requirements. Many of the specific actions called for in the identified policies can be implemented through the development of a water quality ordinance and are in fact required under the NPDES program. As stated above the recently adopted water quality

San Clemente LCP
Water Quality Issues

- 7 -

ordinance (Ordinance 1232) however does not include the measures identified in the above paragraph.

In conclusion, I hope the above comments will be useful in the City's development of implementing actions to carry out the Water and Marine Resources policies (Section 306) of the certified San Clemente LUP. Please feel free to contact me at (562) 590-5071 with any questions. We look forward to a continued closer working relationship with the City in attaining our mutual goal of certification of the San Clemente Local Coastal Program and ultimately coastal permit issuing authority being transferred to the City.

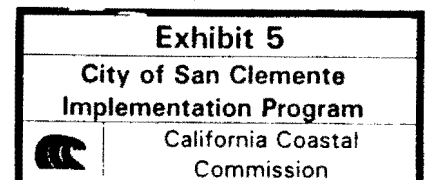
Sincerely,


Teresa Henry
District Manager

Enclosures: Santa Monica model water quality ordinance
Kelly Ranch (Carlsbad) Staff Report
Treasure Island (Laguna Beach) Staff Report

Cc: James Hare, City of San Clemente
Deborah Lee
Carrie Bluth

San ClementeLCPw.q policies



P. O. Box 5498
San Clemente CA 92674-5498
July 6, 2000

RECEIVED
JUL 10 2000
CALIFORNIA
COASTAL COMMISSION

Ann Kramer
California Coastal Commission
P O Box 1450
Long Beach CA 90801-5071

RE: City of San Clemente

Dear Ann Kramer:

A letter to the editor of the local paper, The Sun Post, had your name as a person to inform of our position on the request for change of authority of the California Coastal Commission to the City of San Clemente.

There have been too many "mistakes," such as the duplex construction in the pier bowl area, that caused the neighbors to appeal to the Coastal Commission before any action was taken by the city.

We are absolutely opposed to San Clemente's local government officials or any of its designates managing and being in charge of such an important and sensitive area of the coastal environment. Please retain control.

Sincerely,




Leslie E. Beauchamp



Dorothy C. Beauchamp

Phone: 949-492-2639

EXHIBIT No. 6
Application Number: City of San Clemente Implementation Program
Beauchamp Letter
 California Coastal Commission

RECEIVED

AUG 31 2000

CALIFORNIA
COASTAL COMMIS

Molly & Phil Steblay
2223 Avenida Platanar
San Clemente, CA 92673

August 30, 2000

Ms. Anne Kramer
California Coastal Commission
P O Box 1450
Long Beach, CA 90801-5071

EXHIBIT No. 7

Application Number:

**City of San Clemente
Implementation Program**

Steblay Letter



California Coastal
Commission

Dear Ms. Kramer:

As nine-year residents and property owners in San Clemente, we are becoming increasingly concerned about the quality of our beaches and water. It has become what seems a daily embarrassment and stigma of having a beach, Poche, posting health warnings due to the high bacteria! It's printed right there in the Orange County Register almost every day. In addition to Poche, Dana Point has areas with this same low distinction.

Yet, this doesn't seem to be very high up on City Council's list of priorities.

A community forum, hosted by the City of San Clemente, will be held September 5th at 7 PM at Saint Andrews Church (which is about a mile away from our frequently off limits Poche) to discuss several key issues facing our local community. The agenda is full of updates on all the wonderful growth that's not only taking place, but also even bigger things to come.

But our beaches are not on the agenda.

Our key resource and attraction is not only being overlooked, it is threatened by the lack of a plan. It needs to be a bigger priority.

We need a plan to improve our coastal areas, not just struggle to keep them from slipping further. We don't believe the city has a good enough plan or puts enough emphasis on this matter to go it alone.

We therefore urge the Coastal Commission to deny the city's request to manage the coastal zone in San Clemente.

Sincerely yours,

Molly & Phil Steblay

Due to recent events in our pier bowl area
Please consider my opinion; do not give
the City of San Clemente authorization to
manage the coastal zone here. Thank you.


Michael A. Johnson
347 Ave VAQUERO
SAN CLEMENTE, CALIF 92672

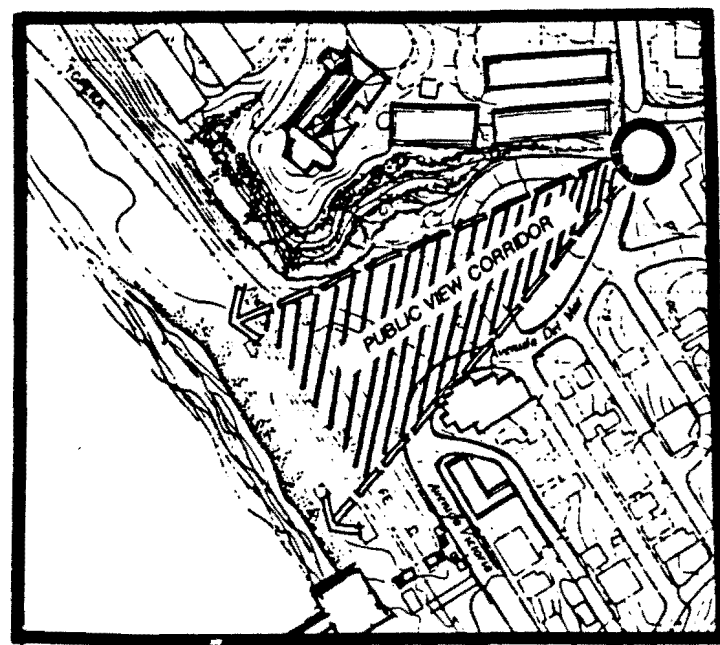
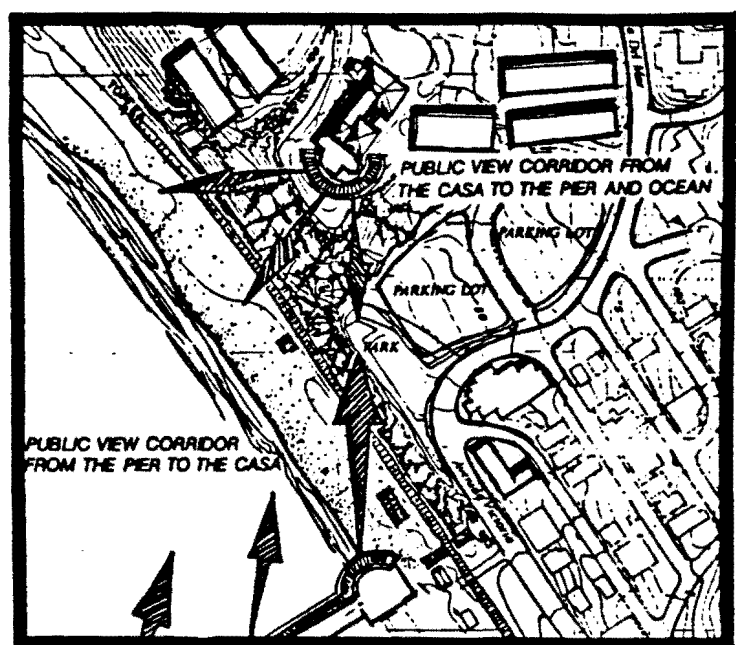
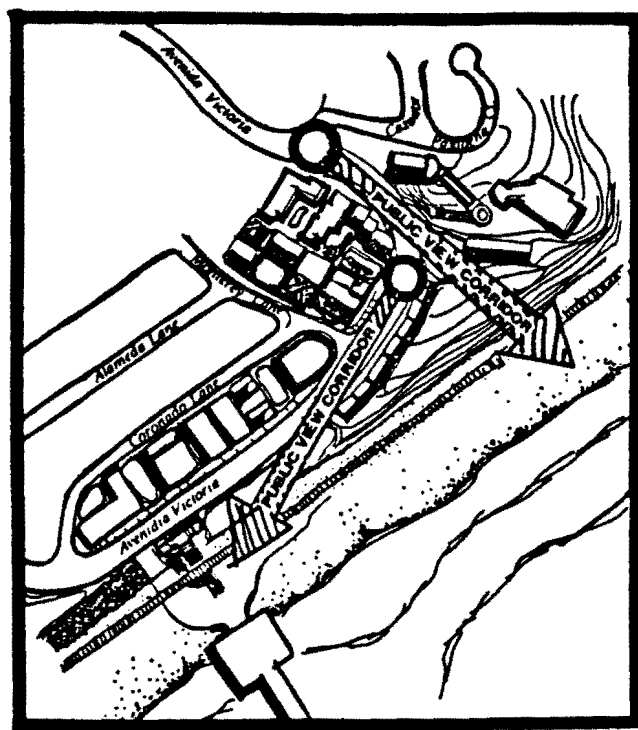
EXHIBIT No. 8

Application Number:

**City of San Clemente
Implementation Program**

Johnson Letter

 California Coastal
Commission



**PIER BOWL
SPECIFIC PLAN**

EXHIBIT No. 9

Application Number:
City of San Clemente
Implementation Program

Pier Bowl Specific Plan
View Corridors

California Coastal
Commission

VIEW CORRIDORS

FIGURE 5

12
11
10
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