

CALIFORNIA COASTAL COMMISSION

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



May 24, 2001

Item Th 17b**RECORD PACKET COPY**

TO: Commissioners and Interested Persons

FROM: Deborah Lee, South Coast District Director
Teresa Henry, South Coast District Manager
Anne Kramer, Coastal Program Analyst

SUBJECT: **City of San Clemente Local Coastal Program Amendment 1-01
(Avenida Granada Land Use Redesignation)**

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

The Land Use Plan (LUP) amendment consists of a request to change the land use designations of six lots located at 246 through 256 Avenida Granada from *Mixed Use (MU3-p-A)* to *Residential Medium Density (RM-A)*. The proposed amendment would result in the land use designation reverting to what it had been prior to the City's 1993 General Plan update and 1995 LUP amendment. The City's Land Use Plan (LUP) was certified by the Commission in 1988 and comprehensively updated in 1995. The 1995 LUP update included the land use designation change along Avenida Granada that resulted in the subject lots being designated for mixed-use development. At present, five of the six lots currently in question are developed with multi-family residential structures that contain two to four units. The sixth lot is vacant; however, the owner wishes to develop it residentially.

The major issue discussed in this staff report is adequate provision of visitor-serving development in the downtown area.

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission **APPROVE** the proposed City of San Clemente Local Coastal Program Amendment 1-01 as submitted. The motion to accomplish this is found on Page 3.

ANTICIPATED AREAS OF CONTROVERSY

There are no outstanding issues or areas of controversy associated with the proposed LUP amendment.

ADDITIONAL INFORMATION

For further information, please contact **Anne Kramer** at the South Coast District Office of the Coastal Commission at **(562) 590-5071**. The proposed amendment to the Land Use Plan (LUP) of the City of San Clemente LCP is available for review at the Long Beach Office of the Coastal Commission or at the City of San Clemente Community Development Department. The City of San Clemente Community Development Department is located at 910 Calle Negocio, San Clemente 92672. **John Harris** is the contact person for the City's Planning Division, and he may be reached by calling **(949) 361-6100**.

EXHIBITS

1. City Council Resolution No. 01-13
2. Vicinity Map
3. Current Land Use Designations (post-SCT MAJ 1-95 amendment)
4. Previous Land Use Designations (pre-SCT MAJ 1-95 amendment)
5. City Staff Report

I. **COMMISSION RESOLUTION ON CITY OF SAN CLEMENTE
LOCAL COASTAL PROGRAM AMENDMENT 1-01**

Following a public hearing, staff recommends the Commission adopt the following resolution and findings.

Motion

*"I move that the Commission **CERTIFY** the City of San Clemente Land Use Plan Amendment SCT MAJ 1-01 as submitted."*

Staff Recommendation

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan amendment as submitted and adoption of the following resolutions and findings. The motion to certify as submitted passes only upon affirmative vote of a majority of the appointed Commissioners.

Resolution

*The Commission hereby **CERTIFIES** the City of San Clemente Land Use Plan Amendment 1-01 as submitted and adopts the findings stated below on the grounds that the amendment will meet the requirements of and be in conformity with the policies of Chapter 3 of the California Coastal Act. Certification of the Land Use Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that could substantially lessen any significant adverse impacts on the environment that may result from certification of the land use plan.*

II. PROCEDURAL PROCESS (LEGAL STANDARD FOR REVIEW)

A. Standard of Review

The standard of review for land use plan amendments is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP amendment if it finds that it meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. Specifically, Section 30512 states: *"(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission."*

B. Procedural Requirements

Pursuant to Section 13551(b) of the California Code of Regulations, a resolution for submittal must indicate whether the local coastal program amendment will require formal local government adoption after Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513 and 30519. The City of San Clemente's submittal indicates that this LCP amendment will take effect upon Commission certification.

III. BACKGROUND

The Commission certified the Land Use Plan (LUP) for the City of San Clemente Local Coastal Program on May 11, 1988, and certified a major amendment in October 1995. The amendment involved revisions to the format of the LUP, insertion of new graphics, addition of text and incorporation of elements of their revised General Plan. The City updated the General Plan in 1993.

On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan (IP) portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The City re-submitted on June 3, 1999, but withdrew the submittal on October 5, 2000.

The current LUP amendment request was submitted by the City of San Clemente on April 19, 2001 to the South Coast District. On April 23, 2001, Coastal Commission staff notified the City that the amendment request was complete. The amendment request is now being submitted for Commission action.

IV. SUMMARY OF PUBLIC PARTICIPATION

The City of San Clemente approved the Land Use Plan amendment request through a City Council public hearing on March 21, 2001. City Council Resolution No. 01-13 adopted the Negative Declaration and approved General Plan Amendment 00-32 and Local Coastal Program Amendment 00-225 (Exhibit 1). Prior to approving the LUP amendment request, the City held two community meetings to present the proposed land use designation change to the public. The Planning Commission held a public hearing on December 19, 2000 and the City Council held a public hearing on March 21, 2001.

The City of San Clemente prepared a Negative Declaration for the proposed land use designation change. The public review period for the assessment was for 30 days and ran from December 19, 2001 to January 19, 2001. City staff concluded that the proposed change would not have a significant adverse effect on the environment.

No public comments were received during the public review process.

V. FINDINGS FOR APPROVAL OF THE CITY OF SAN CLEMENTE'S LAND USE PLAN AMENDMENT AS SUBMITTED

The Commission hereby finds and declares as follows. The following pages contain the specific findings for approval of the City of San Clemente Land Use Plan Amendment SCT MAJ 1-01 as submitted.

Site Description

The area affected by the proposed amendment includes lots 246 through 256 Avenida Granada, in the downtown area of the City of San Clemente, Orange County (Exhibit 2). The lots are located approximately 0.75 miles from the ocean. The topography of the subject lots slopes significantly seaward (southwest). At present, five of the six lots are developed with multi-family residential structures that contain two to four units. The sixth lot is vacant. The surrounding neighborhood is primarily residential. The lots on the opposite side of Avenida Granada (to the east) are designated *Medium Density Residential*. The lots to the west and southwest are designated *Medium Density Residential* and *High Density Residential*, respectively. Commercial development designated *Mixed Use* abuts the subject properties to the rear (northwest). Exhibit 3 illustrates the current land use designations.

Coastal Act Policies

As stated previously, the Coastal Act is the standard of review in the current analysis. The Coastal Act provides that development should maintain and enhance public access to the coast and encourages the provision of lower cost visitor and recreational

Findings

facilities. As explained below, the proposed LUP amendment is in conformity with all applicable sections of the Coastal Act, including the following:

Section 30213 states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30252 states, in pertinent part:

The location and amount of new development should maintain and enhance public access to the coast by... (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads.

Proposed Change in Land Use Designation

The City's LUP was certified by the Commission in 1988 and comprehensively updated in 1995. The proposed amendment (SCT MAJ 1-01) involves a land use re-designation of six lots on Avenida Granada from their current designation of *Mixed Use with Pedestrian and Architectural overlays (MU3-p-A)* to their former *Residential Medium Density (RM)* designation that existed prior to the City's comprehensive General Plan update in 1993 and major Land Use Plan (LUP) amendment in 1995. (An architectural overlay has also been added to the residential designation.) The updated General Plan policies and land use designations were incorporated into the City's certified LUP through Major Amendment 1-95, approved by the Commission on October 11, 1995. The 1995 LUP update changed the land use designation along the northern side of Avenida Granada from a combination of *Medium High Density Residential* (along the lower portion of the block) and *Central Commercial* (along the inlandmost portion of the block) to *Mixed Use*. The *Medium High Density* designation allowed for 24 du/net ac, equivalent to the density allowed with the proposed *Residential Medium Density* designation. Exhibit 4 illustrates the previous land use designations.

The Commission's findings for approval of the City's LCP Amendment 1-95 did not address the loss of residentially designated area on Avenida Granada. The findings did, however, include a discussion regarding the change from a commercial to a mixed-use designation just inland of the subject lots. Previously, the LUP included a *Central Commercial* land use category to promote retail, commercial and small business. In the amended LUP, the land use category was modified to a *Mixed Use* designation that allows either commercial or a vertical mixture of residential and commercial on a single site. The Commission found the land use re-designations proposed by the City in 1995 to be consistent with Coastal Act policies and did not suggest substantive modifications, only minor revisions. The Commission did not specifically suggest or discuss the change from a residential to a mixed-use designation on Avenida Granada.

Findings

Although the lots are currently designated *Mixed Use*, five of the six lots are developed with multi-family residential structures, consistent with their prior land use designation. The sixth lot is vacant. The proposed amendment is driven by the landowner's desire to develop the vacant lot residentially. Residential development at this site is consistent with the character of the surrounding neighborhood, as the lots across the street and to the south are developed with multi-family structures.

Additionally, the proposed change in land use designation will not eliminate priority visitor-serving development. The subject lots are currently developed residentially while designated *Mixed Use*, which allows for a combination of commercial uses with residential units on upper floors. The *Mixed Use* designation does not restrict commercial uses to those that are solely tourist/visitor-serving in nature. As such, the sites may be developed with any type of commercial use, including those that are neighborhood serving and/or community serving. Only lots that are designated *Coastal and Recreation Services (CRC)* are limited to tourist/visitor-serving uses. The nearest CRC area is located directly adjacent to the Municipal Pier, approximately 0.75 miles from the subject site. Therefore, the proposed amendment will not affect any priority "lower cost visitor and recreational facilities" to be protected and encouraged under Section 30213 of the Coastal Act.

As described previously, the subject lots are located on the periphery of the downtown commercial district in a primarily residential neighborhood. The lots back up to existing commercial development located on Avenida Del Mar, the main road through Downtown San Clemente (Exhibit 3). The land use re-designation will maintain the current balance of residential development adjacent to commercial services, consistent with Section 30252 of the Coastal Act, which encourages the reduction of vehicle trips on coastal access roads. In addition, there are sufficient development opportunities available for mixed-use commercial development in the core of the downtown area. Consequently, the land use re-designation will not displace existing or future commercial development.

As discussed in the staff report presented to the City of San Clemente Planning Commission, the proposed land use re-designation of these lots will not result in a deficiency in tourist-oriented uses in the Downtown, nor trigger subsequent land use change requests in the surrounding area (Exhibit 5). City staff analyzed the potential for similar requests and determined that the historic use and topography of the subject lots differentiate the current request from others that may be considered in the future. As stated in the staff report, the lots are "significantly upsloped, which is more appropriate for residential site planning than *Mixed Use*. The City's Design Guidelines encourage *Mixed Used* structures to be located forward on the lot and parking to occur at the rear." Due to the topography of the lots, large retaining walls would be necessary to retain material along the rear of the properties to accommodate the required parking for a mixed-use project. As such, the continued use of the subject lots for residential use is appropriate for the subject sites and will not take away from potential visitor-serving commercial development in Downtown San Clemente.

Findings

Once more, the continued residential use of these lots is consistent with Section 30252 in that there are existing commercial facilities adjoining the multi-family residences, thereby minimizing the use of coastal access roads. Also, the re-designation of the subject lots from *Mixed Use* to *Medium Density Residential* will be appropriate as the lots have historically been used for residential development, no commercial development will be displaced, the lots are adequately served by commercial development and the land use re-designation will not result in an intensification of use. High priority visitor-serving commercial development is not likely in the near term future for the lots at 246-256 Avenida Granada. Residential development is consistent with the pattern of existing development in the surrounding area. In addition, there is sufficient existing and potential commercial development within Downtown San Clemente. Therefore, the Commission finds that the proposed development will not have any adverse impacts on lower cost visitor serving use and is consistent with Sections 30222 and 30213 of the Coastal Act. In addition, the Commission finds that the land use plan amendment as submitted is in conformance with and adequate to carry out Sections 30250 and 30252 of the Coastal Act.

VI. 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 to the provisions of CEQA.

The amendment involves a change in the land use designations of six lots located at 246 through 256 Avenida Granada from *Mixed Use (MU3-p-A)* to *Residential Medium Density (RM-A)*. As proposed, the new designation will be consistent with existing development and the character of the surrounding neighborhood. In addition, the change in land use category will not adversely affect the provision of visitor-serving commercial development.

The Commission finds that approval of the Land Use Plan amendment will not result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act. In addition, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for significant adverse environmental impacts which have not been explored.

RESOLUTION NO. 01-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND APPROVING GENERAL PLAN AMENDMENT 00-32, AMENDING THE GENERAL PLAN LAND USE ELEMENT AND LOCAL COASTAL PROGRAM AMENDMENT 00-225, MARQUES, LOCATED AT 246-256 AVENIDA GRANADA

WHEREAS, on March 7, 2000, an application was submitted and on July 26, 2000, completed, by Francisco Marques, 12705 Martha Ann Drive, Los Alamitos, CA 90720, for a General Plan Amendment, and Local Coastal Program Amendment to allow a land use change from Mixed Use with Pedestrian, Architectural and Coastal Zone Overlays (MU3-p-A, C-Z) to Residential Medium Density with Architectural and Coastal Zone Overlays (RM-A, C-Z) on 6 lots located at 246 - 256 Avenida Granada, the legal description being Lots 52-57, Block 17 of Tract 779; and

WHEREAS, on April 20, 2000 and July 20, 2000, the City's Development Management Team reviewed the applications for compliance with the General Plan, Zoning Ordinance and other applicable City codes and regulations and recommends approval of the project; and

WHEREAS, the Planning Division completed an initial environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), having determined that the project will not result in any significant environmental impacts, and therefore, recommends adoption of a Negative Declaration; and

WHEREAS, a Negative Declaration reflecting the independent judgment of the City of San Clemente was prepared on December 4, 2000, and was advertised for public review and comment for the required thirty (30) days from December 19, 2000 through January 19, 2001; and

WHEREAS, on December 19, 2000, the Planning Commission held a duly noticed public hearing on the subject amendments and considered evidence presented by the applicant, the City staff, and other interested parties unanimously recommended approval; and

WHEREAS, on March 21, 2001 the City Council held a duly noticed public hearing on the subject amendments, and considered evidence presented by the applicant, City Staff and other interested parties.

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

EXHIBIT No. 1
Amendment Number: SCT MAJ 1-01
City Resolution

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SECTION 1: Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15063, an initial study has been prepared for this Project. After reviewing the initial study and the proposed Negative Declaration, the City Council finds that the Negative Declaration reflects the independent judgment of the City of San Clemente and that the Project will not have a significant impact upon the environment. As a result of its review of the aforementioned documents, the Planning Commission hereby recommends that the City Council approve the Negative Declaration and authorize the issuance of a Notice of Determination pursuant to CEQA Guidelines Section 15075. The City Planner is the custodian of records for those documents comprising the record of proceedings on the Negative Declaration. Those records are stored in the Planning Division of the City of San Clemente.

Pursuant to Title 14, California Code of Regulations Section 753.5(c)(1), the City Council determines that, after considering the record as a whole, there is no evidence that the proposed Project will have the potential for any adverse effect on wildlife resources or the habitat upon which the wildlife depends. Furthermore, on the basis of substantial evidence, the City Council finds that any presumption of adverse impact has adequately been rebutted, and that, therefore, pursuant to Fish and Game Code Section 711.2 and Title 14, California Code of Regulations Section 753.5(a)(3), the Project is not required to pay Fish and Game Department filing fees.

SECTION 2: With respect to General Plan Amendment 00-32, the City Council finds as follows:

1. The amendment is internally consistent with those portions of the General Plan which are not being amended.
2. The amendment will not adversely affect the public health, safety and welfare in that the land use change is consistent with the existing development on the project site and will not adversely affect residential, commercial and mixed use development opportunities, economic development objectives of the City, and traffic circulation.

SECTION 3: With respect to Local Coastal Program Amendment 00-225, the City Council finds as follows:

1. The proposed amendment is internally consistent with those portions of the General Plan which are not being amended.
2. The amendment will not adversely affect the public health, safety and welfare in that the land use change is consistent with the existing development on the project site and will not adversely affect residential, commercial and mixed use development opportunities, economic development objectives of the City, and traffic circulation.

EX. 1
2/4

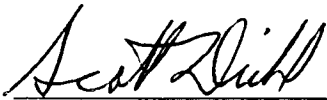
3. The amendment is consistent with the provisions of the Coastal Act of 1976 in that:
 - A. The land use change will not impact or reduce public access to any coastal resources.
 - B. The project site is far away from the coastal, visitor serving areas of the City and the loss of potential commercial areas will not inhibit the City's ability to provide a full range of coastal, visitor serving uses.

SECTION 4: The City Council hereby adopts a Negative Declaration and approves General Plan Amendment 00-32 and Local Coastal Program Amendment 00-225 subject to the preceding findings. The General Plan Amendment consists of:

1. An amendment to the Land Use Element of the General Plan to redesignate Lots 52-57, Block 17 of Tract 779, also known as 246-256 Avenida Granada, from Mixed Use with Pedestrian and Architectural Overlays (MU3-p-A) to Residential Medium Density with Architectural and Coastal Overlay (RM-A, C-Z), as shown on exhibit GPA-1, attached hereto, subject to the preceding findings.

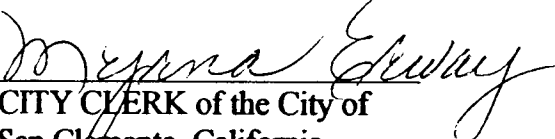
SECTION 5: The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED This 21st day of March, 2001



Mayor of the City of
San Clemente, California

ATTEST:



CITY CLERK of the City of
San Clemente, California

EX. 1
3/4

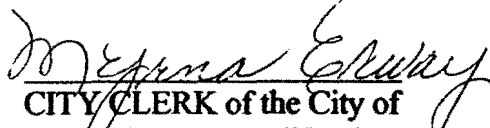
STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, MYRNA ERWAY, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 01-13 was adopted at a regular meeting of the City Council of the City of San Clemente held on the 21st day of March , 2001 , by the following vote:

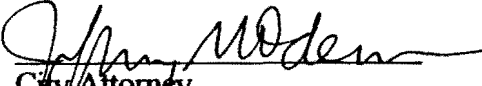
AYES: DOREY, EGGLESTON, MAYOR DIEHL

NOES: NONE

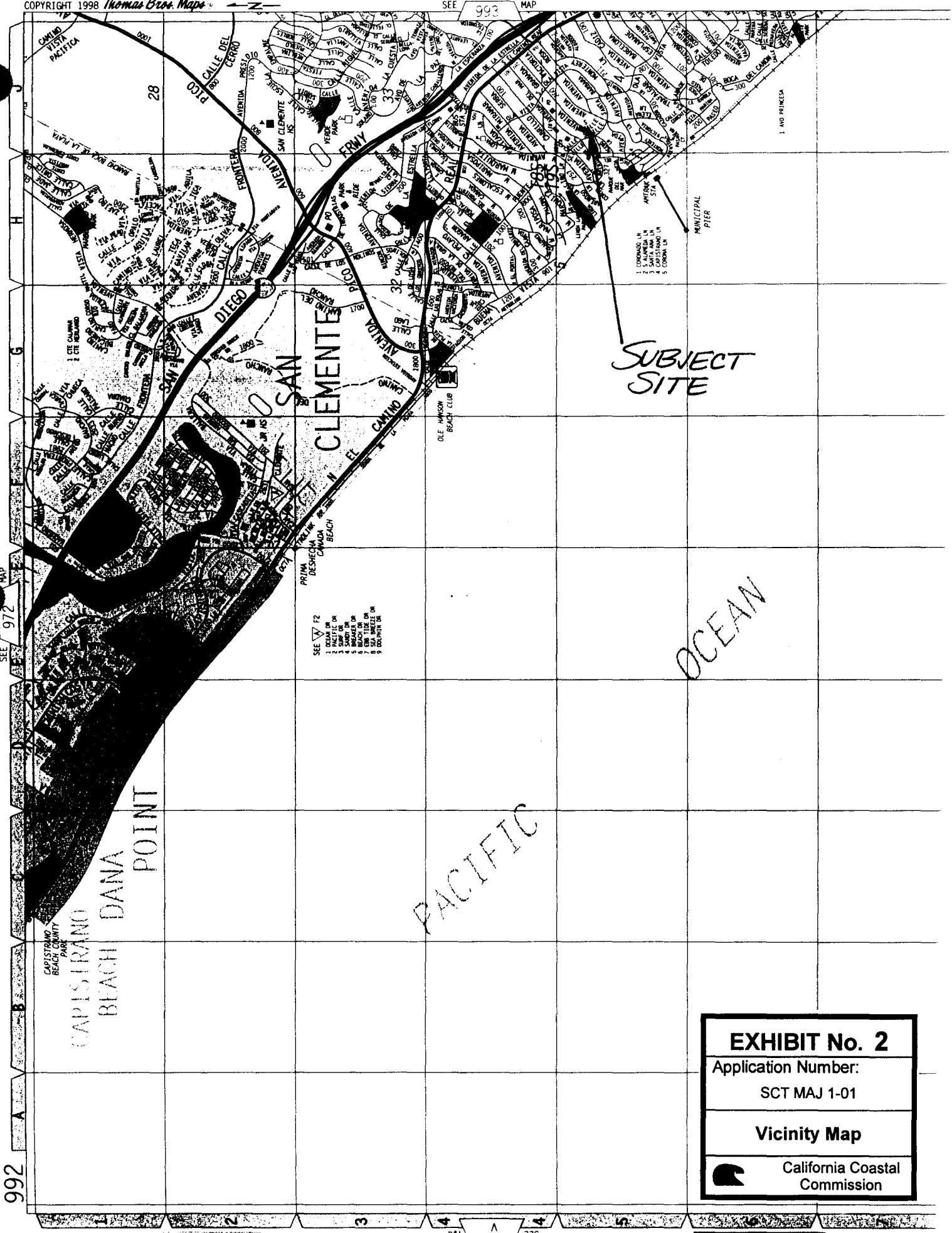
ABSENT: DAHL, RITSCHEL


CITY CLERK of the City of
San Clemente, California

Approved as to form:


City Attorney

EX. 1
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SUBJECT SITE

OCEAN

PACIFIC

- SEE F2
- 1 OCEAN DR
 - 2 PICNIC DR
 - 3 SANDY DR
 - 4 ROCKY DR
 - 5 BRIDGE DR
 - 6 SANDY DR
 - 7 SANDY DR
 - 8 SANDY DR
 - 9 SANDY DR

EXHIBIT No. 2
Application Number: SCT MAJ 1-01
Vicinity Map
 California Coastal Commission



SUBJECT PROPERTIES

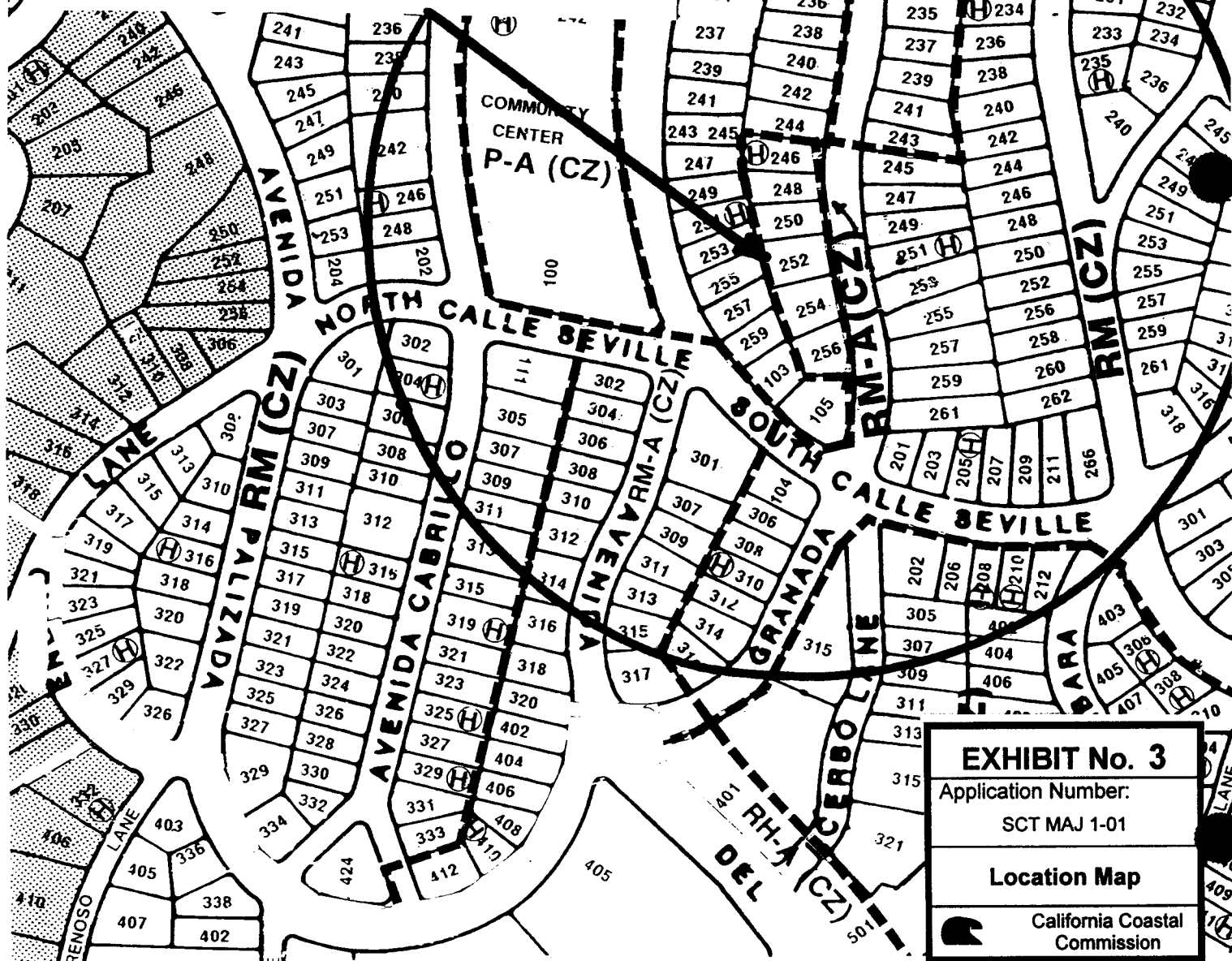


EXHIBIT No. 3
 Application Number:
 SCT MAJ 1-01

Location Map

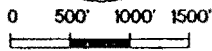
California Coastal Commission

COASTAL LAND USE

EXHIBIT NO. 4
 Application Number:
 SCT MAJ 1-01

Current Land Use Designations
 California Coastal Commission

Coastal Zone Boundary

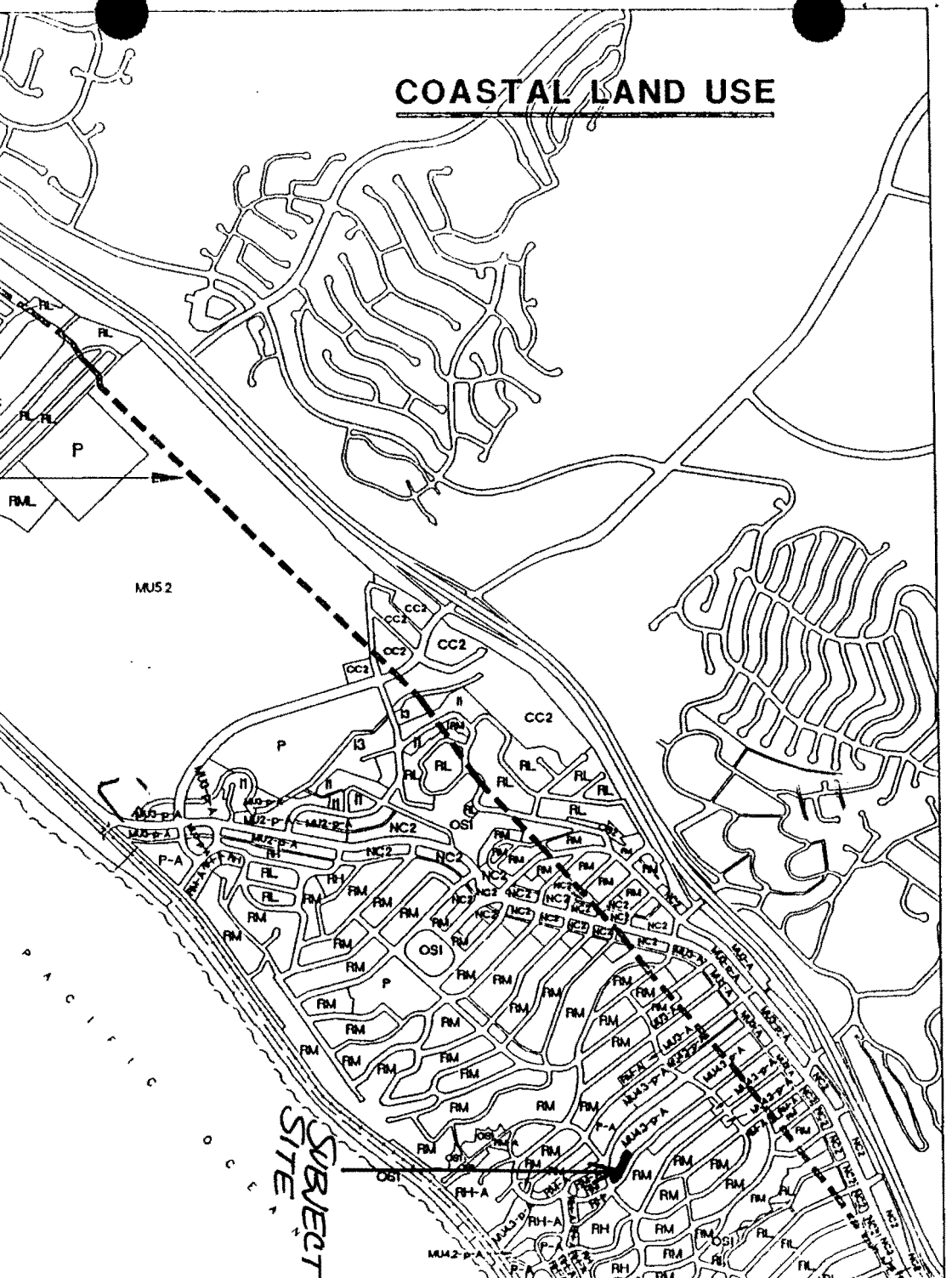


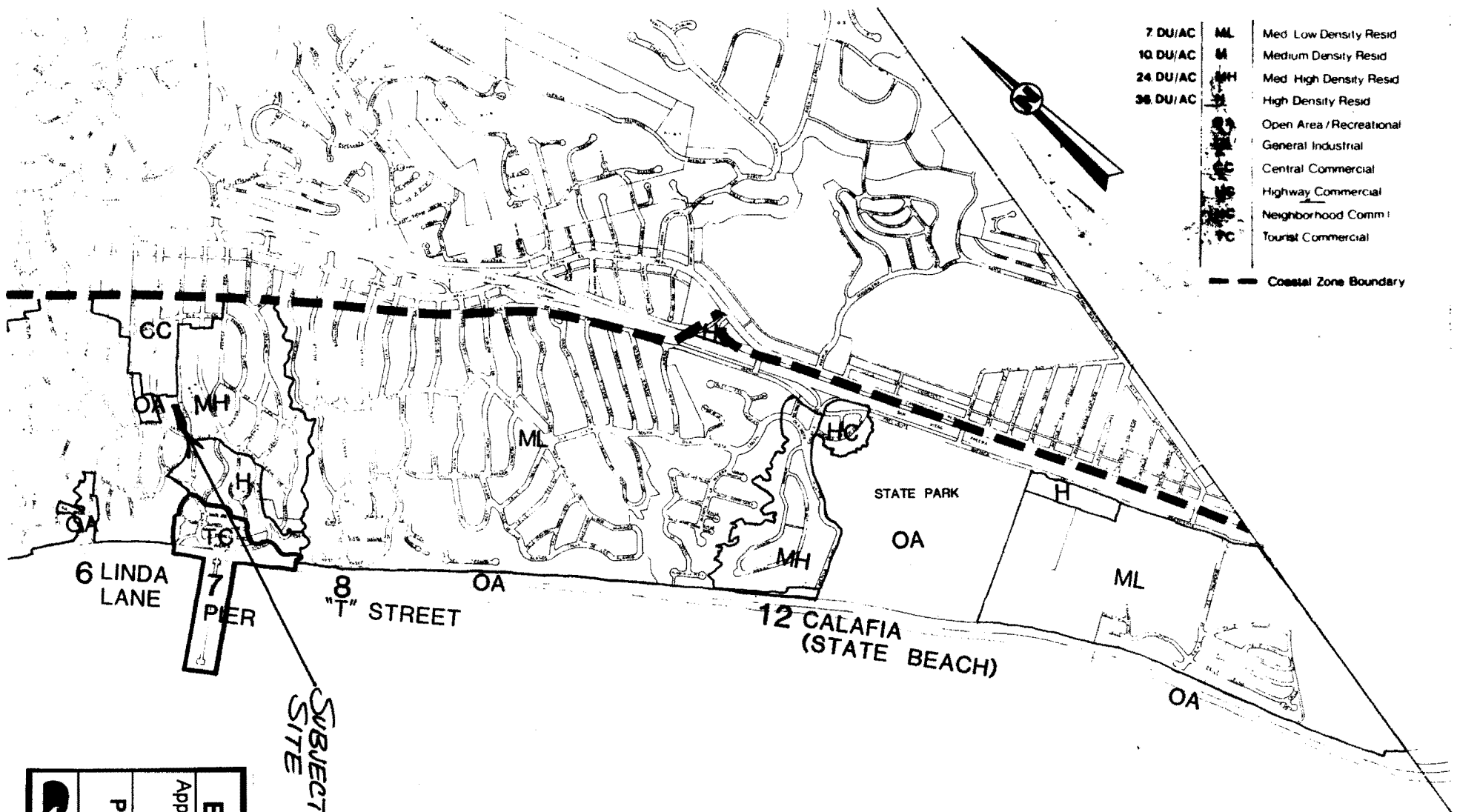
MAP 1

LEGEND

Residential		Public/ Parking	
RVL	10 Unit/ 20 Gross Acres	P	Governmental, Administrative, Utilities, Schools, Public and Private Parking, Undeveloped Parks
RFI	15 Units/ Gross Acre		
FL	45 Units/ Gross Acre (7.0 Units/ Net Acre)	CVC	Civic Center
FML	7.0 Units/ Gross Acre (10.0 Units/ Net Acre)		
FM	15.0 Units/ Gross Acre (24.0 Units/ Net Acre)	Institutional	
RM	24.0 Units/ Gross Acre (38.0 Units/ Net Acre)	Int	Institutional
		Open Space	
		OS1	Public Parks and Publicly Owned Open space
Commercial		OS2	Privately Owned Open Space (intended for Open space- no format easement)
NC	Neighborhood Serving (1-5) FAR 0.35	OS3	Privately Owned Open Space (Restricted by Easement)
CC	Community Serving CC1 & CC2 - FAR 0.5 CC3 - FAR 0.7	OSC	Golf courses and Commercial Recreation
CRC	Coastal and Recreation Services See General Plan for Densities	OSR	Talega Reserve
RC	Regional Serving RC1 - FAR 0.5 RC2 - FAR 2.0	Overlay Districts	
Mixed Commercial and Residential		P	Pedestrian Overlay
MU	Mixed Use Standards Vary with Sub-zones. Refer to General Plan	A	Architectural Overlay
Industrial			
I1 and I2	Light Industrial I1 - FAR 0.35 I2 - FAR 0.5		
I3	Heavy Industrial I3 - FAR 0.75		


* See General Plan for Explanation and Applicability of Net and Gross Area Density





- 7 DU/AC ML Med Low Density Resid
- 10 DU/AC M Medium Density Resid
- 24 DU/AC MH Med High Density Resid
- 36 DU/AC H High Density Resid
- Open Area / Recreational
- General Industrial
- Central Commercial
- Highway Commercial
- Neighborhood Comm
- Tourist Commercial
- Coastal Zone Boundary

SUBJECT SITE

 California Coastal Commission	EXHIBIT NO. 5
	Application Number: SCT MAJ 1-01
Previous Land Use Designations	

TO: PLANNING COMMISSION

FROM: John M. Harris, Associate Planner *JMH*

SUBJECT: General Plan Amendment 00-32, Zoning Amendment 00-33, and Local Coastal Program Amendment 00-225, Marques, a request by Francisco Marques and six property owners, to amend the City's General Plan and Zoning Maps to change the land use designation of six contiguous lots from a Mixed-Use with Pedestrian, Architectural and Coastal Zone Overlays (MU3-p-A, C-Z) to Residential Medium Density with Architectural and Coastal Zone Overlays (RM-A, C-Z). The six contiguous lots are located at 246 through 256 Avenida Granada, the legal description being Lots 52 through 57, Block 17 of Tract 779. All of the lots affected by this amendment are located in the Coastal Zone, and, therefore, an amendment to the City's Local Coastal Program is required.

ISSUE

Should the Planning Commission recommend that the City Council to approve General Plan Amendment 00-32, Zoning Amendment 00-33, and Local Coastal Program Amendment 00-225 to allow the General Plan and Zoning Designation of six lots in the downtown mixed-use area to change.

ENVIRONMENTAL REVIEW

The Planning Division completed an initial environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA). It was determined that the project would not result in any significant environmental impacts, and that a Negative Declaration is warranted. The Negative Declaration was completed on December 5, 2000 and was advertised for public review for the required thirty days from December 19 through January 19, 2001. The Negative Declaration is attached in Attachment B for the Planning Commission's consideration.

BACKGROUND

On March 7, 2000, Francisco Marques submitted applications, on behalf of the property owners of six lots located at 246 through 256 Avenida Granada, to amend the General Plan and Zoning designations from Mixed-Use (MU3-p-A) to Residential Medium Density (RM-A). Because the application lacked the written consent of the affected property owners, the application was deemed incomplete. On June 26, 2000 the notarized written authorization by each property was submitted and the application was deemed complete on July 26, 2000.

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EXHIBIT No. 6
Application Number: SCT MAJ 1-01
City Staff Report

The filing of the subject application is the result of an attempted sale of one of the six lots subject to this application. The lot located at 248 Avenida Granada is currently undeveloped. Prior to the filing of the subject application, a potential buyer made an offer to purchase the vacant lot with the intention of developing it with a residential structure. During the buyer's due diligence period Planning staff indicated that the property is designated Mixed Use which does not allow for solely residential uses.

State Law limits local governments to no more than four General Plan land use element amendments per year. As a result the City will typically attempt to bundle land use element amendments together whenever possible to preserve amendment opportunities. Staff initially attempted to process the subject application with another General Plan Amendment currently in process, GPA 00-111/ZA 00-112. However, because of delays associated with that application, staff has elected to move the subject application forward independently.

The application was reviewed by the Development Management Team (DMT) on April 20, 2000 and the Executive Development Management Team (ExDMT) on July 20, 2000. The required public hearing notice has been conducted for this application. As of the date of this report, staff has received several inquiries concerning the project.

ANALYSIS

Project Description

GPA 0032/ZA 00-33/LCPA 00-225 is a request to change the land use designation of the six lots subject to this application, from the current designation of MU3-p-A, back to the former RM designation that existed prior to the City's comprehensive General Plan update in 1993. The applicants are proposing to retain the Architectural Overlay on the properties. Currently five of the six lots are developed with multifamily residential structures that contain two to four residential units. One of the residential structures is designated locally as an Historic Structure. The sixth lot is vacant. All of the existing structures are well maintained and most of the five structures have been remodeled or rehabilitated within the last 15 years.

In 1993 the City Council approved a City initiated comprehensive update to the City's General Plan that changed the land use designation on the property in "Downtown San Clemente" from Commercial (C-1) to Mixed Use (MU3). The City's comprehensive update also changed the land use designation of 16 lots in the 200 block of Avenida Del Mar and Avenida Granada and the 100 block of South Calle Seville from R-3 to Mixed Use. The Mixed-Use designation was added to allow mixed-use projects containing both commercial and residential development and also for projects with only commercial development. The former C-1 designation in place immediately prior to the 1993 General Plan update allowed for commercial uses only. With the exception of the 16 lots, the boundary of the former downtown C-1 district is identical to the current downtown MU3 district.

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The former boundary between the C-1 and R-3 Districts occurred mid block between the lots located at 244 and 246 Avenida Granada and 241 and 243 Avenida Del Mar (Attachment C). The Mixed-Use boundary was established in 1993 so that the edge of the district occurred at the corner of South Calle Seville and Avenida Granada to provide a boundary that followed the street configuration (Attachment D). GPA 00-32/ZA 00-33/LCPA 00-225 proposes to adjust the boundary between the MU3 and RM districts so that it occurs between 244 and 246 Avenida Granada, continues along the rear lot lines of the subject lots and then between 256 Granada and 105 Calle Seville (Attachment E).

Local Coastal Program Issues

All of the area affected by this amendment is located in the Coastal Zone. Therefore, an amendment to the City's Local Coastal Program (LCP) is required. The City's LCP is made up of two major segments: 1) the Coastal Land Use Plan (LUP), which corresponds to the City's General Plan; and 2) the Implementation Plan (IP), which corresponds to the City's Zoning Ordinance. The Coastal Commission certified a comprehensive update to the City's LUP shortly after the adoption of the City's new General Plan in 1993. In October of this year the Coastal Commission denied the City's IP. Through it's denial the Coastal Commission directed the City to develop a Water Quality Ordinance and to provide changes to specific sections and standards in the IP to protect coastal resources.

In accordance with the Zoning Ordinance, property owners or the City Council may initiate General Plan, Zoning Ordinance, and Local Coastal Program amendments. Because the subject properties are located in the Coastal Zone, if the City approves GPA 00-32/ZA 00-33/LCPA 00-225, the applicants will need to apply separately with the Coastal Commission to amend the City's Coastal Land Use Plan, which has not been reopened since 1993.

City staff has discussed redesignation with Coastal Commission staff, who indicated the Commission is particularly concerned with the loss of existing and potential tourist-oriented uses in the Coastal Zone. The Coastal Commission and staff would expect to see an analysis of the impacts of such requests on the City's coastal, tourist-oriented potential, including: 1) an assessment of the probability of similar requests for other areas of the zone; and 2) an analysis of the City's efforts to promote tourist-oriented uses in the Coastal zone.

Zoning History and Potential for Similar Requests

Staff has reviewed historic Zoning Maps of the downtown area from prior to the comprehensive General Plan update of 1993, dating back to the City's first Zoning Map in 1949. Staff has found that, in large measure, the zoning boundaries in downtown San Clemente have not changed much over the years. As an example, the zoning of the subject properties has remained consistently residential from 1949 to 1993. However, there are a number of residential structures in the downtown Mixed-Use district that are

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currently non-conforming. The City's early Zoning Ordinances, from 1949 up to the adoption of Ordinance 397 in 1962, allowed for residential development in the downtown C-1 zone. This zoning provision, unique by today's standards, explains the number of non-conforming residential structures in the downtown Mixed-Use district.

Planning staff has identified three areas within the downtown Mixed-Use district that are potential locations for similar General Plan and Zoning Amendment requests. These three areas are located in the following locations: 1) the 100 block of Avenida Rosa (146 through 162); 2) the 200 block of Avenida Del Mar (243 through 259) along with 103 and 105 South Calle Seville; and 3) the 200 block of Avenida Granada (236 through 244). These three areas include the same characteristics as the subject request, which include: 1) the lots are designated MU3 with existing residential development; 2) the lots are located at the periphery of the downtown MU3 area; and 3) the lots are contiguous with property designated RM.

The first distinction between the subject request and the Rosa and Granada properties is that the Zoning designation on the Rosa and Granada properties has been commercial over the past 50 years. From 1967 to 1978 the Rosa properties were zoned C-1-A, which, based on the 1967 Zoning Map legend, seems to indicate commercial or apartment, although staff has been unable to confirm this assumption. The second and more important distinction is that the land use designation of the two areas immediately prior to City's comprehensive GPA in 1993 was C-1, which clearly did not allow for residential uses at that time. Additionally, the Rosa and Granada properties are closer to the heart of the downtown area, and the topography of the two areas is much flatter than the subject properties, which is more conducive to mixed use and commercial site planning.

The Del Mar/Calle Seville properties, like the subject properties, were designated R-3 immediately prior to the comprehensive General Plan update in 1993. The distinction between the subject properties and the Del Mar/Calle Seville properties, however, is that they are located on the main street of downtown, Avenida Del Mar. In addition the Del Mar/Calle Seville properties are across the street from, and relate to, commercial and other existing non-residential development in downtown. Furthermore, as proposed by the subject request, the amended boundary between the MU3 and RM districts would occur at a corner with the intersection of two streets, which is an appropriate location for the proposed boundary between districts.

The General Plan and Zoning designation of the subject six lots has remained consistently residential since the adoption of the City's first land use map in 1949. When the City's General Plan was amended in 1993 the periphery of the Mixed-Use designation was extended along Avenida Granada to include the subject properties. The subject properties are the furthest, geographically, from the heart of downtown than any of the other properties designated Mixed-Use. The General Plan and Zoning designation of lots across Avenida Granada from the subject property is Residential Medium (RM) and all of the lots are developed with multifamily residential structures. The topography

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of the subject properties is significantly up sloped, which is more appropriate for residential site planing than Mixed-Use. The City's Design Guidelines encourage Mixed-Use structures to be located forward on a lot and parking to occur at the rear. Because of the topography of the subject properties, large retaining walls would be necessary to retain the dirt at the rear of the subject properties to accommodate the parking necessary to support a Mixed-Use development.

In terms of addressing the Coastal Commission's concerns regarding the probability of similar requests for other areas in the Mixed-Use district, staff's position is that the few potential areas identified by staff can be differentiated from the subject request as described in detail above. In addition, the City is currently only responding to the current request. No other requests by property owners to amend the City's Mixed-Use General Plan and Zoning Districts are on file. Finally, because General Plan and Zoning Amendments are a legislative action, the City is not bound by typical findings as with other discretionary requests. Thus, the City may consider each request separately based on its own merits without a concern for setting a precedent.

Promotion of Tourist-Oriented Uses

To address the Coastal Commission's concerns regarding the City's efforts to promote and achieve tourist-oriented uses in the Coastal Zone, the City recently approved the entitlements for a substantial amount of commercial development on the Marblehead Coastal site. The Marblehead Coastal site comprises 250 acres and is located within the Coastal Zone. The development approved by the City includes 700,000 square feet of commercial development on approximately 60 acres. This development is also likely to trigger development activity in the North Beach area which is identified in the General Plan as "a community and visitor-serving mixed-use, high activity center of the City". In addition, the building permit for the remodel of the Cornet Building located at 201 Avenida Del Mar was recently issued. This project represents a sizable adaptive reuse of a commercial building in downtown to be utilized for tourist oriented uses in the Coastal Zone. Lastly the City has been working with the Chamber of Commerce and the Downtown Business Association on the Main Street Program and the Revitalization 2000 program. Both of these projects would benefit commercial buildings and uses located within the Coastal Zone.

Historic Property

As previously indicated, five of the six lots are currently developed with residential structures. In accordance with the non-conforming chapter of the City's Zoning Ordinance, Section 17.72, residential structures in the Mixed Use district are deemed non-conforming structures and non-conforming uses. One of the five residential structures, 246 Avenida Granada, is designated locally as an Historic Structure. The historic property is a multifamily structure built in October of 1929. Virgil Westbrook, one of Ole Hanson's original architects, designed the building. The building generally retains its Spanish character, and the property is eligible for the National Register as a

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contributor to the Spanish Village-by-the-Sea district. The building has been partially damaged twice by fire. In both cases the damaged portions of the building were reconstructed to the original condition utilizing traditional building materials.

As a legal non-conforming structure, the subject historic residential structure does not conform to the permitted uses in the Mixed Use district. Potential buyers, lenders and insurance companies are less likely to get involved with a non-conforming property because of issues associated with rebuilding destroyed or damaged non-conforming uses and structures. The proposed project would make the historic property structure more conforming than it currently is. By eliminating some of the non-conformities, the historic property becomes more desirable and is more likely to be preserved as a historic resource, which will benefit the community. More information regarding the non-conforming issues is provided below.

Non-Conforming Issues

As previously indicated, the existing residential structures located on the subject lots in the Mixed Use district are deemed non-conforming structures and non-conforming uses. Although the proposed General Plan and Zoning Amendments, if approved, will cause some of the existing non-conformities to be eliminated, any existing non-conformities in terms of density and parking will continue to remain. However, the non-conforming chapter does include provisions for the administrative approval of the reconstruction of residential parking and density non-conformities when destroyed by accident to an extent of less than 50% of the replacement cost. In instances where non-conforming structures/uses, that are non-conforming in terms of parking or density, are destroyed beyond 50% of the replacement cost, the reconstruction may be allowed through the Conditional Use Permit process.

Although staff has not conducted a detailed non-conformity analysis of the five existing structures, it appears that there are density and parking non-conformities present that will remain. However, GPA 00-32/ZA 00-33/LCPA 00-225 will allow the residential character of the existing buildings to be conforming.

CONCLUSION

The City's comprehensive General Plan update of 1993 resulted in the advent of the Mixed-Use district in the downtown commercial area. The boundaries of the Mixed-Use district extended to include the subject properties, which were formerly residential zoned. Since the 1993 General Plan update, little or no change has occurred in the built environment of the area subject to this request, nor have there been requests for development or land use changes other than the subject request. The revised land use boundary proposed by the subject application occurs at the intersection of two streets, which is an appropriate location for the proposed boundary between districts. The proposed amendment will eliminate some of the non-conformities of the five existing residential structures, including an historic structure. The single vacant lot will likely be developed with a single family home or duplex. Because the site abuts the historic

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structure, any development of the vacant parcel will be subject to the Cultural Heritage Permit process. It is staff's position that the proposed land use amendment is a minor change and that the proposed boundary between the MU3 and RM districts is at an appropriate location. Thus, staff is in support of the land use amendments as proposed.

ALTERNATIVES/IMPLICATION OF ALTERNATIVES

1. The Planning Commission can concur with staff and recommend that the City Council approve GPA 00-32/ZA 00-33/ LCPA 00-225.

This action would result, pending Council concurrence, in the applicant submitting the appropriate applications to the California Coastal Commission to request an amendment to the City's LUP.

2. The Planning Commission can, at its discretion, add, modify, or delete provisions of this request.

This action would result in the modifications being recommended to the City Council accordingly.

3. The Planning Commission can recommend that the City Council deny GPA 00-32/ZA 00-33/ LCPA 00-225.

This action would result, pending Council concurrence, in the General Plan and Zoning designations of the subject properties remaining unchanged.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission recommend that the City Council approve GPA 00-32/ZA 00-33 and LCPA 00-225, and allow the General Plan and Zoning designations of the lots located at 246 through 256 Avenida Granada to change from Mixed-Use with Pedestrian, Architectural and Coastal Zone Overlays (MU3-p-A, C-Z) to Residential Medium density with Architectural and Coastal Zone Overlays (RM-A, C-Z) subject to the attached Resolution.

Attachments:

- A. Resolution
- B. Negative Declaration
- C. Portion of 1991 Zoning Map
- D. Portion of 1996 Zoning Map
- E. Proposed General Plan and Zoning Map

