

CALIFORNIA COASTAL COMMISSION

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May 25, 2006

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TO: Coastal Commissioners and Interested Persons

FROM: Deborah Lee, Senior Deputy Director, South Coast District
Teresa Henry, Manager, South Coast District
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area
Anne Blemker, Coastal Program Analyst

SUBJECT: **San Clemente Land Use Plan Update - Concurrence with the Executive Director's determination that the action of the City of San Clemente accepting certification with suggested modifications of the City's LUP Amendment 1-05 is legally adequate**, for Commission Meeting of June 13-16, 2006.

STAFF RECOMMENDATION

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate. Such concurrence is implied unless there is an objection by a majority of the Commissioners present.

BACKGROUND

The Commission approved the City of San Clemente's Land Use Plan Amendment 1-05 with suggested modifications at the public hearing held in San Pedro on January 11, 2006. The amendment involved an update to the water quality and watershed protection policies of the certified Land Use Plan (LUP).

The City of San Clemente accepted and agreed to the Commission's suggested modifications by passing Resolution 06-13 on March 7, 2006, incorporating the Commission's suggested modifications into the City's certified Land Use Plan (attached).

As provided for in Section 13544 of the California Code of Regulations, the Executive Director must determine whether the City's action is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless the Commission objects to the Executive Director's determination, the certification of the City of San Clemente LUP Amendment 1-05 shall become effective.

RESOLUTION NO. 06-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING RESOLUTION 05-49 APPROVING GENERAL PLAN AMENDMENT (GPA) 04-062/LOCAL COASTAL PROGRAM LAND USE PLAN AMENDMENT 04-063 (LUPA), STORMWATER AND URBAN RUNOFF POLLUTION AMENDMENT, A REQUEST TO AMEND THE UTILITIES AND COASTAL ELEMENTS OF THE CITY'S GENERAL PLAN TO INCLUDE SPECIFIC WATERSHED AND WATER QUALITY PRINCIPLES AS DIRECTED BY THE SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD AND INCORPORATING MODIFICATIONS BY THE CALIFORNIA COASTAL COMMISSION

WHEREAS, on May 18, 2004, the City Council initiated a General Plan and Land Use Plan Amendment to add provisions to the City's General Plan for Stormwater and Urban Runoff management as directed by the San Diego Regional Water Quality Control Board; and

WHEREAS, on August 5, 2004, the City's Development Management Team (DMT) reviewed the subject application and determined its compliance with the General Plan, Zoning Ordinance and other applicable City ordinances and codes; and

WHEREAS, on December 9, 2004, the Coastal Advisory Committee considered the proposed amendments and recommended that the City Council adopt the resolutions as proposed; and

WHEREAS, the Planning Division completed an environmental assessment of the amendments in accordance with the California Environmental Quality Act (CEQA), having determined that the project is categorically exempt in accordance with CEQA Guidelines Section 15308 because the project involves a local regulatory agency developing procedures to protect the environment as directed by the State Water Resources Control Board; and

WHEREAS, on January 19, 2005, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by the City staff and other interested parties.

WHEREAS, on February 15, 2005, the City Council held a duly noticed public hearing on the subject application, and considered evidence presented by the applicant, City staff and other interested parties and approved the application via Resolution 05-12.

WHEREAS, WHEREAS, on May 18, 2005, the City of San Clemente submitted an application (LUPA 04-063) to the California Coastal Commission for an amendment to the City's Coastal Land Use Plan; and

WHEREAS, on June 1, 2005, Coastal Commission staff deemed LUPA 04-063 incomplete, due to an incomplete resolution of approval (Resolution No. 05-12); and

WHEREAS, on July 5, 2005, the City Council considered a revised resolution, that includes additional provisions required by the California Coastal Commission, as well as all the provisions found in Resolution No. 05-12 and approved the revised resolution via Resolution 05-49.

WHEREAS, on January 11, 2006, the California Coastal Commission approved the LUPA with suggested modifications; and

WHEREAS, on March 7, 2006, the City Council considered a revised resolution of all of the same provisions found in Resolution 05-49, including new revisions to Exhibit '2' as suggested by the California Coastal Commission.

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

SECTION 1: The Planning Division completed an environmental assessment of the amendments in accordance with the California Environmental Quality Act (CEQA), having determined that the project is categorically exempt in accordance with CEQA Guidelines Section 15308 because the project involves a local regulatory agency developing procedures to protect the environment as directed by the State Water Resources Control Board.

SECTION 2: With respect to GPA 04-062/LUPA 04-063, the Planning Commission recommends that the City Council find as follows and adopt the Amendments attached hereto as Exhibits 1 and 2:

- A. The amendments to the Coastal Element of the General Plan, which also serves as the Land Use Plan of the City's Local Coastal Program, are internally consistent with those portions of the General Plan which are not being amended.
- B. The amendments will not adversely affect the public health, safety and welfare in that the amendment strengthens General Plan policies and objectives related to water quality.

SECTION 3: With respect to LUPA 04-063, the City Council finds as follows:

- A. The adoption of the Land Use Plan Amendment 04-063 will not render the City General Plan, Zoning Ordinance.
- B. The amendment is consistent with the provisions of the Coastal Act of 1976 in that the implementation of the amendments will further protect coastal resources.
- C. This Update to the Land Use Plan is consistent with all surrounding land uses and is in the public interest and general welfare of the community and properties in the coastal neighborhoods.

- D. This amendment of the Land Use Plan shall be submitted to the California Coastal Commission for approval and certification.

SECTION 4: The City Council hereby certifies that this amendment of the Local Coastal Program Land Use Plan is intended to be carried out in a manner fully in conformity with the California Coastal Act.


SECTION 5: Pursuant to Section 13544.5 of the Coastal Commission Regulations:

- A. The City of San Clemente's City Council acknowledges receipt of the Coastal Commission's resolution of certification requiring modifications, accepts and agrees to incorporate those modifications into the City of San Clemente Local Coastal Program Land Use Plan Amendment attached hereto as Exhibit '2'; and
- B. If these incorporated modifications to the City of San Clemente Local Coastal Program Land Use Plan Amendment attached hereto as Exhibit '2' are legally adequate to satisfy the specific requirements set forth in the Commission's certification order, the Executive Director of the Coastal Commission shall indicate so in writing and report the determination to the Commission at its next regularly scheduled public meeting.

SECTION 6: The Planning Commission hereby recommends that the City Council approve GPA 04-062/LUPA 04-063, Stormwater and Urban Runoff amendment, subject to the above Findings, the Amendments attached hereto as Exhibits 1 and 2.

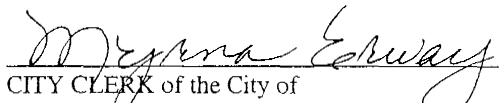
SECTION 7: The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this 7th day of March, 2006.



 Mayor of the City of
 San Clemente, California

ATTEST:



 CITY CLERK of the City of
 San Clemente, California

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