

CALIFORNIA COASTAL COMMISSION

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Th10a

**LUP Amendment 1-18 (LCP-5-SCL-18-0099-1)
City of San Clemente – Major Remodel Definition
August 13, 2020**

EXHIBITS

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EXHIBIT 1 – CITY OF SAN CLEMENTE RESOLUTION NO. 18-571

RECEIVED
South Coast Region

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REVISED

RESOLUTION NO. 18-57

**CALIFORNIA
COASTAL COMMISSION**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT THE LAND USE PLAN AMENDMENT (LUPA) AND AUTHORIZE THE SUBMITTAL OF THE LOCAL COASTAL PROGRAM LAND USE PLAN AMENDMENT REGARDING THE DEFINITION OF MAJOR REMODEL IN CHAPTER 7 TO THE CALIFORNIA COASTAL COMMISSION FOR PROCESSING.

WHEREAS, on February 8, 2018, the California Coastal Commission (CCC) approved a comprehensive update to the City of San Clemente's Local Coastal Program (LCP) Land Use Plan (LUP) with suggested modifications (Major LCP Amendment No. 1-16 (LCP-5-SCL-16-0012-1)); and

WHEREAS, at the public hearing on June 12, 2018, the City Council adopted Resolution No. 18-19 approving the comprehensive LUP update; and

WHEREAS, on August 10, 2018, the Coastal Commission certified the comprehensive LUP update; and

WHEREAS, at the June 12, 2018 San Clemente public hearing, the City Council also directed City Staff to prepare a focused Land Use Plan Amendment (LUPA) with two components:

- (1) Changing the start date for calculating cumulative changes to an existing structure from January 1, 1977 (Coastal Act adoption) to August 10, 2018 (LUP certification) in the "Major Remodel" definition contained in Chapter 7 of the LUP; and
- (2) Changing the land use designation of the two southernmost parcels on Coronado Lane from MU4 (Mixed Use-4) to RH (Residential High) in Chapter 2 of the LUP;

WHEREAS, as explained further below, the City Council ultimately approved the first component (major remodel start date in Chapter 7) and rejected the second component (land use designations in Chapter 2); and

WHEREAS, the draft LUPA underwent a six-week public review and comment period from September 19, 2018 through October 31, 2018 which is a requirement of formal acceptance of the LUPA for processing by the CCC; and

WHEREAS, no comments were received by the City during the six week public review period; and

WHEREAS, preparation and adoption of a LCP, and amendments thereto, is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15265. The LCP process is exempt because the criteria under

the Coastal Act are the functional equivalent of the EIR process; and

WHEREAS, on September 19, 2018, the Planning Commission of the City of San Clemente held a duly noticed public hearing on the draft LUPA, considered written and oral comments, and facts and evidence presented by the applicant, City staff, and other interested parties; and

WHEREAS, on December 18, 2018, the City Council of the City of San Clemente held a duly noticed public hearing on the LUPA, considered written and oral comments, and facts and evidence presented by City staff, and other interested parties; and

WHEREAS, at the same meeting, the City Council directed City Staff to modify the LUPA to remove the second component (land use designations in Chapter 2), approved the LUPA with only the first component (major remodel start date in Chapter 7), and directed staff to submit the LUPA as modified with only the first component to the Coastal Commission; and

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

Section 1. Incorporation of Recitals.

The City Council hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the Planning Commission as fully set forth in this resolution.

Section 2. CEQA Findings.

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Planning Commission, and the facts outlined in this resolution, the City Council hereby finds preparation and adoption of an LCP, and amendments thereto, is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15265. The LCP process is exempt because the criteria under the Coastal Act are the functional equivalent of the EIR process.

Section 3. Land Use Plan Amendment.

Based upon its review of the entire record, including the Staff Report, and public comments or testimony presented to the Planning Commission, and the facts outlined in this resolution, the City Council adopts the following amendment to Chapter 7, page 7-12 of the LUP (additions shown in underline, deletions shown in ~~strikeout~~):

"MAJOR REMODEL" Alterations that involve (1) additions to an existing structure, (2) exterior and/or interior renovations, and/or (3) demolition of an existing bluff top or beachfront or coastal canyon single-family residence or other principal structure, or portions thereof, which results in:

- a. Alteration of 50% or more of major structural components including

exterior walls, floor and roof structure, and foundation, or a 50% increase in floor area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from ~~January 1, 1977~~ the LUP effective certification date (August 10, 2018).

or

- b. Demolition, renovation or replacement of less than 50% of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the ~~date of certification of the LUP~~ LUP effective certification date (August 10, 2018); or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50% of the floor area taking into consideration previous additions approved on or after ~~January 1, 1977~~ the LUP effective certification date (August 10, 2018).

If development constitutes a Major Remodel as defined herein, a Coastal Development Permit shall be required. As used in this LUP, the term "redevelopment" shall be interchangeable with the term "major remodel."

Section 4. Submission to the Coastal Commission.

The City Council authorizes City Staff to submit the Local Coastal Program Land Use Plan Amendment to the California Coastal Commission as soon as possible.

Section 5. Consistency with the California Coastal Act.

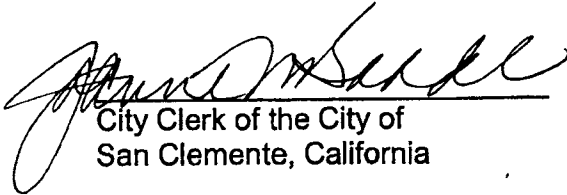
Per section 30510(a) of the California Coastal Act, the City Council certifies that this amendment is intended to be carried in a manner fully in conformity the California Coastal Act.

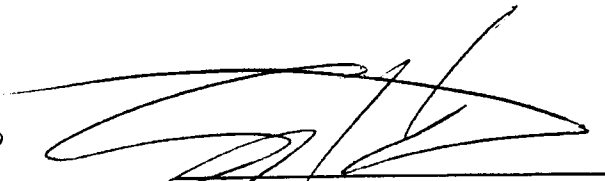
Section 6. Effective Date.

Per section 13551(b) of Title 14 of the California Code of Regulations, this amendment will take effect after formal adoption of the City Council following the approval of the Coastal Commission.

PASSED AND ADOPTED at a regular meeting of the City of San Clemente City Council on December 18, 2018.

ATTEST:


City Clerk of the City of
San Clemente, California


Mayor of the City of San
Clemente, California

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

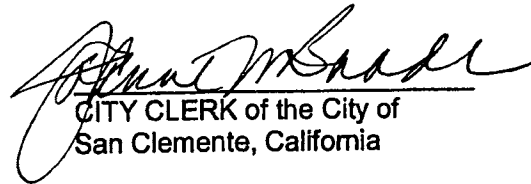
I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 18-57 was adopted at a regular meeting of the City Council of the City of San Clemente held on the 18th day of December, 2018, by the following vote:

AYES: FERGUSON, HAMM, WARD, MAYOR SWARTZ

NOES: NONE

ABSENT: BANE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this 12TH day of MARCH, 2019.


CITY CLERK of the City of
San Clemente, California

Approved as to form:

/s/ Scott Smith
City Attorney