



# AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING  
Meeting Date: June 4, 2013

Agenda Item 7-D  
Approvals: \_\_\_\_\_  
City Manager [Signature]  
Dept. Head \_\_\_\_\_  
Attorney \_\_\_\_\_  
Finance [Signature]

**Department:** Community Development  
**Prepared By:** Sean Nicholas, Associate Planner [Signature]

**Subject:** *AMENDMENT TO TENTATIVE TRACT MAP (TTM) 17049, BELLOTA LANDSLIDE REPAIR.*

**Fiscal Impact:** There are no fiscal impacts related to the proposed Tentative Tract Map Amendment application.

**Summary:** Adding four existing Shorecliffs Mobile Home lots to a tentative map previously approved by the City Council will administratively correct some title issues that make it difficult to sell the four lots.

**Background:** As part of a lawsuit settlement agreement for repair of the Bellota landslide, stabilization of the landslide would allow 24 mobile home lots to be sold (10 existing lots and 14 new lots that have been created). Originally the engineer who prepared the map thought that the 10 existing lots could already be sold, and did not realize there were deed restrictions on four of the lots that needed to be addressed. This amendment will include all 24 lots in the Tentative Map and remove all restrictions allowing for all the lots to be sold.

**Discussion:** On July 25, 2006, City Council approved a tentative tract map which created 14 new mobile home lots to be sold in conjunction with the settlement agreement of the Bellota landslide. In total 24 mobile home lots, 10 of which are existing, are to be sold following geological repairs which are now complete. A title company found a restriction associated with four of the 10 existing lots from when the park was originally subdivided which prohibit the sale due to geological issues. Those geological issues have been corrected with the Bellota repair project. In order for the four lots to be deemed legal to sell the City Attorney and County Surveyor have agreed that including the four existing lots in Tentative Tract Map 17049 would remove the previous restrictions and allow the lots to be sold as intended. This amendment will allow the map with 24 lots to proceed through the final map process for recordation and to complete the requirements of the Bellota settlement agreement.

**Recommended**

**Action:** STAFF RECOMMENDS THAT the City Council adopt a Resolution entitled, "A Resolution of the City Council of the City of San Clemente, California, approving an amendment to Tentative Tract Map 17049, Bellota Landslide Repair, allowing for the subdivision and sale of 24 mobile home lots within the Shorecliffs Mobile Home Park associated with the Bellota landslide repair."

**Attachments:**

- 1) Resolution
- 2) Location Map
- 3) Planning Commission Staff Report from June 21, 2006 (excerpted)
- 4) City Council Staff Report from July 25, 2006 (excerpted)  
Amended Tentative Tract Map

**Notification:** The required notification was completed in accordance with both State and Municipal Code requirements.

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## ATTACHMENT 1

### RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AN AMENDMENT TO TENTATIVE TRACT MAP 17049, BELLOTA LANDSLIDE REPAIR, ALLOWING FOR THE SUBDIVISION AND SALE OF 24 MOBILE HOME LOTS WITHIN THE SHORECLIFFS MOBILE HOME PARK ASSOCIATED WITH THE BELLOTA LANDSLIDE REPAIR

WHEREAS, on in December, 1999, the City's Engineering Division first observed cracks in the street Via Bellota; and

WHEREAS, in March, 2001, three homes on Via Bellota were red-tagged (rendered uninhabitable due to slope instability); and

WHEREAS, in June, 2001, a lawsuit was filed that ultimately included: 1) approximately 40 homeowners (20 properties) from Calle Guadalajara, Via Bellota, and Calle Amapola; 2) the Seaview Estates Homeowners Association; 3) the Coast Homeowners Association; 4) the Shorecliffs Mobile Homeowners Association; 5) The owners and lessees of the Shorecliffs Golf Course; 6) Craig Development; 7) Stephen and Pamela Johnson, and; 8) the City of San Clemente; and

WHEREAS, on September 28, 2005, a settlement agreement was reached by all parties to the subject litigation that provides for repair of the landslide and various funding mechanisms for the repair work, including the creation and sale of 14 new lots in the Shorecliffs Mobile Home Community contingent upon the City's issuance of the required development permits and approvals in accordance with all applicable laws; and

WHEREAS, the settlement agreement provided for the creation of a limited liability company, Seaview Repair, LLC, for the purpose of managing the landslide remediation, including finalization of plans, obtaining bids, and obtaining permits from governmental agencies with jurisdiction, including land use entitlements from the City; and

WHEREAS, on February 8, 2006, an application was submitted, and on March 24, 2006, completed by Mike Hearn, representing Seaview Repair, LLC, One Post, Suite 200, Irvine, CA 92618, requesting a General Plan and Zoning Ordinance amendment to rezone 1.5 acres of property from Private Open Space- Inland Canyon (OS3-IC) to Medium Low Density Residential- Planned Residential Development (RML-PRD), and requesting to subdivide the subject 1.5 acres, all to accommodate creation of 14 new lots to be incorporated in the Shorecliffs Mobile Home Community; and

WHEREAS, the Planning Division completed an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA), having determined that the project will not have any potential significant adverse environmental impacts, and that, therefore, a Mitigated Negative Declaration is warranted; and

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WHEREAS, on February 21, 2006, the City Council approved a Professional Service Agreement with environmental consultant Jones & Stokes, 17310 Red Hill Avenue, Suite 320, Irvine, CA 92614, to prepare the project Mitigated Negative Declaration; and

WHEREAS, on May 4, 2006, the City's Development Management Team (DMT) reviewed the subject application and determined its compliance with the General Plan (as the same is proposed to be amended) and other applicable City ordinances and codes; and

WHEREAS, a mitigated negative declaration reflecting the independent judgment of the City of San Clemente was prepared on May 22, 2006 and was advertised for the required 20-day public review period from May 25, 2006 through June 14, 2006; and

WHEREAS, on June 21, 2006, the Planning Commission held a duly noticed public hearing on the subject application, considered evidence presented by the City staff and other interested parties, and recommended that the City Council approve the project; and

WHEREAS, on July 25, 2006, the City Council held a duly noticed public hearing on the subject application and considered evidence presented by the City staff, the applicant and other interested parties and approved all of the entitlements; and

WHEREAS, in March of 2013, a title company found a restriction concerning four of the 24 mobile home lots to be sold associated with the settlement agreement, that would prevent them to from being sold, and it was determined that to remove the restriction the four lots needed to be included on the approved Tentative Tract Map, where they were originally omitted by the engineer who prepared the map; and

WHEREAS, the Planning Division completed an Environmental review in accordance with the California Environmentally Quality Act (CEQA) and determined that the under Guidelines Section 15162, the project involves the inclusion of four existing lots into an approved Tentative Tract Map and there is no change to the project that was fully evaluated under the approved Mitigated Negative Declaration; and

WHEREAS, the City Council held a duly noticed public hearing on the subject application on June 4, 2013, and considered evidence presented by the City staff, the applicant and other interested parties.

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

SECTION 1. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162, the project involves the inclusion of four existing lots into an approved Tentative Tract Map and there is no change to the project that was fully evaluated under the approved Mitigated Negative Declaration

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SECTION 2. With respect to the Amendment to Tentative Tract Map (TTM) 17049, the City Council finds as follows:

- A. The proposed map, together with the provisions for design and improvements as supplemented by the conditions attached hereto as Exhibit 1, are compatible with the objectives, policies, general land uses and programs specified in the General Plan of the City of San Clemente in that the map is consistent with the Land Use Element of the General Plan and the Zoning Ordinance and this will ensure all 24 lots associated with the Bellota landslide repair have been included in the Tentative Map and allow for them to be sold in accordance with the settlement agreement.
- B. The site is physically suitable for the proposed type of development in that a geotechnical repair has been completed and has stabilized the area of all 24 mobile home lots within the existing Shorecliffs Mobile Home community.
- C. The site is physically suitable for the proposed density of development in that the project is consistent with the Land Use Element requirements of the General Plan and the Zoning Ordinance, and 10 of the 24 lots were existing prior to the landslide incident, and the additional mobile home lots are consistent in size and configuration with the rest of the Shorecliffs Mobile Home community.
- D. As conditioned, the subdivision will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because there were approved mitigation measures that have been completed that render all environmental impacts less than significant.
- E. The design of the subdivision and the types of improvements are not likely to cause serious public health problems in that the 24 lots are within a developed area with existing public utilities to serve the site.
- F. The proposed amended tentative tract map is consistent with the Subdivision Map Act in that it has taken into consideration the housing needs of the region balanced with the need for public services.

SECTION 3. The City Council hereby approves AM TTM 17049, Bellota Landslide Repair, subject to the above Findings and conditions of approval attached hereto as Exhibit 1.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

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APPROVED, ADOPTED and SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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. \_\_\_\_\_ was adopted at a regular meeting of the City Council of the City of San Clemente held on the \_\_\_\_\_ day of \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**CONDITIONS OF APPROVAL\*  
AMENDMENT TO TENTATIVE TRACT MAP 17049**

1. Within three (3) years after the approval date of TTM 17049, unless an extension is granted as provided in Chapter 35 of the Code of the City of San Clemente and Section 66452.6 of the Government Code of the State of California (Subdivision Map Act), the owner or designee shall submit for review, and shall obtain the approval of the City Council for, a final map prepared by a registered civil engineer. The final map(s) shall be subject to all pertinent requirements of the Subdivision Map Act and shall conform to the approved Tentative Tract Map, City standards, and all other applicable approved plans, codes, ordinances, statutes and regulations. (Eng.)\_\_\_\_\_
2. The owner or designee shall defend, indemnify and hold harmless the City of San Clemente, its agents, officers and employees from any claim, action or proceeding against the City of San Clemente, its agents, officers or employees to attack, set aside, void or annul an approval of the City of San Clemente concerning TTM 17049 when such claim, action or proceeding is brought within the time period provided under Government Code Section 66499.37. The City shall notify the owner or designee of any claim, action or proceeding and the City shall cooperate fully in the defense of the above. (PIng.)\_\_\_\_\_
3. The project is approved subject to the provisions of the approved Mitigated Negative Declaration from July 25, 2006. (PIng.)\_\_\_\_\_
4. This project shall be subject to the mitigation measures adopted and completed with the Mitigated Negative Declaration approved on July 25, 2006. (PIng.)\_\_\_\_\_

**CONDITIONS PRIOR TO FINAL TRACT MAP APPROVAL**

5. Prior to final tract map approval, the owner or designee shall submit written consent to all of these imposed conditions to the Community Development Director or designee. The owner or designee understands that the resolution will be of no force or effect unless such written consent is submitted to the City. (PIng.)\_\_\_\_\_
6. Prior to final tract map approval, Seaview Repair, LLC or designee shall pay or reimburse the City all costs associated with City Attorney review of the project CC&Rs, Disclosure Statements, and any other applicable documents. (Eng.)\_\_\_\_\_
7. Prior to final tract map approval, the owner or designee shall submit to the City Attorney for review the form of (i) grant deed and (ii) purchase and sale agreement (or applicable portions thereof) to be used in connection with the

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applicant's sale of the units/lots to individual buyers. Said grant deed and purchase agreement shall include disclosures, approved by the City Attorney or designee, that indicate the existence, operations, characteristics, and potential exposure to nuisance/objectionable odors/risk of upset/hazards of the following:

(Eng.)\_\_\_\_\_

- A. United States Marine Corps, Camp Pendleton
- B. San Onofre Nuclear Generating Station
- C. City of San Clemente Wastewater Treatment Plant
- D. Prima Deshecha Landfill
- E. Foothill South Transportation Corridor

8. Prior to final tract approval, the owner or designee shall submit for review to the Community Development Department, and shall obtain the approval of the City Attorney or designee for, Covenants, Conditions and Restrictions (CC&R's) which shall provide for the following:

A. Annexation of the newly created lots into the Shorecliffs Mobile Homeowners Association Inc. "SMHOA" in accordance with Tentative Tract Map 17049, or such other provision which may be subsequently approved by the City Attorney for the purpose of providing for control over the uniformity of boundary fencing, and the perpetual maintenance responsibility of areas including, but not limited to, all common areas, open space, slopes, fuel modification zones, private medians and greenbelts, parkway landscaping, irrigation systems, landscaped areas, walls, driveways, parking areas, trash areas, structures, private streets, street lights, and drainage. All streets, drainage, street lights, street signage and striping improvements within the interior of the subdivision designated as private shall remain private and shall be maintained by the SMHOA, or such other provision for maintenance which may be subsequently approved by the City Attorney. In addition, the CC&R's shall indicate all other areas to be owned and maintained by the SMHOA and that maintenance of all private drainage facilities shall be in conformance with NPDES requirements. ■ (Eng.)\_\_\_\_\_

B. Within 15 days of the annexation, Seaview Repair, LLC is required to furnish the SMHOA officers a copy of the approved tract map and a copy of the approved landscaping plans, and approved plans indicating the locations and characteristics of all major project components, utilities, and related data.

C. Following recordation of the final tract map, the Association of this tract shall submit to the Community Development Department, for distribution to the Fire and Beaches, Parks and Recreation Departments, and shall re-submit annually, a list of all current SMHOA officers of the Association.



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- D. A statement indicating that proposed amendments to any of the CC&R's shall be submitted for review to the Community Development Director or designee, and shall be approved by the City Attorney and/or the City Council prior to the amendments being valid. (Eng.)\_\_\_\_\_
  
- E. A statement indicating that the City has the right, but not the obligation, to enforce any of the provisions of the CC&R's. (Eng.)\_\_\_\_\_
  
- F. Agreement by and between the owner or designee and Association, that storm drain facilities shall be inspected regularly as follows: (Eng.)\_\_\_\_\_
  - 1) Open channels, catch basins and pipelines inspected annually before storm season and removal of debris as necessary.
  
  - 2) All facilities shall have debris and sediment removed either manually or by mechanical methods. Flushing shall be used in emergency situations only.
  
- G. Agreement by the owner or designee and Association that on an annual basis in the month of June, reports will be furnished to the City in compliance with the reporting requirements of codes and ordinances adopted by the City with respect to the NPDES program. (Eng.)\_\_\_\_\_
  
- H. A statement indicating that the City of San Clemente may enter the common Areas at any time for the purpose of administering and enforcing compliance by all Members with (a) any permit issued to the City of San Clemente by the San Diego Regional Water Quality Control Board, as such permit may be amended from time to time, and (b) all NPDES requirements. (Eng.)\_\_\_\_\_
  
- I. The CC&R's shall contain fire prevention and defense provisions including: a) a fire lane map; b) provisions which prohibit parking in fire lanes and a method of enforcement; and c) provisions for maintenance of fuel modification zones including the removal of all dead and dying vegetation and the inspection and correction of any deficiencies in the irrigation system three times a year. Also, a method for keeping fire protection access easements unobstructed shall be included. The approval of the Chief of Fire Protection Services shall be required for any modifications such as speed bumps, control gates, or parking changes. (Fire)\_\_\_\_\_

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9. Prior to final tract map approval, the owner or designee shall pay or reimburse (as determined by the City Planner) the City all costs associated with City Attorney review of the project CC&Rs, Disclosure Statements, and any other applicable documents. (PIng.)\_\_\_\_\_
10. Prior to final tract map approval, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for, a soils and geologic report prepared by a registered geologist and/or geotechnical engineer which conforms to City standards and all other applicable codes, ordinances and regulations. (Eng.)\_\_\_\_\_
11. Prior to final tract map approval, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for a hydrology and hydraulic study prepared by a registered civil engineer to determine the sizes and locations of all on-site drainage facilities including modification to off-site downstream facilities in accordance with all applicable City regulations and standards. (Eng.)\_\_\_\_\_
12. Prior to final tract map approval, the owner shall modify the tract boundary as shown on tentative tract map no.17049 to include the slope area located between the Shore Cliffs Golf Course property and the tract map. ■ (Eng. \_\_\_\_\_)
13. Prior to final tract map approval, the owner or designee shall show on the final map access easement in favor of the City on "Mira Adelante" to allow the City access to maintain the 33" storm drain line that is proposed to be constructed within the open space area located west of the tract. ■■ (Eng. \_\_\_\_\_)
14. Prior to final tract map approval, the owner or designee shall obtain and record an easement for fuel modification zones with a separate instrument on the surrounding properties in favor of the SMHOA to allow for access and maintenance of the fuel modification zones outside the tract boundary. (Eng. \_\_\_\_\_)
15. Prior to final tract map approval, the owner or designee shall obtain and record storm drain easements with separate instruments on the surrounding properties in favor of the SMHOA to allow for access and maintenance of the storm drain lines located outside the tract boundary. (Eng. \_\_\_\_\_)
16. Prior to final tract map approval, the owner or designee shall obtain and record access easement with separate instrument on the surrounding properties in favor of the City to allow for access to maintain the 33" storm drain line that is proposed to be constructed within the open space area located west of the tract. ■ (Eng. \_\_\_\_\_)
17. Prior to final tract map approval, the City will negotiate with the SMHOA to obtain access easement over the existing streets for the mobile home park to allow the

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City access to maintain the 33" storm drain line that is proposed to be constructed within the open space area located west of the tract. ■ (Eng.) \_\_\_\_\_

18. Prior to final tract map approval, the owner or designee shall indicate on the final map, the location of all easements for open space, storm drains, and storm drain maintenance access, utilities, access easements, emergency access, slopes, and slope maintenance access, and landscaping. All drainage easements shall be a minimum of 15 feet. No drainage facilities accepted for dedication or maintenance by the City shall be located within slopes. Improvements may not be constructed within any easements to be accepted by the City, without approval of an Encroachment Permit. (Eng.)\_\_\_\_\_
19. Prior to final tract map approval, the owner or designee shall demonstrate to the satisfaction of the City Engineer or designee, that quitclaims in favor of the City have been obtained from all persons having any interest in existing rights of way for pipelines for the conveyance of water, and for all rights to all underground water. The owner or designee shall convey the right to all underground water, but without right of entry to the surface thereof, to the City. The owner or designee shall cause no easements to be granted nor recorded over any portion of the property shown on the submitted record map between the tentative map approval date by the Planning Commission and the recording date of the final or record map by the County Recorder. (Eng.)\_\_\_\_\_
20. Prior to final tract map approval, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for a grading plan, prepared by a registered civil engineer, which shows grading, drainage, trails, and street improvements. (Eng.)\_\_\_\_\_
21. Prior to final tract map approval or issuance of grading permits, the owner or designee shall submit for review and shall obtain approval by the City Engineer or designee, plans for the regulation and control of pollutant run-off by using Best Management Practices (BMPs). The owner or designee shall demonstrate to the satisfaction of the City Engineer or designee that the project meets all requirements of the National Pollutant Discharge Elimination System (NPDES), Federal, State, San Diego Regional Water Quality Control Board, County and City guidelines and regulations, in order to control pollutant run-off and shall provide evidence satisfactory to the City Engineer or his designee that the required NPDES permits has been obtained. (Eng.)\_\_\_\_\_
22. Prior to final tract map approval or issuance of grading permits, the owner or designee shall submit for review a project binder containing the following documents: (Eng.)\_\_\_\_\_
  - A. For projects greater than 1 acre, a Notice of Intent (NOI) for coverage under the General Construction Storm Water Permit must be filed with the

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State Water Resources Control Board and a copy of the NOI, a WDID number and a copy of the Storm Water Pollution Prevention Plan (SWPPP) must be filed with the City. The State Water Resources Control Board Web Site is (<http://www.waterboards.ca.gov/stormwtr/construction.html>).

- B. The project site is considered a "Priority Project" (as defined by the Orange County Municipal Storm Water Permit available at their web site [http://www.waterboards.ca.gov/sandiego/programs/oc\\_stormwater.html](http://www.waterboards.ca.gov/sandiego/programs/oc_stormwater.html)). A final Water Quality Management Plan (WQMP) must be recorded with the Orange County Recorder's Office and filed with the City.
23. Prior to final tract map approval the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for street improvement plans, prepared by a registered civil engineer as deemed necessary by the City Engineer or designee to provide adequate access, including but not limited to the following provisions: (Eng.)\_\_\_\_\_
- A. All streets, sidewalks, curbs, gutters, storm drains, catch basins, slope drains, sewer lines, landscaping, striping improvements, signage, and street lights, private and public, shall be designed and constructed in accordance with City standards.
- B. The existing street "Mira Adelante" shall be extended and shall have 30ft. wide private right-of-way and utilities easements.
- C. Plans for all streets shall be submitted to and approved by the Fire Chief. The plans shall show fire lanes, locations of red curbing and signage. A drawing of the proposed signage with the height, stroke, and color of lettering, and contrasting background color shall be provided. Plans shall also include sectional views, and indicate the width measured flow line to flow line. All proposed fire apparatus turnarounds shall be clearly marked.
24. Prior to final tract map approval, the owner shall indicate on the final map that all streets, drainage, storm drains, street lights, street signage and striping improvements within the interior of this subdivision are private and shall be maintained by the SMHOA, or such other provision for maintenance which may be subsequently approved by City Council. (Eng.)\_\_\_\_\_

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25. Prior to final tract map approval, all improvement plans must be submitted for review and approval by the City Engineer. This includes but not necessarily limited to grading, improvements, water, sewer, storm drain, signing and striping, landscaping and irrigation plans. (Eng.)\_\_\_\_\_
26. Prior to final tract map approval, the owner or designee shall clearly call out on the improvement plans that all storm drain systems within the private streets are private systems and are privately maintained. (Eng.)\_\_\_\_\_
27. Prior to final tract map approval the owner shall submit for review and shall obtain the approval of the City Engineer or designee drainage improvement plans prepared by a registered civil engineer which provide for the following: (Eng.)\_\_\_\_\_
- A. All storm drain junction structures shall be provided with access manholes.
  - B. Terrace drains shall be sloped in such a manner to avoid vertical connecting "V" drains where feasible, and placed to minimize their visual impact.
  - C. All storm water shall be conveyed directly to an approved storm drain system. No storm water shall be allowed to sheet flow over the sidewalks or driveway approaches.
28. Prior to final tract map approval and the installation of water, sewer and storm drain lines, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee, for routing to the Utilities Manager or designee, 1"=200' plans prepared by a registered civil engineer showing all existing and proposed water services, sewer laterals and mains (including gate valves, pressure reducing stations, lift stations, pressure zones, fire hydrants, manholes, pipe sizes, pipe types and any other related appurtenances). (Eng.)\_\_\_\_\_
29. Prior to final tract map approval, the owner or designee shall submit for review and shall obtain the approval of the City Engineer or designee for water improvement plans specific to the project, prepared by a registered civil engineer, which reflect consistency with the City's Water Master Plans and standards. Said plan shall provide for the following: (Eng.)\_\_\_\_\_
- A. Indicate a service system which provides, or allows for, independent water metering.
  - B. All development allowed pursuant to this tentative tract map shall provide design features that conserve water, such as low-flush toilets and low-flow faucets; hot water recirculating systems; drinking fountains with self-closing valves, and public flush valve-operated water closets with 1.75 gallon flush.

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- C. All water meters shall be tapped into the public water main and be located in the public ROW or in easements.
  - D. A double detector check shall be installed at the transition from public to private for water systems.
30. Prior to final tract map approval the owner shall submit for review and shall obtain the approval of the City Engineer or designee wastewater improvement plans specific to the project, prepared by a registered civil engineer, which reflect consistency with the City's Sewer Master Plan and standards. (Eng.)\_\_\_\_\_
31. Prior to final tract map approval, the owner or designee shall provide separate improvement bonds or irrevocable letters of credit, as determined by the City Engineer, for 100% of each estimated improvement cost, as prepared by a registered civil engineer as required and approved by the City Attorney and the City Engineer or their designees, for each, but not limited to, the following: rough grading; precise grading; street improvements; sidewalks; signage; trail improvements; street lights; sewer lines; water lines; storm drains; erosion control; landscaping in private slopes and open space; and off-site street repair. In addition, the owner or designee shall provide separate labor and material bonds or irrevocable letters of credit for 100%of the above estimated improvement costs, as determined by the City Engineer or designee. (Eng.)\_\_\_\_\_
32. Prior to final tract map approval, the owner or designee shall submit for review and approval by the Community Development Director and Director, Beaches, Parks and Recreation or designees, a detailed landscape and irrigation plan incorporating drought tolerant plants, for medians, parkways, public trails, fuel modification areas, common areas, and slopes, and other landscaped areas, prepared by a registered landscape architect, and in compliance with all pertinent requirements including, but not limited to guidelines contained in the City's Master Landscape Plan of Scenic Corridors. ■ (Plng.)\_\_\_\_\_ (B,P&R) \_\_\_\_\_
33. following standards shall apply for all landscape plans, unless otherwise approved for private residential streets: ■■ (Eng.)\_\_\_\_\_ (Plng.)\_\_\_\_\_
- A. All landscape irrigation systems shall be designed using the City's reclaimed water standards. In the event reclaimed water is not available at the time the system is put into operation, the system may be connected to the potable water system. When reclaimed water is available, the system shall be converted to reclaimed service. The owner or designee shall install reclaimed water service lines to the meter locations for future connection when reclaimed water is available.
  - B. All fuel modification zones (as required per OCFA) and specific plant palette shall be included in the project landscape plan.

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**CONDITIONS TO BE SATISFIED PRIOR TO RECORDATION**

34. Prior to recordation of the final tract/parcel map, the owner or designee shall submit for review, and shall obtain the approval of the County Surveyor for, a digitized tract map pursuant to Orange County Ordinance No. 3809 of January 28, 1991. The owner or designee shall pay for all costs of said digital submittals, including supplying digital copies to the City of the final, County Surveyor-approved digital map in DXF format. (Eng.)\_\_\_\_\_

**CONDITIONS TO BE SATISFIED PRIOR TO GRADING PERMITS**

35. Prior to issuance of any grading permits, the City Engineer shall determine that development of the site shall conform to general recommendations presented in the geotechnical studies, including specifications for site preparation, landslide treatment, treatment of cut and fill, slope stability, soils engineering, and surface and subsurface drainage, and recommendations for further study. (Eng.)\_\_\_\_\_

36. Prior to issuance of grading permits, the limits of grading shown on the tentative map and approved grading plans must be verified by the soils engineer. The owner or his designee shall not be allowed to go beyond the limits as shown on the tentative map and/or the approved grading plan, unless approved by the Director of Community Development. (Eng.)\_\_\_\_\_

37. Prior to issuance of grading permits, grading plans shall be submitted to and approved by the City Engineer. Said plans shall include provisions for: (Eng.)\_\_\_\_\_

- A. Stockpiling of topsoil for placement on finished slopes.
- B. Erosion and siltation control.
- C. Dust control.
- D. Planting of vegetation on all exposed slopes as required by the Grading Ordinance.
- E. Temporary sedimentation basins and sandbagging if necessary

38. Prior to issuance of grading permits, the owner or designee shall submit for review, and obtain the approval of the City Engineer or designee, a precise grading plan as required by the City Grading Manual and Ordinance. (Eng.)\_\_\_\_\_

39. Prior to issuance of a grading permit, the owner or designee shall submit for review and approval, all documentation required by the Federal Emergency Management Agency (FEMA) for revision of the Flood Insurance Rate Map

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(FIRM) and pay all preliminary and subsequent fees as required by FEMA for the property located within the 100 year flood hazard area. (Eng.)\_\_\_\_\_

40. Prior to issuance of grading or permits, the owner or designee shall obtain confirmation from the City Engineer or designee that the City's water supply is adequate to accommodate the anticipated water demands of this project. If an adequate water supply is not available, grading and building permits shall not be issued. Approval of this project does not guarantee that potable water will be available for the project at the time of permit application. (Eng.)\_\_\_\_\_

41. Prior to the issuance of any grading permits, the owner or designee shall provide evidence acceptable to the City Engineer that: (Eng.)\_\_\_\_\_

A. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with operating and maintained mufflers.

B. Stockpiling and/or vehicle-storage areas shall be located as far as practicable and out of view from dwellings.

42. Prior to the issuance of a preliminary grading permit, the applicant shall obtain approval from the Orange County Fire Authority for a conceptual fuel modification plan and program. The applicant may contact the OCFA at (714) 573-6100 or visit the OCFA website to obtain a copy of the "Guideline for Fuel Modification Plans and Maintenance." (Fire) \_\_\_\_\_

43. Prior to the issuance of a precise grading permit, the applicant shall obtain approval from the Orange County Fire Authority for a precise fuel modification plan and program. The plan shall indicate the proposed means of modifying vegetation to reduce the risk to structures. Please contact the OCFA at (714) 573-6100 or visit the OCFA website to obtain a copy of the "Guideline for Fuel Modification Plans and Maintenance." (Fire) \_\_\_\_\_

**CONDITIONS TO BE SATISFIED PRIOR TO ISSUANCE OF BUILDING PERMITS**

44. Prior to the issuance of building permits, the owner or designee shall pay all applicable development fees in effect at the time, which may include, but are not limited to, RCFPP, park acquisition and development, water and sewer connection fees, drainage, public safety, transportation corridor and school fees. (Bldg.)\_\_\_\_\_



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45. Prior to issuance of building permits, the owner or designee shall submit a copy of the City Engineer approved soils and geologic report, prepared by a registered geologist and/or soil engineer, which conforms to City standards and all other applicable codes, ordinances, statutes and regulations. The soils report shall accompany the building plans, engineering calculations, and reports. (Bldg.) \_\_\_\_\_
46. Prior to issuance of building permits, or as otherwise authorized by the City Engineer or designee, the owner or designee shall demonstrate to the satisfaction of the City Engineer or designee that all water, sewer and/or storm drain facility improvements necessary to serve the development have been completed in accordance with the approved plans, and that the "as-built" plans, prepared by a registered civil engineer, have been submitted and approved by the City Engineer or designee. (Eng.) \_\_\_\_\_
47. Prior to the issuance of a building permit, the applicant shall submit plans for the required automatic fire sprinkler system in all structures to the Fire Chief for review and approval. Please contact the OCFA at (714) 573-6100 to request a copy of the "Orange County Fire Authority Notes for New NFPA 13 Commercial Sprinkler Systems." (Fire) \_\_\_\_\_
48. Prior to the issuance of any building permits, the applicant shall provide evidence of adequate fire flow. The "Orange County Fire Authority Water Availability for Fire Protection" form shall be signed by the applicable water district and submitted to the Fire Chief for approval. (Fire) \_\_\_\_\_
49. Prior to the issuance of any building permits, the applicant shall submit a fire hydrant location plan to the Fire Chief for review and approval. (Fire) \_\_\_\_\_
50. Prior to the issuance of any building permits, the applicant shall obtain approval of the Fire Chief for all fire protection access roads to within 150 feet of all portions of the exterior of every structure on site. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. Applicable CC&R or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Chief is granted. The applicant may contact the OCFA at (714) 573-6100 or visit the OCFA website to obtain a copy of the "Guidelines for Emergency Access." (Fire) \_\_\_\_\_
51. Prior to the issuance of a building permit, the developer, under the supervision of the Fire Chief, shall have completed the portion of the approved fuel modification plan determined to be necessary before the introduction of any combustible materials into the project area. Approval shall be subject to an on-site inspection. (Fire) \_\_\_\_\_

**CONDITIONS TO BE SATISFIED PRIOR TO CERTIFICATES OF OCCUPANCY**

- 52. Prior to issuance of Certificates of Occupancy and/or acceptance of improvements by the City Engineer or designee, the owner or designee shall submit "as-built" plans prepared by a registered civil engineer for streets, traffic signals, street lights, sewer, water, storm drains, street signs, striping, traffic markings, painted curbs and all other required improvements. (Eng.)\_\_\_\_\_
- 53. Prior to issuance of certificates of occupancy, the owner or designee shall demonstrate to the satisfaction of the City Engineer and City Maintenance Manager or their designees that all street improvements have been completed and accepted and that any damage to new or existing street right-of-way during construction have been repaired/replaced. (Eng.) \_\_\_\_\_ (Maint.)\_\_\_\_\_
- 54. Prior to issuance of certificates of occupancy, the owner or designee shall submit a letter, signed by a registered landscape architect, to the Community Development Director, stating that all materials for all landscaped areas have been installed in accordance with the approved plans, and shall demonstrate to the satisfaction of the Community Development Director or designee. (PIng.)\_\_\_\_\_ (Eng.)\_\_\_\_\_
- 55. Prior to the issuance of a certificate of use and occupancy, the required fire sprinkler system shall be operational in a manner meeting the approval of the Fire Chief. (Fire) \_\_\_\_\_
- 56. Prior to the issuance of any certificate of use and occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Chief, and must be maintained in good condition by the property owner. Please contact the OCFA at (714) 573-6100 or visit the OCFA website for a copy of the "Guideline for Installation of Blue Dot Hydrant Markers." (Fire) \_\_\_\_\_
- 57. Prior to the issuance of any certificate of use and occupancy, the fuel modification shall be installed and completed under the supervision of the Fire Chief with an approved plant pallet. The CC&R or other approved documents shall contain provisions for maintaining the fuel modification zones, including the removal of all dead and dying vegetation. The fuel modification zones shall be subject to triennial inspections. (Fire) \_\_\_\_\_

**CONDITIONS TO BE SATISFIED PRIOR TO RELEASE OF FINANCIAL SECURITY**

- 58. Prior to release of financial security, the owner or designee shall have completed the stenciling of all catch basins and/or storm drain inlets with labels 3" high in black letters, on either the top of the curb or the curb face adjacent to the inlet "NO DUMPING - DRAINS TO OCEAN". These markers shall be maintained in

Resolution No.

- good condition by the Property Owners Association. Also, the owner or designee shall insure that all catch basins have filter basket inserts. (Eng.)\_\_\_\_\_
59. Prior to the release of financial security, the owner shall submit for review, and shall obtain the approval of the City Engineer or designee for, a videotape, filmed in the presence of a City Staff representative, of all sewer and drainage improvements. The videotape shall become the property of the City. (Eng.)\_\_\_\_\_
60. Prior to release of financial security, the owner shall demonstrate to the satisfaction of the City Engineer or designee that all survey monuments damaged or destroyed are restored. "Corner Records" shall be prepared for submission to the City Engineering Division and for filing with the County Surveyor's Office in compliance with AB 1414. All restorations of survey monuments shall be certified by the Registered Civil Engineer or Land Surveyor in accordance with Section 8771 of the Business and Professions Code. (Eng.)\_\_\_\_\_
61. Prior to release of financial security, the owner shall submit for review, and shall obtain the approval of the City Engineer or designee for, a videotape, filmed in the presence of a City Staff representative, of all sewer and drainage improvements. The videotape shall become the property of the City. (Eng.)\_\_\_\_\_
62. Prior to release of financial security, the owner or designee shall submit the following items, certified by a Registered Civil Engineer, to the Engineering Division: (Eng.)\_\_\_\_\_
- A. All construction improvement plans in digitized format (DXF file format).
  - B. Original mylars of all improvement plans corrected and certified by the engineer of record to be "As Built".
  - C. Duplicate mylars of the recorded Final Map.
  - D. Original mylars of all improvements and utilities at a scale of 1"=40', or at an appropriate scale to be determined by the City Engineer or designee.
63. Prior to release of financial securities, the owner or designee shall submit to the City on 8 ½" x 11" sheet Centerline and Intersections Monument Ties signed and wet stamped by a Registered Engineer or Surveyor. (Eng.)\_\_\_\_\_
64. Prior to release of financial securities, the owner or designee shall provide a warranty bond in an amount of 25% of the faithful performance bond for each improvement accepted by the City. This warranty bond shall remain in place for one year from the date of acceptance of the improvement. (Eng.)\_\_\_\_\_

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65. Prior to the release of financial security, all water and sewer systems, e.g. pump stations, generators, reservoirs, PRV's, etc. shall be fully tested, in the presence of a City Staff, to verify system performance in accordance with design specifications. (Eng.)\_\_\_\_\_

- \* All Conditions of Approval are standard, unless indicated as follows:
- Denotes modified standard Condition of Approval
  - ■ Denotes project specific Condition of Approval

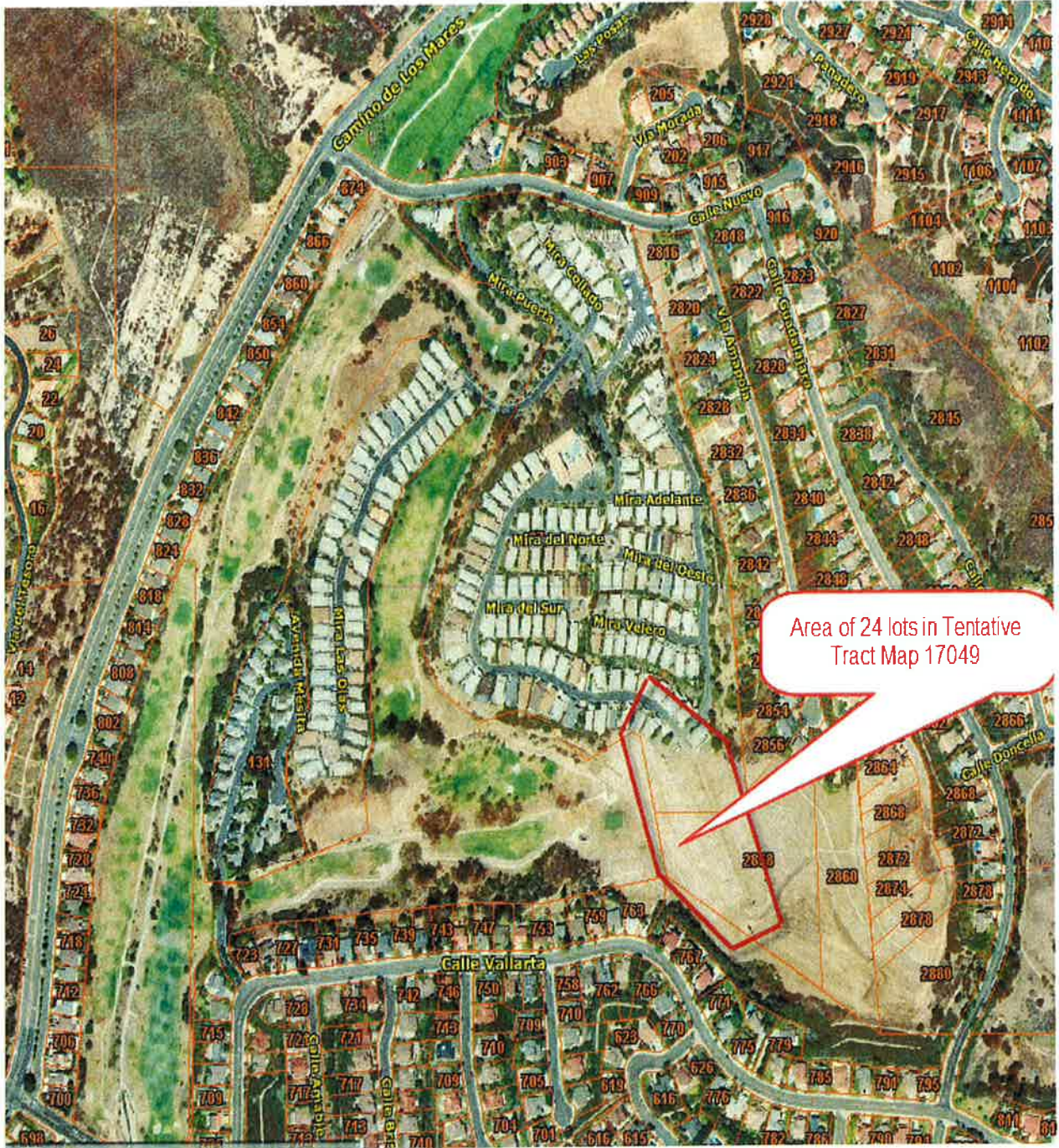




# LOCATION MAP

ATTACHMENT 2

AM TTM 17049, Bellota Landslide Repair  
Shorecliffs Mobile Home Community



Area of 24 lots in Tentative  
Tract Map 17049

Not to scale

7D21



**TO:** PLANNING COMMISSION

**FROM:** Larry Longenecker, Senior Planner

**SUBJECT:** General Plan Amendment (GPA) 06-075/Zoning Amendment (ZA) 06-076/TTM 17049, Bellota Landslide Repair and Shorecliffs Mobile Home Park Expansion, a request to amend the City's General Plan and Zoning maps to reflect the conversion of approximately 1.7 acres of private open space to residential development, to accommodate an expansion of the Shorecliffs Mobile Home Park, in accordance with a Settlement Agreement to repair a canyon landslide that occurred between 1998 and 2001. The approximately 16.9-acre landslide repair area is generally located northwest of the intersection of Calle Vallarta and Calle Guadalajara.

### **BACKGROUND**

The Bellota Landslide Repair project is the result of a Settlement Agreement that came out of a multi-party (including the City) lawsuit. The City Council accepted the settlement agreement, which outlines the project details as described in this report, including the necessary GPA and ZA applications. A more detailed background of the landslide and the Settlement Agreement is provided below. In addition, City Engineer Bill Cameron and City Attorney representative Karen Walter (both having been involved with this effort since the earliest stages) will be available at the Planning Commission meeting to answer any technical questions related to either the landslide or the Settlement Agreement.

The GPA and ZA applications are required in order to amend the General Plan and Zoning Maps from private open space (OS3) to medium low density residential (RML). The TTM is required to allow separate ownership of the newly created and stabilized lots in the Shorecliffs Mobile Home community. Because all three applications must be considered by the City Council, the Planning Commission's action will be forwarded to the Council as a recommendation.

The application was considered by the Development Management Team on May 4, 2006. A meeting was held on May 25, 2006 with property owners from the Coast neighborhood, located to the south of the landslide area, where several issues were discussed, including general slope stability in the area and visibility of the new mobile home lots in relation to specific lots on Calle Vallarta. No position on the project was voiced by any of the individuals attending the meeting. The project Mitigated Negative Declaration was advertised for public review on May 25, 2006. The required public hearing notice was conducted for the project and, as of the date of this report preparation, no comments have been received from the public.

### ***Landslide***

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The subject canyon (See Location Map and Site Plan, Attachment B and C, respectively) contains ancient landslides. A large, deep landslide was buttressed when the canyon bottom was filled during grading operations for The Coast development located directly to the south. A smaller landslide on top of the large landslide has experienced movement and three homes on Bellota were eventually red-tagged.

There have been concerns over the years with the landslide along its perimeter, beginning with the Shorecliffs Mobile Home Park, where six approved lots were not allowed to be sold individually due to slope instability. In the late 1980's and early 1990's, a head scarp developed in the slope below some homes on Via Amapola. Property owners filled in cracks with earth and the cracks reappeared. A lawsuit was eventually filed and settled (not related to the current Settlement Agreement).

Four lots at the end of the Via Bellota cul-de-sac could not be developed because of slope instability. In late 1998, the City's consulting geologist and City Engineer visited the Bellota cul-de-sac after receiving complaints from a Bellota homeowner about a crack developing in the street. Soils reports and grading plans for the original grading performed in the late 1970's mapped the smaller landslide on top of the larger, deeper landslide in the canyon. The crack in the street was located on a cut/fill transition line, indicating there may have been differential settlement.

As time passed, the land movement continued to accelerate. Some minimum grading work was performed to direct water runoff to the street from the four vacant lots at the end of the Via Bellota cul-de-sac. As the end of the street continued to subside, the City installed a small pump to pump water from the settling street up to the unaffected portion of the street so that water would drain to the next street. As the lots and street continued to subside, the pumping system failed. The three Bellota homes nearest the end of the cul-de-sac were red-tagged and are now in various states of disrepair.

### ***Court Settlement***

The lawsuit began when the first claims were filed in July 1999. As the litigation evolved, it ultimately included the following as parties: 1) approximately 40 homeowners (representing 20 properties) from Calle Guadalajara, Via Bellota, and Calle Amapola; 2) the Seaview Estates Homeowners Association; 3) the Coast Homeowners Association; 4) the Shorecliffs Mobile Homeowners Association; 5) The owners and lessees of the Shorecliffs Golf Course; 6) Craig Development; 7) Stephen and Pamela Johnson, and; 8) the City of San Clemente.



All parties recognized that if the subject case went to trial, regardless of who won, it is highly unlikely the landslide would actually be repaired. With this in mind, the parties attended multiple all-day mediation sessions attempting to reach a compromise settlement. The first step in the mediation process included the technical experts pooling their data and reaching a consensus regarding the type of repair that would be effective and affordable.

The second step in the mediation process was to identify funding sources for the repairs. A significant breakthrough in the settlement process occurred when the parties realized that by repairing the landslide, they were actually “creating value” by stabilizing/rebuilding the four vacant Via Bellota lots and the six mobile home lots that had sunk due to land movement in previous years. The parties ultimately agreed to add 14 new mobile home lots and use the sale of both the stabilized lots and new lots to fund the landslide repair. The Settlement Agreement created a limited liability company, Seaview Repair, LLC, to obtain all land use entitlements and perform all grading repair and drainage improvements. All parties to the Settlement Agreement are contributing financially.

When the repairs are completed and the lots sold, the net sales proceeds will be distributed according to a priority schedule outlined in the Settlement Agreement. It is anticipated that the City will recover enough money from the lot sales that its unreimbursed expenditures for the repair work will not exceed the expenditures the City would have incurred to litigate the case.

The settlement represents a unique opportunity to fix the canyon slopes with the agreement of all of the affected property owners (since they were all parties) and finance the repairs through the sale of “donated” land (since the current owners were willing to donate the landslide-damaged portion of their properties in exchange for repairs that will greatly enhance the value of the property they are retaining.)

## ANALYSIS

### *Project Description*

The 16.9-acre landslide repair project is generally located to the north of Calle Vallarta (The Coast), to the south of the Shorecliffs Mobil Home community and Via Amapola (Seaview Estates), to the west of Via Bellota and Calle Guadalajara (Seaview Estates), and to the east of the Shorecliffs golf course.

The landslide repair effort includes remediation of the failed canyon slopes, restabilization of existing lots (seven single-family lots on Via Bellota and 10 mobile home lots on Mira Adelante) and creation of 14 new mobile home lots on Mira Adelante. No homes are proposed to be developed with this project. Rather the lots on Via Bellota and Mira Adelante will be sold, with those funds serving as reimbursement to the City for repair funds fronted by the City (as discussed above).

Landslide Repair

As proposed in the lawsuit settlement agreement, the Via Bellota landslide repair includes installation of a canyon drain, demolition of three homes, remedial grading and other geotechnical work to stabilize the landslide and improve its factor of safety to the recognized industry standard of 1.5. The landslide stabilization work will allow the rebuilding of homes on three Via Bellota lots, the construction of homes on four existing lots at the end of Via Bellota that previously could not be developed because of geologic stability concerns, the sale and use of 10 existing Shorecliffs Mobile Home lots that are located on and adjacent to the landslide and the creation of 14 mobile home lots.

The grading plan calls for the movement of 485,500 cubic yards of soil during the remedial grading phase and construction of a landslide buttress at the westerly end of the canyon. Additional project grading to rebuild the slope and construct the mobile home lots will involve 83,500 cubic yards of cut and 151,350 cubic yards of fill. The project will require 67,850 cubic yards of fill.

Expansion of Shorecliffs Mobile Home Community

As is described in the Settlement Agreement, the Shorecliffs Mobile Home community is proposed to be expanded by twenty lots. Six lots were previously approved as part of the mobile home project but were not allowed to be sold separately, and were never developed, due to slope instability. The creation of 14 new lots is also proposed. All twenty lots are proposed to be located on an approximately 450-foot southward extension of Mira Adelante. (The proposed street extension and new lots have been staked in the field. The pink stakes indicate the boundary of the lots and the blue stakes indicate the boundary of the street extension.)

For drainage purposes, Mira Adelante will rise approximately 4.5 feet from the current terminus to the proposed terminus of the street. Pad elevations of surrounding homes can be identified on the TTM (see plans). Pads on Via Bellota are over 100 feet above the pads proposed for the new mobile home lots. Pads on Via Amapola are approximately 75 feet above the proposed pads for the new lots. Calle Vallarta runs more parallel to the canyon and the pad elevations on that street drop from lot-to-lot proportionally with the canyon. Pad elevations for the upper homes on Calle Vallarta, near the intersection of Calle Vallarta and Calle Guadalajara are over 100 feet above the proposed pads for the

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new lots. The pads located further down Calle Vallarta, those closest to the proposed new lots, range from 20 feet above, to approximately level with the proposed new lots. The new lots are proposed to be located as close as approximately 145 feet from the Calle Vallarta lots.

A landscape plan is required to be reviewed and approved prior to recordation of the final map. All replanting is proposed to be native. Coastal sage scrub is proposed to be replanted on-site (likely at a 2:1 ratio, in keeping with the County's Natural Communities Conservation Plan (NCCP) and State and Federal requirements. A defensive fuel modification zone is required by the Orange County Fire Authority. These criteria must be established and accounted for in the landscape plan prior to final tract map approval.

### ***General Plan/Zoning Amendment***

The General Plan and Zoning maps must be amended to allow the creation of 14 new mobile home lots. The area proposed to be rezoned is approximately 1.7 acres. However, as conditioned due to drainage and slope maintenance concerns, that area is proposed to be expanded to capture the slope area located between the proposed new mobile home lots and the Shorecliffs Golf Course.

The current General Plan designation of the area is Private Open Space (OS3). The Zoning designation is Private Open Space with an Inland Canyon overlay (OS3-IC). The subject private open space is proposed to be rezoned from OS3-IC to Medium Low Density residential, the General Plan and Zoning designation for the existing Shorecliffs Mobile Home lots. (See Attachment D.)

The proposed project does not have significant land use impacts in that the new lots are an expansion of an existing community and no existing community is divided as a result of the proposed project. The proposed amendment is internally consistent all portions of the General Plan which are not being amended.

### ***Tentative Tract Map***

The proposed TTM accommodates private ownership of 20 lots in the Shorecliffs Mobile Home community. As outlined in the Settlement Agreement and as conditioned in the attached resolution, the 20 lots are to be annexed into the Shorecliffs Mobile Homeowner's Association (SMHOA), including all provisions of that association's CC&Rs such as development standards and maintenance responsibilities.

## 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, with mitigation incorporated, the project would not result in any significant environmental impacts, and that a Mitigated Negative Declaration (MND) is warranted. Environmental Consultant Jones & Stokes was hired to prepare the MND, which was completed on May 22, 2006 and was advertised for public review on May 25, 2006. The required thirty day review period will end June 26, 2006. A copy of the draft MND is attached (Attachment E).

Potential environmental impacts were identified in the MND related to biological resources, cultural resources, hydrology/water quality, noise, air quality, geology/soils, and transportation/traffic. With mitigation, all potential impacts would be reduced to less than significant. A full analysis of each environmental category is provided in the MND, including all proposed mitigation measures. Every mitigation measure proposed in the MND has been incorporated as a project condition of approval.

## ALTERNATIVES/IMPLICATION OF ALTERNATIVES

1. The Planning Commission can concur with staff and recommend that the City Council approve GPA 06-075/ZA 06-076/TTM 17049.

This action would result, pending Council concurrence, in the amending of the General Plan and Zoning maps, the creation of 14 new mobile home lots and the stabilization/restoration of seven lots on Via Bellota and six mobile home lots on Via Adelante, all in conjunction with the landslide repair and all in accordance with the subject Settlement Agreement.

2. The Planning Commission can, at its discretion, recommend the City Council 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 06-075/ZA 06-076/TTM 17049.

This action would result, pending Council concurrence, in the General Plan and Zoning maps not being amended, the new 14 mobile home lots not being created, and the seven existing Via Bellota lots and 10 existing Mira Adelante lots not being restored. The landslide would not be repaired and the pending lawsuit would likely go to trial.

**CONCLUSION**

The subject request is the result of a Settlement Agreement entered into by the City Council. It represents a repair solution for a landslide that otherwise would likely never be repaired. The settlement agreement recognizes that a GPA and ZA would be required. All parties to the Settlement Agreement are contributing financially to the landslide repair. A Mitigated Negative Declaration has been prepared demonstrating that with mitigation, all environmental impacts associated with the project will be less than significant. For these reasons, staff supports the request as proposed.

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission recommend that the City Council approve GPA 06-075/ZA 06-076/TTM 17049, to amend the City's General Plan and Zoning maps to reflect the conversion of approximately 1.7 acres of private open space to residential, to accommodate an expansion of the Shorecliffs Mobile Home community, all in conjunction with a landslide repair effort and all in accordance with the subject Settlement Agreement.



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: July 25, 2006

Dept. Head
Attorney
Finance

Department: Planning Division
Prepared By: Larry Longenecker, Senior Planner

Subject: GENERAL PLAN AMENDMENT (GPA) 06-075/ZONING AMENDMENT (ZA) 06-076/TENTATIVE TRACT MAP (TTM) 17049, BELLOTA LANDSLIDE REPAIR AND SHORECLIFFS MOBILE HOME EXPANSION

Summary: This is a request to amend the City's General Plan and Zoning maps to reflect the conversion of approximately 1.5 acres of private open space for residential development, to accommodate an expansion of the Shorecliffs mobile home community, in accordance with a settlement agreement (see Attachment 8) accepted by the City Council in September, 2005 to repair a canyon landslide that occurred between 1998 and 2001. The approximately 16.9-acre landslide repair area is generally located north of Calle Vallarta (The Coast), south of the Shorecliffs mobile home community and Via Amapola (Seaview Estates), west of Via Bellota and Calle Guadalajara (Seaview Estates), and east of the Shorecliffs golf course (see Attachment 3, Vicinity Map).

The landslide repair effort includes remediation of the failed canyon slopes, stabilization of existing residential lots (seven single-family lots on Via Bellota and 10 mobile home lots on Mira Adelante) and creation of 14 new mobile home lots on an extension of Mira Adelante (see Attachment 4, Site Plan). No homes are proposed to be developed with this project. Rather the lots on Via Bellota and Mira Adelante will be sold, with those funds serving as reimbursement to the City for repair funds fronted by the City.

A Mitigated Negative Declaration (MND, see Attachment 7) was prepared for the project by environmental consultants Jones & Stokes. The MND and was circulated for public review between May 25, 2006 and June 26, 2006 and no comments were received from the public. All mitigation measures identified in the Mitigated Negative Declaration have been incorporated as project conditions of approval.

The Planning Commission considered the proposal on June 21, 2006, and unanimously recommended that the City Council approve the request (see Attachment 5, Planning Commission meeting minutes). A detailed project description and analysis is provided in the attached June 21, 2006 Planning Commission staff report (see Attachment 6).

Recommended

Action: PLANNING COMMISSION RECOMMENDS THAT the City Council adopt the Mitigated Negative Declaration and approve GPA 06-075/TTM 17049 in accordance with the attached resolution, with conditions of approval and approve ZA 06-076 in accordance with the attached ordinance.

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**Fiscal Impact:** There are no fiscal impacts related to the subject applications. Fiscal impacts related to the landslide repair project are as described in the Settlement Agreement (Attachment 8).

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