



# STAFF REPORT

## SAN CLEMENTE PLANNING COMMISSION

Date: June 9, 2015

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**PLANNER:** John Ciampa, Associate Planner

**SUBJECT:** **Coastal Land Use Plan for the City's Local Coastal Program**

Public Hearing to consider a request for the Planning Commission to review and make a recommendation of approval to the City Council for the adoption of the City's updated Land Use Plan for the City's Local Coastal Program.

### **BACKGROUND**

On May 12, 2015, the Planning Commission reviewed Chapters 1-4 of the draft Coastal Land Use Plan (LUP) and provided comments to staff. On May 14, 2015, staff presented the updated Chapter 4 - Marine and Land Resources to the Coastal Advisory Committee (CAC) so they could review and provide comments on the new policies developed from the biological inventory. The CAC was supportive of the new policies and provided the following recommendations to staff:

- Modify the maps and references of "Potential ESHA Habitat" to "Potential Habitat Study Area."
- Identify all of the beach area as Potential Habitat Study Area.
- Identify the location of the Vernal Pool on 4-1a.
- Provide notification to realtors and property owners on coastal canyon or bluff lots of the restrictions associated with their lots.
- Consider fencing off areas of beach sand as habitat restoration for the benefit of birds and plants.

Staff agreed with all of the recommendations from the CAC and incorporated their comments into the draft with one exception. Staff was not supportive of identifying all of the beach area as Potential ESHA and fencing off areas of beach sand as habitat restoration because of the impacts to the already limited beach area and the designation could trigger unnecessary review for temporary events held on the beach. Providing notification to coastal canyon and bluff property owners on the restrictions for their lots was also brought up at the Planning Commission and is a beneficial tool that will be implemented with the certification of the LCP. The minutes from the CAC meeting are provided as Attachment 10.

After the May12th Planning Commission meeting staff received comments from the Coastal Commission on the chapters 4-7. The majority of the comments were related to edits to existing policies to provide additional detail and clarification. An analysis of the comments are provided later in the report. To assist the Planning Commission in the review of the revised draft staff highlighted, underlined, and strikethrough the edited text so that it will be easily to identify.

Staff is requesting the Planning Commission review and comment on the revised sections of Chapter 4 and Chapters 5-7 in the draft LUP.

## **ANALYSIS**

### ***Chapter 4 - ESHA, Wetlands, and Water Quality Policies***

The Coastal Commission staff provided additional comments to staff on May 22, 2015, that specifically addressed ESHA (Environmentally Sensitive Habitat Area), wetlands, and water quality. The majority of the comments were specifically related to providing additional clarification or consistency with new Coastal Commission policies and standards. The majority of the edits were to the Wetlands policies RES-35 through RES-39. Staff was supportive of the recommended edits, with the exception of the request that policy RES-3 require a buffer of 100 feet for all ESHA when the Biological Inventory calls for different buffers depending on the type of ESHA.

Coastal Commission staff also provided comments on the water quality policies to ensure the highest level of water quality protection for new and redevelopment projects. Staff reviewed the policies with the City's Environmental Engineering division to address the comments. Staff is supportive of the policy recommendations and has incorporated them in policies RES-48 and RES-68.

Coastal Commission staff recommended policy RES-68 that states water quality features, such as detention basins will not be subject to wetland policies where there is evidence that wetlands or natural drainages did not historically exist. This recommended policy addresses a Planning Commission concern related to wetlands that did not historically exist.

### ***Chapter 5 Hazards***

Staff is supportive of the majority of the comments and have incorporated them into the latest draft. The comments were primarily related to the organization of the policies and editing existing policies for more clarification and consistency. Staff has concerns with a request to prohibiting new critical or sensitive infrastructure and uses (i.e., major sewer lines, treatment plants, etc. that involve significant public funding and are typically designed to have a long lifespan) within hazard areas. Staff drafted policy HAZ-16 to address their comment and provide the City flexibility to evaluate if there is a cost effective and practical alternative within hazard areas to relocated sensitive infrastructure.

### ***Chapter 6 Visual, Historic, and Cultural Resources***

The majority of the Chapter 6 comments are related to providing additional clarification or the consolidation of policies, which staff supports. The revised draft reflects the comments provided by the Coastal Commission staff.

***Chapter 7 Definitions***

The Coastal Commission requested several definitions to provide for more clarity on the terms used throughout the report. The additional definitions are taken from the Coastal Act Glossary and mirror Coastal Commissions approved definitions in the City of Newport Beach LUP.

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission provide any additional comments to staff to provide a revised draft LUP for a recommendation of approval to the City Council.

**Attachments:**

1. [Resolution](#)
2. [Draft LUP Chapters 1-7](#) (updated)
3. [Appendix - Biological Inventory](#) (Provided in May 12, 2015 Packet)
4. [Appendix – Beach Amenities](#) (Provided in May 12, 2015 Packet)
5. [Appendix – Overnight Accommodations Maps](#) (Provided in May 12, 2015 Packet)
6. [Appendix – Affordable Overnight Accommodations Analysis](#) (Updated)
7. [Planning Commission Minutes April 22 and May 12](#)
8. [BPRC Minutes January 13, 2015](#) (Provided in May 12, 2015 Packet)
9. [CAC Minutes January 8 and May 14, 2015](#)
10. [Public Comment](#) (New Comments Added Since May 12, 2015)