



STAFF REPORT

SAN CLEMENTE PLANNING COMMISSION

Date: June 24, 2015

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, and June 9, 2015, the Planning Commission reviewed the draft Coastal Land Use Plan (LUP) and provided comments to staff. The majority of the comments were minor edits that are incorporated into the current draft LUP as blue highlighted text. The Analysis section of the report provides an explanation to the Planning Commission's more significant questions that were posed to staff at the June 9th public hearing.

ANALYSIS

Chapter 3 – Public Access and Recreation

When reviewing Chapter 5 the Planning Commission wanted to ensure the LUP allowed for the maintenance and new construction of stairs down revetment to provide access to the beach. The policies related to allowing the maintenance and the establishment of new stairs down the revetment are identified in Chapter 3 and are covered under policies PUB-55, 56, 57, 92, 94.

Chapter 4 – Marine and Land Resources

The Planning Commission requested staff determine if reduced buffers less than 50 feet could be achieved for areas where Environmentally Sensitive Habitat Areas (ESHA) or wetlands are disturbed. There have been cases in the past where the Coastal Commission have allowed buffers from ESHA and wetlands that are less than 50 feet and the Planning Commission wanted to ensure it would still be possible to have reduced buffers in the future. Staff discussed this issue with the consultant team and determined it is best to not identify the minimum buffer in the policy and allow the project biologist to evaluate the circumstances of the site and the integrity of the ESHA to determine the appropriate buffer. Eliminating the minimum buffer allows for more flexibility to establish an appropriate buffer and not be limited to 50 feet. The modifications are reflected on policies RES-3 and RES-36.

Chapter 5 – Hazards and Shoreline/Bluff/Canyon Development

At the June 9th Planning Commission meeting there were a number of topics that needed additional clarification in Chapter 5. An explanation of the issues includes the following:

Hazard Development - Concern was raised on policy HAZ-7 and the question was raised whether it should be modified because development should not be allowed in hazard areas. The policy is written to only allow development if a certain factor of safety can be achieved to ensure there is no risk of health and safety, in essence mitigating the hazard. If the development can not meet the required factor of safety it would not be buildable. New developments must also comply with HAZ-11, 14, 28, 46, 47 to ensure sites are buildable and not a risk to health and safety.

Maintenance of Shoreline/Bluff/Canyon Protection Devices – The Planning Commission wanted to ensure that protective devices that are visible to the public are maintained. The Coastal Commission requires a Coastal Development Permit (CDP) for the maintenance of protective devices (HAZ-27, 28, 29, 30). These required polices limit the City's ability to require property owners to maintain the structural elements of protective devices. Policy HAZ-34 Design of Bluff and Shoreline Retention Devices, ensures the aesthetics and screening plant material for the protective devices are maintained to blend in with the surrounding area and appear natural.

Lots in Coastal Canyons or Adjacent to Canyon Edges – The Planning Commission requested clarification on how the City will deal with lots that are completely in coastal canyons or adjacent to canyon edges. Policy HAZ-45 Minimum Coastal Canyon Development addresses these types of situations. To allow the development of canyon lots the site must also comply with HAZ-47 to ensure development on the property would not be a risk to life or safety. The framework to determine the appropriate development standards for the lot would be identified in the IP. The review of these projects would be similar to a Variance and would result in site specific setbacks.

Chapter 6 – Visual and Historic Resources

To address the Planning Commission's concerns with potential impacts to Public View Corridors policies VIS-28 Fences and VIS-29 Staging Areas were drafted with the input provided. The policies fulfill the intent of the Planning Commission to ensure that fences and staging areas are evaluated to not impact Public View Corridors. The Public View Corridors and Scenic View Corridor references in Chapter 6 and the definitions in Chapter 7 were edited to ensure consistency with the General Plan definitions.

Chapter 7 – Definitions

Additional definitions were added to Chapter 7 to provide clarification for terms like bluff face, bluff edge, and canyon edge, to provide clarity for the terms in the LUP. Additional terms used in the LUP have been added to the Chapter 7 to provide more clarity throughout the

LUP. The definitions were taken from the City's General Plan, Coastal Act Glossary, or 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
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 (*Provided in June 9, 2015 Packet*)
7. Planning Commission Report (*June 9, 2015*)
8. Planning Commission Minutes (*June 9, 2015*)
9. BPRC Minutes January 13, 2015 (*Provided in June 9, 2015 Packet*)
10. CAC Minutes January 8, and May 14, 2015 (*Provided in June 9, 2015 Packet*)
11. Public Comment *Provided June 9, 2015*