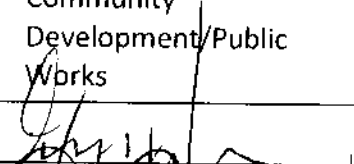




POLICY AND PROCEDURE

Subject: California Coastal Commission Emergency Permits for Coastal Bluff and Canyon Stabilizations	Index: Land Use Planning & Development
	Number: 305-1-1
Effective Date: Immediately - Policy signed on March 1, 2011	Prepared By: Community Development/Public Works
Supersedes: None	Approved By: 

1.0 PURPOSE:

The purpose of this policy is to protect the public's health, safety and welfare by establishing a systematic and expeditious process for City conceptual approval for the California Coastal Commission's issuance of emergency permits related to coastal bluff and canyon stabilization.

2.0 ORGANIZATIONS AFFECTED:

City of San Clemente
California Coastal Commission

3.0 REFERENCES:

California Coastal Commission Regulations Subchapter 4 (Permits for an Approval of Emergency Work).

San Clemente Zoning Ordinance, Section 17.56.050 (Coastal Zone Overlay District).

4.0 POLICY:

To protect the public's health, safety and welfare, it is the policy of the City of San Clemente that emergency permits necessary to stabilize coastal bluffs and canyons shall be processed according to the Procedures set forth in this Policy and Procedure.

5.0 DEFINITIONS:

5.1 Emergency (California Coastal Commission Regulations): The California Coastal Regulations define an "Emergency" as a sudden unexpected occurrence

demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public service. (§13009 of the California Coastal Commission Regulations).

6.0 PROCEDURE:

6.1 Process for Property Owners Seeking California Coastal Commission Emergency Permits: The following three-step process shall be followed by property owners seeking emergency permits for projects to stabilize coastal bluffs and canyons:

Step One: City Conceptual Permit Approval.

Step Two: California Coastal Commission Emergency Permit.

Step Three: City Building and/or Grading Permits.

6.2 Step One: Per Section 17.56.050 of the San Clemente Zoning Ordinance, in order for a project that alters a coastal landform to qualify for conceptual approval by the City, the project must meet one of the following findings:

- Alterations to a coastal bluff, canyon or cliff are required for compelling reasons of public safety (e.g., grading work necessary for stabilization of the coastal bluffs adjacent to the Pacific Coast Highway which, without stabilization, would threaten life and property); or
- Alterations are required to provide a significant overriding coastal public benefit (e.g., staircases or access ways to provide beach access for the public where none previously existed).

The following requirements apply when landform alterations are permitted. (Note: The requirements set forth below are paraphrased. Refer to the Zoning Ordinance for exact requirements.)

- Landform alterations shall minimize grading to the maximum extent feasible.
- The stabilization method used shall be visibly compatible with the natural bluff face (e.g., landform grading or artificial sculpted bluff face that matches the natural bluff, etc.).
- A drought-tolerant and indigenous plant palette and efficient irrigation shall be utilized that minimize water consumption, fertilization, and that visually relate development to existing natural landscapes.
- Grading shall not alter the biological integrity of sensitive habitat areas unless it is replaced with habitat of equal or greater value.
- Sediment control measures shall be implemented.

If deemed necessary by the Building Official or City Engineer, engineering plans and/or soils reports shall be submitted for review and approval, along with plan check fees to the Building/Engineering Division(s).

City concept approvals shall be executed by the City Manager before being forwarded by the property owner/project applicant to the California Coastal Commission for emergency permit consideration. Conceptual review fees shall be submitted to the Planning Division.

- 6.3 Step Two: The property owner prepares and submits an application for an Emergency Coastal Development Permit to the California Coastal Commission per Subchapter 4, "Permits for an Approval of Emergency Work" of the Coastal Commission Regulations.
- 6.4 Step Three: After the California Coastal Commission issues an Emergency Coastal Permit, City shall verify the project still conforms to the requirements of the City Zoning Ordinance and conceptual permit approvals (outlined in Step One) and the California Coastal Commission's Emergency Permit (the subject of Step Two). Technical and structural details that do not conflict with the approvals of the Zoning Ordinance or Coastal Commission Emergency Permits may be handled administratively through the Building and/or Engineering Division's permit process. All appropriate City and other regulatory approvals shall be obtained prior to the City issuing permits to perform the work.
- 6.5 Exceptions: In accordance with Section 17.56.050 D7 of the San Clemente Zoning Ordinance, if a true emergency exists, pursuant to the City definition of "Emergency", and it is necessary that the City act quickly in order to protect and prevent imminent danger to persons or property, exceptions to the Coastal Zone Overlay Standards can be approved and executed by the City Manager, without a Zoning Ordinance Variance, provided all of the following conditions apply:
- The exception is for an addition to an existing structure.
 - The exception has been approved by the California Coastal Commission.
 - The City has no objection to the exception.

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