

CALIFORNIA COASTAL COMMISSION

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February 14, 2018

City of San Clemente
Cecilia Gallardo-Daly, Community Development Director
910 Calle Negocio, Suite 100
San Clemente, CA 92673

VIA E-MAIL

Re: City of San Clemente Comprehensive LUP Update (LCP-5-SCL-16-0012-1)

Dear Ms. Gallardo-Daly:

You are hereby notified that the California Coastal Commission, at its February 8, 2018 meeting in Cambria, approved the City of San Clemente Comprehensive Land Use Plan (LUP) Update (LCP-5-SCL-16-0012-1) with suggested modifications. Thus, this 2018 LUP will become final once:

- 1) the City of San Clemente City Council adopts the Commission's suggested modifications,
- 2) the City of San Clemente City Council forwards the adopted suggested modifications to the Commission by Resolution, and,
- 3) the Executive Director certifies that the City has complied with the Commission's February 8, 2018 action.

The Coastal Act requires that the City's adoption of the suggested modifications be completed within six (6) months of the Commission's action. Pursuant to the Commission's action on February 8, 2018, certification of LCP-5-SCL-16-0012-1 is subject to the attached Suggested Modifications (Attachment "A").

Thank you for your cooperation and we look forward to working with you and your staff in the future. Please contact Liliana Roman or myself at (562) 590-5071 if you have any questions regarding the modifications required for effective certification of City of San Clemente 2018 LUP.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl Schwing'.

Karl Schwing
Coastal Program Manager

Attachment: Attachment "A" Suggested Modifications

cc: Amber Gregg, Senior Planner (via e-mail)
Leslea Meyerhoff, Summit Planning (via e-mail)

Attachment “A” Suggested Modifications

CITY OF SAN CLEMENTE

LOCAL COASTAL PROGRAM

LAND USE PLAN



February 2, 2016

LOCAL COASTAL PROGRAM

LAND USE PLAN



CITY OF SAN CLEMENTE

Community Development Department
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TABLE OF CONTENTS

CHAPTER 1: Introduction

- 1.1 The Coastal Act
- 1.2 Local Coastal Program
 - 1.2.1 Local Coastal Program Components
 - 1.2.2 General Goals and Objectives
 - 1.2.3 Coastal Development Permit Authority
- 1.3 How to Use This Plan

CHAPTER 2: Land Use

- 2.1. Introduction
- 2.2. Coastal Act Policies
- 2.3. Land Use Designations
 - 2.3.1. Land Use Designations
 - 2.3.2. City Overlays
 - 2.3.3. Focus Areas and Marblehead Coastal Plan Area
- 2.4. Land Use and New Development Policies
 - 2.4.1. Residential Development Policy
 - 2.4.2. Commercial Development Policy
 - 2.4.3. Mixed Use Development Policies
 - 2.4.4. Industrial Development Policies
 - 2.4.5. Open Space Development Policies
 - 2.4.6. Public Development Policies
 - 2.4.7. Visitor Serving Land Use Development Policies
 - 2.4.8. Conservation and Sustainability
 - 2.4.9. Focus Areas and Marblehead Coastal Area

CHAPTER 3: Public Access and Recreation

- 3.1. Introduction
 - 3.1.1. Mobility
 - 3.1.2. Shoreline Access
 - 3.1.3. California Coastal Trail
 - 3.1.4. Recreational Opportunities and Amenities
- 3.2. Coastal Act Policies
- 3.3. Goals & Policies
 - 3.3.1. Mobility
 - 3.3.2. Shoreline Access
 - 3.3.3. California Coastal Trail

Suggested Modification to update Chapter Sections, Subsections, and renumber Figures to reflect suggested modifications throughout the document.

3.3.4. Recreational Opportunities and Amenities

CHAPTER 4: Marine and Land Resources

- 4.1. Introduction
 - 4.1.1. Environmentally Sensitive Habitat Areas
 - 4.1.2. Marine Environment
 - 4.1.3. Water Quality
 - 4.1.4. Coastal Canyons and Bluffs
- 4.2. Coastal Act Policies
- 4.3. Goals & Policies
 - 4.3.1. Environmentally Sensitive Habitat Areas
 - 4.3.2. Marine Resources
 - 4.3.3. Wetlands
 - 4.3.4. Water Quality
 - 4.3.5. Other Biological Resources

CHAPTER 5: Hazards & Shoreline/Bluff/Canyon Development

- 5.1. Introduction
 - 5.1.1. Coastal Bluffs and Coastal Canyons
- 5.2. Coastal Act Policies
- 5.3. Goals & Policies
 - 5.3.1. Coastal Bluff and Shoreline Development
 - 5.3.2. Coastal Canyon Development
 - 5.3.3. Hazard Area Development
 - 5.3.4. Sand Replenishment/Beach Management
 - 5.3.5. Sea Level Rise
 - 5.3.6. Development in Flood Hazard Areas
 - 5.3.7. Emergency CDP Actions

CHAPTER 6: Visual and Historic Resources

- 6.1. Introduction
 - 6.1.1. Historic and Cultural Resources
 - 6.1.2. Community Character
 - 6.1.3. Bulk and Height Limits
 - 6.1.4. Paleontological and Archaeological Resources
- 6.2. Coastal Act Policies
- 6.3. Goals & Policies
 - 6.3.1. Viewpoints & Scenic Corridors
 - 6.3.2. Historic and Cultural Resources

CHAPTER 7: Definitions

LIST OF TABLES

Table 1-1: Land Use Plan Organization Matrix

Table 2-1: Coastal Land Use Designations

Table 2-2: Hotels, Motels and Inns within the Coastal Zone

Table 3-1: Beach Access, Amenities, and Parking

LIST OF FIGURES

Figure 1-1: Coastal Zone Boundaries

Figures 2-1a-d: Coastal Land Use Map

Figures 2-1e-f: Land Use Coastal Zone Overlays

Figure 2-2: Focus Area Locations Map

Figure 3-1: Road, Bus, and Rail Routes

Figure 3-2: Bike and Pedestrian Trails

Figure 3-3: Coastal Access Points

Figure 3-4: Poche

Figure 3-5: North Beach

Figure 3-6: Dije Court

Figure 3-7: El Portal

Figure 3-8: Mariposa

Figure 3-9: Linda Lane Park

Figure 3-10: Corto Park

Figure 3-11: Municipal Pier

Figure 3-12: Trafalgar Canyon

Figure 3-13: T-Street

Figure 3-14: Boca Del Canon
Figure 3-15: Lost Winds
Figure 3-16: Riviera
Figure 3-17: Montalvo
Figure 3-18: Avenida Calafia
Figure 3-19: San Clemente State Beach
Figure 3-20: Avenida de las Palmeras
Figure 3-21: Calle Ariana
Figure 3-22: Pochè Public and Private Beach Areas
Figure 4-1: Coastal Canyons General Location Map
Figure 4-2a-d: Potential Habitat Study Areas
Figure 4-3: Coastal Reefs
Figure 4-4: Watershed and Outfall Locations
Figure 6-1: Public View Corridors
Figure 6-2: Scenic Roadway Corridors
Figure 7-1: Coastal Canyon and Bluff Graphic

APPENDICES

Appendix A: Biological Inventory
Appendix B: Beach Amenities
Appendix C: Overnight Accommodations Maps
Appendix D: Affordable Overnight Accommodations Analysis

Plain Text and Plain Bold Text Heading = City proposed LUP language

Underlined Text = CCC Suggested Modification, Inserted Language

~~Strikeout Text~~ = CCC Suggested Modification, Deleted Language

CHAPTER 1: INTRODUCTION

San Clemente's coastline provides many benefits. It is the main influence on the community's identity and beach culture, it creates a desirable climate and living environment, it provides stunning scenery and recreational opportunities, it attracts tourists and businesses, and provides diverse marine and shore habitats that are home to many plant and animal species. San Clemente is unique as it is one of the last small town beach communities in southern California. Coastline protection and land use often involve competing interests and needs. These interests must be carefully balanced to ensure long-term protection of San Clemente's unique coastal resources and character.

1.1 The Coastal Act

In October 1972, the United States Congress passed Title 16 U.S.C. 1451-1464, which established a federal coastal zone management policy and created a federal coastal zone. By that legislation, the Congress declared a national interest in the effective management, beneficial use, protection and development of the coastal zone in order to balance the nation's natural, environmental and aesthetic resource needs with commercial-economic growth. The Congress found and declared that it was a national policy "to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and aesthetic values as well as to the need for economic development (16 U.S.C. 1452b)". As a result of that federal enactment, coastal states were provided a policy and source of funding for the implementation of federal goals.

The California Coastal Zone Conservation Act of 1972 (Proposition 20) was a temporary measure passed by the voters of the State as a ballot initiative. It set up temporary regional coastal commissions with permit authority and a directive to prepare a comprehensive coastal plan. The coastal commissions under Proposition 20 lacked the authority to implement the Coastal Plan but were required to submit the Plan to the legislature for "adoption and implementation".

The California Coastal Act of 1976 is the enacting law approved by the State Legislature which succeeds the California Coastal Zone Conservation Act of 1972. The Coastal Act established a State Commission and multiple regional commissions (though these regional commissions have since been abolished) to provide for comprehensive regulation and planning of responsible development along the entirety of the California coast ~~a different set of policies, a different boundary line, and different permitting procedures than Proposition 20~~. Further, it provides for the transfer of permitting authority, form ~~with certain limitations reserved~~ for the State to local

governments upon through adoption and certification of a Local Coastal Program by the local government and certification thereof by the California Coastal Commission.

1.2 Local Coastal Program

Land use planning and development standards in the City of San Clemente's coastal zone are governed by this Local Coastal Program (LCP), which in turn must be consistent with the policies and standards found within the California Coastal Act of 1976 as amended and contained in the California Public Resources Code (Section 30000 et seq.). The Coastal Act directs "[each] local government lying, in whole or in part, within the coastal zone" to prepare an Local Coastal Program (LCP) for its portion of the California coastal zone (Public Resources Code Section 30500(a)).

The purpose of the LCP is to carry out the resource protection policies of the California Coastal Act of 1976 within the City of San Clemente. The LCP is a comprehensive long-term planning blueprint governing development in the City of San Clemente's coastal zone. The coastal zone is a distinct geographic area of land and water defined by the California Coastal Act that extends along the coastline. The approximate boundaries of the City's coastal zone are depicted in Figure 1-1, Coastal Zone Boundaries. "Development" includes construction of physical improvements, as well as changes in the use of land or water, as specifically defined within Chapter 7 (Definitions) herein. Any activity that meets the definition of development within the coastal zone requires a Coastal Development Permit unless the development is categorically excluded, exempt, or permit requirements are waived under this LCP.

1.2.1 Local Coastal Program Components

An LCP is defined as "a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions which when taken together meet the requirements of and implement the provisions and policies of [the Coastal Act] at the local level." (PRC Public Resources Code Section 30108.6) A Land Use Plan (LUP) is defined as "the relevant portion of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies, and where necessary, a listing of implementing actions." (PRC Public Resources Code Section 30108.5). "Implementing actions" means "the ordinances, regulations, or programs which implement either the provisions of the certified local coastal program or the policies of [the Coastal Act] and which are submitted pursuant to Section 30502." (PRC Public Resources Code Section 30108.4) Zoning ordinances, zoning district maps and other implementing actions (Implementation Program) are required to conform with, and be adequate to carry out provisions of the LUP.

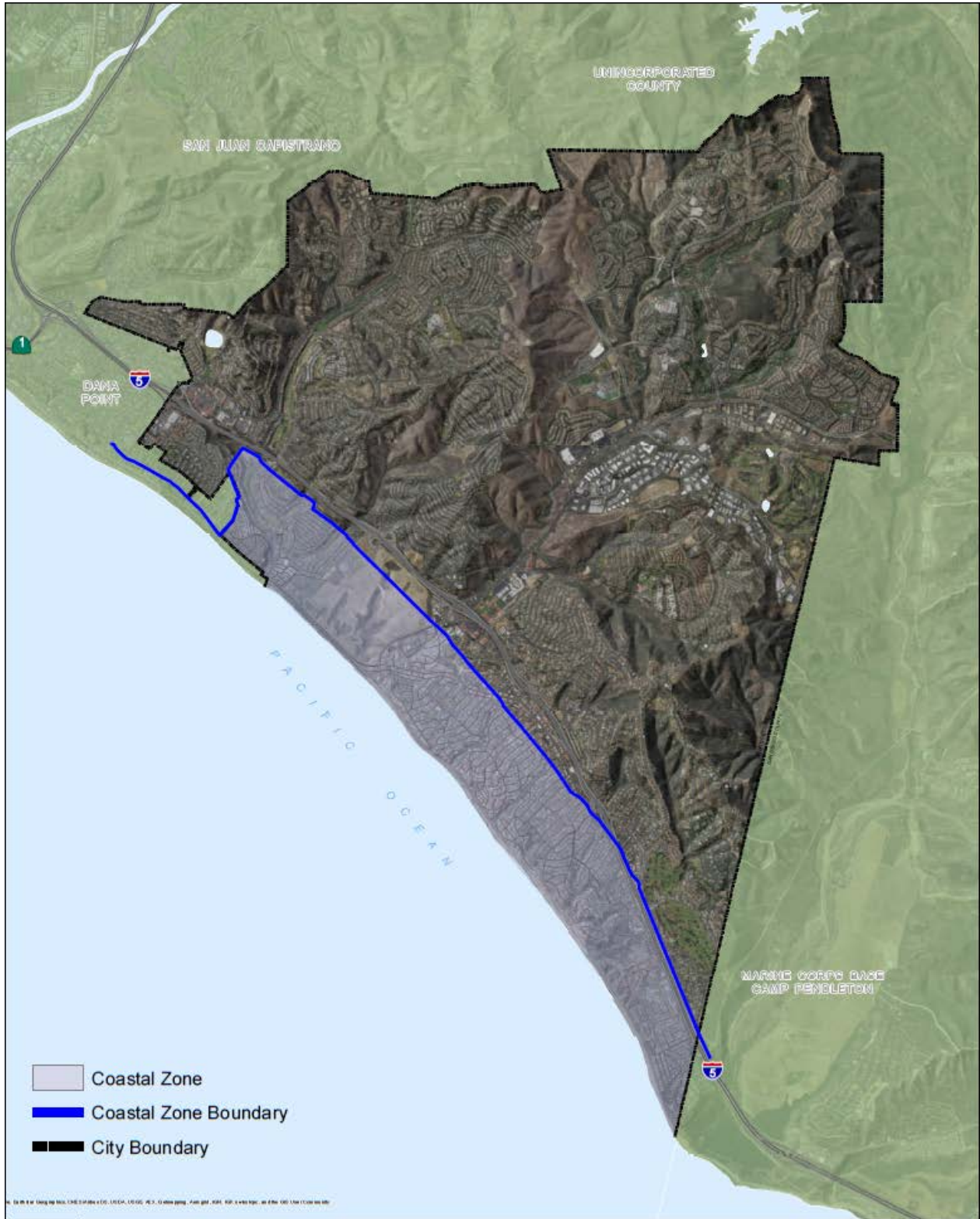


Figure 1-1
COASTAL ZONE BOUNDARIES



As required by the Coastal Act, the City of San Clemente's LCP is comprised of a Land Use Plan (LUP), an Implementation Program (IP), accompanying land use and zoning maps, and, where necessary, other implementing actions. More specifically, the City's LUP consists of Chapters 1 ~~through~~ ~~through~~ 7, all appendices, and land use maps. The LUP contains written policies that indicate which land uses are appropriate in the various parts of the Coastal Zone. The LUP policies and programs also guide how natural resources shall be protected when land is developed, how public access to the coast shall be preserved, and how other coastal resources shall be maintained and enhanced. The City's IP consists of the zoning ordinances specific to the coastal zone and the zoning maps for the coastal zone. The IP plays a central role in carrying out the policies and programs of the LUP and contains specific requirements that apply to development projects, as well as detailed procedures for applicants to follow in order to obtain a Coastal Development Permit (CDP).

Any valid CDP and/or entitlement agreements that were granted prior to the certification of the LCP will remain in full force and effect. Any amendments requests to amend CDPs that predate the certification of the LCP will be reviewed by the California Coastal Commission (CCC) for consistency with the certified LCP.

The City's LUP was certified by the CCC in May 1988, and updated in October 1995 to maintain consistency with the City's 1993 General Plan. In 1996, a draft IP was prepared and submitted to CCC for review; however, the IP review process was never completed. This LUP will replace all provisions of the previously certified 1988 LUP.

1.2.2 General Goals and Objectives

~~In order to provide a Local Coastal Program (LCP) which conforms to the Coastal Act of 1976 (PRC Section 30001.5), the overriding goals of the City of San Clemente LCP shall be to:~~

- ~~1. Protect, maintain and, where feasible, restore and enhance the Coastal Zone's natural and manmade resources;~~
- ~~2. Ensure orderly, balanced conservation and utilization of Coastal Zone resources, taking into account the social and economic needs of the people of the state;~~
- ~~3. Maximize public access to and along the coast and public recreational opportunities in the Coastal Zone, consistent with best resource conservation principles and practices, and with constitutionally protected rights of private property owners;~~
- ~~4. Ensure that coastal-dependent and coastal-related development have land use priority over other types of coastal development; and~~

- ~~5. Coordinate with state and local agencies, and to encourage beneficial public uses, including educational uses, in the Coastal Zone.~~

~~The following standards shall be applied by the City to achieve the goals and objectives of the Coastal Act in applying the policies of this LUP:~~

~~(1) The policies of Chapter 3 of the Coastal Act (PRC Sections 30200 – 30263) shall be the guiding policies of the LUP.~~

~~(2) Where conflicts occur between the policies contained in the LUP and those contained in any element of the City's General Plan, zoning or any other ordinance, the policies of the LUP shall take precedence in the Coastal Zone.~~

~~(3) Prior to approval of any Coastal Development Permit, the City shall make the finding that the development conforms to the policies and requirements contained in the LUP.~~

1.2.32 Coastal Development Permit Authority

After LCP certification, permit authority over most new development proposed within the City's coastal zone will transfer from the California Coastal Commission (CCC) to the City of San Clemente, which applies the requirements of the LCP in reviewing proposed new development. The CCC retains permanent coastal permit jurisdiction over development proposed on tidelands, submerged lands, and public trust lands (PRC Public Resources Code Section 30519(b)). Any amendments to the certified LCP will require review and approval of the CCC prior to becoming effective.

Any valid Coastal Development Permit (CDP) and/or entitlement agreements that were granted by the CCC prior to the certification of the LCP will remain in full force and effect. Any requests to amend CDPs that predate the certification of the LCP will be reviewed by the CCC for consistency with the certified LCP. However, new development proposed on a parcel for which a valid CDP has already been issued by the CCC may also warrant a new, separate CDP issued by the City under this LCP. This determination is fact-specific.

In addition, certain types of development and development within certain geographic areas approved by the City after certification of the LCP are appealable to the CCC (PRC Section 30603(a)). Appealable development includes:

1. Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.

2. Developments approved by the local government not included in paragraph (1) that are located on tidelands, submerged lands, and public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
3. Developments approved by the local government not included with paragraph (1) or (2) that are located in a sensitive coastal resource area.
4. Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 of the Coastal Act (commencing with Section 30500).
5. Any development which constitutes a major public works project or a major energy facility.

The grounds for an appeal of an approval of a permit are limited to an allegation that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. In addition, the grounds for an appeal of a denial of a permit for a major public works project or major energy facility referenced in ~~number~~ paragraph five above are limited to an allegation that the development conforms to the standards set forth in the certified LCP and the public access policies of the Coastal Act. (Public Resources Code Section 30603(b).)

Severability Clause:

If any policy, chapter, section, subsection, paragraph, sentence, clause, phrase or other portion of the LUP is for any reason held to be invalid or unenforceable by a court, such decision shall not affect the validity of the remaining portions of the LUP.

1.3 How to Use This Land Use Plan

The Land Use Plan (LUP) contains goals, policies, and implementing actions for specific coastal land uses contained in the Plan or LUP. The Coastal Act contains coastal resources planning and management policies that address public access, recreation, marine environment, land resources, development, and industrial development with which the following LUP must be consistent. In turn, the The Coastal LUP addresses these topics under the following chapters:

Table 1-1: Local Coastal Program (LCP) Land Use Plan (LUP) Organization Matrix

<u>Chapter/Title / Topic</u>	<u>Section and Page</u>	<u>Coastal Act Reference</u>
<u>Chapter 1 - Introduction</u>	<u>Chapter 4</u>	Sections 30000-30012

<u>Chapter/Title /Topic</u>	<u>Section and Page</u>	<u>Coastal Act Reference</u>
<u>Chapter 2 - Land Use</u>	<u>Chapter 2</u>	Section 30213, 30220, 30221, 30222, 30223, 30250, 30252, 30253, 30255, 30260
<u>Chapter 3 - Public Access and Recreation</u>	<u>Chapter 3</u>	Section 30210, 30211, 30212, 30212.5, <u>30213</u> , 30214, 30220, <u>30221</u> , 30222, <u>30222.5</u> , <u>30223</u> , 30224, 30255
<u>Chapter 4 - Marine and Land Resources</u>	<u>Chapter 4</u>	Section 30230, 30231, 30233, 30235, 30236 30240, 30107.5
<u>Chapter 5 - Hazards & and Shoreline/Bluff Development</u>	<u>Chapter 5</u>	Sections 30235, 30253, 30260
<u>Chapter 6 – Visual, and Historic and Cultural Resources</u>	<u>Chapter 6</u>	Sections <u>30244</u> , 30251, 30244 , 30253
<u>Chapter 7 – Acronyms and Definitions</u>	<u>Chapter 7</u>	Sections 30100-30122,

Each LUP chapter is divided into sections and subsections. Each chapter includes the following sections: (1) an introduction section to the resource or topical focus of the chapter; (2) identification summary of relevant Coastal Act policies; and (3) the identification of policies adopted by the City to address the requirements of the Coastal Act. An applicant for a CDP reviewing this Plan may need to reference multiple chapters to understand all policies applicable to their proposed project.”

1.4 General LUP Goals and Policies

1.4.1 General Goals

In order to provide a Local Coastal Program (LCP) which conforms to the Coastal Act of 1976 (PRC Section 30001.5), the overriding goals of the City of San Clemente LCP shall be to:

1. Protect, maintain and, where feasible, restore and enhance the Coastal Zone's natural and manmade resources;
2. Ensure orderly, balanced conservation and utilization of Coastal Zone resources, taking into account the social and economic needs of the people of the state;
3. Maximize public access to and along the coast and public recreational opportunities in the Coastal Zone, consistent with best resource conservation principles and practices, and with constitutionally protected rights of private property owners;
4. Ensure that coastal-dependent and coastal-related development have land use priority over other types of coastal development; and
5. Coordinate with state and local agencies, and to encourage beneficial public uses, including educational uses, in the Coastal Zone.

1.4.2 General Policies

The following policies shall be applied by the City to achieve the goals and objectives of the Coastal Act in carrying out the LUP:

GEN-1 Guiding Policies. The policies of Chapter 3 (Coastal Resources Planning and Management Policies) of the Coastal Act (PRC Sections 30200 – 30263) are the guiding policies of the LUP.

GEN-2 Policy Conflicts. Where conflicts occur between the policies contained in the LUP and those contained in any element of the City's General Plan, zoning or any other ordinance, the policies of the LUP shall take precedence in the City's Coastal Zone.

GEN-3 Environmental Justice. When acting on a CDP, the issuing agency, or the Coastal Commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the State. In all instances the standard of review for issuance of a CDP shall be the Coastal Act or certified LCP.

GEN-4 Coastal Development Permit (CDP) Procedures. The City shall incorporate CDP procedures into the Implementation Plan in order to carry out the LUP.

GEN-5 Findings of Approval. Prior to approval of any CDP, the City shall make the finding that the development conforms to the policies and requirements contained in the LUP.

GEN-6 Lot Combinations, Subdivisions, and Mergers. Prohibit lot combinations, subdivisions, and lot mergers for redevelopment where the result would adversely impact community character, compatibility or coastal resources.

GEN-7 Setback Requirements. Setback requirements from bluff and canyon edges and biological resources shall have priority over street and rights-of-way setback requirements, while maintaining a minimum five feet setback from the property line.

GEN 8 Taking of Private Property. The City does not have the power to grant or deny a permit in a manner which will cause a physical or regulatory taking of private property, without the payment of just compensation. This policy is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States (Coastal Act Section 30010).

GEN-9 Rebuilding Structures Destroyed by Disaster. Allow for the replacement of any structure, other than a public works facility, destroyed by disaster without a coastal development permit. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structures, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

GEN-10 Applicability of the LUP to Capistrano Shores Mobile Home Park. The version of the LUP last certified in 1996 shall continue to apply to the Capistrano Shores mobile home park community, and subsequently-certified LUP policies and IP standards (including any LUP policies certified on the same date that this LUP policy was certified) shall not apply to Capistrano Shores until an LCP amendment which specifically addresses the mobile home park community has been certified, at which time the LUP policies and IP standards set forth in that Capistrano Shores-specific LCP amendment shall apply to the Capistrano Shores mobile home park community instead.

Plain Text and **Plain Bold Text Headings** = City proposed LUP language
Underlined Text = CCC Suggested Modification, Inserted Language
~~StrikeOut Text~~ = CCC Suggested Modification, Deleted Language

2.0 LAND USE AND NEW DEVELOPMENT

2.1 Introduction

The Coastal Zone within the City is approximately 2,058 acres in area, of which approximately 80 percent is developed. With the exception of the State Park, several City parks, beaches, bluffs and coastal canyons, as shown in Land Use Figures 2-1-A through 2-1-D, the Coastal Zone consists mostly of urbanized areas with residential, commercial and/or light industrial development.

The Coastal Act requires the protection of coastal resources, including public access, land and marine habitat, and scenic and visual quality. Section 30250(a) of the Coastal Act requires new residential, commercial, or industrial development to be located near existing developed areas, where it will not have significant adverse impacts, either individually or cumulatively on coastal resources. Coastal Act Section 30253(e) requires protection of special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses. Additionally the Coastal Act contains various provisions protecting and encouraging the provision of lower cost visitor and recreational facilities and gives priority to the use of land suitable for visitor-serving recreational facilities over private residential, general industrial, or general commercial development. (Coastal Act Sections 30210-30224).

The LUP provides parameters for new development within the City's Coastal Zone. Land use types include residential, commercial, industrial, mixed use, public, ~~recreational,~~ and open space. The Land Use and New Development ~~section~~ Chapter describes each land use within the City, including the type, maximum density, and intensity for each use that may be permitted consistent with all applicable LCP policies. (See Table 2-1). The Land Use Map (Figures 2-1a, 2-1b, 2-1c, and 2-1d) depicts the land use designation for each parcel within the City's Coastal Zone, and Figures 2-1e, 2-1f, 2-1g, 2-1h depict City Overlay Districts, such as the Architectural Overlay and Visitor Serving Commercial District (-VSCD) Overlay. New development in the City's Coastal Zone is required to be consistent with the LUP map and all applicable LCP policies. Any changes to the land use designations, including changes to the City Overlays, shall require an LUP Amendment.

2.2 Coastal Act Policies

The Coastal Act Policies below are included within the Land Use and Development section of the Land Use Plan:

Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals (in part)

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30220 Protection of certain water-oriented activities

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 Oceanfront land; protection for recreational use and development

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222 Private lands; priority of development purposes

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223 Upland areas

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30250 Location; existing developed area

- a. New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

- b. Where feasible, new hazardous industrial development shall be located away from existing developed areas.
- c. Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30252 Maintenance and enhancement of public access

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30253 Minimization of adverse impacts

New development shall do all of the following:

- a. Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- b. Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- c. Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
- d. Minimize energy consumption and vehicle miles traveled.
- e. Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30255 Priority of coastal-dependent developments

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Section 30260 Location or expansion

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

2.3 Land Use Designations

The Land Use Plan utilizes the same land use designations found in the Land Use Element of the City's General Plan. The Land Use Plan Maps (Figures 2-1a-d) designates the allowable land use, including the type, maximum density and intensity, for each parcel. Figures 2-1e-gf show the land use overlays found in the coastal zone.

2.3.1 — Land Use Designations

Suggested Modification to Land Use Maps Figures 2-1 A-D to remove the "Overlay Code: A, AH, CZ, MO, MU, P, and PB" from the Legend on Figures 2-1 A-D, as none are actually identified on these four figures.

Suggested Modification to Land Use Maps Figures 2-1 E-G to replace "Central Business Visitor Serving Commercial" references in these figures to "Visitor Serving Commercial District (VSCD) Overlay" as defined in this Chapter.

Suggested Modification to Land Use Maps Figures 2-1 A-G to remove the VSCD Overlay designation from parcels designated OS1, OS2 (Open Space), and P (Public).

Suggested Modification to require the Land Use Maps Figure 2-1 A-G and any other Figure in the LUP depicting the





Land Use
Figure 2 - 1-B

LEGEND

- Overlays
- Coastal Zone
- HI - Heavy Industrial
- LI - Light Industrial
- O01 - Open Space Public
- O02 - Open Space Private
- P - Public
- RH - Residential High Density
- RL - Residential Low Density
- RM - Residential Medium Density
- RML - Residential Medium Low Density
- DCA - Differed Certification Area
- Commercial
- CC2 - Community Commercial 2
- CRC - Coastal and Recreation Serving Commercial
- NC1.2 - Neighborhood Commercial 1.2
- NC2 - Neighborhood Commercial 2
- RC - Regional Commercial
- Mixed Use
- MU1 - Mixed Use 1
- MU2 - Mixed Use 2
- MU3.0 - Mixed Use 3.0
- MU3.1 - Mixed Use 3.1
- Coastal Zone Boundary
- City Boundary
- Overlay Code
- A - Architecture
- HO - Historic Overlay
- CZ - Coastal Zone
- MO - Medical Office
- PO - Planned Use
- FB - Professional Business

0 200 500 700
1:7,390
Feet

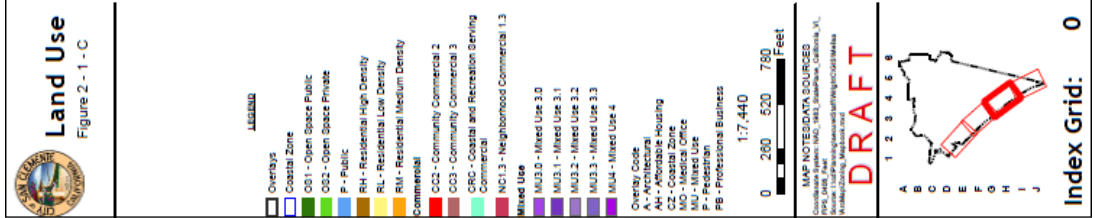
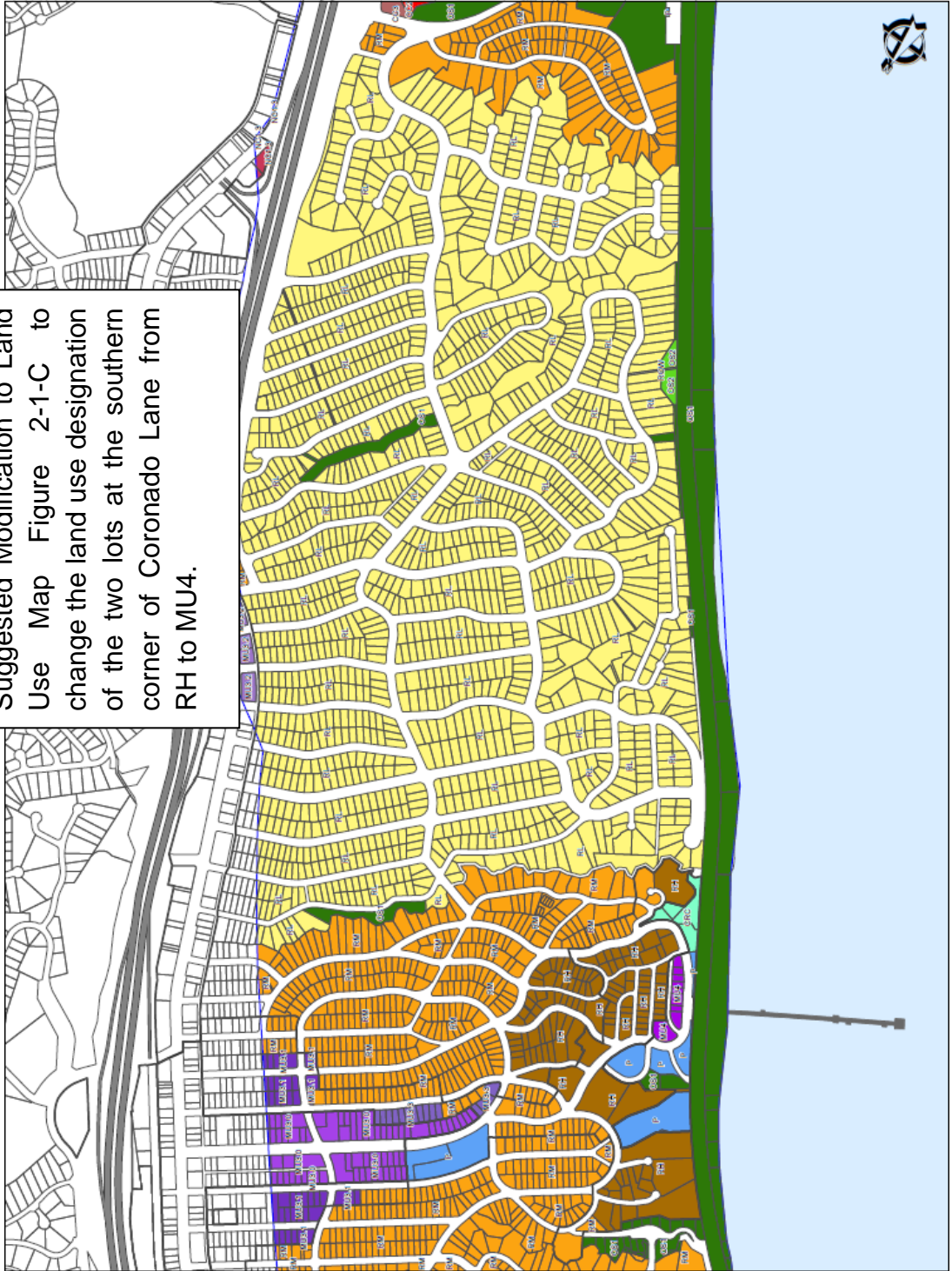
DRAFT


MAP NOTES AND SOURCES:
City of Ocean City, NC
Map Date: 11/15/2017
Map Scale: 1:7,390
Map Author: [illegible]
Map Reviewer: [illegible]

Index Grid: 2

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Suggested Modification to Land Use Map Figure 2-1-C to change the land use designation of the two lots at the southern corner of Coronado Lane from RH to MU4.





Land Use
Figure 2 - 1 - D

LEGEND


	Overlays
	Coastal Zone
	OS1 - Open Space Public
	OS2 - Open Space Private
	P - Public
	RH - Residential High Density
	RL - Residential Low Density
	RM - Residential Medium Density
	Commercial
	CC2 - Community Commercial 2
	CC3 - Community Commercial 3
	Mixed Use
	MUS - Mixed Use 5

Overlay Code

	A - Agriculture
	H - Housing
	CZ - Coastal Zone
	MO - Medical Office
	PO - Professional Office
	PO - Professional Office
	PO - Professional Office


0 200 520 780 Feet

1:7,440



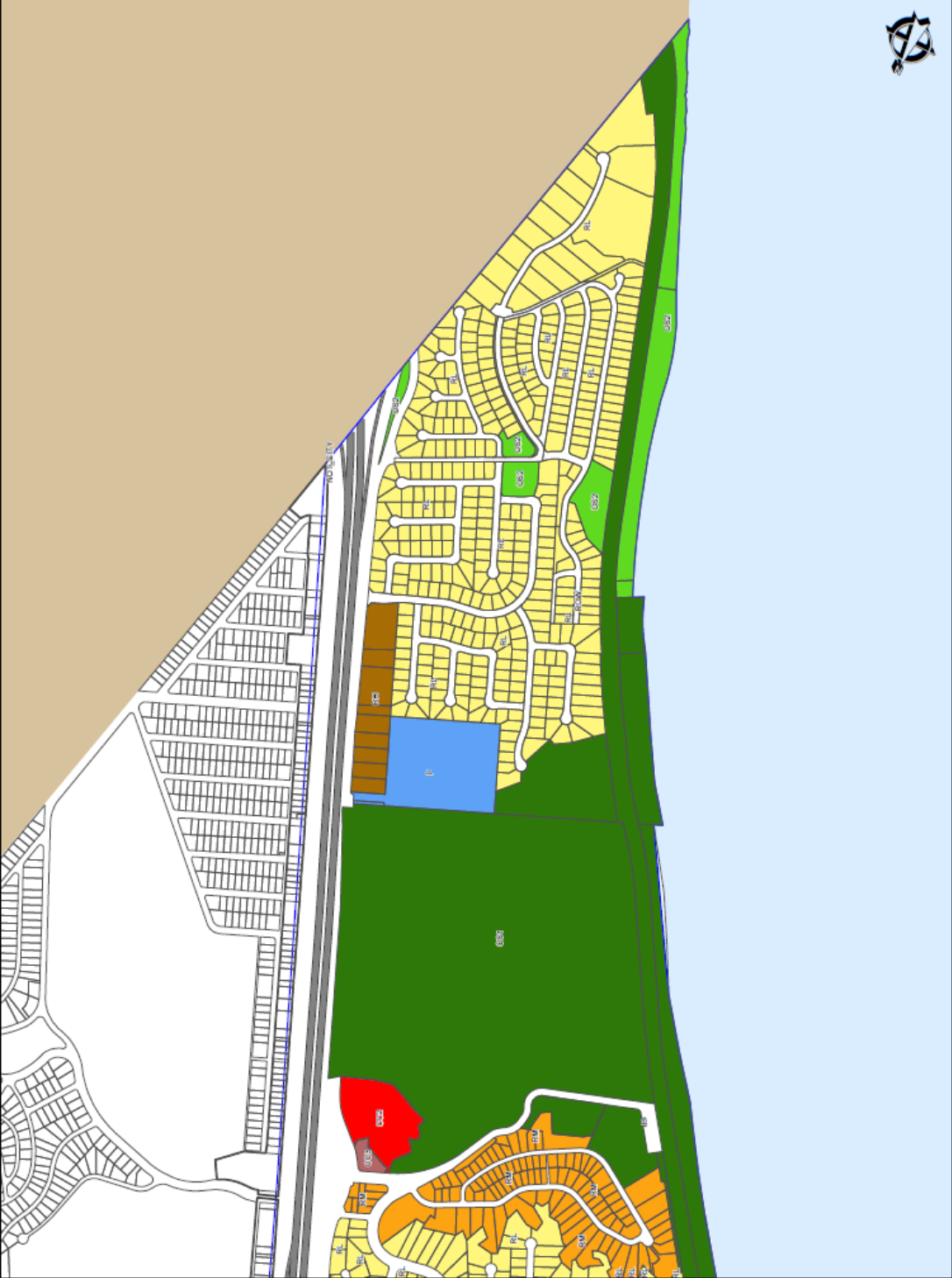
MAP INFORMATION SOURCES:
Coastal Zone Overlay: MD, MVA, Annapolis, VA,
Maryland Department of Transportation,
Maryland Department of the Environment,
Maryland Department of General Services,
Maryland Department of Transportation,
Maryland Department of the Environment,
Maryland Department of General Services

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Index Grid: 0



Suggested Modification to modify Land Use Map Figures 2-1-E through G to apply the "Visitor Serving Commercial District (VSCD) Overlay" to the existing overnight visitor accommodations identified on Table 2-2.



Land Use
Figure 2 - 1 - E

LEGEND

- Coastal Zone
- Emergency Shelter Overlay

Scale: 1:7,440

0 280 520 780 Feet

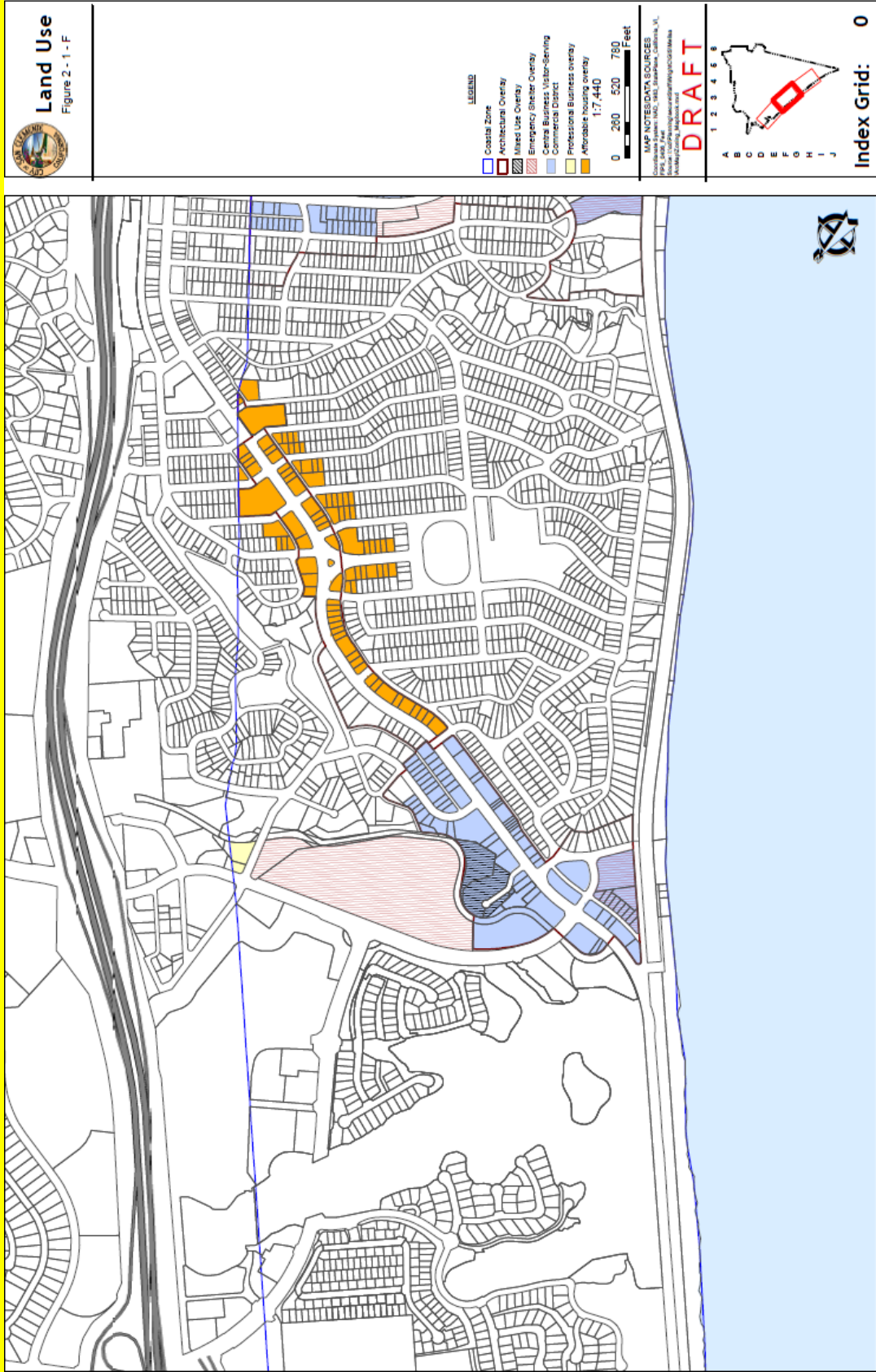
DRAFT

1 2 3 4 5 6 7 8 9 10 11 12

A B C D E F G H I J

MSP NOTES ON SOURCES
 Prepared by: [unreadable]
 Date: [unreadable]
 [unreadable]

Index Grid: 0



Suggested Modification to Land Use Map Figure 2-1-G to apply the "Visitor Serving Commercial District (VSCD) Overlay" to the two lots at the southern corner of Coronado Lane.



Land Use
Figure 2-1-G

LEGEND

- Coastal Zone
- Architectural Overlay
- Emergency Shelter Overlay
- Central Business/Visitor-Serving Commercial District
- Affordable housing overlay

0 200 520 780 Feet
1:7,440

MAP NOTES/DATA SOURCES
 Coordinates System: NAD 83, StatePlane, California, VI
 Vertical Datum: 1988 Mean Sea Level
 Horizontal Datum: 1983 North American Datum
 Author: City of San Diego, Planning and Economic Development

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Index Grid: 0

2.3.1 Land Use Designations

Table 2-1: Coastal Land Use Designations in the Coastal Zone

<u>Land Use Designations</u>	<u>Maximum Density/</u>	<u>Building Height</u> (TOR = Top of roof) (PL = Plate Line)	<u>Allowable Uses</u>
<u>Residential</u>			
Residential Low (RL)	4.5 units per gross acre 7.0 units per net acre	TOR: 25 feet TOR: 30 feet Marblehead Coastal Area	Single-family detached homes, <u>public open space, recreation, and senior housing</u> .
Residential Medium Low (RML)	7.0 units per gross acre 10.0 units per net acre	TOR: 25 feet	Single-family detached and attached homes, including clustered homes and townhomes, Bed-and-Breakfast, Senior housing, <u>public open space, and recreation.</u>
Residential Medium (RM)	15.0 units per gross acre 24.0 units per net acre	TOR: 25 feet	Single-family detached and attached homes, including clustered homes and townhomes, Bed and Breakfast facilities, multifamily apartments, and Senior housing, <u>boarding houses, public open space, and recreation.</u>
Residential High (RH)	24.0 units per gross acre 36.0 units per net acre	TOR: 45 feet Coronado Lane properties in Pier Bowl area: 30 ft. TOR	Single-family attached homes, including townhomes, and condominiums, and multifamily apartments, and Bed

			and Breakfast facilities, Senior housing, and <u>boarding houses public open space, and recreation.</u>
<u>Land Use Designations</u>	<u>Maximum Density/</u>	<u>Building Height (TOR = Top of roof) (PL = Plate Line)</u>	<u>Allowable Uses</u>
Commercial			
Neighborhood Commercial (NC)	NC 1.1: 0.35 Floor Area Ratio (FAR) NC 1.2: 0.35 FAR NC 1.3: 0.35 FAR NC 2: 0.50 FAR NC 3: 0.75 FAR	NC1.1: 1 story; Top of Roof (TOR): 15 ft. NC1.2: 2 stories; TOR: 33ft.; Plate Line (PL): 26ft. NC1.3: 3 stories; TOR: 45 ft.; PL: 37 ft. NC2*: 2 stories; TOR: 33 ft.; PL: 26 ft. NC3*: 3 stories; TOR: 45 ft.; PL: 37 ft. * Conditional Use Permit required for height to exceed the level of Interstate-5	Local-serving retail commercial, <u>visitor</u> or <u>visit</u> or serving uses, personal service, professional office, lodging, cultural facilities, churches, and eating and drinking uses, vehicle related repair, sales and service, Senior housing,
Community Commercial (CC)	CC 1: 0.50 FAR CC 2: 0.5 FAR If Hospital use, 2.0 FAR CC3: .70 FAR	CC 1: 2 stories; TOR: 33 ft.; PL: 26 ft. CC 2: 3 stories; TOR: 45 ft.; PL: 37 ft. If hospital use: 4 stories TOR: 54 ft.; PL: 45 ft. CC3: TOR: 45 ft.; PL:	More intense development of local-serving retail commercial; visitor-serving commercial; personal service; professional office; hospital, medical offices, churches congregate care, <u>assisted</u>

		37 ft.	<u>living</u> and related uses; lodging; cultural uses and eating and drinking uses, vehicle related repair, sales, service, Senior housing
<u>Land Use Designations</u>	<u>Maximum Density/</u>	<u>Building Height (TOR = Top of roof) (PL = Plate Line)</u>	<u>Allowable Uses</u>
Regional Commercial (RC)	.35 FAR of project lot area	3 stories Top of Roof (TOR): 45 ft. Plate Line (PL): 37 ft. Exceptions granted for a theater and/or clock tower (62 ft. for highest architectural projection; Plate Line (PL): 55 ft.).	Regional-serving retail commercial; visitor-serving commercial; entertainment; dining; financial and professional offices; lodging, Senior housing
Coastal and Recreation Serving (CRC)	1.00-1.50 FAR	Per existing building height at street elevation	Coastal-oriented retail and visitor-serving commercial, recreation, dining, and lodging
Light Industrial (LI)	LI: 0.50 FAR	2 stories or 3 stories with office TOR; 45 ft. West Pico Corridor Area 3 stories; TOR: 35	A mixture of business park, research and development, professional offices, light industrial uses such as light assembly and manufacturing, construction trades and contractors, equipment rental, auto and truck related uses, recreation vehicle storage, contractors' storage yards, retail, , restaurants, general and professional

			offices, service uses, and commercial uses are allowed.
Heavy Industrial (HI)	0.75 FAR	2 stories; TOR 35 ft. WPC Area: 2 stories: 35 ft. except concrete batch plant structures 70 ft. with permit.	Research and development, Industrial uses including vehicle storage, light industrial, manufacturing, assembly warehousing, wholesaling, construction trades and contractors' storage, auto and truck related uses, towing, salvage yards, <u>major automotive repair, recycling, refinery operations, chemical manufacturing, concrete batch plants, sand-and-gravel yards.</u>

Mixed Use

<u>Land Use Designations</u>	<u>Maximum Density/</u>	<u>Building Height (TOR = Top of roof) (PL = Plate Line)</u>	<u>Allowable Uses</u>
MU 1	24.0 units per gross acre 36.0 units per net acre Commercial projects: 1.00 Floor Area Ratio (FAR) Mixed use projects: 2.00 FAR	Commercial projects and mixed use projects on lots 12,000 s.f. or smaller: 2 stories; Top of Roof (TOR): 33 ft.; Plate line (PL): 26 ft. (Exception with Conditional Use Permit: 3 stories, TOR: 45 ft., PL: 37 ft.) Mixed use projects on	A vertical or horizontal mix of commercial and residential uses, including ground floor visitor-serving commercial uses. Multifamily housing on the second floor or higher. Senior housing <u>Visitor-serving commercial uses with residential units on upper floors.</u>

		lots 12,000 square feet or larger: 3 stories; Top-of-roof (TOR): 45 ft.; Plate line (PL): 37 ft.	
<u>Land Use Designations</u>	<u>Maximum Density/</u>	<u>Building Height (TOR = Top of roof) (PL = Plate Line)</u>	<u>Allowable Uses</u>
MU 2	24.0 units per gross acre 36.0 units per net acre Commercial projects: 0.50 FAR Mixed Use: 1.5 FAR	Commercial projects: 2 stories; TOR: 33 ft.; PL: 26 ft. Mixed use projects: 3 stories; TOR: 45 ft.; PL: 37 ft.	A vertical or horizontal mix of commercial and residential uses, including ground floor visitor-serving commercial uses. Attached and multifamily housing is permitted on the second floor or higher, outside the Visitor Serving Commercial District (VSCD) stand-alone residential uses are allowed, and Senior housing <u>Visitor-serving commercial uses with residential units (including Senior housing) on upper floors.</u>
MU 3.0	24.0 units per gross acre 36.0 units per net acre Commercial projects: 1.0 FAR Mixed use projects:	2 stories*; TOR: 33 ft.*; PL: 26 ft. *City Council exception possible to allow third story with TOR: 35 ft. on sites with sloping topography.	Applies to Downtown Core – A vertical or horizontal mix of Neighborhood Serving Commercial (NC) and Community Serving Commercial (CC). Attached and multifamily housing is permitted on the

	2.00 FAR		<p>second floor or higher. lodging and dining facilities. Applies to Downtown Core. A vertical or horizontal mix of Neighborhood Serving (NC) and Community Serving (CC). Attached and multifamily housing and office is permitted on the second floor or higher. Visitor-serving commercial uses are permitted on the ground floor, lodging Office (outside pedestrian areas) Senior housing</p> <p><u>Visitor-serving commercial uses with residential units (including Senior housing) on upper floors.</u></p>
MU 3.1	<p>Stand-alone residential use or residential maximum for mixed use projects:</p> <p>24.0 units per gross acre</p> <p>36.0 units per net acre</p> <p>Commercial projects: 1.00</p> <p>FAR Mixed use projects: 2.00 FAR</p>	<p>Residential and Commercial projects:</p> <p>2 stories; Top of Roof (TOR): 33ft;</p> <p>Plate Line (PL): 26ft</p> <p>Mixed use projects on lots 12,000 sf or smaller:</p> <p>2 stories; TOR: 33 ft.; PL: 26 ft.</p> <p>(Exception with Conditional Use Permit: 3 stories, TOR: 45 ft.,</p>	<p>A vertical or horizontal mix of Neighborhood Commercial (NC), Community Commercial (CC), and multifamily housing. Stand-alone residential uses, lodging, dining facilities, and, senior housing are allowed.</p>

		<p>PL: 37 ft.)</p> <p>For mixed use projects on lots greater than 12,000 sf:</p> <p>3 stories, TOR: 45 ft.</p> <p>PL: 37 ft.</p>	
MU 3.2	<p>10 units per gross acre</p> <p>24.0 units per net acre</p> <p>Commercial projects: 1.00 FAR</p> <p>Mixed use projects: 1.50 FAR</p>	<p>Two story limit facing S. El Camino Real. Facing the rear and alley, there is no limit on stories. Instead, height limits apply so buildings appear to be three stories and transition to two stories abutting the alley. The most restrictive height limit below applies:</p> <p>Height ceiling;*</p> <p>Top of Roof (TOR): 33 ft. Plate Line (PL): 28 ft.</p> <p>*Exception with Conditional Use Permit; TOR: 35 ft. PL: 30 ft.</p> <p>Average height limit; TOR: 45 ft., PL: 37 ft.</p> <p>Alley transition height limit: TOR: 28 ft. within the first 13 feet of the alley.</p>	<p>A vertical or horizontal mix of <u>Neighborhood eCommercial (NC)</u> including ground floor visitor-serving uses, multifamily, and Senior housing.</p>
MU3.3	<p>Stand-alone residential use or residential maximum for mixed use projects:</p> <p>24.0 units per gross</p>	<p>2 stories*;</p> <p>Top of Roof (TOR): 33 ft.*;</p> <p>Plate Line (PL): 26 ft.</p> <p>*City Council exception</p>	<p>Applies to Downtown Core. A vertical or horizontal mix of Neighborhood Commercial (NC) and Community Commercial (CC)</p>

	<p>acre 36.0 units per net acre Commercial projects: 1.0 FAR Mixed use projects: 2.0 FAR</p>	<p>possible to allow third story with Top-of-roof (TOR): 35 ft. on sites with sloping topography.</p>	<p>including ground floor visitor-serving uses. Attached and multifamily housing is permitted on the second floor or higher. Also, stand-alone residential, and senior housing uses are allowed</p> <p><u>Visitor-serving commercial uses with residential units (including Senior housing) on upper floors.</u></p>
MU 4	<p>24.0 units per gross acre 36.0 units per net acre Commercial or mixed use projects: 1.00-2.00 FAR</p>	<p>TOR: 30 feet</p>	<p>A vertical or horizontal mix of commercial and residential uses, including ground floor visitor-serving uses. Attached and multifamily housing is permitted on the second floor or higher. Senior housing</p> <p><u>Visitor-serving commercial uses with residential units (including Senior housing) on upper floors.</u></p>
<u>Land Use Designations</u>	<u>Maximum Density/</u>	<u>Building Height (TOR = Top of roof) (PL = Plate Line)</u>	<u>Allowable Uses</u>
MU 5	<p>Commercial projects: 0.35 FAR Residential projects:</p>	<p>Commercial projects: 2 stories; Top of Roof (TOR): 33ft.; Plate line (PL): 26 ft.</p>	<p>Commercial and residential uses, including ground floor visitor-serving uses. Attached and</p>

	24.0 units per gross acre 36.0 units per net acre	Residential projects: 2 stories; TOR: 33 ft. PL: 26 ft.	multifamily housing and senior housing is permitted.
<u>Public</u>			
Public (P)	Floor Area Ratio (FAR)/density not specified		Governmental administrative and related facilities, utilities, schools, public and private parking and undeveloped parks
<u>Open Space</u>			
Open Space (OS2) (Private)	N/A	To be determined on an individual basis.	Privately owned parklands, beaches parcels , recreational facilities, passive open space areas; habitat protection areas and golf courses.
Open Space (OS 1) (Public)	N/A	To be determined on an individual basis.	Publicly owned existing and dedicated parklands, passive open space areas, beaches, active recreational facilities, public and private parking and golf courses, Public owned habitat protection areas
<u>Overlays</u>			

Architectural Design (-A)	As specified in underlying land use designation.	As specified in the underlying land use zone.	Uses permitted by the underlying land use category; Spanish style architecture requirements
Visitor-Serving Commercial District (-VSCD)	As specified in underlying land use designation		Uses permitted by the underlying land use category (mixed use or commercial); <u>Prioritize those uses that promote the development and retention of and retain visitor serving land uses, including but not limited to commercial, lodging, and restaurants.</u>
Affordable Housing (-AH)	As specified in underlying land use designation.	As specified in the underlying land use zone.	Affordable Housing. <u>Allow for residential projects that provide 51% or more affordable units can have these units on the ground floor.</u>
Emergency Shelter (-ES)	As specified in underlying land use designation.	Two stories; Top-of-roof (TOR): 25 feet	Allows emergency shelters to meet State goals and policies for homeless service needs, pursuant to limitations in the Implementation Plan
<u>Land Use Designations</u>	<u>Maximum Density/</u>	<u>Building Height</u>	<u>Allowable Uses</u>

Planned Residential District (-PRD)	As specified in underlying land use designation.	No Change	Provides flexible <u>residential development</u> regulations to foster creative design, environmental sensitivity, variety, innovation, and amenities.
Mixed Use Overlay (-MU)	24.0 units per gross acre 36.0 units per net acre Commercial projects: 1.00 Floor Area Ratio (FAR) Mixed use projects: 2.00 FAR	Commercial projects: 2 stories; TOR: 33ft; PL: 26ft For mixed use projects with lots greater than 12,000 sf: 3 stories TOR: 45 ft. PL: 37 ft. Mixed use projects 2 stories; TOR: 33 ft.; PL: 26 ft. (Exception with Conditional Use Permit: 3 stories, TOR: 45 ft., PL: 37 ft.)	A vertical or horizontal mix of Neighborhood Serving Commercial (NC), Community Serving Commercial (CC), and multifamily housing. The Overlay provides an option for such uses, while allowing existing industrial uses and <u>development structures</u> to remain conforming.
Professional Business (-PB)		0.75 FAR No change to underlying use (Community Commercial); adds option if a Master Plan is approved.	Provides additional office capacity and institutional uses (e.g., small university, college or trade school) with Master Plan. Ancillary retail and service uses allowed. Community Commercial uses are still permitted as underlying land use.

Residential Land Use

San Clemente is home to diverse residential neighborhoods, from the planned communities of Marblehead to the older neighborhoods and subdivisions generally located along the east side of Interstate 5 and the areas west to the Pacific Ocean. Neighborhoods offer a variety of single family and multifamily housing opportunities in a

number of settings (e.g., along golf courses, overlooking the Pacific Ocean, in master planned communities with amenities like swimming pools and tennis courts, or in mixed use developments). Public open space and recreation may be permitted. Senior housing may also be permitted.

Commercial Land Use

San Clemente offers a full spectrum of retail, service, professional, office, medical, tourist-related, and entertainment uses at a range of intensities to meet the daily needs of the City's residents and employees and attract visitors to our key destination areas. In addition to providing jobs, amenities and services, commercial uses generate tax revenues that are essential for maintaining the community's quality of life. Visitor-serving commercial uses are permitted and encouraged in commercial and mixed-use lots designated pedestrian areas as identified by the Visitor Serving Commercial District (-VSCD) Overlay. Senior affordable housing may also be permitted in the commercial land use designation.

Neighborhood Commercial (NC) Zones. Neighborhood Commercial Zones are intended to be less intense than community or regionally oriented commercial zones in San Clemente. There are four neighborhood commercial zones: NC1.1, NC1.2, NC1.3, NC2 and NC3. The General Plan restricts the intensity of the Neighborhood Commercial Zones primarily through the floor area ratio limit for the zones

Community Commercial (CC) Zones. Community Commercial Zones are more intense than Neighborhood Commercial Zones. The General Plan allows for this additional intensity by allowing higher floor area ratio limits in the Community Commercial Zones. There are three Community Commercial Zones: CC 1, CC 2 and CC 3.

Regional Commercial (RC) Zones. Regional Commercial Zones are designed to allow region-oriented uses. The sites in San Clemente receiving this designation are large, and can accommodate an intensity of development required for a region-oriented use. There is one Regional Commercial Zone regulated by the Zoning Ordinance (RC). The General Plan primarily distinguishes this site by the uses allowed.

Coastal and Recreation Serving (CRC). City will encourage visitor serving uses to be located on the ground floor of a structure, thereby facilitating pedestrian activity along sidewalks and throughout the area.

Mixed-Use Land Use

Mixed-use zoning, as it is applied in San Clemente, refers to the vertical or horizontal mixing of commercial and residential uses. The Land Use Plan provides for the

development of single or combined parcels for mixed commercial and residential development. Vertically mixed structures typically incorporate retail, office, and/or parking on the lower floors and residential units above. Areas that allow a horizontal mix also allow stand-alone uses and provide greater flexibility as to where specific uses are located on a site. While the Land Use Plan does not mandate the development of mixed-use projects, it does permit these in key commercial areas.

Areas designated as mixed-use are concentrated in the Focus Areas described below. Mixed-use zones create enhanced vitality and pedestrian activity in areas where residents have convenient access to retail, services, jobs and other amenities. They can also help reduce vehicle trips and associated air pollution, provide “built-in” customers for businesses, and encourage development of convenient and affordable housing opportunities, while providing visitor-serving uses to encourage tourism. Senior housing may also be permitted.

Industrial Land Use

A wide range of employment-generating land uses are provided within these areas, including manufacturing, research and development, offices, and in designated areas, automobile, truck, boat, RV and motorcycle sales and services. The allowable mix and intensity of uses within these areas provide significant job opportunities for residents and allows development to respond to changing market conditions and commercial space needs. The industrial areas also allow a range of compatible or complementary, non-industrial uses that benefit from the location and type of facilities, such as restaurants, religious facilities, specialized schools, emergency shelters, and other public assembly uses.

Light Industrial (LI). Uses shall be industrial uses which are quiet, non-polluting operations wholly contained within a structure or screened from view. Typical uses include manufacture and assembly of apparel and garments; cabinets; canvas products; ceramics; cosmetics; cutlery; dental equipment; drugs and pharmaceuticals; electrical appliances, equipment, and supplies; food processing and production; furniture; glass products; hardware; medical equipment; musical instruments; optical goods; plastic products; precision instruments; scientific instruments; steel and sheet-metal products; and toys.

Heavy Industrial (HI). Shall be industrial uses which involve the processing, manufacturing, and use of natural resources, raw materials, primary metals, chemicals, petroleum, and petroleum by-products. Typical uses include concrete processing batch plants, sand-and-gravel yards, major automotive repair and recycling, refinery operations, chemical manufacturing and storage, fabrication, storage, warehousing, and manufacturing.

Open Space Land Use

Lands are designated for parks, beaches, natural open space, active recreational areas and trails to provide a variety of recreational opportunities and maintain the scenic beauty of the community. Land Use Plan policy includes the continuation and maintenance of existing parks, beaches, and trails; preservation of open space which is publicly owned, encumbered by easements, or maintained by homeowners associations; dedication of new parklands and open space through the development review process; preservation of coastal canyons and significant environmental habitats, and the construction of new pedestrian and bike trails in the City.

Public Land Use

Public uses include governmental offices, hospitals, social services, recreational and cultural facilities, parking lots, schools and libraries. To effectively serve the public, such uses are located throughout the City.

2.3.2 City Overlays

Architectural Overlay

The purpose of the "-A" Overlay designation is to signify a visually distinct district in San Clemente, containing structures characterized by two significant design orientations: 1) the City's traditional architectural style, Spanish Colonial Revival, and 2) small-scale businesses with walkable streets to preserve the traditional downtown atmosphere and pedestrian orientation.

Visitor Serving Commercial District Overlay

The Visitor Serving Commercial District (-VSCD) Overlay designation is to signify core commercial and mixed-use districts in which the City will ~~encourage~~ require pedestrian/visitor serving uses to be located in pedestrian spaces (on the street level of the project along the sidewalk/street), thereby facilitating visitor-serving uses and pedestrian activity along sidewalks and throughout the area. Only two lots in the Coastal Zone are currently designed Coastal and Recreation Serving (CRC). Therefore, in order to protect existing coastal visitor-serving commercial, recreational, dining, and lodging uses and provide new areas for such uses, the City created the VSCD Overlay. This Overlay sets aside certain commercial areas to ensure adequate sites to accommodate the provision of additional new visitor-serving commercial and lodging development in the Coastal Zone. This goal is to be achieved by reviewing all uses requiring discretionary review for their appropriateness in pedestrian spaces. The City recognizes that the market for pedestrian/visitor serving uses in the overlay fluctuates and, as such, provides this discretionary review process for the approval of

non-pedestrian/visitor serving uses in pedestrian spaces. This overlay is located exclusively within the Coastal Zone.

Planned Residential District Overlays

The purpose of the Planned Residential District (-PRD) Overlay is to provide flexible regulations in order to foster innovation, variety, amenities, and a sensitivity to the natural topography in residential development. The intent is to allow development to deviate from conventional residential standards to achieve higher quality rather than increased density.

Affordable Housing Overlay

The purpose of this ~~section~~ Overlay is to provide for the development of affordable rental and for sale housing in commercial and mixed use zones. The intent is to facilitate the development of affordable housing, enable the City to meet its housing goals, and ensure that affordable developments will be compatible with surrounding land by establishing an overlay district and standards. Properties that have overnight accommodation uses are not subject to the Affordable Housing Overlay.

Mixed Use Overlay

A Mixed Use Overlay is intended for select industrial parcels in the Light Industrial (LI) designated area of North ~~b~~Beach, ~~to allow existing industrial uses and give the property owner the ability to develop a mixed use project in the future.~~ The Overlay allows for mixed use development in LI designated parcels. The intent of the overlay is to provide an incentive to the property owners to develop projects that are compatible with the commercial and mixed uses in the area and contribute to the pedestrian/visitor serving activity in the area.

2.4 Visitor Serving Land Use and Development

Coastal Act policies (PRC 30212.5, 30213, 30220-30223 and 30250-(c)) require provisions for public and low-cost recreation and visitor serving facilities by requiring that suitable land be designated for these uses and that these uses they be given priority. The LUP contains policies and land uses designed to maintain and expand the mixture of both public and private recreational and visitor-serving facilities in the City.

The ~~visitor serving/pedestrian-oriented commercial overlay~~ is Visitor Serving Commercial District (-VSCD) Overlay covers the City's most diverse commercial districts, offering retail shops, commercial services, restaurants, lodging, offices and dwellings, ~~to create a~~ which are true mixed-use districts. The mixed use districts are located in the downtown core, Pier Bowl, and North Beach which are all in the heart of the City ~~Spanish Village by the Sea~~. As a successful retail, restaurant and entertainment

centers, these areas attract locals and visitors with activities throughout the day and evening with festive street fairs and festivals throughout the year. These areas exhibit a balance between economic and cultural vitality and village character through ~~its~~ their Spanish Colonial Revival architecture, pedestrian-orientation and ocean views that provide a unique sense of place that makes San Clemente so unique and special. These retail cores are well connected to residential neighborhoods within and adjacent to the area, and they serve as the primary community gathering places.

The purpose of the Visitor Serving Commercial District (VSCD) Overlay designation is to signify core commercial and mixed-use districts in which the City will ~~encourage~~ require visitor serving/pedestrian uses to be located in pedestrian spaces (on the ground floor), thereby facilitating pedestrian activity along sidewalks and throughout the area.

The designation provides land to meet the demand for goods and services required primarily by the visitor population, as well as local residents who visit and recreate at the coast. Allowable uses include hotels, motels, restaurants, music venues, entertainment attractions, retail, and specialty/artisan retail commercial uses. Mixed use development with office or residential above the ground level is also permitted. Existing uses may remain and any future redevelopment shall be consistent with the VSCD overlay requirements.

San Clemente offers many opportunities to use and enjoy the coast, including the many public beaches, the historic Municipal Pier, the Ole Hanson Beach Club, ocean front parks, the California Coastal Trail, which includes the City's Beach Trail, and runs the majority length of the City, the Amtrak and Metrolink train facility, and numerous public access trails that link the community with the Pacific Ocean.

As of 2017, San Clemente has ~~currently provides~~ 278 hotel rooms, ~~s/~~ motel rooms and family suites (overnight accommodations). In addition to hotels and motels, the City's Coastal Zone offers timeshare units for owners and the general public and other short-term vacation rentals in the form of both Short-Term Apartment Rentals (STARs) and Short-Term Lodging Units (STLUs) and 160 camp sites in the Coastal Zone. Therefore, there is an existing broad range of existing overnight accommodations available to , ~~which can~~ serve coastal visitors as shown in Table 2-2. Coastal visitor-serving facilities are concentrated in the North Beach, El Camino Real, Del Mar/T-Zone, and Pier Bowl areas.

There are nine coastal visitor-serving overnight accommodation facilities (hotels, motels, and inns) listed in Table 2-2. The City also has 160 camping sites, of which 72 are for recreational vehicles, at San Clemente State Beach.

Table 2-2: Hotels, Motels, and Inns within the Coastal Zone

Business Name and Address	Number of Rooms/Suites/Spaces	Low, Moderate, or High Cost
Always Inn San Clemente Bed & Breakfast 177 Avenida Cabrillo	3	High
Beachcomber Inn 533 Avenida Victoria	12	High
Best Western Plus Casablanca Inn 1601 North El Camino Real	63	Moderate
Casa Tropicana Boutique Beachfront Hotel 610 Avenida Victoria	8	High
Four Seasons Pacifica 326 Encino Lane	5	High
Oceana Boutique Hotel 135 Avenida Algodon	18	Low
Rodeway Inn - San Clemente Beach 1301 North El Camino Real	43	Moderate
San Clemente Cove 104 South Alameda Lane	34	Moderate
San Clemente Inn 2600 Avenida del Presidente	97	Moderate
Sea Horse Resort 602 Avenida Victoria	26	High
San Clemente State Beach Campground	160 Campsites	Low

Source: AAA and business' websites based on 2017/2018 data

2.5 Focus Areas, and Marblehead Coastal Plan Area

San Clemente is known as the “Spanish Village by the Sea” and is comprised of various neighborhoods and communities that vary in terms of their uses, types of development and architectural character. Focus Areas, considered to have the most development potential for change, have been identified by the community. Four Focus Areas are located in the Coastal Zone and one known as the “Surf Zone” is located just outside the Coastal Zone boundary. These areas are identified below and their locations are depicted on Figure 2-2, Focus Area Locations Map. Focus Area policies provide specific direction for certain communities to preserve their community character, in addition to all other applicable policies of the LCP.

~~The Marblehead Coastal Development Plan Area was previously considered a “white hole,” or uncertified segment of the Coastal Zone, but is now included as a part of the City’s LCP. Policies for the Marblehead Coastal Development Plan Area carry forward the requirements of the Coastal Development Permit No. 5-03-013 conditions of approval, as amended.~~

2.5.1 Los Molinos Focus Area

The Los Molinos Focus Area is a unique industrial district in the community. It celebrates its history as the industrial center for the surfing industry, a place known for its local artisans and craftsman, and as an area where business incubation is encouraged. At the same time, the area continues to allow successful small businesses to maintain and expand their operations. Los Molinos is primarily an industrial and commercial neighborhood located north of the western end of North El Camino Real.

It is envisioned as a thriving, creative business incubator district that builds upon its industrial and surf heritage. Vehicle and marine sales and services are also accommodated in this area. The largely commercial area east of Calle Industrias and adjacent to Interstate 5 is envisioned as an institution-anchored employment center offering learning, employment and housing opportunities.

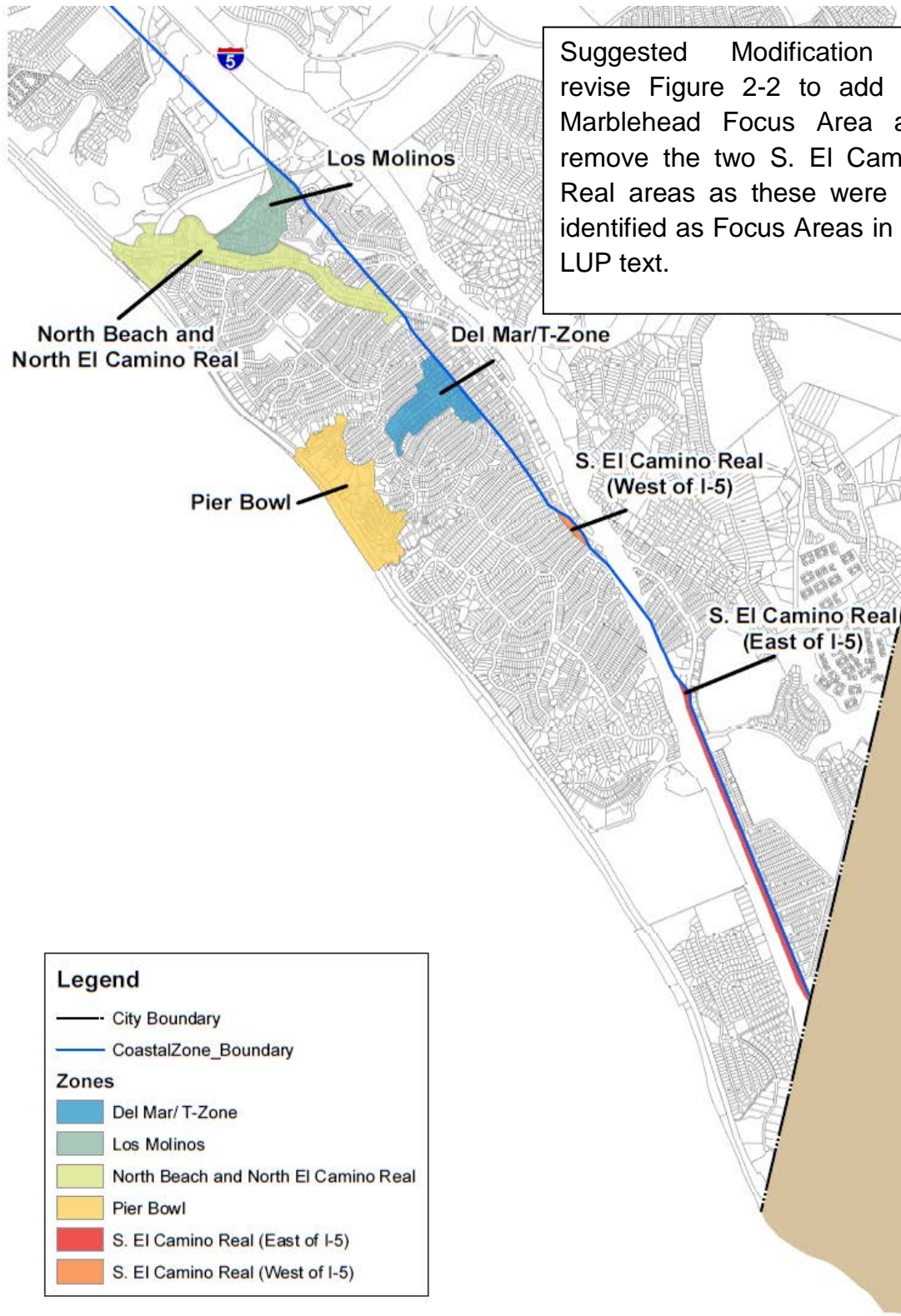
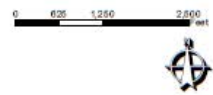


Figure 2-2
FOCUS AREAS



2.5.2 North Beach/North El Camino Real (NB/NECR) Focus Area

The North Beach/North El Camino Real Focus Area is a unique, community- and coastal visitor-oriented entertainment hub and recreation area. It is an important City gateway along the historic El Camino Real/Pacific Coast Highway from beach cities to the north. The area's on-going revitalization is based on the community's desire to preserve and enhance its key assets. The Area's assets include: views of the ocean, convenient beach access, a rich inventory of historic buildings, access to passive and active recreational amenities and numerous visitor-serving shops and services.

With access to the Metrolink rail station, the Beach Trail, numerous bikeways and pedestrian paths, and the historic El Camino Real corridor that connects many of the City's activity areas, the NB/NECR area is a key multimodal transportation hub. There is a balance between automobile, bicycle and pedestrian mobility, and the area is well connected to adjacent neighborhoods.

2.5.3 Del Mar/T-Zone Area and Downtown Core

The Del Mar/T-Zone is the City's historic core and the heart of the Downtown area. It is the City's most diverse, pedestrian-oriented visitor-serving commercial district, offering retail shops, commercial services, eating and drinking establishments, offices and dwellings – a true mixed-use district. It is, as stated in the General Plan Guiding Principles, “the heart of the Spanish Village by the Sea—it is everybody's neighborhood.” As a successful retail, restaurant and entertainment center, it attracts locals and visitors with activities throughout the day and evening and with festive street fairs and festivals throughout the year. The Area exhibits a balance between economic and cultural vitality and village character through its Spanish Colonial Revival architecture, pedestrian-orientation and ocean views that provide a unique sense of place. The retail core is well connected to residential neighborhoods within and adjacent to the area, and it serves as one of the primary community gathering places.

The vision for the T-Zone is to maintain its overall character, scale and massing of buildings, and protect visitor-serving uses while creating opportunities for improvements, enhancements and refinements to the physical environment.

2.5.4 Pier Bowl Focus Area

The Pier Bowl Focus Area is a high activity, pedestrian-oriented, coastal activity center serving residents and visitors. It capitalizes on its exceptional ocean views, ocean-side location, and abutting historic Municipal Pier. The former home of the City's founder, Ole Hanson (now the Casa Romantica Cultural Center and Gardens) is located here,

plus many other historic resources. The Pier Bowl is another key destination area of the City with a rich heritage.

The Pier Bowl Focus Area is defined by its exceptional beach experience, rich history, nearby amenities and its own Amtrak/Metrolink station. It is an ocean-side recreation area with a mix of housing types, lodging, ~~beach~~visitor- and community-serving retail uses, small-scale supporting services, and strong connections to other the Del Mar/T-Zone and North Beach areas. One of the City's most recognizable landmarks—the San Clemente Municipal Pier—is a destination in its own right, offering dining, sightseeing, fishing and other recreation opportunities.

2.5.5 ~~Marblehead Coastal Focus~~ Plan Area

The Marblehead Coastal Plan Area is located in the northern portion of the City, just seaward of the I-5 Freeway. Marblehead Coastal includes residential and commercial development, public parks, trails and open space and associated infrastructure including roads and utilities on a 201.38-acre site that is primarily located within the Coastal Zone. The Marblehead Coastal Plan Area had previously been treated as an Area of Deferred Certification under the certified LUP. (The portion of the development extending inland of the Coastal Zone boundary is not a part of the LCP.) The Coastal Commission previously approved the overall development plan in 2003, as Coastal Development Permit No. 5-03-103 with multiple subsequent amendments. Any future amendments will also be processed by the Coastal Commission. Policies for the Marblehead Coastal Development Plan Area carry forward the requirements of the Coastal Development Permit No. 5-03-013 conditions of approval, as amended. This area/segment of the City can now be included in the LUP update/LCP. The City assumes permit authority for the Marblehead Coastal Area upon LCP certification.

Surf Zone Focus Area

~~Located just outside of the Coastal Zone, the Surf Zone is a significant visitor-serving area that provides much of the lodging stock to serve visitors to San Clemente. The southern end of the Surf Zone is the trailhead to the world famous Trestles surfing area. The Surf Zone refers to the areas along South El Camino Real, south of Avenida Valencia to the San Diego County line. The LUP contains policies to encourage the continued provision of overnight accommodations in the Surf Zone area.~~

2.6-Land Use and New Development Policies

2.6.1 Residential Development Policies

~~**Goal 2-1** Achieve a mix of residential neighborhoods and housing types that meets the diverse economic and physical needs of residents, that is compatible with existing neighborhoods and the surrounding environmental setting, and that reflects community expectations for high quality.~~

Policies

LU-1 General. Accommodate the development of a variety of housing types, styles, tenure and densities that are accessible to and meet preferences for different neighborhood types (e.g., mixed use pedestrian environments and traditional suburban neighborhoods), physical abilities and income levels.

LU-2 Access to Amenities. Require residential developments to be designed to promote safe and convenient access to nearby commercial centers, community facilities, parks, open space, transit facilities, bikeways, trails and other amenities, as applicable.

LU-3 Maintenance of Neighborhood Character. Maintain elements of residential streets that unify and enhance the character of neighborhoods, including parkways, street trees, and compatible setbacks.

LU-4 Historically-Significant Neighborhood Character. Encourage the preservation of historically significant residential and commercial structures ~~and for any defined historic district. Protect~~ eCharacter-defining features ~~to the~~ of historic structures and landscapes. ~~resources should be protected.~~

LU-5 Single-Family Residential Uses. Require that single-family houses and sites be designed to convey a high level of architectural and landscape quality and consideration of the following:

- a. Varied and distinct building elevations, facades, and masses (avoiding undifferentiated "box-like" structures);
- b. Building scale and massing that is compatible with existing development;
- c. Use of landscaping to complement the architectural designs of structures;
- d. Reduced area and width of paving in front yards for driveway and garage access; and
- e. Location and design of garages so that they do not dominate the appearance of the dwelling from the street.

LU-6 Multi-Family Residential Uses. Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character. New multi-family housing development projects shall:

- a. Use building materials, colors, and forms which complement the neighborhood, while allowing flexibility for distinctive, high-quality design solutions;
- b. Design all building elevations to convey the visual character of individual units rather than a single, continuous building mass and volume;
- c. Visually hide or buffer subterranean parking garages;
- d. Use a well-defined roofline;
- e. Include separate, well-defined entries to convey the visual character of individual identity of each residential unit. Entries may be developed onto exterior facades, interior courtyards, and/or common areas;
- f. Locate and design parking areas and garages to be architecturally integrated with and complementary to the main structure;
- g. Use generous site landscaping, consistent with City Landscape Standards;
- h. Include setbacks, consistent with the surrounding neighborhood, along the street frontage containing landscaping. Building entries shall be connected to public sidewalks to encourage safe and convenient pedestrian access; and
- i. Minimize the total area of driveway paving in relation to landscaping. At least fifty (50) percent of the street yard shall be landscaped; and
- j. Provide on-site open space amenities that are accessible and of sufficient size to be usable by tenants, in common areas and/or with individual units pursuant to the Zoning Code.

LU-7 Residential Infill. Require that new residential development protect and enhance community character by providing architecture, landscaping and urban design in keeping with the character of the surrounding development, and by respecting the architectural character and scale of adjacent buildings. Require that new residential development and redevelopment be compatible with adjacent structures and land uses and we require:

- a. Mitigation of noise, traffic (automobile and truck), and lighting impacts of abutting commercial uses, where applicable;
- b. Use of complementary building materials, colors, and forms, while allowing flexibility for distinguished design solutions.

~~**LU-8 Categorical Exclusion.** Allow for permit exclusion of qualifying types of residential development through California Coastal Commission approval of a new Categorical Exclusion order.~~

~~**LU-9 Compensation for Taking Private Property.** The City does not have the power to grant or deny a permit in a manner which will cause a physical or regulatory taking of private property, without the payment of just compensation. This policy is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States (Coastal Act Section 30010).~~

~~**LU-10 LU-8 Air Quality.** Require new development to utilize appropriate be consistent with SCAQMD air quality control rules and regulations. ~~mitigation measures.~~~~

~~**LU-11 LU-9 Site Planning and New Building Design.** Require energy-efficient subdivision, site planning and building design in compliance with local and state code requirements, as applicable. Measures to be considered include building orientation and shading, landscaping, maximum use of natural daylight, reflectance of building, natural ventilation, active and passive solar heating and hot water system, etc. In establishing these energy related design requirements, balance energy-efficient design with good planning principles.~~

~~**LU-12 LU-10 Retrofit of Commercial and Residential Buildings.** Encourage and provide incentives for voluntary retrofitting of commercial and residential buildings to reduce energy use.~~

~~**LU-13 LU-11 Green Building.** Encourage application of green building practices and pursuit of LEED certification where feasible.~~

~~**LU-14 LU-12 Minimization of Light Pollution.** Require new development projects and major remodel projects to eliminate or minimize light pollution and trespass while enhancing safety and aesthetics. Buildings shall be designed to use minimal exterior lighting (limited to pedestrian safety needs) and to minimize direct upward light, spill light, glare and artificial night sky glow.~~

~~**LU-15 LU-13 Legal Non-conformanceing Structures.** Require new development to meet all current development standards. Structures ~~lawfully built pursuant to a Coastal Commission-issued Coastal Development Permit or prior to the effective date of the Coastal Act (January 1, 1977)~~ legally built prior to the effective date of this LCP that do not conform to the LCP shall be considered legal non-conforming structures.~~

~~Such Legal non-conforming structures may be maintained, and repaired, as long as provided that the improvements, maintenance and repairs do not increase the size or degree of non-conformity, the maintenance or repair complies with the laws and regulations in effect when the structure was established, and the remaining portion~~

of the structure complies with the laws and regulations in effect when the structure was established.

Legal non-conforming structures may be added to and improved, provided that the addition or improvement does not increase the size or degree of the non-conformity and does not constitute ~~Additions and improvements to such structures that are not considered a major remodel, as defined in Chapter 7 of this LUP, or development authorized under a Categorical Exclusion Order,~~ may be permitted provided that such additions or improvements comply ~~the addition or improvement complies~~ with the current policies and standards of the LCP and the remaining portion of the structure complies with the laws and regulations in effect when the structure was established. ~~For development within potentially hazardous areas, including bluffs, shoreline and coastal canyons, triggers are specified in Chapter 5 Hazards Policies.~~

~~LU-16~~ LU-14 ***Legal Nonconforming Uses.*** In addition to the criteria of LU-13,
a ~~A~~ nonconforming use shall be terminated when a use occupies a structure that is damaged by an accident and the cost to replace or repair the accident damage is 50 percent or greater than the structure's replacement cost, immediately before the damage occurred. The structure shall be occupied by a use that complies with zoning requirements.

~~LU-17~~ LU-15 ***Affordable Housing Density Bonuses.*** Implement the provisions of Government Code Section 65915 regarding the provision of density bonuses and other regulatory incentives for affordable and senior affordable housing projects. When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the City, the City shall provide the applicant with incentives or concessions for the production of housing units, provided that the incentive or concession would not adversely impact coastal access, public recreation, community character, any other sensitive coastal resource, or any other resource governed by Chapter 3 of the Coastal Act.

2.6.2 Commercial Development Policies

~~Goal 2-2~~ ~~Achieve and maintain a healthy employment base with diverse retail, office, and service uses that: 1) meet citizens' needs; 2) help generate municipal revenues that improve quality of life; 3) are compatible with adjacent residential neighborhoods; and 4) support the goals and policies of the Economic Development Element.~~

~~Neighborhood Commercial (NC) Zones.~~ ~~Neighborhood Commercial Zones are intended to be less intense than community or regionally oriented commercial zones in San Clemente. There are four neighborhood commercial zones: NC1.1, NC1.2, NC1.3,~~

NC2 and NC3. The General Plan restricts the intensity of the Neighborhood Commercial Zones primarily through the floor area ratio limit for the zones

~~**Community Commercial (CC) Zones.** Community Commercial Zones are more intense than Neighborhood Commercial Zones. The General Plan allows for this additional intensity by allowing higher floor area ratio limits in the Community Commercial Zones. There are three Community Commercial Zones: CC 1, CC 2 and CC 3.~~

~~**Regional Commercial (RC) Zones.** Regional Commercial Zones are designed to allow region-oriented uses. The sites in San Clemente receiving this designation are large, and can accommodate an intensity of development required for a region-oriented use. There is one Regional Commercial Zone regulated by the Zoning Ordinance (RC). The General Plan primarily distinguishes this site by the uses allowed.~~

~~**Coastal and Recreation Serving (CRC).** City will encourage visitor serving uses to be located in pedestrian spaces (on the ground floor), thereby facilitating pedestrian activity along sidewalks and throughout the area.~~

~~**Light Industrial (LI).** Uses shall be industrial uses which are quiet, non-polluting operations wholly contained within a structure or screened from view. Typical uses include manufacture and assembly of apparel and garments; cabinets; canvas products; ceramics; cosmetics; cutlery; dental equipment; drugs and pharmaceuticals; electrical appliances, equipment, and supplies; food processing and production; furniture; glass products; hardware; medical equipment; musical instruments; optical goods; plastic products; precision instruments; scientific instruments; steel and sheet metal products; and toys.~~

~~**Heavy Industrial (HI).** Shall be industrial uses which involve the processing, manufacturing, and use of natural resources, raw materials, primary metals, chemicals, petroleum, and petroleum by-products. Typical uses include concrete processing batch plants, sand and gravel yards, major automotive repair and recycling, refinery operations, chemical manufacturing and storage, fabrication, storage, warehousing, and manufacturing.~~

Policies

LU-18 LU-16 *Development Quality.* Require that new development protect community character by providing architecture, landscaping and urban design in keeping with the character of the surrounding development, and by respecting the architectural character and scale of adjacent buildings. Infill development and redevelopment shall be reviewed for compatibility with the character of the surrounding neighborhood as part of the coastal development permit application review process.

~~LU-19~~ ~~**Lot Combinations, Subdivisions, and Mergers.**~~ The City shall discourage lot combinations, subdivisions, and lot mergers for redevelopment where the result may adversely impact community character.

~~LU-20~~ ~~LU-17~~ **Identification of Commercial Areas.** Require distinctive entry and informational signage, street trees, street furniture, pedestrian-scaled lighting, and other improvements to uniquely identify individual commercial districts, including: the Downtown Core, North Beach, South El Camino Real, Pico Plaza, Los Molinos, Camino de los Mares, Avenida Pico, Marblehead Coastal, and Shorecliffs.

~~LU-21~~ ~~LU-18~~ **Neighborhood Compatibility.** Require that commercial projects abutting residential neighborhoods be designed and operated to protect residents from the effects of noise, light, odors, vibration traffic, parking and other operational impacts.

~~LU-22~~ ~~LU-19~~ **Environmental Compatibility and Quality.** Require commercial districts and uses to be compatible with their environmental setting, promote City environmental goals and be designed and operated to avoid or mitigate environmental impacts.

~~LU-23~~ ~~LU-20~~ **Visitor-Serving Commercial Uses in the Visitor Serving Commercial District (VSCD) Overlay.** Protect existing and encourage new visitor-serving commercial uses over other types of new commercial development in – VSCD Overlay designated commercial and mixed-used lots. Development designed to enhance public opportunities for coastal recreation shall have priority over general commercial development on private lands suitable for visitor-serving commercial recreational facilities. These uses enhance public opportunities for coastal recreation and ~~should~~ shall have priority over general commercial development in the VSCD Overlay. The Overlay protects the visitor-serving uses and prevents the conversion of existing visitor-serving development to other uses.

~~LU-24~~ ~~**Overnight Accommodations.**~~ Encourage the provision and retention of a range of overnight accommodations serving visitors to San Clemente.

2.6.3 Mixed Use Development Policies

~~**Goal 2-3**~~ Promote and support development in areas designated for Mixed Use that is attractively designed, adds vitality and pedestrian activity, enhances economic opportunities, reduces vehicle trips and associated air pollution and offers convenient and affordable housing opportunities for all income levels.

POLICIES:

~~LU-25~~ ~~**Horizontal and Vertical Mix.**~~ Permit a range of horizontally and vertically mixed uses appropriate to key areas of the City.

~~LU-26~~ ~~LU-21~~ **Ground Floor Retail.** In pedestrian-oriented environments, including but not limited to the VSCD, require retail uses to be located on the ground floor (unless the development is part of an affordable housing project) to provide convenience and good visibility for shoppers. Whenever possible, require off-street parking to be screened and located on the side or at the rear of buildings.

~~LU-27~~ ~~LU-22~~ **Upper Floors.** Where buildings over two stories are allowed, require building facades above the second floor to be set back from lower, street-facing facades to minimize the visual impact of the building height and bulk as seen from the street front.

~~LU-28~~ ~~LU-23~~ **Stand-Alone Residential Uses.** In Mixed Use areas (MU 3.1 and MU 3.3) outside the VSCD Overlay, stand alone residential uses are permitted. In these areas, require stand alone dwellings to be compatible with adjacent commercial and mixed uses and with adjacent neighborhoods. Such developments shall:

- a. buffer the residential use from abutting commercial uses;
- b. adequately mitigate the noise, traffic, parking (automobile and truck), and lighting impacts of abutting commercial use;
- c. locate and design dwellings to provide adequate security and privacy for residents; and
- d. minimize, to the extent practical, adverse impacts on the integrity and continuity of nearby commercial uses by considering the long term needs of commercial and residential uses, such as commercial loading, solid waste and recycling storage, private open space, landscape buffers, noise and odors.

~~LU-29~~ ~~LU-24~~ **Visitor-Serving Commercial Uses in Mixed Use Development.** Encourage ~~Require~~ visitor-serving commercial uses on the ground floor of proposals for mixed use development in VSCD overlay areas. Development designed to enhance public opportunities for coastal recreation ~~should~~ shall have priority over private residential development and general commercial development on private lands suitable for visitor-serving commercial recreational facilities.

2.6.4 Industrial Development Policies

~~Goal 2-4~~ Create and maintain diverse employment opportunities located in areas that provide strategic advantages for employers to locate in San Clemente, provide head-of

household jobs, generate municipal revenues, and improve quality of life, while minimizing impacts on surrounding neighborhoods.

POLICIES:

LU-30 LU-25 Coastal-DependedDependent Industrial Development.

The ~~l~~ocation or expansion of ~~C~~oastal-dependent industrial facilities (outfalls, fisheries, desalinization plants or similar coastal dependent industrial facilities) shall be encouraged to locate or expand within existing sites and shall be permitted with reasonable long-term growth where consistent with LCP policies. ~~this document.~~ However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this LCP ~~division,~~ they may nonetheless be permitted if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

LU-31 LU-26 Existing Industrial Property Owners and Businesses.

Recognizing the industrial heritage of the area and its economic benefits to the community, ~~we~~ allow property owners and business to maintain and expand their operations.

2.6.5 Open Space Development Policies

~~**Goal 2-5** Preserve open spaces which provide visual relief, amenities and recreational opportunities, protect environmental resources, protect the population from environmental hazards, and are in balance with new development.~~

Policies

LU-32 LU-27 Active Open Space. Designate new lands for the provision of active recreational open spaces which are sufficient to meet the needs of existing and future residents.

LU-33 LU-28 Passive Open Space. Maintain and when feasible ~~d~~esignate new lands for the provision of passive and visual open space, which provide a balance to the urban and suburban development of the City.

LU-29 Maintain Beach Resources. Maintain valuable beach resources as a fundamental element to conserve. Minimize development on the beach in order to prevent loss of sandy beach area and maintain the beach primarily open space for public access and recreation. Reserve sandy beach areas for low intensity recreational activities that do not require intensive development. Recreational uses

that can be accommodated elsewhere shall be discouraged on the sandy beach (i.e., sport courts and similar facilities permanently displacing sandy beach). Non-sandy beach dependent active recreational activities shall be discouraged and accommodated elsewhere.

LU-30 ***Natural Environment Conservation and Enhancement.*** Maintain the presence of parklands and open space in the Coastal Zone in order to conserve and enhance the natural environment thereby improving the quality and livability of the City.

LU-34 **LU-31** ***Habitat Protection.*** Designate lands for habitat protection that are subject to development restrictions.

LU-35 **LU-32** ***Significant Resources and Hazards.*** Designate lands for the protection of significant environmental resources and protection of life and property.

LU-36 ***Recreational Development.*** ~~Provide for the development of additional open spaces for active recreational.~~

LU-37 **LU-33** ***Open Space Increase.*** Encourage an increase in the City's stock of areas designated for coastal recreational and conservation uses and acquisition of new properties for this purpose.

LU-38 **LU-34** ***Open Space Preservation.*** The City of San Clemente requires city voter approval for projects/actions that would changes the permitted uses of open space lands to non-open space uses and requires an LCP amendment by the California Coastal Commission.

2.6.6 Public and Institution Development Policies

~~**Goal 2-6** Provide a variety of public areas that can be used for such as governmental, administrative, recreational, cultural, public safety facilities, and educational purposes, to meet the broader community's needs and designed to be compatible with surrounding neighborhoods, and with the architectural character of the local areas in which they are located.~~

POLICIES:

LU-39 **LU-35** ***Existing and New Public_Uses.*** Allow the continuation of public recreational, cultural (libraries, museums, etc.), educational, and governmental uses (police, lifeguard, fire, etc.), and health and social service uses at their locations. In addition allow the development of new Public uses in areas designated as public and in other land use zones where they complement and are compatible with adjacent land uses.

~~LU-40~~ LU-36 **New Private and Non-profit Uses.** Allow compatible private and nonprofit recreation, cultural, educational, institutional, and health and social services and other similar uses in areas designated for commercial or business park uses.

~~LU-41~~ LU-37 **Religious Facilities.** Allow for the continuation of existing and development of new religious facilities in ~~any land use zone~~ residential, mixed-use, and commercial land use zones where they are compatible with adjacent uses.

~~LU-42~~ LU-38 **Child and Adult Day Care.** Allow for the continuation of existing and development of new child and adult day-care facilities in residential, mixed-use, and commercial land use zones ~~any land use zone~~ where they are compatible with adjacent uses.

~~LU-43~~ LU-39 **Public Buildings and Sites.** Establish standards for City-owned facilities and coordinate with other public agencies to ensure that public buildings and sites are designed to be compatible in scale, mass, character, and architecture with adjacent buildings for the district or neighborhood in which they are located, including the use of landscaped setbacks, walls, and other appropriate elements to mitigate operational and visual impacts on adjacent land uses.

2.6.7 Visitor-Serving Land Use and Development Policies

~~Coastal Act policies (PRC 30212.5, 30213, 30220-30223 and 30250 (c)) require provisions for public and low cost recreation and visitor serving facilities by requiring that suitable land be designated for these uses and that they be given priority. The LUP contains policies and land uses designed to maintain and expand the mixture of both public and private recreational and visitor-serving facilities in the City.~~

~~The visitor serving/pedestrian-oriented commercial overlay is the City's most diverse commercial districts, offering retail shops, commercial services, restaurants, lodging, offices and dwellings, to create a true mixed-use district. The mixed use districts are located in the downtown core, Pier Bowl, and North Beach which are all in the heart of the Spanish Village by the Sea. As a successful retail, restaurant and entertainment center, these areas attract locals and visitors with activities throughout the day and evening with festive street fairs and festivals throughout the year. The area exhibits a balance between economic and cultural vitality and village character through its Spanish Colonial Revival architecture, pedestrian orientation and ocean views that provide a unique sense of place that makes San Clemente so unique and special. These retail cores are well connected to residential neighborhoods within and adjacent to the area, and they serves as the primary community gathering places.~~

The purpose of the Visitor Serving Commercial District (VSCD) Overlay designation is to signify core commercial and mixed-use districts in which the City will encourage visitor serving/pedestrian uses to be located in pedestrian spaces (on the ground floor), thereby facilitating pedestrian activity along sidewalks and throughout the area.

San Clemente offers many opportunities to use and enjoy the coast, including the many public beaches, the historic Municipal Pier, the Ole Hanson Beach Club, ocean front parks, the California Coastal Trail, which includes the City's Beach Trail, and runs the majority length of the City, the Amtrak and Metrolink train facility, and numerous public access trails that link the community with the Pacific Ocean. San Clemente currently provides 278 hotels/motels (overnight accommodations) in the Coastal Zone, which can serve coastal visitors. Coastal visitor-serving facilities are concentrated in the North Beach, El Camino Real, Del Mar/T-Zone, and Pier Bowl areas.

There are nine coastal visitor-serving facilities (hotels, motels, and inns) listed in Table 2-2. The City also has 160 camping sites, of which 72 are for recreational vehicles, at San Clemente State Beach.

Table 2-2: Hotels, Motels and Inns within the Coastal Zone

Name	Address	Affordability
Always Inn: Bed and Breakfast	177 Avenida Cabrillo	High
Beachcomber	533 Avenida Victoria	High
Best Western Casa Blanca Inn	1601 N. El Camino Real	Moderate
Casa Tropicana	610 Avenida Victoria	High
Rodeway Inn	1301 N. El Camino Real	Moderate
San Clemente Cove	104 S. Alameda	Moderate
San Clemente Inn	2600 Ave. Del Presidente	Moderate
Sea Horse Inn	602 Victoria	High
Villa Del Mar Inn	612 Avenida Victoria	High

Source: AAA and business' website

Policy Intent

LUP policies provide for maintaining and enhancing the variety of visitor-serving facilities and uses that exist in San Clemente's Coastal Zone. These uses will continue to be located throughout the Coastal Zone.

~~Goal 2-7~~ Protect, promote, and provide visitor-serving facilities in San Clemente's Coastal Zone.

POLICIES:

~~LU-46~~ LU-40 **Priority Use.** Prioritize visitor-serving commercial and/or recreation uses over private residential or general commercial development in the VSCD Overlay. The Overlay protects existing visitor-serving uses and prevents the conversion of existing visitor-serving development to other uses.

~~LU-49~~ LU-41 **Protection of Overnight Accommodations Stock.** Discourage reduction in total stock of overnight accommodations in existence as of the effective date of adoption of this Land Use Plan. Based on the City's 2017~~5~~ inventory shown in Table 2.2, there are nine hotels/motels in the City's coastal zone providing 278 rooms and 160 campsites.

~~LU-44~~ LU-42 **Overnight Accommodations.** Protect, encourage and, where feasible, provide lower cost overnight accommodations in the Coastal Zone, including the possibility of a youth or elder hostel.

~~LU-45~~ LU-43 **Lower and Moderate Cost Accommodations. ~~Opportunities.~~** Prohibit the loss of existing lower cost facilities, including lower cost hotel, motel or inn units, or campsites, unless they are replaced with comparable facilities, mitigation, or in-lieu fees are provided. to fund other lower-cost overnight visitor accommodations in the City or the greater Southern California coastal zone area.

~~LU-52~~ LU-44 **Mitigation for New Higher Cost Overnight Accommodations.** In the Implementation Plan establish an in-lieu fee program and/or alternative a method to mitigate potential impacts of new higher cost overnight accommodations on San Clemente's lower cost visitor-serving accommodations to ensure that a balance of overnight accommodations types at various price points continue to be provided. Mitigation ~~may~~ includes the creation of new lower cost overnight accommodations, or contribution to an account used to fund the creation ~~or protection~~ of lower cost accommodations within the San Clemente coastal area may be permitted. Priority shall be given to mitigation proposals providing lower cost overnight accommodations to organized youth programs.

~~LU-55~~ ~~LU-52~~ **Heritage Tourism.** Recognize heritage tourism as an integral part of the City's ~~E~~conomic ~~D~~development.

~~LU-56~~ ~~LU-53~~ **Bicycle Tourism.** Leverage San Clemente's position as a regional coastal route to capture bicycle tourism.

~~LU-57~~ ~~**Sports Tourism and Competition.**~~ Leverage San Clemente's position as a regional center for sports tourism and competition, with emphasis on surfing, aquatic sports, golf, and soccer.

2.6.8 Conservation and Sustainability Policies

~~**Goal 2-8** Achieve state and federal conservation and sustainability standards for all types of development within the Coastal Zone.~~

~~LU-58~~ ~~LU-54~~ **New development shall:**

- a. Be consistent with requirements imposed by ~~an~~ the applicable regional air pollution control district or the State Air Resources Control Board as to each particular development.
- b. Minimize energy consumption and vehicle miles traveled.
- c. Implement the regional Air Quality Management Plan (AQMP) air quality mitigation measures for new development.
- d. Minimize water consumption rates in San Clemente through site design, use of efficient systems, drought tolerant landscape and other techniques.
- e. Implement National Pollutant Discharge Elimination System (NPDES) requirements when applicable to prevent storm water run-off pollution in accordance with the Federal Clean Water Act.

~~LU-59~~ ~~LU-55~~ **Greenhouse Gases (GHG) Emissions Reductions.** Reduce GHG emissions in accordance with regional, State and Federal regulations, consistent with the adopted Climate Action Plan.

~~LU-60~~ ~~LU-56~~ **Indoor Air Quality.** Comply with State Green Building Codes relative to indoor air quality.

~~LU-61~~ ~~LU-57~~ **Air Particulate Matter.** Support efforts to reduce particulate matter to meet State and Federal Clean Air Standards.

~~LU-62~~ ~~LU-58~~ **Energy Conservation Strategy.** Require conservation as the first strategy to be employed to meet energy-saving standards.

~~LU-63~~ LU-59 **Reduce Water Consumption.** Continue to help reduce per capita potable water consumption and related energy use through implementation of water conservation programs and through public education and outreach.

~~LU-64~~ LU-60 **Alternative Fueling Stations.** Encourage the private and public sector to provide vehicle fueling stations that cater to electric and other alternative fueled vehicles and require such facilities for City operations and facilities, where appropriate.

~~LU-65~~ LU-61 **Sensitive Land Uses.** Prohibit the future siting of sensitive land uses (schools, churches, residential, and similar uses), within distances defined by the California Air Resources Board for specific source categories, unless such uses include sufficient mitigation to avoid significant adverse impacts on human health.

~~LU-66~~ LU-62 **Green Building.** Require new development to comply with State Green Building Codes and encourage new development to pursue LEED certification where feasible.

~~LU-67~~ LU-63 **Solar Panels.** The use and location of solar panels shall be in compliance with state law and ~~should~~ shall be in compliance with height restrictions and located where they would not impact visual, cultural, ~~and biological,~~ or other coastal resources.

2.6.9. Focus Areas and Marblehead Coastal Area

Focus Area policies provide specific direction for certain communities, in addition to all other applicable policies of the LCP.

Los Molinos Focus Area

~~Goal 2-8~~ Maintain a vibrant business incubator district that respects, protects, and builds upon the area's eclectic character and land uses, and that provides new educational and employment opportunities for San Clemente's residents and employees.

POLICIES:

~~LU-68~~ LU-64 **Existing Industrial Property Owners and Businesses.** Recognizing the industrial heritage of the area and its economic benefits to the community, allow property owners and business to maintain and expand their operations, consistent with the General Plan and Zoning Code.

~~LU-69~~ LU-65 **Los Molinos Public/Private Partnership.** The City will routinely communicate and collaborate with existing property owners and businesses to

understand their needs, identify strategies to improve their businesses and properties, and ensure compliance with City standards and regulations.

LU-70 LU-66 ***Design Treatment.*** Encourage an eclectic mix of architectural styles, colors, materials, landscaping and public art throughout the area.

LU-71 LU-67 ***Nearby Residential Neighborhoods.*** Work with property owners, businesses and nearby residents to avoid, and where they possible, resolve conflicts between industrial operations and residents' quality of life.

LU-72 LU-68 ***Entryways/Corridor Landscaping.*** Maintain entryways and an attractive, well-defined landscaped edge along Avenida Pico and Calle de Los Molinos to signify arrival to the City of San Clemente and the Los Molinos area.

LU-73 LU-69 ***Architectural Styles.*** Encourage the use of diverse architectural styles that reflect the eclectic character and local context of these areas. Emphasis shall be placed on quality design and building materials.

North Beach/North El Camino Real Focus Area

~~**Goal 2-9** Re-establish and maintain a vibrant community and visitor-serving, mixed use entertainment center which capitalizes on its proximity to the beach and significant historic resources.~~

POLICIES:

LU-74 LU-70 ***Miramar Theater Rehabilitation.*** Encourage the rehabilitation and adaptive reuse of the historic Miramar Theater.

LU-75 LU-71 ***Gateways.*** Enhance and maintain attractive gateways and informational signage signifying arrival to the North Beach/North El Camino Real area at the following locations along North El Camino Real: 1) the northern entrance to North Beach, 2) the historic entryways to Max Berg Plaza Park at El Portal, and 3) the southern entryway to the area at Avenida Palizada.

LU-76 LU-72 ***Quality Development.*** Require that site, building and landscape development be of high quality design and materials and that promote pedestrian activity.

LU-77 LU-73 ***Automobile-Related Land Uses.*** Support the conversion of automobile-related land uses in the area to conforming uses, such as recreation, entertainment and retail sales. We prohibit new automobile-related uses and proactively work with property owners of existing automobile-related land uses to improve the appearance and compatibility of such properties.

~~LU-78~~ LU-74 **Residential Buffers.** While entertainment and cultural uses are the focuses of the Area's revitalization, ~~we require new development must be to be~~ compatible with nearby residential uses through setbacks/horizontal distance requirements and building and site design standards.

~~LU-79~~ LU-75 **Partnerships.** Create public-private business partnerships to develop City owned property and encourage the development of privately-owned land ~~and to help transform the district into an active, mixed-use, recreation and entertainment hub.~~

~~LU-80~~ LU-76 **North Beach.** Require initiatives, investments, and development approvals for the North Beach area to contribute to the City's~~our~~ vision of the area as a multi-modal, mixed-use entertainment and recreation district that emphasizes the pedestrian experience and preserves and enhances its key assets. These assets are views of the ocean, access to the beach, a rich inventory of historic resources, access to recreational opportunities and numerous shops and services for residents and visitors alike.

~~LU-81~~ LU-77 **El Camino Real.** Require initiatives, investments, and development approvals for El Camino Real to contribute to the City's~~our~~ vision of the area as a mixed-use, multi-modal corridor with historic resources and different commercial nodes that primarily serve the needs of San Clemente residents and businesses.

~~LU-82~~ LU-78 **Design Treatment.** ~~We Require~~ that new buildings and major building remodels in the ~~Del Mar/T-Zone, North Beach, and Pier Bowl areas,~~ and on portions of El Camino Real utilize Spanish Colonial Revival architecture, per the Architectural Overlay District requirements.

Del Mar/T-Zone Focus Area and Downtown Core

~~Goal 2-10~~ ~~Preserve and where appropriate, improve the Del Mar/T-Zone so that it serves as the symbolic, functional, historic and physical center of the City; emphasizing its use as a pedestrian-oriented commercial and residential "village" providing for the needs of residents and visitors.~~

POLICIES:

~~LU-83~~ LU-79 **Outdoor Dining.** Encourage the development of outdoor dining and other similar uses which do not impede pedestrian use of the sidewalks.

~~LU-84~~ LU-80 *Design Treatment.* Require Spanish Colonial Revival Architecture for all new buildings and major remodels in accordance with the Architectural Overlay District requirements.

~~LU-85~~ LU-81 *Public Spaces and Plazas.* Provide public spaces, such as courtyards, plazas and paseos, flexible parkways and streets for community gatherings and civic events through a combination of development standards, incentives and the use of public property (e.g., adjacent to community facilities or the temporary use of Avenida Del Mar).

~~LU-86~~ LU-82 *Unique Commercial Character.* Encourage unique, locally-based businesses and services that help maintain and enhance Downtown's unique village character.

~~LU-87~~ LU-83 *Avenida Del Mar/T-Zone.* Require initiatives, investments, and development approvals for the Avenida Del Mar and T-Zone area to contribute to the City's vision of the area as an amenity-rich, multi-modal, mixed-use district that emphasizes the pedestrian experience. This district is characterized by its historic resources and is one of San Clemente's specialty retail and entertainment destinations, serving residents and visitors.

Pier Bowl Focus Area

~~Goal 2-11~~ Preserve and where appropriate, revitalize the Area to maintain an attractive and easily accessible, pedestrian-oriented center of resident and visitor activities which capitalizes on its history and coastal location, and which embodies much of the small town, beach-oriented lifestyle enjoyed by San Clemente residents.

POLICIES:

~~LU-88~~ LU-84 *Views/Scenic Public View Corridors.* Preserve and protect existing ~~Public~~ View ~~Corridors,~~ identified in Figure 6-2. Ocean views are among the most valued assets in the Pier Bowl area. New development ~~should take advantage of,~~ and shall not detract from adversely impact these important view corridors.

~~LU-89~~ LU-85 *Infill Development.* ~~Accommodate~~ Continue to require that new development that is compatible with coastal-oriented and community-serving commercial uses, (including such as overnight accommodations), mixed residential and commercial uses, residential uses, and public recreational uses whose function or scale are compatible with the Pier Bowl aArea's recreational character.

LU-90 LU-86 **Parking.** To address parking constraints during peak season and peak hour demand, ~~we~~ give high priority to parking strategies that reexamine improved efficiencies at existing parking lots, encourage shared parking, explore greater use of and access to remote parking facilities, and minimize impacts to existing view corridors. The City will avoid structures as parking solutions.

LU-91 LU-87 **Connectivity to the Del Mar/T-Zone.** Provide effective visual and transportation connections to the Del Mar/T-Zone area with visual cues such as signage, landscaping and lighting and work with property owners and businesses to provide transit options for visitors seeking to visit both the Pier Bowl and Del Mar/T-Zone destinations.

LU-92 LU-88 **Wayfinding Signage.** Provide clear wayfinding signage, or other methods, at key locations throughout the area (e.g., train station, Pier Bowl parking lot, Casa Romantica, etc.) to direct visitors to local amenities.

LU-93 LU-89 **Economic Development.** Leverage Del Mar/T-Zone and Pier Bowl economic development efforts and special events to enhance regional appeal and encourage visitors to visit both destinations. The City will support efforts to develop tools that aid in the Area's revitalization.

LU-94 LU-90 **Pier Bowl.** Require initiatives, investments, and development approvals for the Pier Bowl area to contribute to the City's ~~our~~ vision of the area as a historic, multi-modal, mixed-use entertainment and recreation district that emphasizes the pedestrian experience, provides beach and ocean access, and is the focus for ocean-related activities for residents and visitors.

LU-95 LU-91 **Design Treatment.** Require Spanish Colonial Revival Architecture for all new buildings and major remodels in accordance with the Architectural Overlay District requirements.

Marblehead Coastal Development Plan Area

~~**GOAL 2-13** Develop the Marblehead Coastal Development Plan Area in conformance with CDP 5-03-013 as amended.~~

LU-96 LU-92 **Marblehead Coastal Development Permit.** Development within the Marblehead Coastal Plan Area~~The Marblehead Coastal development shall be consistent with the conditions of approval for CDP Coastal Development Permit no. 5-03-013 as currently amended and as it may be amended in the future.~~

Plain Text and **Plain Bold Text Headings** = City proposed LUP language
Underlined Text = CCC Suggested Modification, Inserted Language
~~StrikeOut Text~~ = CCC Suggested Modification, Deleted Language

3.0 PUBLIC ACCESS AND RECREATION

3.1. Introduction

San Clemente has many opportunities to access, use, and enjoy the coast. The City provides 18 beach access points. The City's shoreline is five miles in length, including two miles of City beaches, one mile of State Beach and two miles of private beaches. City beaches are open from 4:00 am to midnight (per City Ordinance 749) and the State Beach is open from 6:00 am to 10:00 pm (daylight savings) and 6:00 am to 8:00 pm (standard time). The public can enjoy a number of amenities and activities, including the historic Municipal Pier, the Ole Hanson Beach Club, ocean front parks and campgrounds, and the City's Beach Trail.

3.1.1 Mobility

Regional Vehicular Circulation

The principal component of the regional transportation system affecting San Clemente is the San Diego Freeway (I-5). This freeway provides a direct link with the Orange County/Los Angeles and San Diego metropolitan areas. For the most part, I-5 is located outside of the Coastal Zone, however, the southernmost stretch of the freeway is in the Coastal Zone.

Pacific Coast Highway provides a second regional link for beach access to San Clemente. Paradoxically, the Coast Highway is outside the Coastal Zone in San Clemente for much of its length. Known as El Camino Real throughout San Clemente, it defines the major commercial business district of the City. El Camino Real is subject to heavy utilization and congestion on summer weekends and on all holidays.

The third regional link to the City is located outside the Coastal Zone and will be provided by the extension of Avenida La Pata from San Juan Capistrano. Avenida La Pata is expected to be completed in 2016 and will connect to Del Rio in the Forester Ranch community and Avenida Pico within the Talega and Rancho San Clemente communities.

Public Transportation

~~There are four bus service lines in the City~~Currently, there are two bus service lines in the City's Coastal Zone operated by the Orange County Transportation Authority (OCTA). The current public transit services in San Clemente are described in detail below and are subject to change:

Route 1 operates seven days of the week and connects San Clemente to Long Beach. Within the City of San Clemente, Route 1 runs along El Camino Real. Outside of the City, it runs along Pacific Coast Highway (PCH). This route has timed stops at the intersection of El Camino Real and Santa Margarita and El Camino Real and Avenida Pico within the City. Weekday service frequency is approximately every half hour.

Route 91 operates seven days of the week and connects San Clemente to Laguna Hills. Within the City of San Clemente, Route 91 runs along El Camino Real and Los Molinos. Outside of the City, it runs along Paseo De Valencia, Camino Capistrano, Del Obispo Street and PCH. This route has a timed stop at the intersection of Avenida Pico and Los Molinos within the City. Weekday service frequency is approximately every 35 minutes.

~~**Route 191** operates seven days of the week and connects San Clemente to Mission Viejo via Rancho Viejo Road, Camino Capistrano and El Camino Real. This route has a timed stop at the intersection of El Camino Real and Santa Margarita, San Clemente Pier, San Clemente Metrolink Station within the City. Weekday service frequency is approximately every 30 minutes.~~

~~**Route 193** operates Monday through Friday and connects San Clemente Metrolink Station to “Pico Plaza” via Camino de Los Mares, Camino Vera Cruz and Avenida Pico. This route has a timed stop at San Clemente Metrolink Station, Wal-Mart San Clemente and Sears Plaza within the City. Weekday service frequency is approximately every 60 minutes.~~

Rail Service

~~The LOSSAN Corridor runs between San Diego and San Luis Obispo. The 351-mile Los Angeles – San Diego – San Luis Obispo Rail Corridor (LOSSAN Corridor) travels through a six-county coastal region in Southern California. The segment that runs through San Clemente is a single track and is owned and maintained by the OCTA. Although the right-of-way is owned by the OCTA, the San Clemente Beach Trail – part of the California Coastal Trail – and protective fencing and improved, signalized pedestrian-grade crossings parallel to the railroad tracks are maintained by the City of San Clemente. The railroad carrier through City of San Clemente is used by Amtrak and Metrolink. The two passenger rail services operate separate stations in San Clemente at two different locations. The Amtrak station is located at San Clemente Pier (shared with Metrolink), while the Metrolink station is located at the north beach area. Rail services are described below:~~

Amtrak provides service for the purpose of recreation in the City of San Clemente. Trains (Pacific Surfliner and California Coastal Services) stop at the San Clemente Pier

daily in the spring and summer, from late April to October. During the rest of the year, service is limited to weekends and holidays only. There are four northbound and southbound trains which serve this facility on the weekdays. On weekends, there are two trains (both northbound and southbound) which serve this facility. Regional access to this facility is via Avenida Del Mar and Avenida Madrid, which connect to El Camino Real. Local access to the station is provided through the driveway along Avenida Victoria. Paid parking spaces are currently provided at the station. OCTA bus Route 191/191A serves the station during summer.

Metrolink commuter trains inaugurated service for the City of San Clemente in 1995, providing peak hour commuter transportation to key cities in both Orange and Los Angeles Counties. Currently, two Metrolink lines provide service in the City of San Clemente (at San Clemente Metrolink Station and San Clemente Pier), which are the Orange County Line and Inland Empire – Orange County Line. The rail service and number of stops per day are subject to change, ~~should be verified with Metrolink.~~ Regional access to this station is available from Avenida Pico and El Camino Real. Local access to the station is provided through the driveways along El Camino Real. Paid parking spaces are available at the station. OCTA bus Routes 91 and 191 service the station. Two northbound and two southbound Metrolink trains only stop at San Clemente Pier station on weekends.

Bike and Pedestrian Circulation

The City of San Clemente promotes safe, convenient and efficient facilities and programs for bicycle and pedestrian travel. There are several bike routes through the City of San Clemente – two run parallel to the coast: one along El Camino Real and one along South Ola Vista. The north/south routes are located on Avenida Pico, Camino De los Mares, and Avenida Vista Hermosa.

The City has a network of multimodal trails that run from the beach, up the canyons and along its ridge lines. These trails have been designed to provide a safe walking, hiking and bicycling ~~riding~~ experience, while maintaining San Clemente's coastal environment. The ridge line trails provide spectacular views of the coast in both directions and pristine coastal canyons in adjacent inland wildlife reserves. San Clemente is an unusual Orange County coastal City in that it is bordered on two sides by protected open space ~~wild lands~~ easily accessible to San Clemente's citizens via the City's trail system.

Suggested Modification: Revise Figure 3-2 to only depict the coastal zone and provide greater detail such as major street names, and bus line/route numbers.

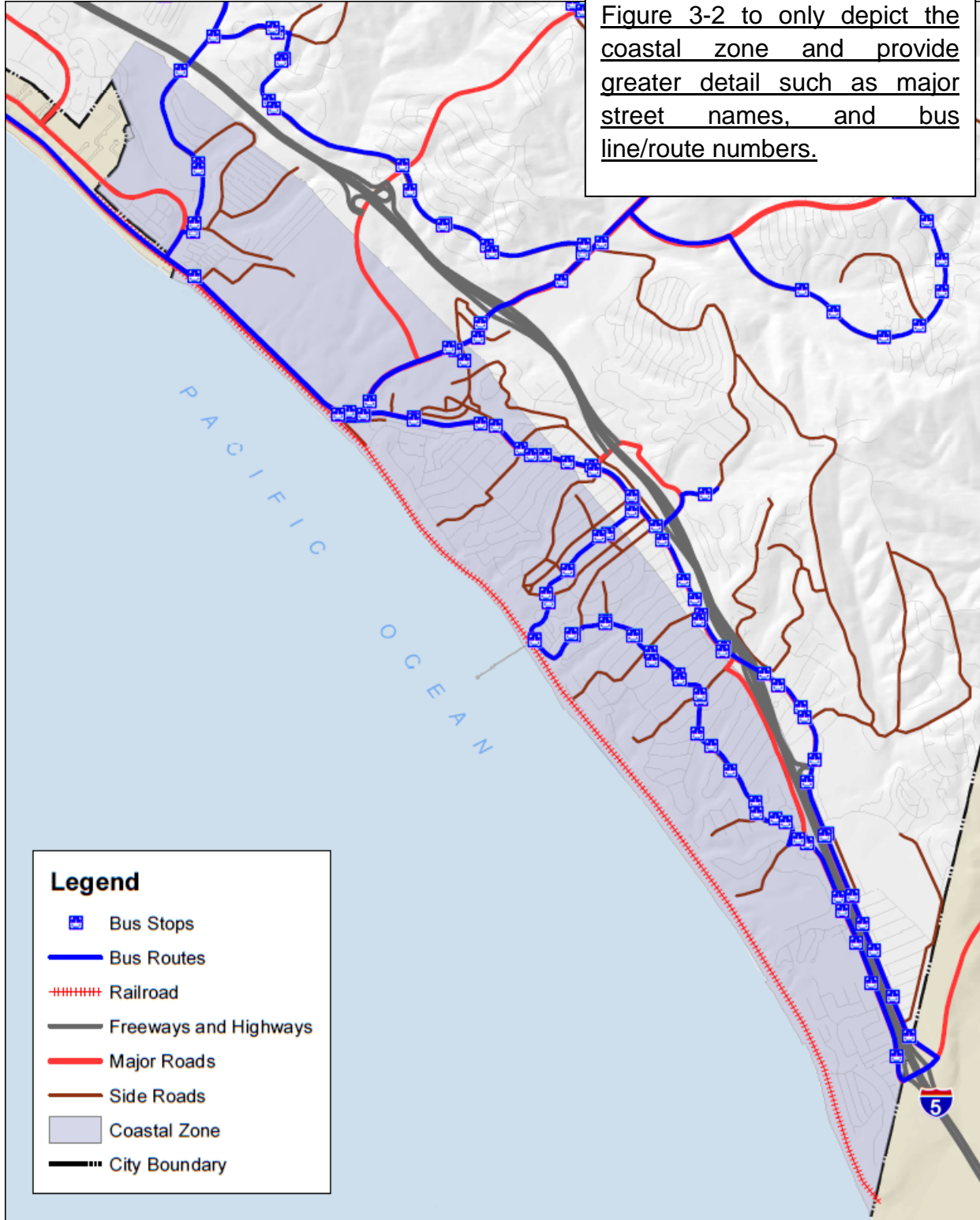
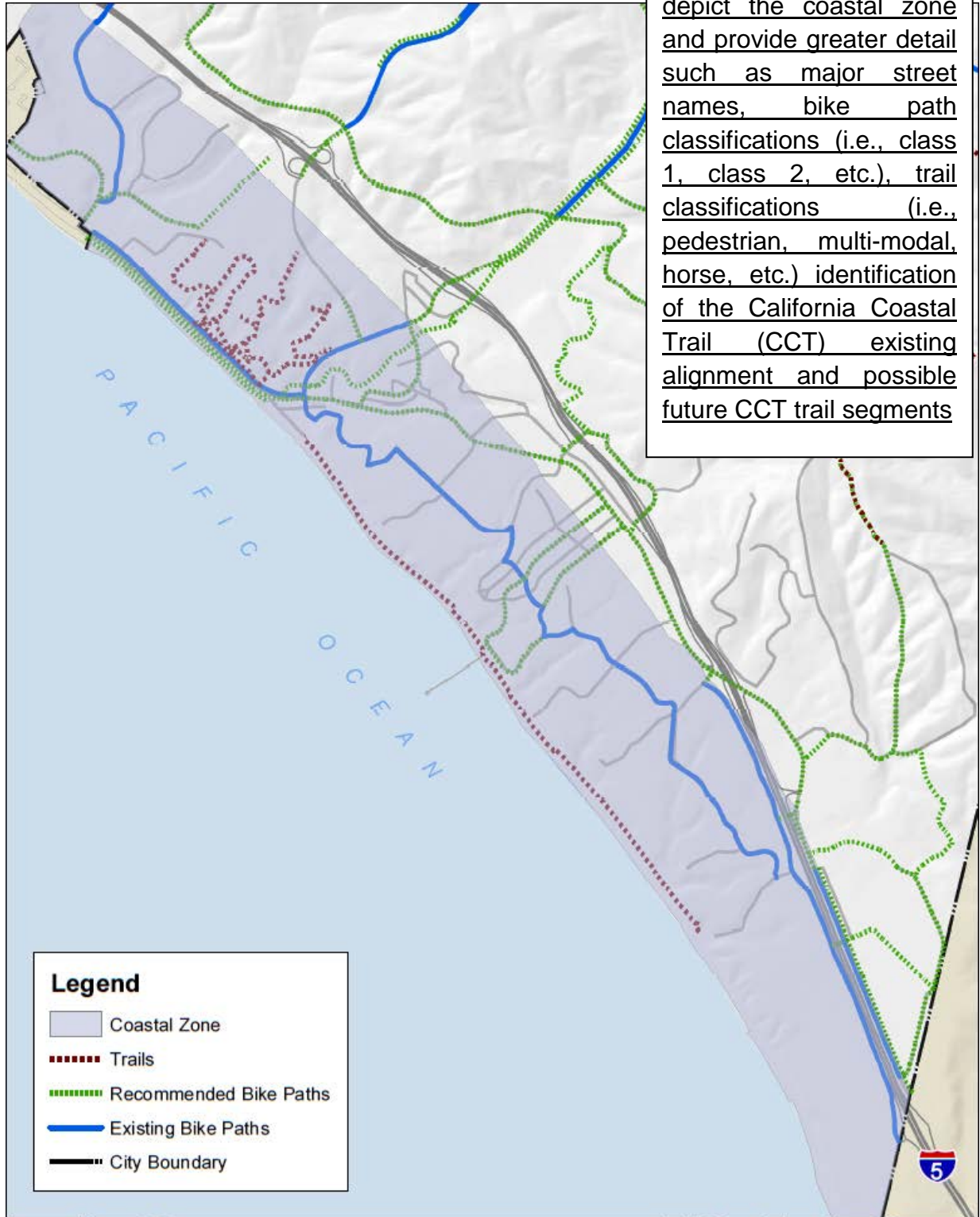


Figure 3-1
Road, Bus, and Rail Routes



Suggested Modification:
Revise Figure 3-2 to only depict the coastal zone and provide greater detail such as major street names, bike path classifications (i.e., class 1, class 2, etc.), trail classifications (i.e., pedestrian, multi-modal, horse, etc.) identification of the California Coastal Trail (CCT) existing alignment and possible future CCT trail segments



Legend

- Coastal Zone
- Trails
- Recommended Bike Paths
- Existing Bike Paths
- City Boundary



Figure 3-2
Bike and Pedestrian Trails

0 0.1 0.2 0.4 0.6 0.8 Miles



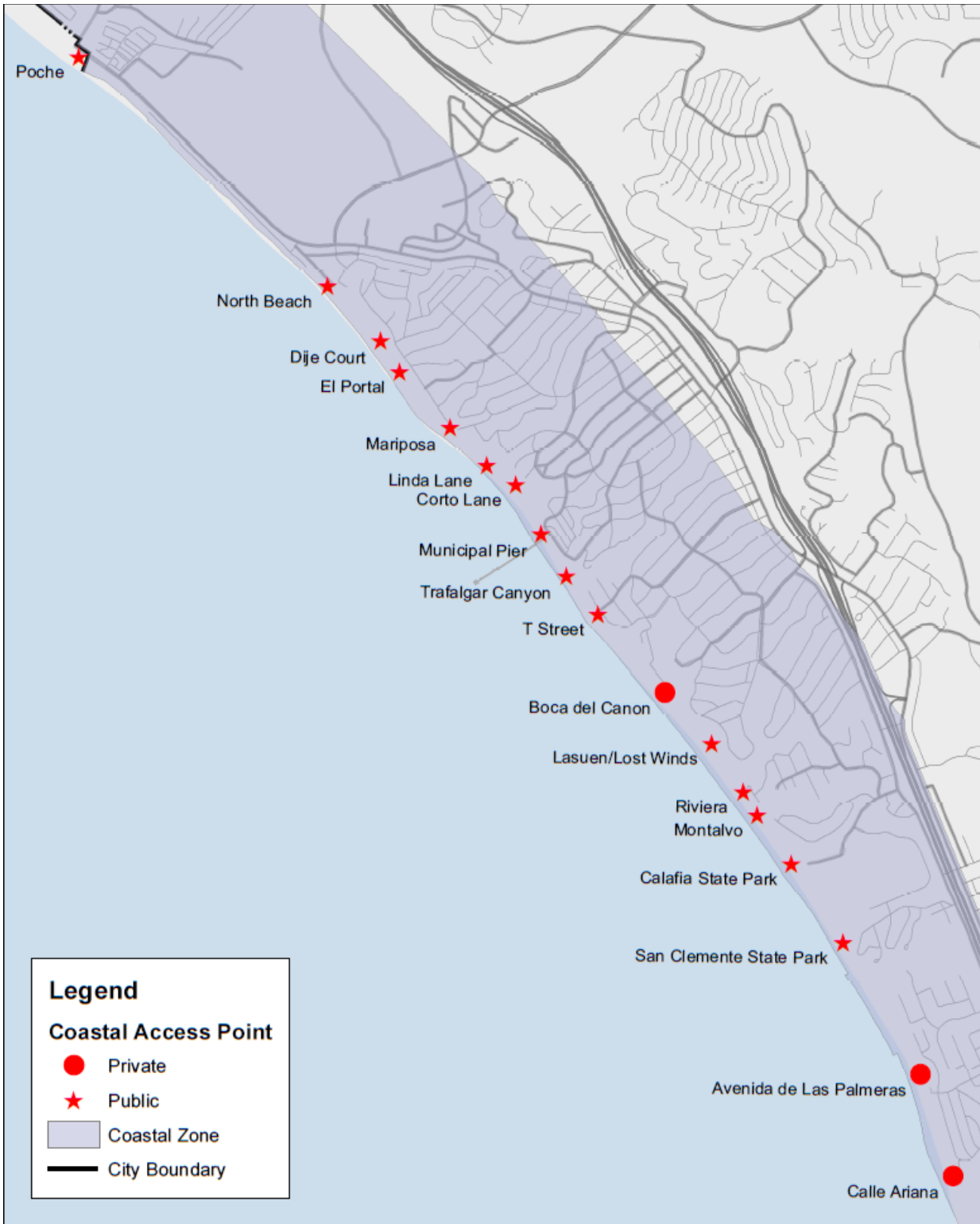

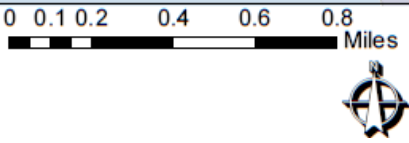


Figure 3-3
 Coastal Access Points



3.1.2 Shoreline Access

In terms of implementing the Coastal Act, there are two basic types of coastal public access: vertical access, or access to the shoreline, and lateral access, or access along the shoreline. The City has a total of ~~18~~ 19 public and private and public vertical access points (15 public and 4 private) that provide excellent access opportunities to a five mile stretch of City, State, and private beaches (see Figure 3-3, Coastal Access Map). In addition, the Beach Trail (a segment of the California Coastal Trail) provides lateral access along the shoreline extending from the Metrolink Station parking lot at North Beach south to Calafia State Park Beach.

The City beaches, and municipal pier, ~~and Beach Trail~~ are open to the public from 4:00 am to midnight (per City Ordinance 749). The San Clemente State Beach Park ~~and the Beach Trail from the T-Street restrooms to Calafia Beach~~ is open from 6:00 am to 10:00 pm (daylight savings) and 6:00 am to 8:00 pm (standard time). However, public access along the shoreline is available at all times, notwithstanding these beach open hours.

There are, however a number of private beach areas parcels where public access is presently not available above the mean high tide line. Providing public access to these private areas and further improvement to existing public access is desirable. No policy in the LUP shall be construed as allowing private ownership of a beach parcel to preclude access to State tidelands where access is otherwise lawfully provisioned or accounted for.

~~The Coastal Access Maps (Figures 3-4 through 3-21) and accompanying descriptions identify the 18 public and private shoreline access points to the beaches and Beach Trail within the City in order from north to the south.~~

This section presents a comprehensive description of existing shoreline access in San Clemente. A major portion of the coastline through San Clemente is a public beach maintained by the City. Comprising approximately a twenty acre area, the coastline provides such amenities as restrooms, lifeguard facilities, picnic areas, showers, children's play areas, fire pits, food concessions, and public parking.

In an effort to better identify the various beach access points, the coastline has been divided into four areas. These areas were defined based on the coastal access points within each area sharing common coastal circulation routes from the I-5 Freeway and the Pacific Coast Highway (PCH). These divisions are as follows:

- A. Estrella/North
- B. Pico/Palizada
- C. Presidio/Central
- D. Calafia/South

The access points within these areas have been given numerical designations, starting with “1” at the northernmost portion of the shoreline and ending with “19” at the termination of Calle Ariana adjacent to the Cotton Estate in the South. A summary identifying the method of access, types of public facilities, and extent of parking for each of the nineteen specific access points is presented in Figures 3-4 through 3-22 and Table 3-3.

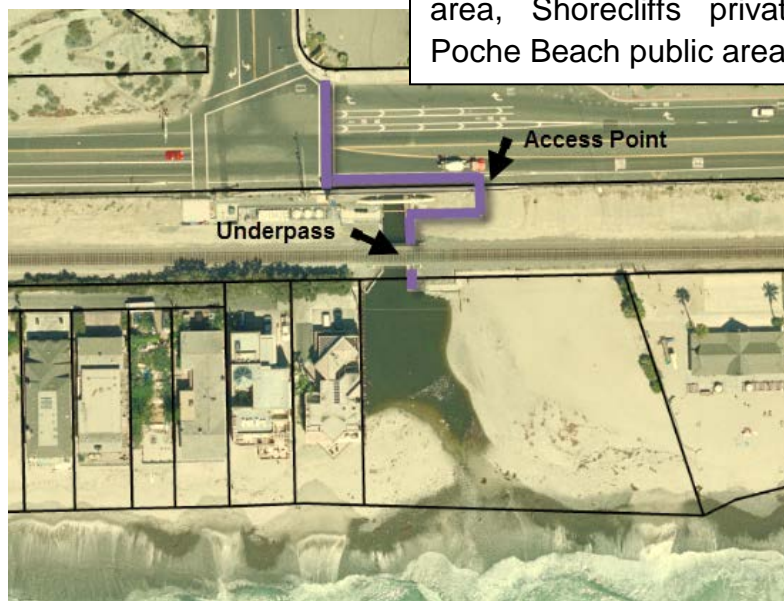
AREA A: ESTRELLA/NORTH (Access Points 1 and 2)

- Public Access Point 1: Pochè:

The location of Access Point 1 is shown in Figure 3-4. This is the northernmost beach access in the City, serving beaches in both the cities of San Clemente and Dana Point. The beach nearest the drainage outlet and at the southernmost end of Dana Point is owned and operated by the County of Orange. The beach beginning at the northernmost City limit and toward the south is privately owned with its use restricted to residents of the Shorecliffs community and their guests. Pochè Beach is a popular surfing and body boarding area. Public access is allowed seaward of the mean high tide line and in the Dana Point jurisdiction of the beach area. ~~The public portion of Pochè Beach is located in Dana Point,~~ just north of the private portion of the beach owned by the San Clemente Shorecliffs Beach Club Association (see Figure 3-22). Public access to the beach follows the signalized intersection across Pacific Coast Highway to a catwalk under the rail road tracks and to the beach.

Figure 3-4: Pochè

Suggested Modification: Revise Figure 3-4 to depict and label the City limit, Dana Point beach area, Shorecliffs private beach parcel, and Poche Beach public area



- Private Access Point 2: Capistrano Shores Mobile Home Park

Refer to 1996 LUP for description.

AREA B - PICO/PALIZADA (Access Points 3 2 through 6 5)

This 4,000 foot stretch of beach extends south from a public access area near the Ole Hanson Beach Club at the north, to a point just south of the termination of Avenida La Paloma. This area is characterized by a major public access point at North Beach and a 100 foot high bluff that makes the remainder of the access points less convenient to use.

The northern portion of the Pico/Palizada Area can be reached by Avenida Pico, which has a four way diamond interchange with the San Diego Freeway. The area can also be reached from the San Diego Freeway via Avenida Palizada, which has a southbound off/northbound on interchange. The area contains one of the most accessible City beaches from the I-5 Freeway North Beach.

- Public Access Point 3 2: North Beach

North Beach, one of the principal beach access points in San Clemente, is located in this area (see Figure 3-65). North Beach, as its name indicates, is the northern most public beach in the City. Vehicular access to North Beach is from El Camino Real to Avenida Estacion or Boca de la Playa, where several public parking areas can be reached. A parking lot with metered parking, as well as on-street metered and non-metered spaces are available. There are approximately 345 parking spaces available at this location, 107 are located in the off street parking lot, 149 on Avenida Estacion, 22 on Avenida Pico, 33 On Boca De La Playa, and 34 on Avenida Deshecha.

North Beach is the location of the City's Metrolink train station. The Metrolink station shares 150 parking spaces with beach and recreational parking. Approximately 100 spaces are reserved for recreational and beach parking only. The station includes a platform with three canopies designed in a Spanish Colonial Revival motif. In the future the City is considering adding additional public parking on the City owned vacant lot along North El Camino Real.

The beach itself is reached by crossing the railroad right-of-way at-grade crossing with safety controls at the southern end of the Avenida Estacion parking area. This is also the trailhead for the northern point of the San Clemente Beach trail, which runs 2.3 miles south to Calafia Beach.

Figure 3-65 North Beach



Beach amenities maintained by the City include: picnic tables, a snack bar, restrooms, shower, fire pits, volleyball courts, and a children's play area. North Beach is a family oriented beach that experiences heavy use in the summer. The beach connects with the publicly owned two acres of the Ole Hanson Beach Club located on the bluff at the southeastern portion of this area. The Ole Hanson Beach Club contains picnic benches, a 25 yard lap pool, a wading pool a recreation building (the Ole Hanson Beach Club), and a lookout point which affords a panoramic view of the coastline. The Beach Club is a historic building (designated on the National Register of Historic Places) that is owned and operated by the City. The building is used for a variety of community and recreational activities, and it is available to be rented for weddings, social and other special events. The design requirements of the area encourage a pedestrian oriented "village atmosphere." Retail shops, gift shops, restaurants, hotels, bed-and breakfast inns, entertainment, and residential units on upper floors are all uses allowed under the plan. Public improvement projects envisioned for North Beach include the establishment of a multi modal transportation center, landscape and streetscape improvements, directional signs, PCH improved class I bike path, median and landscaping from North Beach to Camino Capistrano.

In addition to Access Point 23, there are three other access points within the Pico/Palizada area designated as Access Points 3,4, and 5, and 6 (see Figures 3-6, 3-7, and 3-8). They are similar to one another in that they primarily serve adjacent residential areas, have very limited on-street parking, and require the use of steep stairways and/or ramps to reach the beach.

- Public Access Point 4 3: Dije Court (204 Beach)

The Dije Court access is located at the termination of Dije Court at Buena Vista. The access connects to the beach trail "Two-O-Four" (204) beach via a steep stairway descending from a 100 foot bluff. The beach is accessed by an at-grade crossing with safety warning and control devices with stairs that lead down the rock revetment to the beach. There are no public amenities due to the narrow beach area. This is one of the more popular surfing beaches in the City (see Figure 3-76).

Figure 3-76 Dije Court



- Public Access Point 5-4: El Portal (204 Beach)

The El Portal access is located at the intersection of West El Portal and Buena Vista. A series of stairways and ramps down a narrow canyon lead to "204 Beach." The area at the top of this access ~~currently under rehabilitation to~~ provides an ADA accessible viewing area ~~in addition to the existing~~ and picnic table with a panoramic view. The beach access via an at-grade crossing with safety warning and control devices and by a drainage channel under the railroad trestle. There are no public facilities on the beach (See Figure 3-8).

Figure 3-87 El Portal



• Public Access Point 6 5: Mariposa

The Mariposa access is located at the junction between West Escalones and West Mariposa (see Figure 3-98). Access from Buena Vista to the Mariposa access point entrance is provided by a narrow easement through a property located at 254 West Escalones that fronts both Buena Vista and Mariposa/W. Escalones. Mariposa beach is accessed by a 300 foot concrete ramp down a narrow canyon which connects to the beach trail and a below grade crossing under the railroad to access the beach. There are no public facilities on the beach; and because Mariposa is a point, the beach sand is depleted in this area. West Reef, a popular fishing and diving area, is located approximately one-third mile offshore in front of this access.

Figure 3-98 Mariposa



AREA C – PRESIDIO/CENTRAL (Access Points 7 6 through 124)

The Presidio/Central Area includes those beach areas immediately west of the traditional downtown or central area of the City of San Clemente. There are more access points (six) in this area than in any other sector of the City. Three of the access ways (Linda Lane Park, Municipal Pier, and T-Street) lead to the City's most popular and highly developed concentration of beach improvements. The Avenida Presidio and El Camino Real I-5 Freeway exits provide the most direct means of access to the beach in the Presidio/Central area. Local access is provided by a number of connector streets, all of which intersect El Camino Real. Although all streets which cross El Camino Real lead toward the beach, seven streets provide the most direct access. These streets are: Avenida Palizada, Avenida Del Mar, Avenida Granada, and Avenida Victoria (all of which are located in the central core of San Clemente's commercial downtown area), Avenida Barcelona, Esplanade, and Paseo de Cristobal.

• Public Access Point 7 6: Linda Lane Park

Linda Lane Park was constructed by the City of San Clemente in 1975 (see Figure 3-109). The park facilities provide excellent parking and beach recreation opportunities. There are approximately 131 parking spaces in the Linda Lane area. Recreation facilities within the park include a children's play area and a picnic area. The recreational facilities on the beach, coined "Second Spot" by the locals, includes two volleyball courts and restrooms. Vehicular access to Linda Lane Park and beach access point is provided by Linda Lane itself (which is one way westbound). Beach and park users exit via Mecha Lane (one way northbound), which intersects Avenida Marquita.

The beach is accessed is by a large storm drain tunnel under the railroad right-of-way. There is also an approved public access way stairway that leads from Arenoso Lane at the top of the coastal bluff down to Linda Lane Park and a public viewpoint ~~lookout point~~ from Linda Lane Park.

Figure 3-109 Linda Lane Park



• Public Access Point 8 7: Corto Lane

Corto Lane access is located on Corto Lane, a short street with a cul-de-sac at the end. The access is located between two large condominium projects and leads to a long stairway that makes its way down the coastal bluff. The beach access is an licensed at-grade protected pedestrian railroad crossing ~~at-grade crossing with safety warning and control devices~~. This access point leads to the beach called "Second Spot" (see Figure 3-110).

Figure 3-110 Corto Lane



• Public Access Point 9 8: Municipal Pier

The Municipal Pier access can be reached by a number of routes through San Clemente. The most direct route is provided by Avenida Del Mar and Avenida Victoria, turning west from El Camino Real. The configuration of Avenida Del Mar and Avenida Victoria form the "bowl" of the pier area, and are the main components of the roadway network in the vicinity. Avenida Granada, Avenida Rosa, and Avenida Algodon also provide convenient access to the Pier Bowl by connecting with Avenida Del Mar and Avenida Victoria west of El Camino Real. Access to the Pier Bowl is also available by bus, established bicycle routes, and the beach trail.

The Municipal Pier access (see Figure 3-124) is located at the base of the Municipal Pier adjacent to commercial shops, train and bus stops, a park, the beach and the Marine Safety Headquarters. The beach is very popular for surfing, body boarding, swimming, and sunbathing. The pier offers fishing, scenic walks and a small concession and bait-and-tackle shop at the end. The Fisherman's restaurant, bar, and beach concession stand are located at the base of the Pier. The Pier Bowl area is also known for its special community events--such as the Fourth of July fireworks show, Chowder Cook-Off, and Ocean Festival. Due to the diversity of attractions in the Pier Bowl, the Municipal Pier access receives the highest use of any access in the City.

Figure 3-124 Municipal Pier



- Public Access Point 10 9: Trafalgar Canyon

Access to the beach begins off of South Ola Vista along an public easement that follows the bottom of the Trafalgar Canyon down to the beach. At the end of the canyon the beach is accessed under a railroad trestle (Figure 3-13).

Figure: 3-132

Suggested Modification: Revise Figure 3-13 to depict the starting point of the access way at the top of the bluff.



- Public Access Point 11 40: T-Street

The T-Street access is located at the end of West Paseo de Cristobal, which can be reached by the Avenida Presidio exit from the 1-5 Freeway, using either Esplanade or West Paseo de Cristobal from El Camino Real. The ~~means of access~~ point is a pedestrian railroad overpass from an on-street metered parking area which accommodates approximately 107 cars with 78 metered spaces (see Figure 3-143). The concrete overpass was constructed in 1981 for safe pedestrian access over the railroad tracks. Public facilities on the beach at T-Street include restrooms, showers, fire pits, snack shop, shade structures, and picnic tables. There is a bluff top walk with benches overlooking the coast.

Figure 3-143 T-Street



- Private Access Point 12 44: La Boca del Canon

This private access is reached by either Avenida Presidio or El Camino Real exits from the I-5 Freeway. It is located on La Boca del Canon (See Figure 3-154), a private residential street with a vehicle gate which connects to La Rambla. Public access to the beach is reached available nearby by crossing the railroad track via two at-grade locations at either "South T-Street" or Lost Winds, both protected pedestrian railroad crossings which have safety warning devices and gates. Parking in the gated private community is limited to on-street spaces for residents, and ~~their~~ guests, of La Boca del Canon; however, public parking is available on surrounding public streets. There are no public facilities on the beach at this location. This access point is located at the point where the City beach ends and the State beach begins.

Figure 3-15 4 Boca Del Canon



• Public Access Point 13 42: Lost Winds

The Lost Winds beach access is located 435 feet south of Leslie Park, off the streets Calle de Los Alamos and Calle Lasuen (see Figure 3-165). Originally named after the street "Lasuen," mispronunciation over the years has transformed the name of this beach to "Lost Winds." The Lost Winds access is a ten foot wide public easement between two private residences ~~with~~ consisting of a dirt path that leads from the street down a steep bluff slope. The upper portion of the path consists of decorative interlocking paver, then steps formed from railroad ties lead to a dirt path that slopes gradually down a small valley to the beach. Access to the beach is ~~over~~ the licensed via a protected pedestrian at-grade railroad crossing ~~with safety controls~~. The beach area is improved with three volleyball courts. Parking at both Leslie Park and the beach is limited to on-street spaces. The Lost Winds access is located within a residential area, and for this reason, it is used primarily by local residents of San Clemente. Lost Winds is a popular surf break.

Figure 3-165 Lost Winds



AREA D – CALAFIA/SOUTH (Access Points 14 43 through 19 48)

This area comprises almost one-half of San Clemente's five mile coastline. The area extends from a public access known as "Riviera" to the southern boundary of the City, which is also the Orange/San Diego County line. Area D contains six access points including one improved public access, the San Clemente State Beach Park, and two private access points. Bluffs approximately 100 feet high characterize the shoreline in this area and greatly restrict beach access. At the southern portion, the height of the bluffs gradually decreases.

The northern portion of the Calafia/South Area can be reached from the San Diego Freeway (I-5) by exiting at the Avenida Calafia interchange. To reach the two southernmost access points, the most direct route is the Cristianitos four way interchange, constructed in 1981. Four public and 2 private access points have been identified in this area:

- Public Access Point 14 43: Riviera

The Riviera access is shown on Figure 3-176. It is a ~~municipally maintained public access which primarily serves surrounding residential development.~~ Located adjacent to a small canyon and concrete drainage channel the access is somewhat isolated. The only amenity provided at the beach is one fire pit. The beach is very popular among local surfers and sunbathers. Vehicular access is off South Ola Vista via Avenida de la Riviera, Calle Monte Cristo, and Avenida la Costa to Plaza a la Playa. The beach trail and beach access is located at the northern portion of the Plaza a la Playa cul-de-sac. The accessway consists of a short concrete footpath and stairway, which leads to a concrete storm drain tunnel under the railroad tracks. This access is especially beneficial in that the location of adjacent residences and the local topography result in

the tunnel being the easiest route to the beach. Parking is limited to on-street spaces. There are no signs indicating the access location.

Figure 3-176 Riviera



• Public Access Point 15 44: Montalvo

This access point is located where the street Avenida Montalvo changes into Avenida Lobeiro (see Figure 3-187). The portion of this access extending from the street to the canyon bottom was required as a condition to the Sea Point Villa's development. An additional easement to complete the access over private property within Montalvo Canyon was obtained by the City. The access point is taken off Avenida Montalvo, along the eastern side of the Sea Point Villa project. A stairway leads to the bottom of Montalvo Canyon, where a small bridge extends over the drainage in the canyon bottom, and connects to the beach trail and under the train trestle to the beach. The access point is difficult to find and for this reason is used mainly by the residents in the area (see Figure 3-17).

Figure 3-187 Montalvo



• Public Access Point 16 45: Avenida Calafia - San Clemente State Beach

The third beach access point in the Calafia/South Area is at the northwestern edge of the San Clemente State Beach. Access This access point is reachable via Avenida Calafia, which leads directly to the beach. Avenida Calafia is one of the most direct, and therefore easiest, vehicular routes to the shoreline from points inland (Figure 3-19). Pedestrian access is also available from Avenida Lobeiro through Calafia Park with stairs that lead down to the beach access point.

Present facilities at Calafia Beach include:

- Beach concession stand
- Restrooms
- Showers
- Picnic tables
- 208 metered parking spaces

Beach access is ~~taken from a licensed~~ by way of a protected pedestrian at-grade railroad crossing at grade crossing with safety improvements and stairs that lead down to the beach. This is also the southern trailhead for the beach trail, which runs north 2.53 miles to North Beach. ~~The City is currently working on a southern extension of the Beach Trail to the San Clemente State Beach.~~

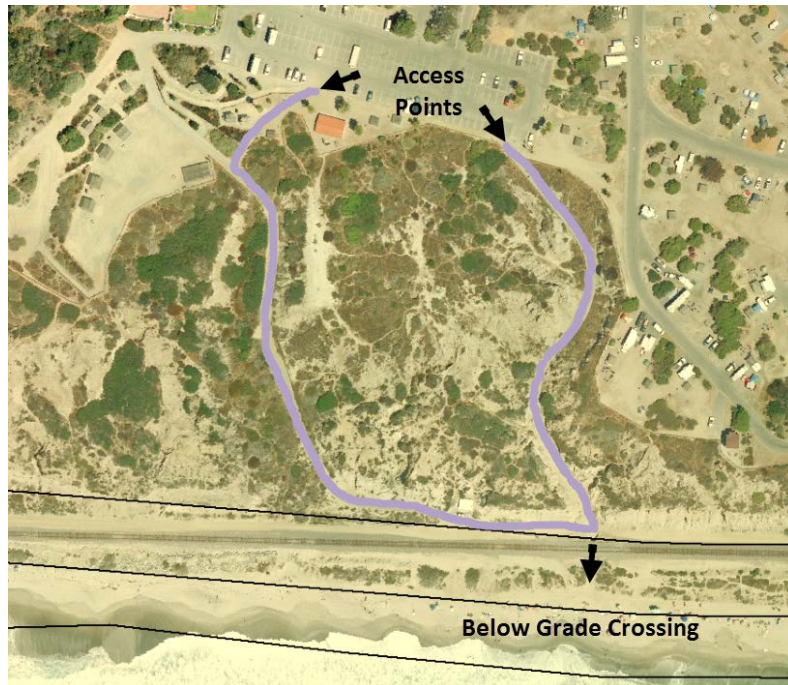
Figure 3-198 Avenida Calafia



• Public Access Points 17 46: San Clemente State Beach

Access to the San Clemente State Beach is taken off Avenida Calafia where it intersects with a road accessing the campgrounds and beach area. San Clemente State Beach consists of 6,000 feet of ocean frontage (see Figure 3-2049) and contains 110 acres of beach and upland area. Perpendicular sandstone cliffs, 70 feet in height, face the ocean beach. The sandstone cliffs bluffs found in this area provide an excellent example of the area's ancient submarine landscape and are often used by local colleges and high schools for geology field studies. The campground is located on top of an uplifted marine terrace at about the 100 foot elevation contour. The bluffs and terrace are interrupted by many deeply eroded canyons and arroyos.

Figure 3-2049 San Clemente State Beach



Present facilities at San Clemente State Beach include:

- Group camp
- Campsites
- Trailer sites with connections
- Picnic sites
- Day use parking spaces
- Beach lifeguard facilities
- Park office and facilities

A path from the camp grounds and day use parking lot at the top of the bluff within the State Park provides access to the beach.

- Private Access Points 17 and 18 and 19: Avenida de Las Palmeras/Calle Ariana

The two remaining access points are located in the southern portion of the Calafia/South Area. Both accesses are privately maintained and controlled, access to the public is prohibited. Access Point 17, Avenida de Las Palmeras, (see Figure 3-210) is the principal beach access for the Cypress Cyprus Shores and Cove communities. There is a paved roadway leading to the beach, with a limited number of parking spaces, a clubhouse, park and picnic area. These facilities are used exclusively by residents of Cypress Cyprus Shores and Cove and their guests and are not open to the public. Beach access is provided via an underpass beneath the trestle. Public access is allowed seaward of the mean high tide line.

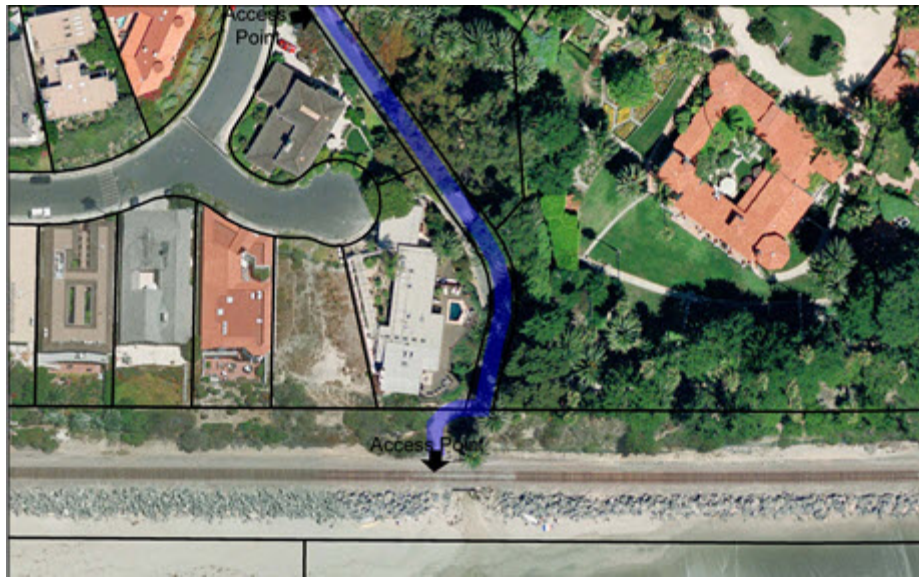
Figure 3-210 Avenida de las Palmeras



- Private Access Point 18: Calle Ariana

Calle Ariana, (see Figure 3-224) is a foot path leading to the beach. The path forms an extension of Calle Ariana and runs along the boundary line between the Cypress Cyprus Shores and the Cotton's Point Estates Communities. There are no beach facilities at this location. This site is a private access for the exclusive use of residents and guests of the Cypress Cyprus Shores community. There is no approved licensed access at this point over the railroad tracks, which is dangerous because of the high speed of the trains at this point and the curve of the railroad tracks. Public access is allowed seaward of the mean high tide line.

Figure 3-224 Calle Ariana



E. ACCESS OUTSIDE CITY LIMITS

Located just south of the City and Orange County boundary is the public parking lot and beach access for Trestles Beach and Cotton's Point. Although this public parking lot and public access is within the jurisdiction of the United States Marine Corps it is identified here because it is the closest public access to Cottons Point and other private City beaches. Cotton's Point and Trestles Beach is one of the premier surfing areas in southern California and as such is considered an important recreational resource for not only the City of San Clemente, but all of Southern California. Since this parking lot and access point are on Federal land, the City, County and State Agencies have no direct jurisdiction over the disposition of this property at present, The City requests the Federal Government continue to allow public access to the Trestles and Cotton's Point beach areas.

F. FUTURE ACCESS POINTS

Continued public access to the beach south of Avenida Calafia, in particular the Trestles surfing area just across the County line, is largely dependent on use of federal lands. State and local agencies have no direct jurisdiction over disposition of this property at present. Moreover, there is no means of ascertaining whether the Federal Government has plans for the property which would interfere with, or obstruct, public access.

Development conditions have been imposed by the City of San Clemente and Coastal Commission on the Cotton's Point project housing development which will assist in ensuring public access to the Trestles in the event access through Federal land is lost.

Public Parking

A summary identifying the methods of access, types of public facilities, and extent of parking for each of the ~~eighteen~~ nineteen specific access points is presented in Table 3-1. The parking rate for all City meters is currently \$1.50 per hour and the time limits for all ~~of the~~ City metered parking areas ~~is~~ are identified in the following table. The information provided in Table 3-1 is accurate based on the ~~2015~~ completion date of this document.

Table 3-1 Beach Access, Amenities and Parking

Area Division	Location/Name	Type of Public Access	Beach Amenities	# of Parking Spaces			
				On-Street	On-Site	Metered Hours	Total
Estrella/North	Pochè	Stairs and walkway to catwalk under train tracks. Public access is allowed seaward of the mean high tide line and in the Dana Point jurisdiction of the beach area	1 Clubhouse, 14 Picnic tables, benches, , 1 shower, 1 volleyball court, 2 paddle tennis courts, 1 basketball court, , 1 clubhouse, horseshoe court 4 BBQs & playground equipment. All amenities are private.	18	0	10am-5pm	18
	Capistrano Shores Mobile Home Park	None (Private) Public access is allowed seaward of the mean high tide line	None	0	0	None	0
Pico/Palizada	North Beach	Footpath	4 fire pits, 7 picnic tables, 1 snack bar, 1 restroom, 1 swing set, 1 shower, 1 play area, 1 volleyball court	89	256	345 9am-6pm Commuter 4:30am-6PM	345
	Dije Court	Stairway	3 Benches	0	10	None	10
	Ave. W. El Portal	Stairway	1 bench, 1 picnic table	0	10	None	10
	Mariposa	Asphalt ramp	None	0	15	None	15
Presidio/Central	Linda Lane City Park	Foot-Path	6 picnic tables, 9 benches, 2 play areas, 1 swing,	131	0	129 10am-5pm	131
	Corto Lane	Stairway	1 fire pit, 2 showers, 1 restroom, 1 bench, 1	0	5	None	5

			volleyball court, 1 trellis, 1 picnic table 1 fitness structure				
	San Clemente Municipal Pier	Foot-Path	6 shade structures, 1 shower, 2 BBQs, 4 fire pits, 10 picnic tables, 2 swings, 2 trellis, 1 pier, 1 restaurant, 1 snack shop, 1 restroom, 1 Marine Safety <u>Building</u>	111	151	258 10am-5pm	262
	Trafalgar Canyon	Foot-Path	None	0	0	None	0
	"T" Street	Pedestrian Bridge	2 <u>B</u> bathrooms, 1 snack shop, 1 trellis, 10 picnic benches, 3 fire pits, 4 shade structures, 1 shower	0	107	78 9am-7pm No Parking 12am-4am	107
	La Boca del Canon	None (Private) Public access is allowed seaward of the mean high tide line	None	0	0	None	0
	Lost Winds	Foot-Path/Stairs	3 volleyball courts	0	10	None	10
Calafia/South	Riviera	Stairway	1 fire pit, 1 bench	0	10	None	10
	Montalvo	Foot-Path/Stairway	None	0	0	None	0
	Calafia-S.C. State Beach	Foot-Path	None. See appendix for amenities off the beach area.	208	0	208 State Beach hours	208
	San Clemente State Beach	Footpath/Tunnel	None. See appendix for amenities off the beach area	175	0	23 State Beach hours	175
	Ave. de las Palmeras	None (Private) Public access is allowed seaward of the mean high tide	4 volleyball courts, 7 picnic tables, 1 swing, 2 BBQs, 4 fire pits	0	0	None	0

		line					
	Calle Ariana	None (Private) Public access is allowed seaward of the mean high tide line	None	0	0	None	0
Totals				732	574	1,041	1,306

3.1.3 California Coastal Trail

The City participated and consulted with the National Park Service, the State Department of Parks & Recreation, the State Coastal Conservancy, and other public and private entities and interested parties in designing, locating, funding, acquiring, and implementing the California Coastal Trail (CCT) segment located within San Clemente's Coastal Zone.

This section of the CCT, known as the "San Clemente Beach Trail" (Beach Trail), is a popular route used by pedestrians and bicyclists, linking beach access points from North Beach to Calafia State Beach. The Beach Trail is a 2.3 mile long trail that is comprised of decomposed granite with a half mile long bridge segment. The northern and southern sections of the trail are located on the inland side of the train tracks and the middle segment (Corto Lane to T-Street) is located on the ocean side of the train tracks. The trail is improved with post and cable fencing to protect users from passing trains. The Beach Trail has 13 access points to the beach that include ~~licensed~~ improved at grade crossings, underpasses, and bridges. The Beach Trail is part of a continuous trail system traversing the length of the state's coastline, designed and sited to link with contiguous trail links located along many Coastal jurisdictions.

The existing portion of the CCT in San Clemente has achieved these objectives:

- a. Provides a continuous walking and hiking trail as close to the ocean as possible;
- b. Provides maximum access for a variety of non-motorized uses by utilizing alternative trail segments where feasible;
- c. Maximizes connections to existing and proposed local trail systems;
- d. Ensures that all segments of the trail have vertical access connections at reasonable intervals;
- e. Maximizes ocean views and scenic coastal vistas;
- f. Provides an educational experience where feasible through interpretive facilities.

3.1.4 Recreational Opportunities and Amenities

Maximum public coastal access is a fundamental goal of the Coastal Act and a key part of San Clemente's charm. The Coastal Act goes beyond just ensuring physical access. It also emphasizes the importance of recreation and visitor-serving land uses that meet a wide range of incomes and interests.

The City's founder, Ole Hanson, realized recreational spaces and opportunities are an important aspect in providing a high quality of life for the citizens of San Clemente. Perhaps the greatest recreational asset of San Clemente is its coastal setting, enjoying

a sunny Mediterranean climate with mild winters and warm summers. The vast open space areas along San Clemente's eastern, southern, and western borders (Camp Pendleton, Cleveland National Forest, and the Pacific Ocean) have helped to maintain its small town character and enhanced its recreational opportunities. The beaches, parks, and community focal areas within San Clemente's Coastal Zone provide a wide range of recreational opportunities. This section describes San Clemente's most valuable recreational resources. The Appendix includes maps showing the location of the various amenities on and adjacent to the beach within the City.

Municipal Pier

With the development of San Clemente, Ole Hanson provided a number of recreational facilities. Two of these facilities within the Coastal Zone, the Municipal Pier and the Ole Hanson Beach Club, remain in use today. The quarter-mile long Municipal Pier was built as a gift to the community in 1928. The Municipal Pier has been destroyed by large surf and rebuilt several times, most recently in 1983. The primary recreational use of the Pier is for fishing and for quiet strolls to enjoy the beautiful setting and sunset. At the base of the pier is the Fisherman's Restaurant and Bar.

Ole Hanson Beach Club

The Ole Hanson Beach Club and swimming pool was ~~also~~ built in 1928 as a public facility, and has since been a focal area for recreational activities for San Clemente. The Beach Club is situated at North Beach on Avenida Pico and Boca de la Playa, and is adjacent to commercial and residential uses. The Beach Club has two meeting rooms, two outdoor terraces, showers, bathrooms, kitchen facilities, a six lane 25-yard pool and an instructional pool. The Beach Club is used for a variety of public uses including: open lap swimming, recreational swimming, swim lessons, water aerobics, recreational classes, City meetings, and for weddings and receptions.

Community Center and Public Library

The San Clemente Community Center and Public Library are situated in the heart of downtown San Clemente at Avenida Del Mar and North Calle Seville. The Community Center contains an auditorium, kitchen, art gallery, meeting rooms, and the offices of the Beaches, Parks, and Recreation Department. The surrounding grounds offer shuffleboard courts and passive open space area. The Library Complex, in addition to housing the County Library, provides two multi-purpose rooms, an arts and crafts room, and a kitchen area.

Parks

There are a total of fourteen public City parks and one State Beach Park located within the Coastal Zone:

Community Center Park

The Community Center Park is located at the northeast corner of Avenida Del Mar and North Calle Seville. The park has an area of 1.75 acres and includes meeting rooms, outdoor shuffleboard, a grass play area, and 91 parking spaces. The library is immediately adjacent to the Community Center within the City's downtown core and is surrounded by residential and commercial uses.

San Gorgonio Park

This 23 acre community park is located south of the San Diego Freeway (I-5) between Via San Gorgonio, Avenida Vaquero and Calle Vista Torito. The park is located within the Shorecliffs residential community. Facilities at this park include two little league diamonds, a multi-purpose field, basketball courts, tennis courts, playground equipment, picnic facilities, BBQs, restrooms, and 130 parking spaces.

Bonito Canyon Bicentennial Park

Bonito Canyon is an 11-acre community park located north of El Camino Real at Calle Valle. The park is surrounded by residential, hotel and commercial uses. This park facility includes a picnic area, Little League diamond, children's play area, restrooms, and a grass play area. Bonito Canyon is also the location of the Boys and Girls Club facility, which includes two indoor gyms, game room, arts and crafts and meeting room and 60 parking spaces.

Max Berg Plaza Park

This 3.62-acre historic neighborhood park is located in the block surrounded by El Prado, Calle Puente, Avenida Aragon, and Avenida Del Poniente. The park is located within a multi-family residential neighborhood and is adjacent to Las Palmas Elementary School. The park contains a children's play area, rose garden, fountain, restrooms, grass play area, and 55 street parking spaces.

Linda Lane Park

Linda Lane Park is a four-acre site located within the Pier Bowl area and Linda Lane, which is adjacent to the beach and multi-family residential uses. Recreational amenities include ~~coastal access~~, swings and creative play equipment, picnic tables, benches, grass play area and 135 parking spaces (all metered). Public access to the beach is available.

Parque Del Mar

Parque Del Mar is located in the heart of the Pier Bowl Area. This park primarily serves as an extension of the pier and beach facilities. The Parque Del Mar is a linear park that extends from the Beachcomber Hotel to the base of the bluff below the Casa Romanticsa and is adjacent to residential and mixed uses. Parque Del Mar includes the main entrance to the Municipal Pier, the Amtrak Station, picnic tables, passive open space, and 160 parking spaces. Public access to the beach is available.

Park Semper Fi

Park Semper Fi is a Special Use Facility and was established as a tribute to the United States Marine Corps in 2005. The park is approximately one-eighth of an acre, and is situated on a slope above Parque Del Mar. The park has a historical monument that was dedicated to the Marine Corps centrally located in the park.

Leslie Park

Situated between Calle de los Alamos and the Coastal Bluff, Leslie Park is a 4,500 square foot pocket park. The park is divided into two viewing levels, which are connected by a walkway and set of stairs built in 1980. There is no beach access from this park. Leslie Park provides panoramic views up and down the coast from the top of a steep cliff. ~~The park only has on-street residential parking.~~ Parking is available on-street.

Calafia Beach Park

Calafia Beach Park is located at the end of Avenida Calafia at the mouth of a coastal canyon and is operated by the State Parks. The park is located adjacent to Calafia State Beach and the open space of the San Clemente State Park. The lower portion of this park includes ~~coastal access~~, bathrooms, showers, and a beach concession facility. A portion of this park is located on the coastal bluff overlooking the beach and parking area, which has 208 parking spaces. This area includes passive open space with benches and scenic vistas. Public access to the beach is available.

Jim Johnson Memorial Sports Park

This 8.72 acre community park is located directly north of the adjacent Shorecliffs Middle School, and directly south of the San Diego Freeway (I-5) and Avenida Vista Hermosa. Only a portion of the park is located within the Coastal Zone. Facilities at this park include three unlighted soccer fields, restroom/concession building, a children's play area, picnic areas, lighted basketball court, parking, and a bus/vehicle student drop off area for the adjacent middle school.

Pico Park

This 1.56 acre community park is located on Avenida Pico south of the San Diego Freeway (I-5). Facilities include a lighted basketball court, restroom building, children's play area, picnic facilities and 14 parking spaces.

Canyon View Park

This 1 acre community park is located on Avenida Costa Azul south of the San Diego Freeway (I-5). Facilities include a restroom building, children's play area, picnic facilities and 6 parking spaces.

Vista del Sol Park

This 1.23 acre is a passive park area that is located on Avenida Costa Azul south of the San Diego Freeway (I-5). Facilities include a restroom building, picnic facilities and 14 parking spaces.

Ocean View Park

This .56 acre is a passive park area that is located near the intersection of Avenida Vista Hermosa and Via Canon Verde, directly south of the San Diego Freeway (I-5).

Schools

Three schools are located within the City's Coastal Zone and provide active recreation areas:

Concordia Elementary School

This school is located west of Avenida Presidio and south of the San Clemente State Park boundary within a residential neighborhood. The school contains a baseball diamond and children's play area.

Las Palmas Elementary School

Located on Calle Puente between Del Poniente and Avenida Aragon in a residential neighborhood. The school has a baseball diamond, soccer field, and children's play area.

Shorecliffs Middle School

Located at 240 Via Socorro in a residential neighborhood, the school includes basketball and volleyball courts, track and a sports field.

Beaches

Located between the Dana Point Headlands and San Mateo/Cotton's Point is the Capistrano Bight. Within the Capistrano Bight is a southwestern facing stretch of coastline with pristine sandy beaches, five miles of which make up the San Clemente coastline. San Clemente beaches are popular for surfing, body boarding, sun bathing, volleyball, fishing, and other ocean related activities. The beaches within San Clemente are divided into State, City, and private beaches.

San Clemente State Beach

San Clemente State Beach includes 6,000 feet of shoreline, and 110 acres of campground area at the southern end of San Clemente's Coastal Zone and bordered on the north and south by residential uses. The campground facilities accommodate approximately 180,000 visitors a year although the number of campers will fluctuate from year to year based on weather conditions. The San Clemente State Beach campgrounds are one of the most heavily utilized facilities in the State Park system. There are currently 160 camping spaces: 88 tent sites; 72 recreational vehicle spaces. In addition there is one group campsite that accommodates up to fifty people. Public access to the beach is available.

San Clemente City Beach

The San Clemente City Beach includes two miles, or approximately twenty acres, of coastline. Annually, City beaches receive approximately 2.5 million visitors. The number of visitors in any one year is greatly dependent on the summertime weather. Single and multi-family residential uses are located along the 100 foot tall bluffs that overlook the beach. The most heavily used City beaches are the Pier Bowl, North Beach, and "T" Street. The Pier Bowl, with its concentration of year around activities and is the City's most popular beach. Some of the facilities on the beach include: the Municipal Pier, volleyball courts, fire pits, picnic areas, beach concession stands, restrooms, and showers.

Private Beach Parcels Areas

There are six private beach ~~areas~~ parcels that make up two miles of San Clemente's five mile coastline. The private beach ~~areas~~ parcels are located at the northern and southern ends of the City. Five of the six beach ~~areas~~ parcels are owned by adjacent Homeowner Associations and one is owned by a private entity. The recreational amenities that exist in these private beach ~~areas~~ parcels (see Table 3-1) are for the sole use of the owners and their guests. Public access is ~~allowed~~ available seaward of the mean high tide line to public tidelands located beyond the private parcels at all times ~~to provide lateral access to all of the private beaches.~~ Public tidelands provide uninterrupted lateral access along the City's coastline. The northern section of private beach begins at the City's northern border and stretches south approximately one mile

and is adjacent to residential uses and the open space area of the Marblehead Coastal development. ~~This section of beach is~~ These beach parcels are owned by San Clemente Shorecliffs Homeowners Association, Palm Beach Mobile Home Court, and several private owners. Near the City's southern border is an approximately one mile of long beach parcel owned by the ~~Cypress~~ Cyprus Cove and ~~Cypress~~ Cyprus Shores Homeowners Associations. Public prescriptive rights may exist across the dry sand of these privately owned parcels however, no formal prescriptive rights analysis have been performed to date and would need to be prepared in order to formally establish such rights. Descriptions of these private beach areas and communities ~~is~~ are provided below:

Pochè Beach Shorecliffs Beach Club

A portion of Pochè Beach which sits on the northernmost end of San Clemente is owned by the San Clemente Shorecliffs Beach Club Association. The owners of the beach area are located east of the I-5 freeway and are surrounded by the Shorecliffs Golf Course and San Gorgonio Park. The beach is located at the intersection of Camino Capistrano and Pacific Coast Highway. The beach is located adjacent to residential uses and open space. This beach area landward of the mean high tide line is privately owned and the amenities are restricted to residents of the Shorecliffs community and their guests. As described in Section 3.1.2, Shoreline Access, the beach area is accessed from a crosswalk that uses the signalized intersection across Pacific Coast Highway to a catwalk under the train tracks and to the beach. The private recreational amenities on the beach include: a beach club, paddle tennis courts, playground equipment, volleyball court, basketball court, and other amenities as identified in Table 3-1. Public access and a public beach are located just north of the privately owned Shorecliffs beach; however, this portion of the beach is located in the City of Dana Point (see Figure 3-~~2322~~). Just south of Pochè beach are two unimproved beach parcels that are privately owned by Ashland Asset Holdings LLC and the Palm Beach Mobile Home Court. This beach has no improvements, and is only accessible to residents of the mobile home park inland of the mean high tide line. The beach area owned by Ashland Asset Holdings LLC is a private entity and is not part of a residential community.

Figure 3-2322 Pochè Public and Private Beach Areas Parcels

Suggested Modification: Revise Figure 3-23 to depict the entire boundary of the Shorecliffs private beach parcel, as it appears to be cut off and to provide a legend and/or identifying the red line as the City limit/boundary line and the yellow line as a property parcel line.



Suggested Modification: Provide new figures clearly delineating and depicting all other private beach parcels in the coastal zone (i.e., a new Figure 3-24 depicting Cyprus Shores/Cove Beach, Figure 3-25 depicting Cyprus Cove, Figure 3-26 Cotton's Point).

Cypress Cyprus Shores/Cove Beach

Access to this private beach area landward of the mean high tide line is limited to the residents of the Cypress Cyprus Shore, Cypress Cyprus Cove, and Cotton's Point Estates communities. The beach is one mile long and starts at the southern border of the San Clemente State Beach and ends at the City's southern boarder. The beach is bordered to the east by bluffs and the railroad track revetment. The beach area is improved with volleyball courts, benches, swings, BBQs, picnic tables, and fire pits.

Cypress Cyprus Cove Gated Community

Cypress Cyprus Cove is one of three private communities near the City's southern border. The Community is zoned Residential Low (RL) and located west of the I-5 freeway. The community has private streets and gated access. The community has a clubhouse, tennis courts, and pool. Access to the beach is at the north end of the community that goes down the bluff and provides access to the beach. Access to the beach area landward of the mean high tide line is limited to the residences of the community. The community also has a 2.2 acre park that is located along the bluff and adjacent to the viewpoint and beach access with 21 parking spaces.

Cypress Cyprus Shores Gated Community

~~Cypress~~ Cyprus Shores is located to the south of ~~Cypress~~ Cyprus Cove and west of the I-5 freeway. The community is zoned RL and has a gated access. The community has a viewpoint along the bluff, clubhouse, pool, tennis courts, and other amenities as identified in Table 3-1. Beach access is at the south end of the community. Access to the beach area landward of the mean high tide line is limited to the residentsees of the community.

Cotton's Point Estates Gated Community

Cotton's Point Estates is a small gated private community within ~~Cypress~~ Cyprus Shores that is comprised of 16 lots at the southernmost tip of San Clemente. The Western Whitehouse home of Richard Nixon until 1980 is located within this community along the bluffs in front of Cotton's Point surf break. Access to the beach area landward of the mean high tide line is limited to the residents of the community.

Surfing Areas

San Clemente is a well-known surfing area and is the home of many of the world's past, present and future surfing professionals. The surf areas located within or near the City's Coastal Zone are valuable public recreational resources that are enjoyed year round. There are a total of eight established surfing areas within the City's boundaries. Perhaps the most well-known surfing beaches in the area, are Trestles and San Onofre, located just south of the San Clemente city limits. From north to south the surfing beaches within San Clemente include:

- Pochè - Poche Beach is a County beach within the City of Dana Point, but this general area also extends into the northern portion of the City's Coastal Zone. This beach includes both a reef break and beach break and is located in the northern portion of the City's Coastal Zone.
- 204 – Considered both a rock reef break and a beach break; 204 is located just south of North Beach.
- The Pier - The Pier is a beach break where wave shape is enhanced by the buildup of sand next to the pier. The Pier break is located on the north side of the Municipal Pier. Surfing on the south side of the Pier is prohibited.
- T-Street - T-Street is a reef break that is located in front of the T-Street overpass. During the summer surfing is prohibited June 15 to September 15 from 10 AM to 6 PM weekends, and from 11 AM to 6 PM weekdays, or any other times as designated by lifeguards for public safety. Surfing is allowed at the beach break just south of T-Street (named "Beach House").
- Lost Winds - Lost Winds is a beach break that is located in front of the Lost Winds access point.

- Riviera - Riviera is a beach break located adjacent to the Riviera Beach storm drain and access point.
- State Park - State Park is a beach break that is located south of the Calafia Beach access point.
- Cotton's Point - Cotton's Point is located at the very southern edge of the City limits and is an outstanding left point break. The closest public access is the Trestles access.

Community Events

San Clemente holds a variety of community events during the year, including Earth Day, art shows, surf contests, car show, beach concerts, and farmers markets. The larger events include:

- The Ocean Festival - Billed as "The Greatest Show on Surf," the Ocean Festival features a variety of ocean related events. Held during the month of July, the Ocean Festival continues to increase in attendance and the number of events since its early beginning in 1977 as a lifeguard competition. In addition to the traditional lifeguard competition, ocean events also include surfing contests and legends presentation, sand castle building contests, ocean related arts and displays, presentations on the history of surfing, music, biathlon competitions, swimming contests, junior "King Neptune" and "Little Mermaid" competitions, and more.
- The Fiesta - The Fiesta, held during the month of August, is an annual block party event on Avenida Del Mar. During the Fiesta, downtown streets are closed to vehicles and Avenida Del Mar is transformed into a giant stage where the music plays all day long. This carnival atmosphere includes three stages where performers play music that range from country to rock-and-roll. There are also rides and games for children, food, drinks and other types of street entertainment.
- Fourth of July Fireworks - The Fourth of July Fireworks show is among the most popular of San Clemente's community events. The fireworks show first began at the end of the Municipal Pier in the 1950's and has continued every year since. The Fourth of July weekend is the most popular weekend of the year and attracts thousands of people to the City's beaches.

3.2. Coastal Act Policies

The Coastal Act Policies set forth below are incorporated herein as policies of the Land Use Plan:

Section 30210 Access; recreational opportunities; posting

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 Development not to interfere with access

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 New development projects

- a. Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
- b. For purposes of this section, "new development" does not include:
 - (1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.
 - (2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.
 - (3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.
 - (4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.
 - (5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit

will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

- c. Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30212.5 Public facilities; distribution

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30214 Implementation of public access policies; legislative intent

- a. The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:
 - 1) Topographic and geologic site characteristics.
 - 2) The capacity of the site to sustain use and at what level of intensity.
 - 3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
 - 4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements

with private organizations which would minimize management costs and encourage the use of volunteer programs.

Section 30220 Protection of certain water-oriented activities

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 Oceanfront land; protection for recreational use and development

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222 Private lands; priority of development purposes

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30224 Recreational boating use; encouragement; facilities

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30252 Maintenance and enhancement of public access

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30255 Priority of coastal-dependent developments

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

3.3. Goals and Policies

~~Create and maintain outstanding public access and recreational and visitor-serving opportunities in the Coastal Zone, consistent with effective resource conservation practices and the protection of private property rights.~~

3.3.1 Mobility and Parking

Policy Intent

~~Plan policy provides for both the preservation and the addition of transportation and circulation to coastal access points and coastal activity centers.~~

GOAL:

~~**Goal 3-1** Provide a circulation/transportation and parking system within the Coastal Zone to:~~

- ~~a. Support existing, approved, and planned land uses throughout the Coastal Zone while maintaining a desired level of service on all streets and all intersections;~~
- ~~b. Support development of regional transportation facilities which ensure the safe and efficient movement of people to, from, and within the Coastal Zone; encourage fewer people to drive, reducing circulation and parking demand and promotes the focal areas within the Coastal Zone as a destination resort area;~~
- ~~c. Provide a citywide system of safe, efficient and attractive bicycle and pedestrian routes for commuter, school, and recreational use;~~
- ~~d. Provide sufficient, well-designed and convenient on-street parking and off-street parking facilities throughout the City;~~
- ~~e. Develop and maintain an effective public trail system, including bicycle, hiking, and equestrian trails.~~

Policies

PUB-1 Neighborhood Pedestrian and Bicycle Connectivity. Encourage connectivity by developing and maintaining pedestrian and bicycle trails, where appropriate, along ~~our~~ the City's coastline, including designated railroad crossings

for pedestrians, and maintain connectivity between neighborhoods with safe, well-designed and maintained walking and biking trails and sidewalks.

~~**PUB-2 *Interconnected Neighborhoods.*** Neighborhoods ~~shall~~ should be interconnected with safe, well-designed and maintained walking and biking trails, and sidewalks.~~

PUB-3 PUB-2 *Compact Neighborhoods.* Support compact, neighborhood-serving development that provides healthy foods or essential services within walking or biking distance from residential neighborhoods, schools and parks.

PUB-6 PUB-3 *Roadway sSystem.* Require the City's roadways to:

- a. Accommodate public transit, motor vehicles, bicyclists, skateboarders and pedestrians within the public right-of-way wherever feasible.
- b. Consider Federal, State, Orange County and City standards and guidelines for roadway design, maintenance and operation.
- c. Provide future roadway capacity.
- d. Ensure that new roadways, ramps, traffic control devices, bridges or similar facilities, and significant changes to such facilities, are designed to accommodate multi-modal facilities, and where feasible, retrofit existing facilities to improve the balance for the users of the roadway.
- e. Be maintained in accordance with best practices.

PUB-7 PUB-4 *Innovative Design.* Support the design principles for Living Streets. Consider use of innovative transportation design features, such as, but not limited to Intelligent Transportation System improvements, modern day roundabouts, midblock and corner bulbouts and road diets where such changes can improve the balance of the roadway and its compatibility with surrounding land uses while also maintaining and improving public access to and along the shoreline.

PUB-8 PUB-5 *Streetscapes and Major Roadways.* During the design, construction or significant modification of major roadways, the City ~~will~~ shall promote scenic parkways or corridors to improve City's visual quality and character, enhance adjacent uses, and integrate roadways with surrounding districts. To accomplish this, the City ~~will~~ shall:

- a. Encourage the creation and maintenance of median planters and widened parkway plantings;
- b. Retain healthy, mature trees in the public right-of-way, where feasible;
- c. Emphasize the planting and maintaining California Native tree species of sufficient height, spread, form and horticultural characteristics to create the desired streetscape canopy, shade, buffering from adjacent uses, and other

desired streetscape characteristics, while considering impacts to public view corridors.

- d. Encourage the use of water-conserving landscaping, street furniture, decorative lighting and paving, arcaded walkways, public art, and other pedestrian-oriented features to enhance the streetscape appearance, comfort and safety.
- e. Encourage and where possible, require undergrounding or stealthing of overhead utility lines and equipment, cellular facilities and related ground mounted structures.
- f. When possible, consolidate signs in the public right-of-way to reduce sign clutter, improve sight distance, maintain or improve safe access and reduce costs.
- g. Design and locate street lighting with shielding or “cutoffs” to prevent glare, avoid excess lighting and preserve dark night time skies.

PUB-9 ~~PUB-6~~ Electric Vehicles. Support the use of ~~a~~Neighborhood Electric Vehicles (NEVs)- and long-range electric vehicles, ~~and identify NEV routes and designate special parking with charging stations for such Neighborhood Electric Vehicles (NEVs)~~ at beaches and commercial locations.

PUB-10 ~~PUB-7~~ Accessible Pedestrian Facilities. All new streets shall have provisions for the adequate and safe movement of pedestrians, including improvements for the elderly and disabled.

PUB-11 ~~PUB-8~~ Accessible Transit. Provide bicycle, pedestrian and wheelchair access to all transit facilities and maintain bicycle, pedestrian and wheelchair facilities so that they are safe, attractive and well lit.

PUB-12 ~~PUB-9~~ Rail Facilities and Programs. Support the retention of passenger rail facilities at North Beach and in the Pier Bowl to help meet inter-city and regional transportation needs while the rail corridor exists in this location.

PUB-13 ~~PUB-10~~ Regional Rail Service. Support the expansion of Metrolink and Amtrak service by the Southern California Regional Rail Authority, OCTA, and other agencies to enhance San Clemente’s regional transit accessibility for residents, employees and visitors.

PUB-19 ~~PUB-11~~ Pier Bowl and North Beach. Enhance the Pier Bowl and North Beach areas to function as recreational, cultural and economic hubs. ~~We also m~~Maximize accessibility for residents, visitors and commuters, including train passengers, to create easy and natural transitions between the beach, beach trail and local businesses or cultural attractions.

PUB-15 ~~PUB-12~~ Transit Service. Support the maintenance of existing bus service and encourage transit service enhancements and expansion of bus service to coastal

recreational areas, including the expansion of bus service during the peak summer season by OCTA ~~to ensure all residents have access to adequate and safe transit.~~

~~PUB-16~~ PUB-13 *Senior and Disabled Public Transit.* Support the provision of appropriate and cost-effective transit services for seniors, disabled persons and those who are unable to drive motor vehicles by coordinating with regional transit providers, non-profit service providers, private services, and community-based services.

~~PUB-17~~ PUB-14 *Bicycle and Pedestrian Wayfinding.* Bicycle and pedestrian network wayfinding and information shall be provided through signs, street markings or other technologies.

~~PUB-18~~ *Pedestrian and Bicycle Connectivity.* ~~Encourage connectivity by developing and maintaining pedestrian and bicycle trails, where appropriate, along our coastline, including designated railroad crossings for pedestrians.~~

~~PUB-20~~ PUB-15 *Bicycle and Pedestrian Network.* Plan, develop and maintain a comprehensive bicycle and pedestrian network. Integrate development of the bicycle facilities network into larger land use planning and development projects.

~~PUB-22~~ PUB-16 *Bicycle Facilities.* ~~In preparing City land use plans and applicable Capital Improvement Programs, the City will address shall require that new or remodeled commercial, multi-family residential, and mixed-use development projects meet bicycle needs, including:~~

- a. Attractive destination facilities, such as secure bicycle lockers, showers, and changing rooms that are conveniently located for bicyclists, i.e. a bike station);
- b. Facilities for bicycle parking within newly-built and renovated multi-family residential developments, residential condominiums and apartment conversions to condominiums, multi-use and non-residential sites;
- c. Safe, secure, attractive and convenient bicycle parking; and
- d. Wayfinding systems and traffic control signage or markings for all bicycle facilities.

~~PUB-23~~ PUB-17 *Implementation of Bicycle and Pedestrian Improvements.* ~~Consider The City shall implementing bicycle and pedestrian improvements projects as part of other Capital Improvement street improvement projects and new or remodeled commercial areas.~~

~~PUB-24~~ PUB-18 *Bicycle Parking.* ~~Provide New development and Major Remodels shall provide convenient, secure, attractive and easy to use bicycle parking at public buildings, commercial areas, multi-family residential development projects, and at~~

schools and parks and encourage (and require where applicable) other agencies to provide bicycle parking for rail transit and Park-n-Ride facilities.

PUB-25 PUB-19 Access to Public Lands Public Access Easements/OTDs. Improve appropriate legal access to lands open for public use by bicyclists and pedestrians through offers to dedicate (OTD), public access easements, or deed restrictions.

PUB-26 PUB-20 Alleys/Paseos. Consider improvements to City alleyways to provide automobile and electric vehicle access as well as alternative pedestrian and bicycle routes, where appropriate.

PUB-27 PUB-21 Pedestrian Connectivity. Require new development projects and site plans and Major Remodels to be designed to encourage pedestrian connectivity among buildings within a site, while linking buildings to the public bicycle and pedestrian network.

PUB-28 PUB-22 Beneficial Commercial Uses on Public Sidewalks. Consider approving certain commercial uses on public sidewalks in commercial and mixed-use areas when those uses benefit the overall pedestrian environment.

PUB-23 Parking Requirements. Continue to require new development and Major Remodels to provide off-street parking sufficient to serve the approved use in order to minimize impacts to public on-street and off-street parking available for coastal access. Continue to require properties with nonconforming parking to provide code-required off-street parking when new uses, structural alterations or additions result in increased parking demand. Prohibit modification or waiver of off-street parking requirements that are found to adversely impact public parking available for coastal access.

PUB-24 Parking Dimensions. Continue to require that off-street parking is designed with adequate dimensions, clearance, and access to ensure its intended use.

PUB-29 PUB-25 Automobile Parking Demand. Reduce automobile parking demand by improving public transit, bicycle and pedestrian mobility, particularly to and from our key destination areas.

PUB-31 Parking Requirements. Support the evaluation and possible consolidation of parking requirements to facilitate the gradual transition of land uses and to simplify standards.

PUB-26 Transportation Demand Management Measures. The City shall encourage employers to provide incentives for increased transit ridership (e.g., subsidies for transit use, shuttles to transit stations), ridesharing, vanpools, bicycle ridership, and

other transportation demand management measures designed to reduce vehicle miles travelled.

~~**PUB-30**~~ ~~**PUB-27**~~ ~~**Alternative Parking Strategies and Incentives.**~~ Consider Allow alternative parking strategies that address and incentives that provide for multi-modal parking needs, to improve land use efficiency, and enhance environmental quality, such as use of energy-saving/generating features, Such strategies and incentives include, but are not limited to demand based parking strategies, tandem parking, parking lifts, valet assisted parking stacking, alternative paving, and accommodating multiple uses through shared parking, and credit of bicycle, NEV, motorcycle/scooter parking spaces to count toward automobile parking requirements, unless the strategy or incentive is determined to adversely impact public parking available for coastal access.

~~**PUB-32**~~ ~~**PUB-28 Comprehensive Parking Strategies.**~~ Base parking decisions and related improvements in key visitor-serving commercial areas (e.g., North Beach, Del Mar/T-Zone, and Pier Bowl, and Plaza San Clemente) on comprehensive parking and circulation strategies that enhance public access to the coast.

~~**PUB-33**~~ ~~**Alternative Parking Requirements and Incentives.**~~ Consider Allow incentives to encourage alternative parking, such as crediting bicycle, neighborhood electric vehicles (NEV), motorcycle and scooter parking spaces toward meeting a portion of the required automobile parking.

~~**PUB-14**~~ ~~**PUB-29 Coordinated Multi-Modal Land Use Planning for Transit.**~~ Encourage higher density, mixed-use, and commercial development in areas with existing and planned transit service and design new development to provide multi-modal, non-automobile circulation to the greatest extent feasible.

~~**PUB-30**~~ ~~**Consolidation of Small Commercial Lots.**~~ Provide incentives to encourage consolidation of commercial lots of insufficient size to accommodate off-street parking and sufficient commercial intensity of development.

~~**PUB-31**~~ ~~**Alley Access.**~~ Require alley access to parking areas for all new residential and commercial development in areas where alley access exists.

~~**PUB-32**~~ ~~**Minimization of New Curb Cuts.**~~ Require new development to avoid or minimize curb cuts to protect on-street parking spaces. Close curb cuts to create new public parking wherever feasible.

~~**PUB-33**~~ ~~**Parking Impacts to Public Access.**~~ Prohibit new development that would result in restrictions on public parking that would impede or restrict public access to

beaches, trails or parklands, (including but not limited to, the posting of “no parking” signs, red curbing, and physical barriers), except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety.

PUB-34 Citywide Identity Graphics. Develop a citywide identity graphics program to ~~clearly mark directions~~ facilitate regional access from Interstate 5 to public buildings, parks, ~~the primary beach access points front,~~ Del Mar business district, the Pier Bowl, North Beach, public parking areas, prominent natural features and City entry points.

PUB-35 Parking Fees. A range of parking fees should be implemented in areas used by the public to access public beaches and parks in order to maximize public access and recreation opportunities. Changes to existing time limits, ~~or~~ hours of operation and ~~substantial changes to~~ parking fees which have the potential to change the intensity of public use ~~of the beach~~ or public access to the ocean shoreline shall require a Coastal Development Permit.

3.3.2 Shoreline Access

Goals

~~**GOAL 3-2** Create and maintain outstanding public access and recreational and visitor-serving opportunities in the Coastal Zone, consistent with effective resource conservation practices and the protection of private property rights. Create and maintain outstanding public access in the Coastal Zone, consistent with effective resource conservation practices and the protection of private property rights.~~

Policies

PUB-36 Coastal Public Access. Establish, protect, maintain, and, where feasible, expand and enhance a system of public coastal access to the shoreline, beaches, tidelands, and recreational facilities in a manner that achieves the following :

- a. Maximizes public access to and along the shoreline;
- b. Is safe and feasible;
- c. Includes, where appropriate, pedestrian, hiking, bicycle, and equestrian trails;
- d. Provides connections to beaches, parks, and recreational facilities and trail networks with adjacent jurisdictions;
- e. Includes, where appropriate, well-designed and maintained support facilities such as parking, restrooms, fire pits, trash facilities, resting/view places, snack bars, picnic tables, and bike racks;
- f. Provides access to coastal view corridors;

- g. Maximizes public coastal views;
- h. Facilitates alternative modes of transportation, such as walking, bicycling, and public transit, including local shuttles;
- i. Is consistent with policies regarding hazards, bluff, resource, cultural resource and wildlife habitat preservation;
- j. Minimizes alterations to natural landforms;
- k. Protects environmentally sensitive habitat areas (ESHAs);
- l. Meets facility needs to provide public safety services, including lifeguards, fire, and police service;
- m. Is managed to be permanently available;
- n. Balances the rights of individual property owners with the public's rights of access;
- o. Is compatible with adjacent development; and
- p. Is developed in cooperation with the following: State Department of Parks and Recreation, State Department of Fish and Wildlife, State Coastal Conservancy, State Lands, Orange County and private organizations, as appropriate.

PUB-37 Preserving Public Coastal Access. Review proposals for coastal land use changes and development to ensure they do not interfere with the public's right of access to the coast by ensuring that:

- a. Public transit needs are accommodated, as required by Orange County Transport Association;
- b. Commercial and visitor-serving commercial uses are located near housing to encourage walking and bicycling;
- c. Non-automobile mobility options are provided within new development;
- d. Adequate parking facilities, or a substitute means of serving the development with public transportation, is provided;
- e. Proposals are consistent with public safety and security needs;
- f. Proposals protect fragile coastal resources and effectively mitigate potential impacts;
- g. Public coastal access is provided on site in proportion to the impact resulting from the proposal, unless there is an adequate, convenient, and easily accessible alternative nearby;
- h. Gates, guardhouses, barriers, or other structures that would inhibit public access to and along the shoreline and to beaches, coastal parks, trails, or coastal bluffs are generally not permitted, with the exception of devices associated with safe access along and across the railroad.
- i. Existing public access is preserved and enhanced in perpetuity.

~~**PUB-38 Beach Access Inventory.** The City will conduct an inventory of existing beach access facilities on a periodic basis to determine requirements of renovation and/or future capital improvement items, prepare a capital improvements program, and adopt a prioritization schedule for renovation.~~

~~**PUB-39 Primary Beach Access Points.** The maintenance and enhancement of public non-vehicular access to the shoreline shall be of primary importance when evaluating any future public or private improvements in the Coastal Zone. The City's five primary beach access points are:~~

- ~~• North Beach~~
- ~~• Linda Lane~~
- ~~• Municipal Pier~~
- ~~• "T" Street~~
- ~~• Avenida Calafia (San Clemente State Beach)~~

~~**PUB-38 Provision of New Public Access.** Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:~~

- ~~a. It is inconsistent with public safety, military security needs or the protection of fragile coastal resources;~~
- ~~b. Adequate public access already exists nearby; or~~
- ~~c. Agriculture would be adversely affected.~~

~~**PUB-40**~~~~**PUB-39**~~ **New Development Public Access Requirements.** New developments proposed on property lying between the first public roadway and the shoreline shall provide both physical and visual public access to the shoreline and along the coast in proportion to the public access impact resulting from the new development. The City is not to exercise its power to grant or deny a permit in a manner that will take or damage private property for public use, without the payment of just compensation or a reasonable nexus between the development and the impact. This ~~section~~ policy (1) is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States and (2) requires reasonable justification and proportionality under the U.S. Supreme Court's Nollan/Dolan doctrine and subject to Section 30010 of the Coastal Act.

PUB-41PUB-40 *New Development and Public Access.* The location and amount of new development ~~should~~ shall protect, maintain and enhance existing public access to the coast and, where applicable, enhance create new public access to the coast by:

- a. Facilitating the provision or extension of transit service;
- b. Providing commercial facilities within or adjoining residential development or in other areas that will minimize use of coastal access roads;
- c. Providing multi-modal facilities and access routes within and adjacent to the development, where feasible, or off-site multi-modal facilities and access routes that serve the development if infeasible within or adjacent to the development;
- d. Providing adequate parking facilities or a substitute means of serving the development with public transportation or non-motorized transportation modes;
- e. Ensuring the potential for public transit for high intensity uses;
- f. Ensuring that the recreational needs of new residents will not overload nearby coastal recreation areas, by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.

PUB-42 PUB-41 *New Development Requiring Public Lateral Access Easement.* For ~~a~~Any new development that requires lateral public access mitigation as ~~identified in PUB-40~~, where the property ownership interests extend to the mean high tide line ~~shall require~~ shall be required whenever possible a direct dedication or an offer to dedicate (OTD) an easement to allow public lateral access along the beach. Such ~~OTDs~~ dedications shall run with the land in favor of a public agency or a private association approved by the Executive Director of the Coastal Commission. Such offers shall be in effect for a period of 21 years, and all dedications shall be recorded free of prior liens, and encumbrances that the Executive Director of the Coastal Commission or City's Community Development Director finds may affect the interest being conveyed, except tax liens.

Wherever possible, ~~E~~each lateral public access easement shall extend inland from the mean high tide line to the toe of a bluff. In cases where development is not located on a bluff, but on the beach, lateral public access shall extend no closer than 10 feet to a residence to allow for a privacy buffer. In no case shall the area available for public use be closer than ten (10) feet to any residence with the exception that in the event that the area seaward of the 10-foot buffer is impassable. For example, at extreme high tides, the public shall have the right of pass and repass within the 10-foot buffer area.

Prior to the City's acceptance and recordation of any legal documents submitted by applicants in compliance with special conditions related to public access OTDs, the City shall comply with Title 14 CCR § 13574.

~~PUB-44~~ PUB-42 Private New Development Requiring Public Vertical Access

Easement. ~~For a~~ Any new development proposed that requires vertical public access mitigation, ~~as identified in PUB-40, shall require~~ a direct dedication or an offer to dedicate (OTD) an easement to allow public vertical access to the mean high tide line shall be required whenever possible where development projects cause or contribute to adverse vertical coastal public access impacts, unless adequate vertical access is available nearby. Whenever possible, ~~vertical~~ accessways shall be a sufficient size to accommodate two-way pedestrian passage and landscape buffer and should be sited along the border or side property line of the project site or away from existing or proposed development to the maximum extent feasible. The access easement shall measure at least 10 feet wide, where feasible.

Such ~~offers of~~ dedications shall run with the land in favor of a public agency or private association approved by the City Community Development Director or Coastal Commission Executive Director. Such offers shall be in effect for a period of twenty-one (21) years, and dedications shall be recorded free of prior liens and encumbrances that the Executive Director of the Coastal Commission or the City's Community Development Director finds may affect the interest being conveyed, except tax liens.

Prior to the City's acceptance and recordation of any legal documents submitted by applicants in compliance with special conditions related to public access OTDs, the City shall comply with Title 14 CCR § 13574.

~~PUB-46~~ PUB-43 Dedicated Public Access Areas.

The City will pursue dedication and acceptance, where feasible, of beach access and other offers-to-dedicate (OTD) throughout the City. ~~After the date of certification of the LCP, the~~ The City will keep shall maintain an inventory of public access and open space dedications or OTDs to ensure that such areas are known to the public and protected through the coastal development permit process. Prior to the City's acceptance and recordation of any legal documents submitted by applicants in compliance with special conditions related to public access OTDs, the City shall comply with Title 14 CCR § 13574.

~~PUB-43~~ PUB-44 Bluff Top Viewing Areas.

Where a development is proposed along a shorefront bluff top lot, and no beach area exists to allow for vertical ~~and or~~ lateral access to the shoreline, but the proposed development will

result in public access impacts, public access for viewing purposes shall be provided as an alternative, wherever possible. Such access shall run to and along the bluff edge, and wherever possible, shall extend a minimum of twenty feet inland from the bluff edge, but no closer than ten feet to any residential unit.

Modifications to the recommended dimensions of bluff top viewing areas provided under this policy shall be permitted in order to maintain public safety (including bluff stability), habitat values and the rights to ~~privacy~~ of the property owner and adjacent property owners. In areas where a residential structure exists in the vicinity of the proposed access, the access way shall be sited and designed to provide a buffer area between the access way and the structure. ~~Generally, a 10-foot buffer between the landward boundary of the access way and the seaward extent of the structure will be adequate to protect the privacy of people who live in those residential structures. This dimension, however, may be enlarged or diminished depending on individual site characteristics.~~

~~PUB-45~~ PUB-45 New Development Restrictions on Limiting Public Access.

New development shall not incorporate gates, fences, walls, guardhouses, barriers or other structures designed to regulate or restrict access where they would inhibit, interfere and/or discourage the public's right of access to the sea where such right was acquired through use, legislative authorization, or other operation of law ~~legal entitlement~~, including, but not limited to, the public's right of access to and along the shoreline and to beaches, coastal parks, trails or coastal bluffs.

~~PUB-47~~ PUB-46 ~~Conversion of Public Access~~ Privatization of Streets.

Prohibit the ~~conversion of~~ new private streets, or the conversion of public streets to private streets, where such a new street or conversion would inhibit public access to and along the shoreline and to beaches, coastal parks, trails or coastal bluffs.

~~PUB-48~~ PUB-47 Maximizing Public Access and Recreation.

~~Consistent with the~~ LUP policies ~~above~~, provide maximum public access, which shall be conspicuously posted, and recreational opportunities for all the people from the nearest public roadway to the shoreline and along the shoreline consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

~~PUB-61~~ PUB-48 San Onofre State Park. Support continued public access to and use of federal lands (i.e., those areas of Camp Pendleton under lease to the State Parks Department).

3.3.3 Maintenance of Beach Access Points and Beach Facilities

Maintenance of Access Points

~~PUB-49~~ PUB-49 Beach Access Facilities. The City ~~will~~ shall develop a comprehensive network of improved beach access facilities at all designated primary beach access points (Figure 3-3) which will ultimately provide safe access to all City owned beaches and continue to improve, maintain, enhance and maximize public use of the beach access points and beach facilities.

PUB-50 Funding for Public Access Improvements. Funding shall be actively sought to maintain and improve existing accessways. The City shall seek funding for projects that will enhance public access, including additional off-street public parking spaces to serve beach accessways through the maximized use of existing beach parking lots and creation of new parking lots where feasible.

~~PUB-50 City Maintenance of Facilities and Access Points.~~ ~~Improvements to beach facilities and beach access points which are administered by the City of San Clemente shall specifically be intended to maintain, enhance and maximize public use of the beach and ocean.~~

PUB-51 Maintenance of Beach Access Points. The maintenance and enhancement of improved and licensed public non-vehicular access across the railroad tracks and to the shoreline shall be of primary importance when evaluating any future public or private improvements in the Coastal Zone. The City's five primary beach access points are:

- a. North Beach
- b. Linda Lane
- c. Pier Bowl Underpass
- d. "T" Street
- e. Avenida Calafia (San Clemente State Beach)

The following five secondary access points are:

- a. Dije Court
- b. El Portal
- c. West Mariposa
- d. Lost Winds
- e. Riviera

The City shall encourage non-vehicular access to these public beach access points, in order to minimize conflict with local residential neighborhoods and to maximize the capacity of the primary access points to serve regional visitors.

PUB-53 ~~PUB-52~~ Accessible Viewpoints at Beach Access Points. A resting/viewplace should be provided at appropriate blufftop accessways near the

inland entry point. Such facilities would be of benefit to ~~elder people or others~~ who would ~~be unable to negotiate~~ ~~find negotiating~~ the steep accessways ~~tiring~~, and would capitalize on the panoramic coastal views available from the bluff edges.

~~PUB-56~~ PUB-53 ~~Locations for Trash Receptacles.~~ Trash receptacles shall be placed at, or near, all public appropriate access ways, shall not block the access way and should shall be placed in aesthetically pleasing enclosures.

~~PUB-52~~ PUB-54 ~~Access Management Program.~~ For the private beach areas an access management program shall be prepared when development in a private community is required, as established by ~~PUB-4038~~, to set up a plan/program to dedicate or offer to dedicate public access in accordance with the City LCP and State requirements. The purpose of the access management programs shall be to provide maximum public access consistent with the Coastal Act of 1976, the analysis contained in this ~~Element LUP~~, and site specific constraints and distance to the nearest public access point(s). The access management programs shall be implemented by the City of San Clemente or other public agencies or private associations which have accepted the offers of dedication.

The access management program shall include the following, when appropriate:

- a. Establish hours of public access which shall include, at a minimum, the hours between sunrise and sunset.
- b. Provide bicycle racks for a minimum of ~~5~~ 10 bicycles at the beach terminus of the vertical access way, where feasible.
- c. Provide public access signage at the entrances of private communities to inform the public of the access way and its hours of operation.
- d. Provide public restroom facilities, where feasible.

The following elements may be incorporated into the management program:

- a. The accepting agency may charge a reasonable entrance or use fee, comparable to those charged by the State and City operated day use facilities, in order to defray costs for maintenance.²
- b. The community association may be allowed, subject to permit approval, to erect small posts, bollards or similar structures at reasonable intervals in order to delineate the public access and recreation areas. Small signs describing the uplands as private property may also be allowed, subject to permit approval. No fences may be erected on the beach.

~~PUB-55~~ Public Access to ~~Private Beaches~~ Privately Owned Beach Parcels. The City will pursue acquisition of public access easements to private beach areas, where feasible.

~~PUB 54—PUB-56~~ Limitation on Vacations of Public Rights-of-Ways. Vacations of public rights-of-way are considered development that provide public parking, public access and/or public recreational opportunities require requiring a Coastal Development Permit (CDP) unless the vacation serves a public purpose or benefit. A CDP is require for every vacation of rights-of-way. Vacation of a public right-of-way shall be consistent with the public access and recreation policies of the Coastal Act and the certified LUP.

~~PUB 55—PUB-57~~ Preferential Parking Limitations. New preferential parking districts in the coastal zone are prohibited except where such restrictions would not have an direct adverse impact to coastal access, including the ability to use public parking. A coastal development permit is required to establish new, or modify existing preferential parking districts. The creation or modification of an existing preferential parking district is development requiring CDP approval.

~~PUB 58—PUB-58~~ Beach Closures Pier Access. Any pier curfew that applies to any portion of the pier which is over State tidelands and within the Coastal Commission area of original jurisdiction established after January 1, 1977 requires a Coastal Development Permit CDP. Closure to the public of any portion of the pier inland of the mean high tide line and beach area is not encouraged and requires a coastal development permit CDP and which must maintain the public's right to gain access to State tidelands. Any beach or pier closure requires an approved Coastal Development Permit), except for temporary closure under emergency circumstances.

~~PUB-59~~ Public Beach Access. Any closure of a public beach, or modification of any existing closure, including an overnight curfew imposed at City beaches, established after January 1, 1977 requires an approved CDP, except for temporary closure under emergency circumstances. Public access to the water's edge and at least 20 feet inland of the wet sand of all beaches shall be permitted at all times.

~~PUB 59—Non-vehicular Access.~~ Promote non-vehicular access in the Coastal Zone to minimize parking conflicts and to enhance our ability to serve regional Visitors.

~~PUB-60—Public Infrastructure.~~ Protect, maintain and enhance public infrastructure that provides public access to the shoreline, beaches, coastal parks, and trails, including the City's Beach Trail.

~~3.3.3~~ 3.3.4 California Coastal Trail and Master Trails Planning

~~PUB-60~~ California Coastal Trail (CCT). Support establishment of the California Coastal Trail (CCT) by others and where financially feasible, assist in its implementation and include possible future CCT extensions

~~and connections within San Clemente and to adjacent cities. Future extensions of the CCT will incorporate signage with the State adopted CCT logo. The local segment of the California Coastal Trail (CCT) through the City of San Clemente shall be identified, signed, maintained and enhanced to connect new and existing pedestrian or bicycle paths or routes with the goal of creating a continuous trail through the City's Coastal Zone, within as close a proximity to the shoreline as is feasible.~~

A. The CCT shall be designed and implemented to achieve the following objectives:

- i. Postings and signage from the Coastal Commission CCT signage program;
- ii. Provide a continuous walking and hiking trail as close to the ocean as possible;
- iii. Provide maximum access for a variety of non-motorized uses by utilizing alternative trail segments where feasible;
- iv. Maximize connections to existing and proposed local trail systems;
- v. Ensure that all segments of the trail have vertical access connections at reasonable intervals;
- vi. Maximize ocean views and scenic coastal vistas;
- vii. Provide an educational experience where feasible through interpretive signage.

B. The CCT shall be sited and designed according to the following guidelines:

- i. Where it is not feasible to locate the trail along the shoreline due to natural landforms or private property rights, inland bypass trail segments located as close to the shoreline as possible should be utilized. Shoreline trail segments that may not be passable at all times should provide inland alternative routes.
- ii. Where gaps are identified in the trail, interim or permanent segments should be identified to ensure a continuous coastal trail. Interim segments should be noted as such, with provisions that as opportunities arise, the trail shall be realigned for ideal siting. Interim or permanent trail segments should meet as many of the CCT objectives and standards as possible.
- iii. The CCT should be designed and located to minimize impacts to environmentally sensitive habitat areas to the maximum extent feasible. Where appropriate, trail access

should be limited to pass and repass.

- iv. The CCT should be located to incorporate existing oceanfront trails and paths and support facilities of public shoreline parks and beaches to the maximum extent feasible.
- v. To provide a continuously identifiable trail, the trail should be integrated with the CCT in other jurisdictions which border the City.
- vi. The CCT should be designed to avoid being located on roads with motorized vehicle traffic where feasible. In locations where it is not possible to avoid siting the trail along a roadway, the trail should be located off of the pavement and within the public right-of-way, and separated from traffic by a safe distance. In locations where the trail must cross a roadway, appropriate directional and traffic warning signing should be provided.

C. CCT Acquisition and Management:

- i. Trail easements should be obtained by encouraging private donation of land, by public purchase, or by dedication of trail easements. Trail easement dedications shall be required as a condition of approval of a Coastal Development Permit for development on property located on the CCT route, when the dedication will mitigate adverse impacts on public access and/or recreation caused by the development.
- ii. The CCT plan should identify the appropriate management agency(s) to take responsibility for trail maintenance.

D. CCT Mapping:

- i. The final CCT map shall identify all planned or secured segments, including existing segments, all access linkages and planned staging areas, public and private lands, existing easements, deed restricted sections and sections subject to an Offer-to-dedicate (OTD). The map shall be updated on a regular basis.
- ii. The CCT shall be identified on all applicable City Trail Maps contained in the LCP Access Component.
- iii. The LCP shall be amended to incorporate all plans and designs for locating and implementing the CCT within the City including the final mapped alignment.

PUB-84 PUB-61 Master Trails Plan Connections. Collaborate with ~~other public state,~~ federal, county and local agencies and private parties to develop a comprehensive

City wide master trails plan, and establish connections between existing trails and bikeways throughout the southern Orange County region.

~~**PUB-4 Unified Trail System.** The City strives to develop a comprehensive trails plan that is coordinated with the State, County, and City plans for a unified trail system.~~

PUB-5 PUB-62 Pedestrian and Biking Trails. Encourage use of public pedestrian and bicycle trails and work with civic organizations, community groups, youth groups, homeowner associations, regional and state agencies and non-profit organizations to improve, expand and maintain the public trail network.

PUB-83 PUB-63 Trails and Staging Areas. Support the development, maintenance and enhancement of local trails and staging areas at trailheads using best sustainable practices.

PUB-21 PUB-64 Pacific Coast Bicycle Route. Support the continued improvement of the Pacific Coast Bicycle Route and where financially feasible, assist in its implementation. Explore ways to connect the Pacific Coast Bicycle Route to existing pedestrian or bicycle paths or routes with the goal of creating a continuous trail through the City's Coastal Zone, within as close a proximity to the shoreline as is feasible.

~~3.3.4~~ 3.3.5 Recreational Opportunities and Amenities

PUB-63 PUB-65 Mitigation for Development on the Beach. The impacts of development on sandy beaches, including impacts to public recreation shall ~~should~~ be fully mitigated.

PUB-66 New Public Beach Facilities. New public beach facilities shall be limited to those structures which provide or enhance public recreation activities. No development shall be permitted on sandy public beach areas unless necessary for public safety or enhanced beach-related public recreation, such as: lifeguard stations, small visitor-serving concessions, beach-related playgrounds and recreational facilities, trash and recycling receptacles, bike and pedestrian pathways. Such development shall be located as far landward as feasible, occupy the least amount of sandy beach as feasible, and be sited and designed to minimize adverse impacts to public access, visual resources, environmentally sensitive habitat areas, and marine resources. Construction associated with temporary uses may be allowed as described above.

PUB-67 PUB-67 Visual Compatibility. Maintain, improve and develop our recreational resources in ways that are visually compatible with the character of surrounding areas.

~~**PUB-64 PUB-68** *Recreational Opportunities.* Protect, and where feasible, expand and enhance recreational opportunities in the Coastal Zone. Provide for the acquisition and development of parks and recreational lands and facilities.~~

~~**PUB-74 PUB-69** *Evaluation of User Needs.* The City shall develop a plan to evaluate user feedback, track facility use, and utilize projections to understand park and recreation facility needs and plan for future acquisition and development.~~

~~**PUB-65 PUB-70** *Availability of Amenities.* The City shall protect the availability of public beach amenities on public City, County or State beaches for the general public. Availability shall be to all members of the general public on an equal basis. A reservation system for public beach amenities may not be established by private entities.~~

~~**PUB-66 PUB-71** *Lower-cost Visitor Serving Public Recreational Opportunities.* Establish and maintain public beaches and parks and their amenities to provide free and lower-cost visitor serving public recreational opportunities.~~

~~**PUB-68 PUB-72** *Lower-cost Visitor-serving Public Facilities.* Protect existing, promote, and provide new lower-cost sustainably designed recreational and visitor-serving public facilities in San Clemente's Coastal Zone.~~

~~**PUB-69 PUB-73** *Pier and Recreational Fishing.* The City Supports recreational coastal fishing and protect the rights of the public to access and use the pier for recreational fishing.~~

~~**PUB-70** *Recreational Users.* Provide indoor and outdoor recreational programs and facilities appropriate for a range of income levels, ages and abilities.~~

~~**PUB-71** *Programming.* Program City parks and other recreation facilities for efficient and creative uses, consistent with the type of facility, user groups served and community needs.~~

~~**PUB-72** *Underserved Youths and Adults.* Promote low-cost or free, safe and fun recreational program for underserved youths and adults as part of our local crime prevention efforts.~~

~~**PUB-73 PUB-74** *Beach Fire Pits.* Oppose (AQMD) efforts to prohibit the use or reduce the number of fire pits on San Clemente's public beaches (14 fire pits currently exist). Any change to the fire pits, including but not limited to the quantity, size, or location of the fire pits, or type of fuel used in the fire pits, constitutes development requiring a coastal development permit.~~

~~**PUB-75 PUB-75** *Beach and Park Maintenance.* Maintain beach and park facilities in good condition and strive to meet Council-adopted community standards.~~

~~PUB-78~~ PUB-76 **Pier Maintenance.** Regularly monitor the pier and its structures for safety and cleanliness and provide adequate funding and staff support for its maintenance.

~~PUB-79~~ **Balance.** Enhance beach areas that are appropriate for recreational development, without destroying natural resources or beauty.

~~PUB-77~~ PUB-77 **Resource Conservation.** Maintain beach resources to conserve natural, recreational, and economic resources.

~~PUB-82~~ PUB-78 **Open Space Preservation.** Encourage and support the preservation of open space within and adjacent to the City.

~~PUB-86~~ **Maximum Public Use.** Improvements to beach facilities and beach access points which are administered by the City of San Clemente shall specifically be intended to provide for the maintenance and enhancement of maximum public use of the beach and ocean.

~~PUB-87~~ **Beach Access Signage.** Implement a coordinated beach access sign program to facilitate regional access from Interstate 5 to these the primary beach access points.

~~PUB-81~~ PUB-79 **Relocation of Railroad Right-of-Way.** Support the potential relocation of the railroad right-of-way away from the beach to the vicinity of the Interstate 5 freeway.

~~PUB-80~~ PUB-80 **Marine Safety.** Provide an appropriate level of Marine Safety personnel and facilities for the protection of beach users.

~~PUB-76~~ PUB-81 **Universal Access.** Seek to provide, where feasible, inclusive recreation facilities that meet or exceed accepted standards for Universal Access, per Chapter 7 definition.

~~PUB-88~~ PUB-82 **Public Access Safety** Beach Access for Disabled Persons. Promote the increased safety of access to the shoreline. The City shall provide improved access for the handicapped disabled at a minimum of one of the primary public beach access points administered by the City.

~~PUB-85~~ PUB-83 **Smoking.** Smoking shall not be allowed in City-owned or operated buildings, parks, beaches or other facilities, except in areas specifically designated for this purpose.

~~PUB-89~~ PUB-84 **Temporary Events.** Regulate special events and temporary uses in the Coastal Zone to minimize impacts to public access, recreation and coastal

resources. Require a CDP for temporary events which meet all of the following criteria:

- a. Are held between Memorial Day weekend and Labor Day;
- b. Occupy any portion of a sandy beach area (unless it is located in a remote area with minimal demand for public use and there is no potential for adverse effect of sensitive coastal resources); ~~and~~
- c. Involve a charge for general public admission and/or seating where no fee is currently charged for use of the same area (unless any fee charge is for preferred seating only and more than 75 percent of the provided seating capacity is available free of charge for general public use);
- d. And/or involves erecting a fence or barrier for exclusive access/use.

Any temporary event may be subject to CDP ~~review even if the criteria above are not met~~ requirements at the discretion of the Community Development Director if the temporary event has the potential for ~~significant~~ adverse impacts on coastal resources or public access.

~~**PUB-90 — Recreation Fishing on Pier.** The City protects the rights of the public to access and use the pier for recreational fishing.~~

Plain Text and **Plain Bold Text Headings** = City proposed LUP language
Underlined Text = CCC Suggested Modification, Inserted Language
~~StrikeOut Text~~ = CCC Suggested Modification, Deleted Language

4.0 MARINE AND LAND RESOURCES

4.1 Introduction

Natural habitats within the City's Coastal Zone are primarily located in the coastal canyon and bluff areas, as well as in the marine environment. San Clemente is committed to restoring, preserving and enhancing marine resources, wetlands and Environmentally Sensitive Habitat Areas (ESHA), including ~~wetlands, estuaries, dune,~~ riparian, areas, sand dunes and other natural habitats in the Coastal Zone.

4.1.1~~2~~ Marine Environment

The predominant intertidal habitat along San Clemente's shoreline is sandy beach, although some rocky outcrops are present at Mariposa Point, upcoast of San Clemente Pier where substrate exposures extend from mid beach to the low intertidal. Beyond the surf zone, the seafloor is a mosaic of sand and low-to-high relief patch reef. Some pinnacles of the reef are visible in the nearshore zone at low tide, while two prominent offshore pinnacles break the surface offshore of Mariposa Point and further downcoast of San Clemente Pier. Other reef habitats are also located south of the pier. The marine environment contains a mix of intertidal and nearshore reefs that support surfgrass and giant kelp, and State and federally listed species.

The City of San Clemente has over 4.5 miles of coastline and marine resources including beaches that are highly valued by residents and visitors. San Clemente's beaches vary by average beach width, onsite or adjacent public amenities, and surf breaks, creating opportunities for a wide range of beach activities from passive recreation to active athletic competitions.

Sandy beach refers to Beaches are the sandy, gravel or and/or cobble zone habitats that occur between oceans and the shore – beaches are found at the interface between water and land. line coastal strands, lagoons, lakes, or oceans (County of Orange 1992). Beaches form from wave action, disturbance, and geologic processes and wave action; the type and color of the sand, gravel, or cobble is a direct reflection of the local and regional geology. Beaches come in many forms including pocket, bluff backed, and wide canyon and river mouth beaches. Historically wide beaches were backed by sand dunes however coastal development has resulted in the loss of most sand dune habitat in southern California.

Beach ecology is influenced by the tides and waves and characterized by a constantly moving substrate, which supports a rich infaunal community adapted to constant movement. Kelp or seaweed that washes up on to the beach (also called wrack) is a source of food and supports a food web. Sand dunes may form adjacent to the back of

the beach. Fish and birds feed on the beach infauna and invertebrates that are associated with and utilize the seaweed/kelp (wrack). Most beaches are unvegetated, but may support sparse herbaceous species. Within the survey area, sandy beach refers to the sandy, unvegetated shoreline of the Pacific Ocean bordering the coastal canyons and bluffs. While not included in the Natural Communities List (CDFW 2010), sandy beach is often considered a waters of the U.S./State and as such is afforded protection and regulation under Sections 401 and 404 of the federal Clean Water, Section 10 of the Rivers and Harbors Act, the state Porter-Cologne Water Quality Control Act; Sections 1600-1605 of the California Fish and Game Code; and the Coastal Zone Management Act.

Beaches are also regulated by the Coastal Act under the Chapter 3 marine resource policies 30230 and 30231 as well as numerous State and federal laws, as important coastal resources and public amenities and as such are afforded protection and regulation by local, state, and federal jurisdictions. Protection of marine habitats is required not only for their biological significance, but also for their commercial, recreational, scientific, and educational value. In the City, sandy beaches can provide nesting and foraging opportunities for a number of special-status wildlife species including, but not limited to, California least tern, which has been recorded in the City.

San Clemente's coastal marine environment is limited to best characterized as a continuous open coast sandy beach. Such beaches are sparsely populated by marine plants and animals in comparison with rocky shores. There is a large diversity of infaunal marine animals/invertebrates that can be found along San Clemente's shoreline beaches; however, only following are some of the more six or seven common beach animals; occur in any abundance on heavily surf swept sand beaches.

Animals commonly found along the beach include the following:

- Several species of isopods (e.g., pill bugs), including *Alloniscus perconvexus* and *Tylos punctatus*. These are air-breathing animals one quarter inch to one inch long, which make mole-like burrows just beneath the sand surface.
- Sand crabs, *Emerita analoga* often occur in dense patches on the beach, with the largest individuals at the lowest level of the beach sand. They reach a maximum size of about 1-1/2 inches long. Spiny sand crabs, *Blepharipoda occidentalis*, also about 1-1/2 inches long, occur in the sub-tidal region of sandy beaches, as do *Archaeomysis maculate*, a small shrimp-like crustacean.
- Various clam species inhabit the sandy beach. These include Bean Clam, *Donax gouldi*, a small, wedge-shaped clam averaging one inch in length; a Razor Clam, *Sisiqua patula*, a long (shell up to six inches) thin clam with fragile shining valves;

and the Pismo Clam, *Tivela stultorum*, a large (up to seven inches or more in length), slow-growing species, which requires surf to survive.

- An elongate hydroid, *Chytia bakeri*, often found on Pismo Clams and Beans Clams, is the only hydroid found on exposed sandy beaches.
- *Glycera* sp., a Bloodworm, is a bright red polychaete worm about 1-1/2 to 2 inches long, which lives in a narrow band at about mid-tide level. A Polychaete worm, *Nainereis dendritica*, which reaches a length of 12 inches, is sometimes found at and below the lowest tide level.

The Pismo Clams and Razor Clams are now rare due to the loss of sand supply/ sand deficit, deterioration of water quality, and other human activities. ~~It is questionable whether Pismo and Razor Clams can ever be re-established within the intertidal zone as long as heavy recreational use, dramatic shifts (erosion and accretion) of sand, and pollution continues.~~

The nearshore and surf zones contain a number of fish species, many of which are popular as food. These species include Surf Perch, Corbina, and Striped Bass. ~~While not an intertidal form, the famous Grunion, *Leuresthes tenuis*, a smelt-like fish, is common in the local area and favors sandy beaches. San Clemente is not a principal breeding ground for the Grunion.~~

In addition to the sandy beach and near shore habitats, there are numerous offshore rock and clay finger reefs off the San Clemente shoreline that ~~help form support rich kelp forest and subtidal hard bottom and rich marine habitats~~, as shown in Figure 4-3, Coastal Reefs. Three of the larger reef formations include:

- West Reef: The main portion of this rock reef is located approximately 1,700 feet offshore from Mariposa Point. There are a number of smaller rock formations located between the outer reef and the shoreline. These rocks are partially exposed during mean low tide. The reef is an occasional surf spot during larger swells and is known for its exceptional fishing and diving. This rock reef is an important habitat for a large number of marine species. The rocks located along the coastline are a good location to observe inter-tidal species during extreme low tides.
- San Mateo Rocks: These rocks, with a total exposed surface area at mean low tide of approximately 14,000 square feet, are located 2,400 feet offshore, opposite the Riviera storm drain. This is an important habitat area, supporting an extensive array of marine life. California Sea Lions, *Zalophus Californianus*, are often observed basking themselves on the rocks. The San Mateo Rocks are relatively undisturbed because wave and tidal action make it extremely difficult to approach them.

- Pier Pilings and Artificial Reefs: There is an artificial reef located along both the north and south sides of the Municipal Pier. The San Clemente Pier wharf pilings form a distinctive habitat area. The pilings and artificial reef create a living environment for both marine plants and animals, which, in turn, help to make the pier a good place for fisherman.
- Wheeler North Reef: In 1991, the Commission required development of an artificial reef as mitigation for the loss of 179 acres of high density kelp bed community resulting from the operation of San Onofre Nuclear Generating Station Units 2 and 3 (CDP No. 6-81-330). This artificial reef sustains 150 acres of medium- to high-density kelp bed community, and a mariculture/marine fish hatchery. The project area is an 862-acre leased parcel located 0.6 miles offshore of San Clemente between the San Clemente City Pier to the north and San Mateo Point, approximately 2.5 miles to the south. The reef is built of quarry rock or rubble concrete that covers at least 42% (but no more than 86%) of the seafloor at depths of approximately 11.5 to 15 meters (38-49ft). The construction of the reef was completed on September 11, 2008.

4.1.1 ~~4.1.1~~ 4.1.2 Land Resources - Environmentally Sensitive Habitat Areas

“Environmentally sensitive habitat areas (ESHA)” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. Three main elements must be met for an area or habitat to be considered ESHA.

First, a geographic area can be designated ESHA either because of the presence of individual species of rare plants or animals or because of the presence of a particular rare habitat. The California Natural Diversity Database (“CNDDDB”) is a state depository of lists of rare plant and animal species and rare natural communities (e.g. habitats, vegetation communities), generated by an array of regional, state, national and international sources, that are vetted, maintained and continually updated by the Biogeographic Branch of the California Department of Fish and Wildlife (CDFW). The species and habitats on the following lists are rare:

- Federal and State listed Rare, Threatened and Endangered Species.
- Plants, Animals, and Natural Communities ranked as Global or State G1 or S1 (critically imperiled), G2 or S2 (imperiled) Or G3 or S3 (vulnerable to extirpation or extinction).
- California Fully Protected Species, California Species of Special Concern, and their habitats.

- California Native Plant Society (CNPS) plant species designated 1B (rare or endangered in California and elsewhere) and 2 (rare, threatened, or endangered in California but more common elsewhere).
- Federal and State Plants, Animals, and Natural Communities that are candidates for listing or delisting.

~~Second, for an area may to be designated as ESHA because it is especially valuable due to its special nature or role in an ecosystem. Areas may be valuable because of their “special nature,” such as being an unusually pristine example of a habitat type, containing an unusual mix of species, supporting species at the edge of their range, or containing species with extreme variation. Or habitats or species may be considered valuable because of their special “role in the ecosystem” because they provide habitat for endangered species, protect water quality, provide essential corridors linking one sensitive habitat to another, or provide critical ecological linkages such as the provision of pollinators or crucial trophic connections. While all species play a role in their ecosystem that is arguably “special”, for a habitat or species to be considered ESHA, its role must be considered “especially valuable.”, the species or habitat must be either rare or it must be especially valuable.~~

~~Finally, the area must be easily disturbed or degraded by human activities. Thirdly, ESHAs are those areas that could be easily disturbed or degraded by human activities and developments. In most areas of coastal California affected by urbanization, native plants, animals, and natural communities are in danger of direct loss or significant degradation as a result of many factors related to anthropogenic changes.~~

Finally, judgement of the quality of an area must be conducted by a qualified biologist, ecologist, or resource specialist on a case-by-case basis taking into account the physical and biological conditions and requirements necessary for the health and sustainability of the respective species or habitat. Such consideration includes assessment of the following criteria:

- Size of the population or habitat.
- Evidence of population/habitat health (sprouts, seedlings, adult individuals of reproductive age).
- Level of isolation/fragmentation.
- Connectivity to other natural areas/open space.
- Level of disturbance/degradation of the area.
- Invasive, non-native species.
- Disease or insect damage.
- Anthropogenic disturbance (development, grading, ornamental plants, agriculture, livestock, etc).

Certain habitats in specific locations may not be ESHA because they are extremely degraded, too small to be sustainable, have been taken over by invasive and non-native species, or are so isolated or fragmented that they do not have substantial habitat value or a special role in the ecosystem. It is important to note, however, that some habitats, like coastal estuaries, wetlands, creeks, and many riparian areas, are so rare or play such an important role in the ecosystem that they should be considered ESHA, even if significantly degraded. It should be noted that there are policies in the LUP (e.g., canyon edge setbacks, bluff edge setbacks, etc.) other than the ESHA policies that will promote protection of coastal resources even when the vegetation present does not constitute ESHA.

Excluding the marine environment (discussed later ~~hereinabove~~), large areas within San Clemente's Coastal Zone were developed prior to the Coastal Act. As a result, remnant natural habitat areas that ~~have any potential to~~ may rise to the level of ESHA are generally limited to coastal canyon and bluff areas. The Marblehead Coastal site (201 acres within the Coastal Zone) is the single largest property in the Coastal Zone where extensive development had not already altered the site prior to the Coastal Act (although decades of agricultural activities and a pre-Coastal Act City reclamation plant did alter the natural habitat to a considerable extent). The second largest parcel where pre-Coastal Act development was limited is the 91-acre San Clemente State Beach (the campground pre-dates the Coastal Act but portions of the property were not graded and remain in an undeveloped condition). These two properties within the City have natural terrestrial and/or wetland habitat within them that warrant designation and protection as ESHA.

In 2003, the Coastal Commission designated the following areas of the Marblehead Coastal site as ESHA: areas containing coastal bluff scrub, a sub-association of coastal sage scrub that is especially rare and included populations of Blochman's dudleya; needlegrass grassland; wetlands; and all areas that were used by the federally-protected coastal California gnatcatcher. Since that time, extensive restoration of the preserved areas of the site has led to substantial increases in the acreage of coastal sage scrub, native grasslands and wetlands, and the number of breeding gnatcatcher pairs present within the site has increased to fourteen pairs.

The San Clemente State Beach site has approximately 30 acres of coastal sage scrub. While a more site-specific analysis may show that portions of the coastal sage scrub at the State Beach site do not warrant being designated as ESHA, all large contiguous areas of coastal sage scrub within the State Beach appear to be of sufficient integrity and importance to the local ecosystem as to qualify as ESHA. In addition, eucalyptus trees along and within Calafia Canyon within the San Clemente State Beach site are

known to serve as monarch butterfly roosting habitat. The mapped roosting site and eucalyptus groves in close proximity to the known roosting location meet the definition of ESHA because of the important role they play in providing overwintering roost habitat for monarch butterflies.

In contrast, other areas that contain native habitat in the City's remaining coastal canyons and bluffs typically consist of smaller patches, are ~~substantially~~ degraded by past activities and the presence of invasive species, and to date are not known to support rare plant or animal species such as the coastal California gnatcatcher or the Blochman's dudleya. ~~Consequently, while it is not possible to rule out entirely the possibility that undeveloped areas within the remaining canyons and bluff areas within the Coastal Zone contain upland habitat that warrants designation as ESHA, they likely will not rise to level of ESHA unless a site-specific biological survey reveals that an area in fact supports rare plant or animal species or otherwise plays a significant role in the local ecosystem such that an ESHA designation is warranted. It should be noted that there are policies in the LUP other than the ESHA policies that will promote protection of resources within coastal canyons and along coastal bluffs even when the vegetation present does not constitute ESHA.~~

~~The California Department of Fish and Wildlife's (CDFW) "List of California Terrestrial Natural Communities Recognized by the California Natural Diversity Database" (CNDDDB) provides an inventory of California's natural communities and identifies those that are considered rare because of their highly limited distribution. These rare communities may or may not contain individual species that are rare, threatened, or endangered.~~

The City completed a limited biological inventory report in November 2014 describing the biological character of the coastal canyons and bluffs (herein referred to as the "2014 survey area") vegetation, flora, wildlife, and wildlife habitats based on a reconnaissance-level survey. The survey area was defined as an approximately 115-acre area focused on the coastal canyons, bluff, and beaches within the Coastal Zone of the City from a point just north of West Escalones Street to the south end of Calafia Canyon at Clemente State Beach. The biological surveys in support of this biological inventory report focused on coastal canyons and bluffs within the larger Biological Inventory Area (BIA), specifically Palizada, Trafalgar, Toledo, Lobos Marinos, Riviera, Montalvo, and Calafia Canyon (Figures 4-2a-d). The inventory did not include the two Marblehead coastal canyons as it was presumed those features were previously evaluated for biological resources as part of the Marblehead Coastal Project. Wetlands and streams were not included in the inventory. Beaches, intertidal zones, and other special-status biological resources beyond the survey area, but within the larger BIA,

were evaluated given their value as a coastal resource amenity. The Biological Inventory Report is incorporated in the LUP as Appendix A.

Several of the natural communities designated rare by CDFW occur in the City of San Clemente. Potential areas supporting sensitive habitat in ~~San Clemente~~ are shown on Figures 4-2A-D. Development projects in or adjacent to these potential sensitive habitat areas will require site specific focused surveys to determine if ESHA exists, evaluate potential impacts, and determine appropriate setbacks. In the City, potentially sensitive habitat areas ~~generally~~ include, but are not limited to, the following:

- a. Coastal scrub communities.
- b. Coastal canyons and bluffs/coastal bluff scrub.
- c. Native grasslands.
- d. Creek/stream and associated riparian habitat.
- ~~e.~~ Monarch butterfly aggregation sites, including autumnal and winter roost sites and related habitat areas.
- ~~f.~~ Creek and riparian areas.
- ~~g.~~ Wetlands, such as including vernal pools and emergent wetlands.
- ~~h.~~ Coastal bluffs/coastal bluff scrub.

Coastal Sage Scrub Communities

California sagebrush scrub, California sagebrush-California buckwheat scrub, lemonade berry scrub, and quailbush scrub are all considered coastal scrub communities. Of these four vegetation communities, only lemonade berry scrub is considered vulnerable to extirpation and degradation by CDFW (2010) and thus is considered a rare vegetation community. Although California sagebrush scrub and its sub-associations (i.e., California sagebrush-California buckwheat scrub, and quailbush scrub) have suffered enormous losses in California (estimates are as high as 85% for California sagebrush scrub and associated communities), there are still thousands of acres in existence and this community type is no longer listed as rare by CDFW. Nevertheless, coastal scrub communities have the potential to support a number of rare species such as the coastal California gnatcatcher, a federally threatened species, and any Coastal Sage Scrub occupied by the Coastal California gnatcatcher or other rare species will qualify as ESHA because of the especially valuable role it plays in the ecosystem. Coastal scrub communities can also be important transitional or “edge” habitats adjacent to coastal bluffs, wetlands/riparian areas, and the Pacific Ocean, providing important functions such as supporting pollinators for wetland plants and essential

habitat for edge-dependent animals like several species of butterflies that nectar on upland plants but whose caterpillars require wetland vegetation.

Within the survey area, the California sagebrush-California buckwheat scrub community occurs in one patch located in San Clemente State Beach. It is co-dominated by coastal sagebrush and Eastern Mojave buckwheat. Associated species in this community include lemonade sumac, Menzies' goldenbush, coyotebrush, and fourwing saltbush (*Atriplex canescens*).

~~The lemonade berry scrub (*Rhus integrifolia*) is found along canyon slopes in the City as well as on the coastal bluffs within San Clemente State Beach. In the on-site community along the canyon slopes, lemonade sumac is the dominant species with emergent ornamental species such as bank catclaw (*Acacia redolens*) and Peruvian peppertree. In the on-site community along the coastal bluffs within San Clemente State Beach, associated species include seacliff buckwheat (*Eriogonum parvifolium*), fingertips (*Dudleya edulis*), and coastal sagebrush.~~

~~Quailbush scrub forms an intermittent shrub layer and is found just inland of the shoreline of the survey area. In the on-site community, quailbush is the dominant species. Associated species in this community on site include fourwing saltbush (*Atriplex canescens*), coastal pricklypear (*Opuntia littoralis*), coastal sagebrush, and a low percent cover of sea fig (*Carpobrotus chilensis*).~~

Coastal Canyons and Bluffs/Coastal Bluff Scrub

4.1.5 Coastal Canyons and Bluffs

There are nine coastal canyons in San Clemente, including the two Marblehead Coastal Canyons, Palizada Canyon, Trafalgar Canyon, Toledo Canyon, Lobos Marinos Canyon, Riviera Canyon, Montalvo Canyon, and Calafia Canyon (see Figure 4-1). The coastal bluffs in San Clemente run parallel to the coastline, interrupted only where coastal valleys and canyons intersect with the bluff face. The coastal bluffs and canyons contain important natural habitat as described in Section 4.1.1.

San Clemente's coastal canyons represent remnants of what was once a much larger habitat zone. Most of the City's coastal canyons (the only exception being the canyons located in Marblehead Coastal) are surrounded by residential development. The canyons have been cut off from larger habitat areas since the 1930s. Urbanization around the coastal canyons has led to the introduction of invasive non-native plants. In addition, the introduction of domestic animals has impacted the native fauna. The introduction of domestic dogs and cats from the surrounding urban areas impacts native bird, small mammal, and reptile populations. Despite these impacts, indicator species of Coastal Sagebrush Scrub plant communities are present. The primary environmental

value of these habitat areas is their representation of an ever-diminishing resource within an urbanized area of the coast.

The lemonade berry scrub (*Rhus integrifolia*) is found along canyon slopes in the City as well as on the coastal bluffs within San Clemente State Beach. In the on-site community along the canyon slopes, lemonade sumac is the dominant species with emergent ornamental species such as bank catclaw (*Acacia redolens*) and Peruvian peppertree. In the on-site community along the coastal bluffs within San Clemente State Beach, associated species include seacliff buckwheat (*Eriogonum parvifolium*), fingertips (*Dudleya edulis*), and coastal sagebrush.

Quailbush scrub forms an intermittent shrub layer and is found just inland of the shoreline of the survey area. In the on-site community, quailbush is the dominant species. Associated species in this community on site include fourwing saltbush (*Atriplex canescens*), coastal pricklypear (*Opuntia littoralis*), coastal sagebrush, and a low percent cover of sea fig (*Carpobrotus chilensis*).

Major issues associated with urban encroachment into coastal canyons include erosion, invasive plant species, surface slope failures, detrimental drainage improvements, excess watering, visual disruptions, private access ways used by the general public, changes in runoff patterns, and significant unique maintenance issues. In addition, the canyons (with the exception of Marblehead Coastal and Calafia Canyons) are divided into hundreds of privately owned parcels, presenting challenges for restoration efforts. ~~limiting the potential for restoration.~~ To address these issues, the LUP provides policies requiring development setbacks from coastal canyons for both new development and redevelopment, policies requiring that drainage be directed away from canyons to reduce erosion, and policies requiring native landscaping.

Native Grass- and Herb-Dominated Communities**Grassland**

One native grassland-dominated community was observed in the City's Coastal Zone: giant wild rye grassland. Giant wild rye grassland is a community recognized by the Natural Communities List (CDFW 2010). Giant wild rye grassland includes giant wild rye (*Leymus condensatus* [*Elymus condensatus*]) as the dominant or co-dominant herb in the herbaceous layer. Giant wild rye community is an open to intermittent community less than 3 meters (10 feet) in height (Sawyer et al. 2009). Some species associated with giant wild rye grassland include wild oat (*Avena fatua*), black mustard (*Brassica nigra*), ripgut brome (*Bromus diandrus*), Maltese star-thistle (*Centaurea melitensis*), shortpod mustard (*Hirschfeldia incana*) and cliff desert dandelion (*Malacothrix saxatilis*); with a low cover of emergent trees including Southern California black walnut (*Juglans californica*), California live oak (*Quercus agrifolia*) or shrubs such as coastal sagebrush (*Artemisia californica*), mule-fat (*Baccharis salicifolia*), and San Luis purple sage (*Salvia leucophylla*) (Sawyer et al. 2009). Giant wild rye grassland occurs sporadically throughout central and southern coastal California. It occurs up to 1,500 meters (4,921

feet) AMSL. The giant wild rye grassland community occurs along steep slopes often on north facing slopes at low elevations. This community is also associated with loam soils (Sawyer et al. 2009). On site, the giant wild rye grassland community occurs in one patch north of South Ola Vista Road. In the on-site community, giant wild rye is the dominant herbaceous species. Associated species in this community on site include a low cover of ornamental species from nearby urban landscaping including bougainvillea (*Bougainvillea peruviana*) and bank catclaw (*Acacia redolens*). The giant wild rye grassland community is ranked by the CDFW (2010) as a G3S3 community. This ranking indicates that the community is rare and vulnerable to extirpation or extinction both globally and is considered high priority for CNDDDB inventory (CDFW 2010).

Native grassland communities are imperiled with conservative estimates placing the loss of California's native Mediterranean grasslands at more than 90%. Native grasslands are continuing to disappear at an alarming rate, often displaced by non-native annual grasses and forbs caused by human-induced disturbances. Giant wild rye grassland was the only native grassland community observed within the survey area; it was observed in Trafalgar Canyon. Native grassland communities, because of their rarity and vulnerability, generally warrant designation as ESHA even when only present in very small patches.

Broad-Leafed Upland Tree Dominated Communities

~~Although eucalyptus groves typically provide very little habitat value, lands supporting groves of eucalyptus trees along and within Calafia Canyon on the grounds of San Clemente State Beach meet the definition of ESHA as monarch butterfly roosting habitat. As early as 2011 overwintering monarch butterflies began roosting in eucalyptus trees near a parking lot associated with the San Clemente State Beach campground near Avenida Del Presidente (The Monarch Program 2014). Although monarch butterflies are not threatened with extinction, their autumnal and winter aggregation sites, or roosts, are especially vulnerable to disturbance. Sites that provide the key elements essential for successful monarch butterfly aggregation areas and/or are locations where monarchs have been historically present shall be considered ESHAs. These elements include stands of eucalyptus or other suitable trees that offer shelter from strong winds and storms, provide a microclimate with adequate sunlight, are situated near a source of water or moisture, and that provide a source of nectar to nourish the butterflies.~~

~~Areas supporting eucalyptus groves in proximity to the mapped roost site have the potential to provide overwintering opportunities to monarch butterflies. Therefore, those eucalyptus groves supporting roosting monarch butterflies along and within Calafia Canyon meet the definition of ESHA because of the important role they play in providing roost habitat for monarch butterflies.~~

The areas of mapped eucalyptus groves within the coastal canyons north of Calafia Canyon do not meet the definition of ESHA despite supporting mixed stands of eucalyptus trees. Unlike the mapped overwintering site near Calafia Canyon, which supports more open and naturally vegetated habitats associated with San Clemente State Beach, the eucalyptus groves in the remaining coastal canyons to the north are much more urbanized and developed, resulting in extensively disturbed and fragmented patches of eucalyptus trees bound by residential homes and ornamental landscaping. The existing habitats in these areas already exist in a disturbed and degraded condition as a result of past and present human activities and development. The stands of eucalyptus trees in these canyons support an understory of ornamental groundcover with very few clearings, the patch size is fairly limited, and unlike the mapped overwintering site off of Avenida del Presidente, the remaining eucalyptus groves are isolated from larger intact areas of native vegetation. Further, the remaining canyons north of Calafia Canyon are indirectly affected by human presence primarily due to the close proximity of the trees to existing homes. The extent of existing disturbance and the close proximity of these groves to adjacent, existing homes would not change. Thus, the remaining eucalyptus groves in the City do not constitute ESHA. Eucalyptus groves comprised of red gum eucalyptus and redbox (*Eucalyptus polyanthemos*) were mapped on the grounds of San Clemente State Beach at the far end of the survey area as well as along the slopes and canyon bottoms of Palizada, Trafalgar, Lobos Marinos, and Montalvo Canyons. As of November 2014, a eucalyptus grove just outside of the survey area along Avenida del Presidente supported an overwintering population of monarch butterflies with a record estimated 240 roosting butterflies (The Monarch Program 2014).

Creeks/Streams and Associated Riparian and Wetland Habitats

Although not all riparian habitat types are rare throughout the state, in southern California over 90% of the original riparian habitats had been lost to development by 1989. Consequently, all remaining native riparian habitats in southern California are considered sensitive and in the Coastal zone qualify as ESHA because of their rarity and the role riparian areas often play in the ecosystem. For example, many species of birds nest and roost in riparian habitat but forage in adjacent California sagebrush scrub and chaparral habitats. Within the City's Coastal Zone area, a riparian wetland, a potential vernal pool, and several ephemeral streams were documented all of which would be considered potential waters of the U.S./State and warrant further field review to determine the full extent of distribution and regulatory authority. A more detailed description of the riparian wetlands and ephemeral streams is provided below, while the Vernal Pool is described in Section 4.1.3: Wetlands and Watersheds.

Ephemeral Stream Channels

In southern California most of the creeks and streams are seasonal and only run in the winter and are dry in the summer (except where urban runoff is directed into creeks and streams). Seasonal or ephemeral creeks or streams channel typically refers to non-wetland hillside drainages that are not inundated or saturated for extended periods of time and generally have surface flow for a very short period of time (24 hours or less) following a significant rain event. Due to the lack of prolonged surface flow, wetlands-riparian vegetation is often lacking. Potential ephemeral stream channels were noted at within portions of Lobos Marinos, Riviera, Montalvo and Calafia Canyons as well as at the far east end of the survey area near Vista Blanca. While not included in the Natural Communities List (CDFW 2010), ephemeral stream channels are often considered waters of the U.S./State and as such are afforded protection and regulation under Sections 401 and 404 of the federal Clean Water Act, the state Porter-Cologne Water Quality Control Act; Sections 1600-1605 of the California Fish and Game Code; and the Coastal Zone Management Act.

Riparian habitat within the survey area consists of Arroyo willow thicket habitat, which refers to areas where arroyo willow (*Salix lasiolepis*) is a dominant or codominant shrub or tree in the canopy. Arroyo willow thickets have an open to continuous canopy less than 10 meters (33 feet) in height with a variable herbaceous ground layer. Arroyo willow thickets occur along stream banks and benches, on slope seeps, and on stringers along drainages in areas up to 2,170 meters (7,119 feet) amsl (Sawyer et al. 2009).

Some species often associated with the arroyo willow thickets community include big leaf maple (*Acer macrophyllum*), coyote brush, mulefat (*Baccharis salicifolia*), common buttonbush (*Cephalanthus occidentalis*), American dogwood (*Cornus sericea*), wax myrtle (*Morella californica*), California sycamore (*Platanus racemosa*), black cottonwood (*Populus trichocarpa*), Fremont cottonwood (*Populus fremontii*), willows (*Salix* spp.), and blue elderberry (Sawyer et al. 2009).

In the survey area, one patch of arroyo willow thickets was observed in the bottom of Calafia Canyon. A second smaller stand was observed at the far east end of the survey area near Vista Blanca. In the on-site community, arroyo willow is the dominant species. Associated understory species include coastal sagebrush (*Artemisia californica*) and lemonade sunac (*Rhus integrifolia*). Disturbed forms of arroyo willow thickets community on-site contained a higher percent cover of bare ground and non-native species including Washington fan palm (*Washingtonia robusta*).

Although CDFW reports arroyo willow thickets as a G4S4 community, meaning it is apparently secure both globally and within California (CDFW 2010), arroyo willow thickets are often considered wetland waters of the U.S./State and as such are afforded protection and regulation under Sections 401 and 404 of the federal Clean Water, the

state Porter-Cologne Water Quality Control Act; Sections 1600-1605 of the California Fish and Game Code; and the Coastal Zone Management Act/California Coastal Act.

~~Wetlands, as defined by the Coastal Act, are protected by Coastal Act policies specifically applicable to wetlands. However, because of the rarity of wetlands within the Coastal Zone, the role they play in the ecosystem and their susceptibility to disturbance, wetlands typically qualify as ESHA as well. One exception is wetlands constructed as a water quality treatment feature where there is no evidence that the area where the wetland was constructed was historically a natural wetland or drainage course.~~

~~A potential vernal pool, disturbed in nature, was documented on a flat terrace near the edge of a coastal bluff at the far north end of the City near Palizada Canyon (Figure 4-2a). Vernal pools, are an especially rare wetland habitat in southern California and provide habitat for a number of rare plants and animal such as the federally endangered San Diego fairy shrimp, and are highly susceptible to disturbance and degradation. Because vernal pools play an important role in the ecosystem by providing habitat to rare plants and animals and because they're vulnerable to extirpation, all vernal pools in San Clemente are considered ESHA.~~

Autumnal Monarch Butterfly Sites Broad-Leafed Upland Tree Dominated Communities

Although eucalyptus groves typically provide very little habitat value, lands supporting groves of eucalyptus trees along and within Calafia Canyon on the grounds of San Clemente State Beach meet the definition of ESHA as monarch butterfly roosting habitat. As early as 2011 overwintering monarch butterflies began roosting in eucalyptus trees near a parking lot associated with the San Clemente State Beach campground near Avenida Del Presidente (The Monarch Program 2014). Although monarch butterflies are not threatened with extinction, their autumnal and winter aggregation sites, or roosts, are especially vulnerable to disturbance. Sites that provide the key elements essential for successful monarch butterfly aggregation areas and/or are locations where monarchs have been historically present shall be considered ESHAs. These elements include stands of eucalyptus or other suitable trees that offer shelter from strong winds and storms, provide a microclimate with adequate sunlight, are situated near a source of water or moisture, and that provide a source of nectar to nourish the butterflies.

Areas supporting eucalyptus groves in proximity to the mapped roost site have the potential to provide overwintering opportunities to monarch butterflies. Therefore, those eucalyptus groves supporting roosting monarch butterflies along and within Calafia

Canyon meet the definition of ESHA because of the important role they play in providing roost habitat for monarch butterflies.

~~The areas of mapped eucalyptus groves within the coastal canyons north of Calafia Canyon do not meet the definition of ESHA despite supporting mixed stands of eucalyptus trees.~~ Unlike the mapped overwintering site near Calafia Canyon, which supports more open and naturally vegetated habitats associated with San Clemente State Beach, the eucalyptus groves in the remaining coastal canyons to the north are much more urbanized and developed, resulting in extensively disturbed and fragmented patches of eucalyptus trees bound by residential homes and ornamental landscaping. The existing habitats in these areas already exist in a disturbed and degraded condition as a result of past and present human activities and development. The stands of eucalyptus trees in these canyons support an understory of ornamental groundcover with very few clearings, the patch size is fairly limited, and unlike the mapped overwintering site off of Avenida del Presidente, the remaining eucalyptus groves are isolated from larger intact areas of native vegetation. Further, the remaining canyons north of Calafia Canyon are indirectly affected by human presence primarily due to the close proximity of the trees to existing homes. The extent of existing disturbance and the close proximity of these groves to adjacent, existing homes would not change. Thus, the remaining eucalyptus groves in the City ~~do not constitute~~ may not rise to the level of ESHA. Eucalyptus groves comprised of red gum eucalyptus and redbox (*Eucalyptus polyanthemos*) were mapped on the grounds of San Clemente State Beach at the far end of the survey area as well as along the slopes and canyon bottoms of Palizada, Trafalgar, Lobos Marinos, and Montalvo Canyons. As of November 2014, a eucalyptus grove just outside of the survey area along Avenida del Presidente supported an overwintering population of monarch butterflies with a record estimated 240 roosting butterflies (The Monarch Program 2014).



Figure 4-1

Coastal Canyons General Location Map

0 0.5 1 Miles













DUDEK

SOURCE: Google Earth Maps 2015
 Biological Inventory Report for San Clemente LCP

Figure 4-2-C Potential Habitat Study Areas - Map C



-  San Clemente City Boundary
-  Potential Sensitive Habitat
-  Reefs
-  Potential Monarch Roost Site



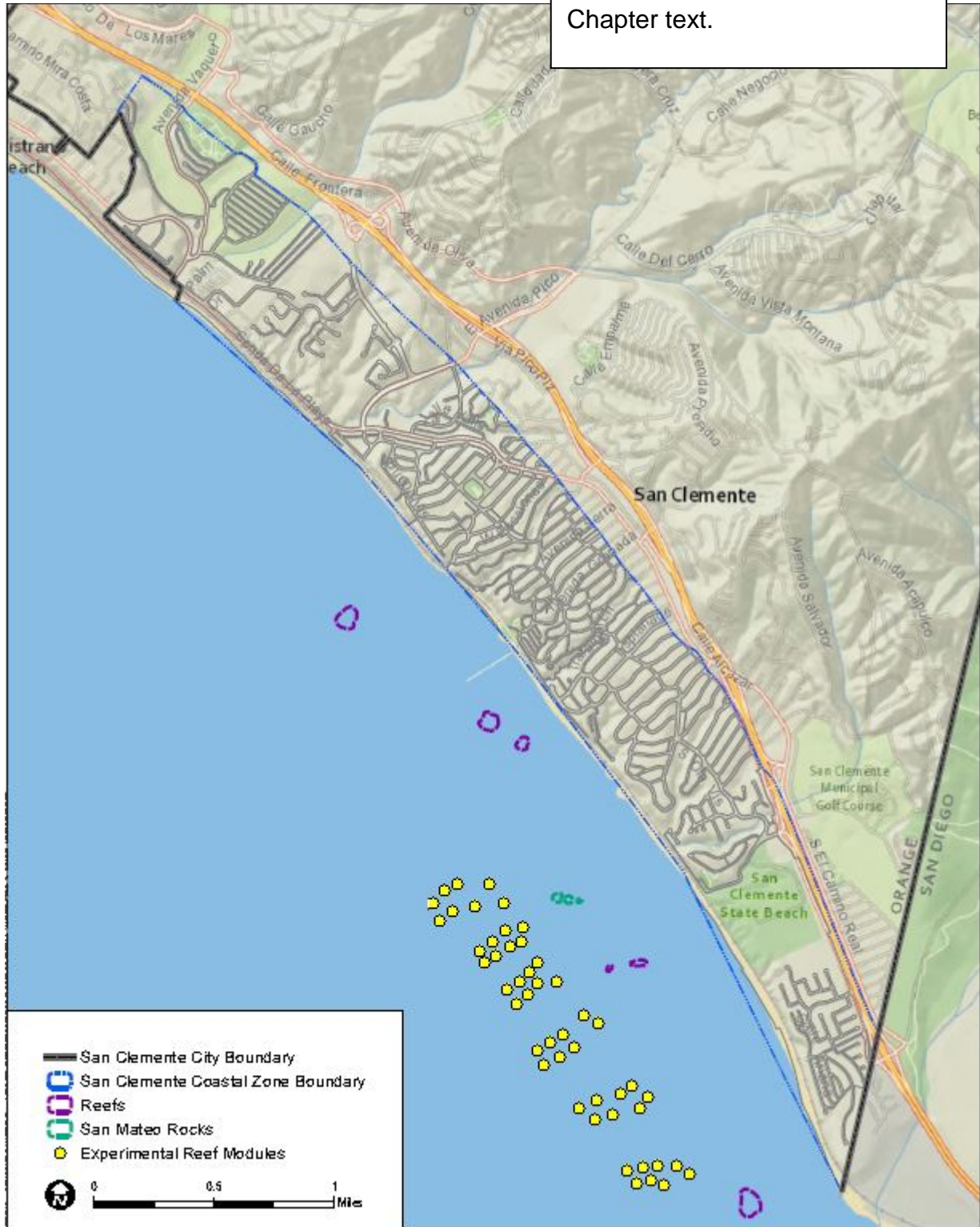
DUDEK

SOURCE: Google Earth Maps/2015
 Biological Inventory Report for San Clemente LCP

Figure 4-2-D Potential Habitat Study Areas - Map D

Suggested Modification: Place Figures/Exhibits to each corresponding section of the Chapter text.

Figure 4-3 Coastal Reefs



4.1.3 Wetlands and Watersheds

Wetlands

~~Wetlands, as defined by the Coastal Act, are protected by Coastal Act policies specifically applicable to wetlands. However, because of~~ Due to the rarity of wetlands within the Coastal Zone, the significant role they play in the ecosystem and their susceptibility to disturbance, wetlands typically qualify as ESHA ~~as well~~. However, in all cases, wetlands, as defined by the Coastal Act and regulations, are protected by the Coastal Act policies specifically applicable to wetlands. One exception is wetlands constructed as a water quality treatment feature where there is no evidence that the area where the wetland was constructed was historically a natural wetland or drainage course.

Wetlands are transitional lands between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is often covered by shallow water during some parts of the year. Wetlands can be categorized according to specific habitats and vegetation types. In Southern California, wetlands generally fall into four categories: estuarine wetlands; freshwater marshes; riparian wetlands, which occur along creeks and streams or bodies of water; and vernal pools.

Southern California coastal wetlands and watersheds have been dramatically altered or destroyed by human activities over the past 150 years. Wetlands have been filled and rivers, streams, and creeks have been rerouted, dammed, channelized, and paved. Estimates of historic wetland acreages compiled from the literature and U.S. Coast and Geodetic Survey maps created between 1851 and 1893 indicate a loss of 70% reduction in coastal wetlands in southern California. Wetlands provided a suite of functions and values including, but not limited to, groundwater recharge, nutrient retention and transformation, sediment and toxicant trapping, public recreation, wildlife and fisheries habitat, and flood storage and flood flow modification.

The Coastal Act requires the protection of wetlands. Development or alteration of coastal wetlands is primarily regulated by Section 30233 of the Coastal Act, which provides that the diking, filling, or dredging of open coastal waters, wetlands, or estuaries may only be permitted where there is no less environmentally damaging alternative and must be restricted to a narrow range of allowable uses. The Coastal Act also requires, under Section 30231, the protection of biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes.

Two federal statutes provide the primary regulatory authority over wetlands. Section 404 of the federal Clean Water Act regulates the disposal of dredge and/or fill materials into waters of the United States, including wetlands and all streams to their headwaters,

lakes over 10 acres, and contiguous wetlands, including those above the ordinary high water mark in non-tidal waters and mean high tide in tidal waters. Section 10 of the River and Harbors Act of 1899 regulates the diking, filling, and placement of structures in navigable waterways. The USACE is primarily responsible for the implementation and enforcement of rules and regulations pertaining to both sections of these statutes.

The San Clemente Coastal Streams Watershed is within the jurisdiction of the San Diego Regional Water Quality Control Board. The San Diego Regional Board has placed San Clemente Coastal Streams under the San Clemente subunit of the San Juan Hydrologic Basin. The Water Quality Control Plan (Basin Plan) lists Prima Deshecha and Segunda Deshecha as coastal streams draining to the Pacific Ocean. The Basin Plans also designates beneficial uses (the uses of water necessary for the survival and well being of humanity, plants and wildlife) for inland and coastal waters, set narrative and numerical water quality objectives that must be attained or maintained to protect the designated beneficial uses, and describes implementation programs to protect beneficial uses.

Within the 2014 survey area, one riparian wetland, one potential vernal pool, and several ephemeral streams were documented all of which would be considered potential waters of the U.S./State and warrant further site specific studies to determine the full extent of distribution and regulatory authority. A more detailed description of these resources is provided below. No wetland or riparian delineations have been made by the City and would be required on a project specific basis if warranted in the future.

Arroyo Willow

~~In the 2014 survey area, one patch of arroyo willow thickets was observed in the bottom of Calafia Canyon. A second smaller stand was observed at the far east end of the survey area near Vista Blanca. In the on-site community, arroyo willow is the dominant species. Associated understory species include coastal sagebrush (*Artemisia californica*) and lemonade sunac *Rhus integrifolia*. Disturbed forms of arroyo willow thickets community on-site contained a higher percent cover of bare ground and non-native species including Washington fan palm (*Washingtonia robusta*).~~

~~Although CDFW reports arroyo willow thickets as a G4S4 community, meaning it's apparently secure both globally and within California (CDFW 2010), arroyo willow thickets are often considered wetland waters of the U.S./State and as such are afforded protection and regulation under Sections 401 and 404 of the federal Clean Water Act, the state Porter-Cologne Water Quality Control Act; Sections 1600-1605 of the California Fish and Game Code; and the Coastal Zone Management Act.~~

Vernal Pools

A vernal pool, disturbed in nature, was documented on a flat terrace near the edge of a coastal bluff at the far north end of the 2014 survey area near Palizada Canyon (Figure 4-2a 3-4). Vernal pools are seasonal depressional wetlands that occur under the Mediterranean climate conditions of the California coast and in glaciated areas of northeastern and mid-western states. They are covered by shallow water for variable periods of time from winter to spring, but may be completely dry for most of the summer and fall (EPA 2015). These wetlands range in size from small puddles to shallow lakes and are usually found in a gently sloping plain of grassland. Western vernal pools are sometimes connected to each other by small drainages known as vernal swales, forming complexes. Vernal pools provide habitat for a number of rare plants and animal such as the federally endangered San Diego fairy shrimp (*Branchinecta sandiegonensis*) and they're highly susceptible to disturbance and degradation. More than 90% of California's vernal pools have been extirpated due to development.

Vernal pools are considered rare and valuable seasonal wetland resources by local, state and federal agencies and organizations and as would be potentially regulated by Sections 401 and 404 of the federal Clean Water Act, the state Porter-Cologne Water Quality Control Act; and the Coastal Zone Management Act. Because vernal pools play an important role in the ecosystem by providing habitat to rare plants and animals and because they're vulnerable to extirpation, all vernal pools in San Clemente are considered ESHA.



Figure 4-4

Watershed and Outfall Locations

0.3 0.15 0 0.3 Miles



4.1.4 Water Quality

The City's Coastal Zone is a developed urban area. As such, the water and marine resources in the area are impacted by pollutants normally associated with urban activities and land uses. Stormwater runoff occurs during rains when water drains off hard impervious surfaces such as paved streets, parking lots, and building rooftops and is carried through the storm drain system to local creeks and canyons and eventually discharged to the ocean. Dry weather urban runoff is generated by irrigating landscaped areas, hosing hardscapes, and other human activities. Runoff is the principal source of pollutants discharged into the ocean within San Clemente's Coastal Zone. The list of potential pollutants includes fertilizers, pesticides, vehicle hydrocarbons, greases, oil, rubber, plastics, asbestos, paint, metals, bacterial organisms, and coarse litter, all of which can enter coastal waters through storm drains and flood control channels. The San Onofre Nuclear Power Plant, located south of the City, contributes heat and thermal pollution; however, it is in the process of being decommissioned.

San Clemente has two main drainage channels that transport rain water and runoff from the inland watersheds to the ocean. The San Clemente Coastal Streams Watershed is approximately 19.16 square miles and includes portions of the cities of San Clemente, San Juan Capistrano and Dana Point. Prima Deshecha Canada is one of two main streams that flow through the City of San Clemente, ultimately discharging into the Pacific Ocean at Poche Beach. Several small, unnamed drainages, as well as larger tributaries, join Prima Deshecha as it makes its way through the watershed. The Prima Deshecha originates near the Prima Deshecha landfill and flows along Camino de los Mares, underneath the San Diego Freeway (Interstate 5) and N. El Camino Real, before discharging into the Pacific Ocean at Poche Beach. The Segunda Deshecha Canada, the second main stream draining the watershed, flows through the Talega development, along Avenida Pico, under the San Diego Freeway (Interstate 5) and N. El Camino Real, before discharging into the Pacific Ocean at North Beach. San Clemente has two main drainage channels that transport rain water and runoff from the inland watersheds to the ocean. A detailed description of these drainage channels is are provided below. San Clemente has two main drainage channels that transport rain water and runoff from the inland watersheds to the ocean. A description of these drainage channels are provided below.

Prima Deshecha Canada (M01) Watershed Points

The Prima Deshecha Canada channel (M01) is an urbanized flood control channel and storm drain system begins at the north eastern end of Camino de Los Mares and Diamante. From this point, runoff is transported through a concrete channel all the way to Pochè Beach. San Clemente has the only developed area in the watershed, which is

2,580 acres (3.9 sq. miles), about 60% of the watershed's total 4,400 acres (6.9 sq. miles).

Segunda Deshecha Canada Channel (M02)

Urban runoff from the 4,800-acre Segunda Deshecha Canada Channel (M02) watershed drains through both natural and open concrete-lined channels, and discharges from a concrete box outlet structure directly onto San Clemente's North Beach which drains to the Pacific Ocean. North Beach is located on the northern portion of the City's shoreline near the western end of Avenida Pico. The City constructed an M02 Urban Runoff Treatment Facility upstream of North Beach to divert and treat up to 1.5 cfs of dry weather urban runoff from the M02 channel, thus eliminating dry weather urban runoff reaching North Beach. The channel's current flow rate is around 0.88 cfs.

The LUP provides protection for marine resources such as intertidal areas and nearshore shallow fish habitat. Although development proposed in tidelands or submerged lands would remain under the permit jurisdiction of the Coastal Commission, the LUP provides guidance regarding the protection of marine areas.

The LUP provides for the protection of water quality. Policies RES-44 through RES-65 promote the elimination of pollutant discharges, including nonpoint source pollution, and minimization of runoff into the City's waters through regulation of new construction and development, including site planning, monitoring, and permit conditions of approval. The policies also require that Federal and State water quality objectives established in documents such as the California Water Quality Control Plan, the General Construction Storm Water Permit, the General Industrial Permit, and the Orange County National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Storm Water permit be incorporated into planning and implementation of new development.

4.1.5 — Coastal Canyons and Bluffs

~~There are nine coastal canyons in San Clemente, including the two Marblehead Coastal Canyons, Palizada Canyon, Trafalgar Canyon, Toledo Canyon, Lobos Marinos Canyon, Riviera Canyon, Montalvo Canyon, and Calafia Canyon. The coastal bluffs in San Clemente run parallel to the coastline, interrupted only where coastal valleys and canyons intersect with the bluff face. The coastal bluffs and canyons contain important natural habitat.~~

~~San Clemente's coastal canyons represent remnants of what was once a much larger habitat zone. Most of the City's coastal canyons (the only exception being the canyons located in Marblehead Coastal) are surrounded by residential development. The canyons have been cut off from larger habitat areas since the 1930s. Urbanization around the coastal canyons has led to the introduction of invasive non-native plants. In~~

~~addition, the introduction of domestic animals has impacted the native fauna. The introduction of domestic dogs and cats from the surrounding urban areas impacts native bird, small mammal, and reptile populations. Despite these impacts, indicator species of Coastal Sagebrush Scrub plant communities are present. The primary environmental value of these habitat areas is their representation of an ever-diminishing resource within an urbanized area of the coast.~~

~~Major issues associated with urban encroachment into coastal canyons include erosion, invasive plant species, surface slope failures, detrimental drainage improvements, excess watering, visual disruptions, private access ways used by the general public, changes in runoff patterns, and significant unique maintenance issues. In addition, the canyons (with the exception of Marblehead Coastal and Calafia Canyons) are divided into hundreds of privately owned parcels. To address these issues, the LUP provides policies requiring development setbacks from coastal canyons for both new development and redevelopment, policies requiring that drainage be directed away from canyons to reduce erosion, and policies requiring native landscaping.~~

4.2 Coastal Act Definitions and Policies

The Coastal Act Definitions and Policies set forth below are incorporated herein as policies of the Land Use Plan:

Section 30107.5 Environmentally Sensitive Area

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30121 Wetland

"Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Section 30230 Marine Resources; maintenance

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 Biological Productivity; water quality

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients

- a. The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of [the California Coastal Act], where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
 - 1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
 - 2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
 - 3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and public recreational opportunities.
 - 4) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
 - 5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
 - 6) Restoration purposes.
 - 7) Nature study, aquaculture, or similar resource dependent activities.
- b. Dredging and soils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge soils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.

- c. In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary.
- d. Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients that would otherwise be carried by stormwater runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

Section 30235 Construction altering natural shoreline

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal dependent uses or protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impact on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded, where feasible.

Section 30236 Water supply and flood control

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible, and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Section 30240 Environmentally sensitive habitat areas; adjacent developments

- a. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- b. Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would

significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

4.3 Goals & Policies

4.3.1. ~~Environmentally Sensitive Habitat Areas~~ Marine Resources

~~GOAL 4-3~~ Provide and maintain a safe and healthy beach and marine environment for beach users and marine life.

~~RES-18~~ RES-1 **Uses within the Marine Environment.** Uses of and within the marine environment shall be conducted to (1) maintain the long-term biological productivity of coastal waters, (2) help ensure the continuation of a healthy, self-renewing marine ecosystem, and (3) help ensure the long-term survival of healthy populations of marine plants and animals.

~~RES-19~~ RES-2 **Marine Protected Areas.** Any marine area that meets the ESHA criteria shall be considered ESHA and shall be accorded all protections provided for ESHA in the LCP. When development is proposed within or adjacent to a Marine Protected Area, the City of San Clemente shall consult with CDFW and the CSLC and shall require applicants to consult with or obtain necessary approvals from all responsible agencies.

~~RES-20~~ RES-3 **Marine Mammal Habitat.** Marine mammal habitats shall not be altered or disturbed by development of recreational facilities or any other new land uses.

~~RES-21~~ RES-4 **Fish Habitat.** Nearshore shallow fish habitats and shore fishing shall be preserved, and where appropriate and feasible, restored or enhanced.

~~RES-23~~ RES-5 **Beach Management and Maintenance Plan.** The City shall ensure that the appropriate City department is shall be the lead in the implementation of Policies RES-~~618~~ through RES-~~2917~~ regarding beach maintenance. Activities that constitute 'development' in a beach management/maintenance plan must be through an approved with a coastal development permit where necessary.

~~RES-22~~ RES-6 **Cobble.** Cobble shall not be removed from the beach as part of any proposed development. Cobble is a native geomorphological feature of San Clemente's beaches, occurring due to natural processes, and its removal has potential consequences to shoreline processes ~~the health of the beach structure.~~

~~RES-41~~ RES-7 **Material for Beach Replenishment.** Material that is removed from erosion control/flood control facilities or other dredging activity that has been tested and found to be clean and is suitable (determined by testing against USACE contamination and grain size thresholds) for beach replenishment shall ~~should~~ be used

for such purposes on appropriate beaches, or placed into suitable longshore current systems consistent with any existing Coastal Development Permit issued for opportunistic beach sand placement activities.

RES-27 RES-8 Beach Debris. Remove large driftwood and debris since it may create potential dangers from wave action, or by its presence on the sand.

RES-17 RES-9 Beach and Marine Environment. The City shall provide a litter-free and enjoyable beach and marine environment.

RES-81 RES-10 Non-Native Marine Species. The City ~~seeks to~~ shall prevent the introduction, reproduction or spread of harmful non-native plant and animal species through public education, maintenance of marine facilities, and by assisting local, state, and federal agencies to enforce laws protecting marine resources. ~~The City will consider restoration of open space areas and removal of invasive plants.~~

RES-26 RES 11 Native Beach Dune Vegetation. Native beach dune vegetation has a natural role in the ecological, structural, and aesthetic conditions of the San Clemente Beach, providing habitat for coastal marine species, and sand retention support. As such, the City shall:

- a. Protect existing native beach vegetation in established sand hummocks and dunes; and
- b. Seek to identify locations where planting of native beach vegetation can be implemented, and work with appropriate organizations for planting and establishment of native beach vegetation.

RES-12 Beach Areas. Identify the key beach areas which are important to protect through land use regulation because of their inherent environmental, ecological, and/or aesthetic contributions.

RES-25 RES 13 Kelp. Kelp that washes up on beaches, also known as kelp wrack, has plays an important role in the beach ecosystem; it is important both physically and biologically. It contributes to ecological and the structural condition of the beach, provides habitat and direct and indirect support for sand retention, structure for dune plants to establish, and habitat for marine and terrestrial animals. It contributes nutrients for animals that are in turn prey for many shore birds and fish. coastal marine animal and vegetative species, and provides direct and indirect support for sand retention. The City places value importance on the habitat value of kelp wrack as well as the recreational use of the beaches, and the following actions are intended to balance the two interests:

- a. Remove excessive kelp, above the semi-lunar high tide line/wrack line in the dry sand areas, during the summer season, May 15th through September 15th, to provide maximum sandy beach space for public use while protecting grunion-spawning grounds, below the semi-lunar high tide line in the wet sand areas;
- b. Allow kelp to remain on the beach during the winter season, September 16th through May 14th;
- c. At any time, remove excessive kelp in cases of extreme kelp build-up, at the direction of the City Manager or designee.

RES-28-RES-14 **Sand Grooming and Sand Berms.** ~~Sand~~ The sandy beach plays has a primary role in the use and enjoyment of San Clemente's beaches; as such, conduct beach and sand grooming/maintenance as part of the City's existing Beach Management and Maintenance Plan as follows:

- a. ~~Conduct~~ Restrict scheduled sand grooming during the summer season, May 15th through September 15th, to the area above the semi-lunar high tide line/wrack line on dry sand areas, avoiding the wet sand areas in an effort to protect grunion-spawning grounds and kelp wrack;
- b. ~~Conduct sand pushing above the wet sand and high tide/wrack line twice a year, or timing as directed by the City Manager. Sand pushing is the action of moving sand mechanically with the intention to:~~
 - 1) ~~Create berms in order to protect beach facilities,~~
 - 2) ~~Attempt to stockpile sand, whenever available in late autumn and early winter,~~
 - 3) ~~Prevent loss of sandy beach into the ocean,~~
 - 4) ~~Remove man-made berms in the late spring to prepare the beach for public use during the summer season~~

~~A Coastal Development Permit is typically required for sand grooming and construction of sand berms, and Coastal Development Permits issued for these activities shall be consistent with the Hazards and Public Access policies of this LUP.~~

RES-15 **Seasonal Sand Berms.** The City may ~~conduct~~ sand pushing above the wet sand and high tide/wrack line twice a year (once in fall and once in spring), or other timing as directed by the City Manager, for the purpose of

emergency/coastal storm preparedness. Sand pushing is the action of moving sand mechanically with the intention to:

- 1) Create temporary seasonal sand berms in order to protect beach facilities,
- 2) Attempt to stockpile sand, whenever available in late autumn and early winter,
- 3) Prevent loss of recreational sandy beach area into the ocean,
- 4) Remove ~~man-made~~ seasonal sand berms in the late spring to prepare the beach for public use during the summer season

~~A Coastal Development Permit is typically required for construction of sand berms.~~ Coastal Development Permits issued for these activities shall be consistent with the Hazards and Public Access policies of this LUP.

~~RES-29~~ RES-16 Use of Mechanized Equipment on Beach. Beach maintenance shall strike a balance between protection of habitat and maintaining the recreational value of the beach.

- a. Mechanized equipment may be permitted for use on the dry sand areas of the beach above the high tide/wrack line, subject to any applicable CDP requirement, for the following activities:
 - 1) Regular maintenance operations, including: (a) beach cleaning (e.g., trash, driftwood, and large debris removal); (b) leveling for recreational activities; (c) seasonal re-contouring to clear public access stairways (e.g., after storms) or address safety hazards (e.g., steep drop-offs near public access points on the beach, due to storms or erosion events); and (d) installing lifeguard towers and handicap ramps;
 - 2) Seasonal sand grooming and seasonal construction of sand berms, as provided in Policies ~~RES-28~~ RES-14 and RES-15;
 - 3) Kelp removal on dry sand areas above the high tide/wrack line between May 15th and September 15th, as provided in Policy ~~RES-25~~ RES-13.
 - 4) Safety activities, including use of lifeguard vehicles and other emergency machines.
 - 5) Construction activities which require use of mechanized equipment, covered by a separate CDP.

b. The use of mechanized equipment ~~for beach grooming~~ on the beach is subject to the following management provisions:

- 1) No equipment will be stored on the sandy beach.
- 2) No mechanized equipment will operate in the wet sand (below the ordinary high tide line), except in cases of emergency and when required for safety reasons.
- 3) Maintenance activities will be scheduled to prevent conflict with access and use of the beach by the public.
- 4) Debris shall be reused or disposed of at the City landfill. Disposal at other sites within the coastal zone requires a separate CDP.
- 5) The operation of any equipment will be with safety as the first consideration.

~~RES-24 RES-17~~ Public Safety. Public safety shall take precedence in operational practices, including implementation of Policies RES-18 through RES-29. Operational practices shall reflect that maximizing the safety, health, and well-being of the public at the beach is a primary concern; and the use of emergency and maintenance vehicles and equipment on the beach may be allowed ~~is necessary~~ to ensure public safety.

~~RES-30 RES-18~~ Offshore Oil Drilling and Support Facilities. ~~We~~The City opposes offshore oil drilling and Liquefied Natural Gas facilities, and prohibits on-shore support facilities for such extraction uses.

~~4.3.2 Marine Resources~~ Water Quality

~~Goal: Maintain and restore biological productivity and coastal water quality appropriate to maintain optimum populations of marine and freshwater organisms and to protect human health.~~

~~RES-44 RES-19~~ Water Resources Watershed Protection. Existing and new development shall not degrade San Clemente's ~~water~~ coastal resources or water quality. The City shall require development projects to comply with water quality and watershed protection requirements per the San Diego Regional Municipal Separate Storm Sewer System (MS4) Storm Water Permit, (Order No. R9-2013-0001, as amended by Order No. R9-2015-0100 adopted November 18, 2015, or any amendment to or re-issuance thereof), approved by the San Diego Regional Water Quality Control Board. The City collaborates with Orange County jurisdictions on the development and implementation of watershed protection principles and implementation of best management practices for specific land uses.

~~RES-45~~ ~~RES-20~~ Recycled Water. The City shall encourage, and in some cases require, the use of recycled water when available as a condition of approval for new development where recycled water infrastructure has been extended and is readily available to serve new development. The City will continue to expand its recycled water program, and will seek new and improved technologies and best practices to use water more efficiently.

~~RES-46~~ ~~RES-21~~ Wastewater System. The City shall provide and maintain a system of wastewater collection and treatment facilities to adequately convey and treat wastewater generated in the City of San Clemente service area.

~~RES-49~~ ~~RES-22~~ Stormwater and Urban Runoff Management. Jurisdictional Runoff Management Program. The City shall ~~maintain~~ implement a comprehensive stormwater/urban runoff management ~~plan~~ program,, and provide adequate funding to implement the ~~plan~~ program, to minimize impacts on ~~our~~ the City's watershed, canyons, coastal bluffs, beaches, and marine resources. The City shall install and maintain runoff treatment systems and conduct other municipal pollution prevention activities (e.g., street sweeping, drain and catch basin maintenance, water quality testing, site inspections, and spill cleanups) to address stormwater and dry weather runoff pollution, to comply with applicable Federal, State, and regional requirements

~~RES-50~~ ~~RES-23~~ Enforcement. The City shall maintain adequate legal authority to implement and enforce local plans and ordinances to ensure approved development complies with applicable regional, state, and federal requirements for stormwater runoff management and mitigation to protect ~~our~~ water quality and coastal resources.

~~RES-52~~ Stormwater and Urban Runoff Management The City shall protect coastal and marine resources by installing runoff treatment systems and conducting pollution prevention activities (e.g., street sweeping, drain and catch basin maintenance, water quality testing, site inspections, and spill cleanups) to address stormwater and urban runoff pollution, and comply with applicable Federal, State, and regional requirements.

RES-24 Stormwater Outfalls. Where new stormwater outfalls cannot be avoided as part of new development, plan, site, and design outfalls shall be planned, sited and designed to minimize adverse impacts to coastal resources from outfall discharges, including consolidation of existing and new outfalls, where appropriate.

~~RES-63~~ ~~RES-25~~ City Management of Material Stockpiles Control Best Management Practices. The City shall ~~M~~manage the temporary storage of construction materials for public projects or landslide material on road shoulders,

using the most ~~current~~ effective BMPs to eliminate materials being transported into adjacent drainage courses, to protect air and water quality, and to minimize the spread of invasive plant species. The City shall ensure that landslide material is deposited in permitted landfills or at sites with valid permits to accept fill.

RES-64 RES-26 Best Management Practices for Public Agencies. The City shall require that public agencies use the most effective BMPs to protect natural resources at project sites and maintenance yards, when the maintenance and modification of public infrastructure involves the removal of vegetation and/or earth.

RES-47 RES-27 Xeriscape Planting to Conserve Water. To conserve water, the City shall require new development to ~~plant~~ use drought-tolerant non-invasive landscaping, ~~consisting of at least 60 percent (by landscaped area) California Native plants, and shall encourage such plantings in existing development with an average plant factor of 0.5 of Reference Evapotranspiration (ETo), and shall encourage the use of California Native plantings in new and existing development.~~

RES-48 RES-28 Low Impact Design/Development Strategies. New development and redevelopment shall give precedence to the use of a Low Impact Development (LID) approach to storm water management, which integrates site design strategies (e.g., minimizing the building footprint, preserving vegetation, and protecting natural drainage features) with small-scale, distributed Best Management Practices (BMPs) (e.g., permeable pavement surfaces, rain barrels and cisterns, and bioretention techniques) to replicate the site's natural hydrologic balance through infiltration, evapotranspiration, harvesting, detention, or retention of storm water close to the source, to the maximum extent appropriate and feasible.

RES-51 RES-29 Impervious Surfaces and Infiltration. New development shall ~~should~~ be planned, sited and designed to minimize the installation of impervious surfaces, where feasible, especially impervious areas directly connected to the municipal storm drain system, in order to minimize increases in stormwater or dry weather runoff. Redevelopment projects shall, where feasible, increase the area of pervious surfaces consistent with RES-30. Development shall be planned, sited, and designed to maintain or enhance on-site infiltration of runoff, where appropriate and feasible.

RES-30 Infiltration. Development shall be planned, sited, and designed to maintain or enhance on-site infiltration of runoff, where appropriate and feasible. If on-site infiltration of runoff may potentially result in adverse impacts, including, but not limited to, geologic instability, flooding, or pollution of coastal waters, the development shall substitute alternative BMPs (e.g., flow-through planter box, green roof, or cistern) that do not involve on-site infiltration in order to minimize changes in

the runoff flow regime to the extent appropriate and feasible. Alternative BMPs shall also be used where infiltration BMPs are not adequate to treat a specific pollutant of concern attributed to the development, or where infiltration practices would conflict with regulations protecting groundwater.

RES-53 RES-31 *Creation and Restoration of Areas with Water Quality Benefits.* Where feasible, development shall be planned, sited, and designed ~~development~~ to preserve or enhance non-invasive vegetation to achieve water quality benefits such as transpiration, interception of rainfall, pollution uptake, shading of waterways to maintain water temperature, and erosion control. New development and redevelopment shall preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, coastal canyons, vernal pools, wetlands, and buffer zones, and the City encourages land acquisition of such areas.

RES-54 RES-32 *Maintain or Enhance Natural Drainage Features.* Development ~~should~~ shall be planned, sited, and designed to protect the absorption, purification, and retention functions of natural drainage features (e.g., stream corridors, drainage swales, topographical depressions, floodplains, and wetlands) that exist on the site. Where feasible, drainage plans shall be designed to complement and utilize existing drainage patterns and features, conveying drainage from the developed area of the site in a non-erosive manner with appropriate treatment. ~~Where new stormwater outfalls cannot be avoided, plan, site, and design outfalls to minimize adverse impacts to coastal resources from outfall discharges, including consolidation of existing and new outfalls, where appropriate.~~ Disturbed or degraded natural hydrologic features shall ~~should~~ be restored, where feasible.

RES-55 RES-33 *Stormwater Runoff Plans.* All projects that require a Coastal Development Permit (CDP) and have the potential for adverse water quality or hydrology impacts to coastal waters shall prepare both a construction-phase and a post-development runoff plan. Runoff management shall be addressed early in the development's planning and design stages. As part of CDP approval, the City shall require that the runoff plans include stormwater pollution control and runoff control measures or systems, and a maintenance program, as necessary, for both the construction-phase and post-development runoff plans. The post-development maintenance program shall be for the life of the development. The level of detail provided to address the plan's requirements shall be commensurate with the type and scale of the development, and with the potential for adverse water quality and hydrology impacts to coastal waters.

RES-56 RES-34 *Minimizing Pollutants and Runoff.* Site, design, and manage new development and improvements, including – but not limited to – landscaping, to

protect coastal waters from nonpoint source pollution by minimizing the transport of pollutants in runoff and minimizing post-development changes in the site's runoff volume, flow rate, timing, and duration. Review new development and improvements for potential degradation of water quality and water resources. ~~The level of detail provided to address the plan's requirements shall be commensurate with the type and scale of the development, and the potential for adverse water quality and hydrology impacts to coastal waters.~~

RES-58 RES-35 Developments of Water Quality Concern. Priority

Development Projects. Certain categories of development pose a greater threat of adverse impacts to water quality and hydrology due to the extent of impervious surface area, type of land use, ~~(or proximity to coastal waters, or proximity to a creek, channel, or storm drain system that leads to coastal waters).~~ ~~The City shall identify categories of "developments of water quality concern" (Definition and thresholds provided in CH 7) and shall require additional BMPs for these developments.~~ Priority Development Projects (PDPs) are defined in the NPDES MS4 Permit and shall be identified in the LCP's Implementation Plan, and will require permanent post-construction treatment control BMPs to address pollutants of concern specific to the PDP's land use and impairments of surface waters to which the project drains. PDPs will also require post-construction runoff control BMPs to minimize adverse changes in the PDP's runoff flow regime. An associated Water Quality Management Plan will provide the operation and maintenance of the permanent treatment control and runoff control BMPs, and shall be implemented for the life of the development.

~~Developments of water quality concern may~~ PDPs shall be required to comply with the following additional policies:

- a. Conduct a ~~polluted~~ pollutant runoff and hydrologic site characterization by a qualified licensed professional, early in the development planning and design stage, and document the expected effectiveness of the proposed BMPs.
- b. Design required Low Impact Development (LID), Treatment Control, and Runoff Control BMPs to infiltrate, retain, or treat, at a minimum, the amount of runoff produced by an appropriate design storm (e.g., the 85th percentile ~~design storm standard~~ 24-hour storm event for volume-based BMPs, or two times the 85th percentile 1-hour storm event for flow-based BMPs), where feasible.
 - 1) ~~85th percentile design storm standard: Design BMPs to infiltrate, retain, or treat the amount of runoff produced by all storms up to and including the 85th percentile 24-hour storm event for volume-based~~

~~BMPs, or the 85th percentile 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.~~

- c. Use an LID approach to stormwater management that will retain on-site (by means of infiltration, evapotranspiration, or harvesting) the runoff volume ~~from~~ produced by the 85th percentile 24-hour design storm, to the extent appropriate and feasible.
- d. Conduct an alternatives analysis to demonstrate that there are no appropriate and feasible alternative project designs that would substantially improve runoff retention, if a proposed development will not retain on-site the runoff volume ~~from~~ produced by the 85th percentile 24-hour design storm using an LID approach.
- e. Use a Treatment Control BMP (or suite of BMPs) to remove pollutants of concern from any portion of the 85th percentile 24-hour design storm runoff volume that will not be retained on-site ~~using Site Design strategies and LID BMPs~~, or if additional pollutant removal is necessary to protect coastal waters. The type of treatment ~~should~~ shall be effective for removing the pollutants generated by the development.
 - 1) Treatment Control BMPs: ~~are s~~are sStructural systems designed to remove pollutants from runoff by processes such as gravity settling of particulate pollutants, filtration, biological uptake, media absorption or any other physical, biological or chemical process. Examples include vegetated swales, detention basins, and storm drain inlet filters.
- f. Use a ~~Hydromodification~~ Runoff Control BMP to minimize adverse post-development changes in the runoff flow regime, if a development will add a net total of more than 15,000 ft² of impervious surface area, and using appropriate and feasible Site Design strategies and LID BMPs will not retain on-site the runoff volume ~~from~~ produced by the 85th percentile design storm.
 - 1) ~~Hydromodification-Runoff~~ Control BMPs: are sStructural systems designed to minimize post-development changes in runoff flow characteristics and maintain the natural watershed, by processes such as infiltration, evapotranspiration, harvesting and use, detention, or retention. Examples include retention structures such as basins, ponds, topographic depressions, and stormwater vaults.

~~RES-60 RES-36~~ RES-36 *Minimization of Water Quality Impacts During Construction.*

Development shall minimize ~~the land disturbance activities of construction (e.g., clearing, grading, cut-and-fill, and soil compaction), especially in erosive areas~~

~~(including steep slopes, unstable areas, and erosive soils), to avoid detrimental water quality impacts caused by increased erosion or sedimentation. Development shall minimize pollution of runoff by construction chemicals and materials. water quality impacts during construction by minimizing land disturbance and soil compaction, minimizing erosion and sedimentation, and minimizing the discharge of other pollutants resulting from construction activities.~~

- a) Minimize Land Disturbance During Construction. Development shall minimize the land disturbance activities of construction (e.g., clearing, grading, cut-and-fill, and soil compaction), especially in erosive areas (including steep slopes, unstable areas, and erosive soils), to avoid detrimental water quality impacts caused by increased erosion or sedimentation. ~~Development shall minimize pollution of runoff by construction chemicals and materials.~~
- b) Minimize Erosion and Sedimentation During Construction Measures. ~~The City shall require that c~~Construction shall be conducted with provisions for the control using measures to minimize soil erosion and off-site transport of sediment transport and debris originating at the construction site, including as follows:
 - i) ~~a.~~ For necessary grading operations, the smallest practical area of land ~~will~~ shall be exposed at any one time during development, and the length of exposure ~~will~~ shall be kept to the shortest practical amount of time.
 - ii) The clearing of land ~~shall~~ should be avoided during the winter rainy season, whenever feasible, and all measures for removing sediments and stabilizing slopes ~~shall~~ should be in place before the beginning of the rainy season, whenever feasible.
 - iii) ~~b.~~ Sediment control measures ~~will~~ shall be installed with the initial grading operations and maintained through the development process to remove sediment from runoff ~~waters~~ to the maximum extent practicable. All captured sediment shall be retained on site unless removed to an approved disposal location.
 - iv) ~~c.~~ Erosion control measures such as Temporary vegetation, seeding, mulching, or other suitable stabilization methods ~~will~~ shall be used to protect soil subject to erosion that has been disturbed during grading or development. All disturbed soil areas that are inactive shall be stabilized with suitable stabilization measures as soon as feasible, ~~and~~ no later than 14 days after inactivity. At project completion, all disturbed soil areas ~~must~~ shall be planted to provide permanent soil stabilization/erosion control. Primarily native,

drought-tolerant, non-invasive landscaping species shall be used (only California native species shall be used in areas adjacent to coastal canyons and bluffs).

- v) ~~d. Implement~~ Construction runoff control BMPs, (such as a dewatering tank, detention basin, and dedicated vehicle wash area) shall be implemented, where necessary, to either retain or infiltrate stormwater and non-storm water runoff, or to treat runoff prior to conveyance off-site during construction.
- c) Minimize Discharge of Construction Pollutants. Development shall minimize pollution of runoff and coastal waters by construction chemicals and materials.
 - i) Materials management and waste management BMPs (such as stockpile management BMPs and debris disposal plan) shall be implemented to minimize the discharge of pollutants from staging, storage, and disposal of construction chemicals and materials.
 - ii) Site management “good housekeeping” BMPs (such as maintaining an inventory of chemicals used on site, and having a written plan for the clean-up of spills and leaks) shall be implemented to minimize the discharge of pollutants from construction activities.
- d) Avoid Construction Staging on the Beach. Construction on or adjacent to the sandy beach shall avoid staging/material storage on sandy beaches or within any other biological resource area.
- e. **RES-62 RES-37 Timing of Grading.** In high erosion areas (such as development adjacent to ~~steep canyon or bluff slopes~~), the City ~~will strive to~~ in approving development projects, shall minimize non-emergency earth-moving operations during the rainy season (extending from October 45 1 to April 45 30); ~~whenever feasible.~~ If the City approves grading during the rainy season appropriate BMPs shall be implemented.

RES-57 RES-38 Best Management Practices (BMP) for Development. To control pollutant discharges, minimize post-development changes in runoff flows, and provide long-term, post-construction erosion control and water quality protection in all physical development, Site Design strategies and Source Control BMPs shall be required for all new development and redevelopment.

- a. **Site Design BMPs Strategies:** ~~Any project design feature that reduces the generation of pollutants or reduces the alteration of the natural drainage features,~~ Development shall address runoff management early in site design planning and alternatives analysis, and shall implement appropriate and

feasible Site Design strategies. Site Design strategies are project design and site layout techniques that integrate existing site characteristics that affect runoff (e.g., topography, drainage patterns, vegetation, soil conditions, natural drainage features, and infiltration conditions) in the design of strategies to minimize post-development changes in the runoff flow regime, control pollutant sources, and, where necessary, remove pollutants. Priority shall be given to the use of LID Site Design strategies (such as minimizing impervious surfaces or minimizing grading/site disturbance, protecting natural drainage features, and minimizing removal of natural vegetation), see RES-23.

- b. **Source Control BMPs:** ~~Practices that prevent release of pollutants into areas where they may be carried by runoff,~~ Development shall implement appropriate and feasible long-term, post-development pollutant Source Control BMPs to minimize the transport of pollutants in runoff from the development. Source Control BMPs are structural features or operational practices that control pollutant sources and keep pollutants segregated from runoff (such as covering work areas and trash receptacles, practicing good housekeeping, requiring maintenance operational procedures, using efficient irrigation, and reducing use of landscaping chemicals)
- c. **In- or Over-Water Source Control BMPs.** Development shall implement additional Source Control BMPs for construction taking place over, in, or adjacent to coastal waters (including wetlands), if there is a potential for construction chemicals or materials to enter coastal waters. Examples include using tarps to capture debris and spills, and using BMPs for preservative-free treated wood.

The City shall engage in water quality public education and outreach to ensure successful application of BMPs in development projects.

~~RES-59 RES-39~~ BMP Maintenance. As part of the Coastal Development Permit process, the City shall require all development to implement appropriate protocols to manage all design features used to mitigate stormwater runoff (including installation and removal, ongoing operation, maintenance, inspection, and training), to protect coastal resources and water quality for the life of the development.

~~RES-61 Construction Measures.~~ ~~The City shall require that construction be conducted with provisions for the control of sediment transport and debris originating at the construction site as follows:~~

- a. ~~For necessary grading operations, the smallest practical area of land will be exposed at any one time during development, and the length of exposure will be~~

~~kept to the shortest practical amount of time. The clearing of land shall should be avoided during the winter rainy season, whenever feasible, and all measures for removing sediments and stabilizing slopes shall should be in place before the beginning of the rainy season, whenever feasible.~~

- ~~b. Sediment control measures will be installed with the initial grading operations and maintained through the development process to remove sediment from runoff waters to the maximum extent practicable. All captured sediment shall be retained on site unless removed to an approved disposal location.~~
- ~~c. Temporary vegetation, seeding, mulching, or other suitable stabilization methods will be used to protect soil subject to erosion that has been disturbed during grading or development. All disturbed soil areas that are inactive shall be stabilized with suitable stabilization measures as soon as feasible and no later than 14 days after inactivity. At project completion, all disturbed soil areas must be planted to provide permanent soil stabilization/erosion control. Primarily native, drought-tolerant, non-invasive landscaping species shall be used (only California native species shall be used in areas adjacent to coastal canyons and bluffs).~~
- ~~d. Implement BMPs, where necessary, to either infiltrate runoff or treat it prior to conveyance off-site during construction.~~

~~RES-65 RES-40~~ Water Quality Features Not Considered Wetlands. Water quality features, such as storm water retention basins, detention basins, vegetated drainage swales and other similar facilities that require ongoing maintenance for storm water management purposes ~~will~~ shall not be subject to wetland policies if they are artificially created and implemented as part of new development, ~~created from uplands and where there is evidence that wetlands or natural drainages did not historically exist.~~

4.3.3 Wetlands

Wetlands policies provide specific direction for wetland areas, in addition to all other applicable resource protection policies of this LCP chapter. In event of conflict between wetlands policies and more general resource protection policies of this LCP chapter, the wetlands policies shall control.

~~RES-31 RES-41~~ Wetlands. Recognize and protect wetlands for their scenic, recreational, water quality, and habitat values. The biological productivity and the quality of wetlands shall be protected and, where feasible, restored.

RES-32-RES-42 Unmapped Definition of Wetlands Definition. Wetlands include lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. Wetlands, as detailed by Section 13577 (b)(l) of Title 14 of the California Code of Regulations, also include land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to vegetated wetlands or deep-water habitats. Any unmapped areas that meet the above wetlands criteria ~~these criteria~~ are deemed wetlands and shall be accorded all of the protections provided for wetlands in the LCP.

RES-33-RES-43 Wetland Protection. Any wetland area mapped as potential habitat study areas or any area determined to have previously been wetland shall not be deprived of protection, as required by the policies and provisions of the LCP, on the basis that habitat has been illegally removed, filled, degraded, or that species of concern have been illegally eliminated.

RES-34-RES-44 Biological Study/Wetland Delineation. Where a project site has the potential for wetlands to be present, the City shall require the submittal of a detailed biological study of the site, prepared by a qualified biologist, including a formal wetland delineation of all wetland areas on the project site. Wetland delineations shall be conducted according to the protocols developed by the Army Corp of Engineers. ~~definitions of wetland boundaries contained in Section 13577(b) of Title 14 of the California Code of Regulations. Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate.~~ Wetland delineations involve surveying for three parameters; hydrology, hydric soils, and hydrophytic plants. This policy incorporates the Coastal Commission's one parameter definition for wetlands. That is, if a wetland delineation study finds evidence of hydric soils, or hydrophytic vegetation, or hydrology in the form of areas lacking hydric soils and hydrophytic vegetation as a result of frequent and drastic fluctuation of surface water levels, wave action, water

flow, turbidity or high concentrations of salts or other substances in the substrate, then the area meets the definition of a Coastal Commission wetland. The delineation report shall include at a minimum (1) a map at a scale of 1":200' or larger with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the location of sampling points. The report should also include, and (2) a description of the surface indicators used for delineating the wetland polygons. Wetland polygons shall be based on Paired sample points shall be placed that indicate inside vs. and outside wetland polygons and polygons containing a preponderance of wetland indicator species to document the accuracy of the mapped boundaries.

RES-35 ~~***Wetland Delineation.***~~ Wetland delineations shall be conducted according to the definitions of wetland boundaries contained in Section 13577(b) of Title 14 of the California Code of Regulations. Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. The delineation report shall include at a minimum (1) a map at a scale of 1":200' or larger with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the location of sampling points, and (2) a description of the surface indicators used for delineating the wetland polygons. Paired sample points shall be placed inside and outside wetland polygons and polygons containing a preponderance of wetland indicator species to document the accuracy of the mapped boundaries.

RES-36 ~~***RES-45***~~ ***Wetland Buffer.*** Buffer areas shall be provided around wetlands to serve as transitional habitat and provide distance and physical barriers to human intrusion. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the wetland they are designed to protect and should be at least 100 50 feet in width, where feasible. A wetland buffer may be reduced only where it can be demonstrated that (1) the required buffer width is not possible due to site-specific constraints, and (2) the proposed narrower buffer would be sufficiently protective of the biological integrity of the wetland to avoid significant adverse impacts to the wetland given the site-specific characteristics of the resource, and the type and intensity of disturbance.

RES-37 ~~***RES-46***~~ ***Existing Development Near Within Wetlands Buffers.*** Existing development that was legally permitted and constructed prior to certification of this LUP policy that is located within the required buffers identified in policy RES-

~~3645~~ are allowed to be maintained or remodeled or expanded up to 50 percent as long as the development so long as the remodel or maintenance is not considered a Major Remodel and the existing development does not increase the encroachment into the required setback/buffer from the wetland. Any expansion or addition to existing development shall not increase the nonconformity and conform to the required setback.

RES-38 RES-47 Wetland Impacts. The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes may be permitted only where there is no feasible less-environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, as specifically outlined in Coastal Act Section 30233, including but not limited to:

- a. Incidental public service purposes including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines;
- b. Restoration purposes; and
- c. Nature study, aquaculture, or similar resource-dependent activities.

RES-39 RES-48 Wetland Mitigation. Where the diking, filling, or dredging of wetlands is permitted in accordance with the Coastal Act and any applicable LCP policies, mitigation measures shall include, at a minimum, creation or substantial restoration of in-kind wetlands of a similar type. Adverse impacts will be mitigated at a ratio of 4:1 for all wetlands, ~~unless the applicant provides evidence establishing, and the City finds, that creation or restoration of a lesser area of wetlands will fully mitigate the adverse impacts of the dike or fill project.~~ Mitigation for riparian areas shall be 3:1. Vernal pools shall be mitigated at a 4:1 ratio. Lower mitigation ratios may be allowed for mitigation completed in advance of the project impacts. A ratio of 1:1 may be allowed if prior to the allowable wetland impact, the mitigation is empirically demonstrated to meet performance criteria that establish that the created or restored wetland is functionally equivalent or superior to un-impacted natural reference wetlands. The mitigation shall occur on-site wherever possible. Where not possible, mitigation should occur in the most proximal location available. If an appropriate mitigation site is available, the applicant shall submit a detailed plan which includes provisions for dedication of the restored or created wetland and buffer to a public agency, or permanent restriction of use of the mitigation site to open space purposes. When all other mitigation options have been exhausted, payment to a mitigation bank may be considered.

RES-49 Wetlands Restoration and Monitoring. All preferred restoration programs should/would remove fill from a formerly productive wetland or estuary that is now

biologically unproductive dry land. Since restoration projects necessarily involve many uncertainties, restoration should precede the diking or filling project. When a restoration project is mitigation for a new development project, a Restoration and Monitoring Plan shall be included with the CDP application. A Restoration Monitoring Plan shall include a minimum of 5 years monitoring to ensure success criteria are met. The CDP shall be conditioned to require that restoration will occur prior to, or simultaneously with project construction.

~~RES-42 RES-50~~ Other Resource Agencyies Approvals. Coastal Development Permit Applications for development within or adjacent to wetlands shall include evidence of the preliminary approval of the California Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and other resource management agencies, as applicable.

~~4.3.4 Water Quality~~ Environmentally Sensitive Habitat Areas (ESHA)

~~GOAL 4-1~~ ~~Ensure San Clemente's Coastal Zone environment is protected, maintained, and, where feasible, enhanced, including its significant plant and wildlife species and natural resources.~~

~~GOAL 4-2~~ ~~Protect and preserve significant plant and wildlife species that exist within the coastal canyons in the City's Coastal Zone.~~

The following policies apply to ESHA as defined in Chapter 7 of the LUP.

- **~~RES-1 RES-51~~ ESHA Designation.** ~~Designate any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and that could easily be disturbed or degraded by human activities and developments, as ESHA.~~

~~The following areas shall be considered ESHA, in accordance with Section 30107.5 of the Coastal Act, throughout San Clemente, unless there is compelling site-specific evidence to the contrary:~~

Environmentally Sensitive Habitat Area (ESHA) means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and developments as defined in Section 30107.5 of the Coastal Act. Three main elements must be met for an area or habitat to be considered ESHA.

- a. ~~Any area that~~ The presence of individual rare plants or animals or the presence of a particular rare habitat. Plant and animal communities whose designation includes, but is not limited to rare, threatened or endangered by the State or federal governments such as those in the CDFW's California Natural Diversity Database (CNDDT).
- b. Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, ~~and that could be easily disturbed or degraded by human activities and developments.~~
- c. Areas that could be easily disturbed or degraded by human activities and developments. ~~contribute to the viability of plant species for which there is compelling evidence of rarity, for example, those species with a California Rare Plant Rank (CRPR) of 1B (rare or endangered in California and elsewhere) or 2B (rare, threatened, or endangered in California but more common elsewhere) as defined by the California Native Plant Society (CNPS).~~

~~RES-5~~ RES-52 *Monarch Butterfly ESHA.* Stands of eucalyptus trees along and within Calafia Canyon (Figure 4-2-C) constitute monarch butterfly ESHAs and as such shall be protected against significant disruption of habitat values, and only uses or development dependent on and compatible with maintaining such resources shall be allowed within these ESHAs or their buffer areas. This policy also applies to any areas that become monarch butterfly ESHA in the future. The following standards shall apply to monarch butterfly ESHAs in the City:

- a. No development, except as otherwise allowed by this policy, shall be allowed within monarch butterfly ESHAs or ESHA buffers.
- b. Since the specific locations of aggregation sites may vary from one year to the next, the focus of protection shall be the entire grove of trees rather than individual trees that are the location of the roost.
- c. Removal of vegetation within monarch ESHAs shall be prohibited, except for minor pruning of trees or removal of dead trees and debris that are a threat to public safety.
- d. Public trails and access ways are considered resource-dependent uses and may be located within a monarch ESHA or its buffer; however, such features shall be sited to avoid or minimize impacts to aggregation sites.
- e. Interpretative signage is allowed within a monarch ESHA or its buffer, but it shall be designed to be visually unobtrusive.

- f. Butterfly research, including tree disturbance or other invasive methods, may be allowed subject to City approval of a Coastal Development Permit.

RES-53 Sand Dunes. Protect as ESHA areas which have been identified as southern foredunes and southern dune scrub in a Biological Survey from adverse impacts due to a proposed development project and provide appropriate ESHA buffers.

RES-3 RES-54 ESHA Buffer. A 100-foot buffer, shall be provided around all ESHA, except where establishment of such a buffer is prevented by existing development. In those circumstances, the largest feasible buffer will be established. ~~A 100-foot setback or buffer separating all permitted development from ESHA should be required.~~ ESHA buffers less than that 100 feet wide, may be allowed only where it can be demonstrated, through submittal of site specific biological study that provides substantial evidence from qualified biologists, that the proposed narrower buffer would prevent impacts that would significantly degrade and/or disrupt the biological integrity and habitat values of the ESHA.

RES-74 RES-55 Riparian Habitats. Development adjacent to streams or riparian corridors shall avoid removal of native vegetation; prevent erosion, sedimentation and runoff; provide for sufficient passage of native and anadromous fish; prevent wastewater discharges and entrapment; prevent groundwater depletion or substantial interference with surface and subsurface flows; and protect and re-establish natural vegetation buffers.

RES-75 RES-56 Riparian Buffer. ~~Buffers shall be of a sufficient size~~ To ensure the biological integrity and preservation of the riparian habitat and corridors, a riparian buffer shall be provided at a minimum of 100 ~~are designed to protect and should be 50 feet in width.~~ A Riparian buffer may be reduced only where it can be demonstrated that 1) the required buffer width is not possible due to site-specific constraints, and 2) the proposed narrower buffer would be sufficiently protective to prevent adverse significant impacts to ~~of~~ the biological integrity of the Riparian habitat given the site-specific characteristics of the resource and of the type and intensity of disturbance.

RES-4 RES-57 Buffer Maintenance. ESHA buffers shall be maintained exclusively with native vegetation to serve as transitional habitat and provide distance and physical barriers to human and domestic pet intrusion. Invasive plant species are prohibited within ESHA and ESHA buffer areas. When ESHA buffers are established for new development, they shall be separate and district from fuel modification zones.

~~RES-7~~ RES-58 **Existing Development Near Within an ESHA Buffer.** Existing development that was legally permitted and constructed prior to certification of this policy document that is located in the required buffers identified in policy RES-543 is allowed to be maintained or remodeled or expanded up to 50 percent as long as the development so long as the remodel or maintenance is not considered a ~~major~~ Major Remodel and the existing development does not increase the encroachment into the required setback/buffer from the ESHA. Any expansion or addition to existing development shall not increase the nonconformity and conform to the required setback.

~~RES-9~~ RES-59 **Development Adjacent to ESHA Buffer.** ~~No development, other than resource dependent development, is allowed in the ESHA buffer. Outside the ESHA buffer,~~ Where feasible, confine development adjacent to ESHAs to low impact land uses, such as open space and passive recreation. Development in areas adjacent to ESHAs and parks and recreation areas shall be sited and designed to prevent impacts that would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

~~RES-6~~ RES-60 **Development in ESHA.** ESHA shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas subject to approval of a Coastal Development Permit. Limited public access improvements, ~~and~~ minor educational interpretive and research activities and ~~development~~ restoration may be considered resource-dependent uses.

~~RES-8~~ RES-61 **ESHA Protection.** Measures, including, but not limited to, trail creation, signage, placement of boardwalks, and fencing shall be implemented as necessary to protect ESHA.

~~RES-12~~ RES-62 **ESHA Mitigation.** ~~Mitigation shall not substitute for implementation of a project alternative that would avoid impacts to ESHA.~~ Require mitigation in the form of habitat creation or substantial restoration for allowable impacts to ESHA and other sensitive resources that cannot be avoided through the implementation of siting and design alternatives. Priority shall be given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site. Mitigation shall not substitute for implementation of a project alternative that would avoid impacts to ESHA.

~~RES-15~~ RES-63 **ESHA Mitigation Ratios.** Apply the following mitigation ratios for allowable impacts to upland vegetation: 4:1 for Vernal Pools; 3:1 for Coastal Sage Scrub, California Buckwheat Scrub, and Arroyo Willow Thickets; ~~23~~ 3:1 for Ephemeral Stream Channels; and ~~43~~ 3:1 for Lemonade Berry Scrub, Quailbush Scrub, Giant Wild

Rye Grassland, Maritime Succulent Scrub, Native Grassland, and Southern Mixed Chaparral. The ratios represent the acreage of the area to be restored/created to the acreage impacted.

~~RES-16~~ ~~RES-64~~ **Monitoring ESHA Habitat Mitigation Plan and Monitoring Plan Measures.** Development that would result in impacts to ESHA or Significant Biological Resources shall include a Mitigation Plan and a Mitigation Monitoring Plan as a filing requirement for a Coastal Development Permit application. Mitigation measures shall be Mitigation Monitoring Plans shall be for a minimum of 5 years of monitoring monitored to ensure success criteria is met. they are completed and in compliance with approved permits.

~~RES-13~~ ~~RES-65~~ **Conservation of ESHA.** In conjunction with new development, require that all preserved ESHA, buffers, and all mitigation areas, onsite and offsite, be conserved/dedicated (e.g., open space direct dedication, offer to dedicate (OTD), conservation easement, or deed restriction, in such a manner as to ensure that the land is conserved in perpetuity. A management plan and funding shall be required to ensure appropriate management of the habitat area in perpetuity. The City shall maintain an inventory of open space dedications or OTDs to ensure such areas are known to the public and are protected through the coastal development permit process. Require all direct open space dedications or OTDs to be made to a public agency or other appropriate entity that will manage the open space area on behalf of the public.

~~RES-14~~ **Open Space Management.** ~~Require all direct open space dedications or OTDs to be made to a public agency or other appropriate entity that will manage the open space area on behalf of the public.~~

~~RES-77~~ ~~RES-66~~ **Agency Approvals.** The City of San Clemente shall require applicants of public and private development projects that have the potential to affect listed species to obtain written authorization from the CDFW and/or the U.S. Fish and Wildlife Service, as applicable, that the grading or construction activity is in compliance with regulations on the “take” of the listed species that would directly or indirectly be impacted, including any requirement to obtain a permit, authorization, or entitlement from said agencies. Any mitigation requirements set forth by such agencies shall be incorporated into the project’s final design plans.

4.3.5 Significant ~~Other~~ Biological Resources

This Section provides resource protection policies for open space or habitat areas that may not rise to the level of ESHA but that may still be considered areas of Significant

Biological Resources worthy of protection for other LUP goals such as conservation of open space and visual qualities.

~~RES-66~~ RES-67 *Natural Areas.* In natural areas that are undeveloped, or partially undeveloped, the City shall require that development:

- a. avoid significant impacts, including retention of sufficient natural space where appropriate;
- b. retain watercourses, riparian habitat, and wetlands in their natural condition;
- c. maintain habitat linkages (wildlife corridors) between adjacent open spaces, water sources and other habitat areas and incorporated these into transportation projects and other development projects to maintain habitat connectivity;
- d. incorporate visually open fences, or vegetative cover to preserve views, ensure continued access and to buffer habitat areas, open space linkages or wildlife corridors from development, as appropriate;
- e. locate and design roads such that conflicts with biological resources, habitat areas, linkages or corridors are minimized; and
- f. utilize open space or conservation easements when necessary to protect sensitive species or their habitats; and
- g. avoid the removal of native vegetation and the introduction of non-native vegetation and encourage the use of native plant species.

The City ~~will~~ shall maintain an inventory of open space direct dedications, conservation easements, and offers-to-dedicate (OTDs) to ensure that habitat areas are known to the public and are protected through the coastal development permit process ~~from the date of LCP certification.~~

~~RES-67~~ RES-68 *Coastal Canyons.* ~~Encourage activities which~~ Development on coastal canyon lots shall maintain or improve the ~~natural~~ biological value, integrity and corridor function of the coastal canyons through native vegetation restoration, control of non-native species, and landscape buffering of urban uses and development.

~~RES-68~~ RES-69 *Coastal Canyon Areas Protection.* Preserve coastal canyons as designated, undeveloped "natural" coastal canyon areas that are intended to be open space ~~buffers~~ through implementation of appropriate development setbacks.

~~RES-69~~ RES-70 *NaturalCoastal Canyon Resources.* Protect and enhance coastal canyon ~~natural~~ resources by restricting the encroachment of development, incompatible land uses and sensitive habitat disturbance in designated coastal canyon areas. Prohibit development and grading that adversely alters the biological

integrity of coastal canyons, the removal of native vegetation and the introduction of non-native vegetation.

~~RES-70 Coastal Canyon Integrity.~~ Prohibit development and grading that alters the biological integrity of the coastal canyons.

~~RES-71 Drainage Devices.~~ ~~Drainage devices extending into the canyon will be allowed only~~ Drainage devices on coastal bluffs and canyon lots shall be directed to frontage roads away from the bluff or canyon slopes. Exceptions shall only be made when 100 percent site drainage to the street is not practical, to be determined by the City, based on the design of the structure and the ability to drain all water to the street. In this case, the amount of site drainage to the street shall still be maximized. Drainpipes are to be designed and placed to minimize impacts ~~to the canyon,~~ including landform alteration and visual impacts. When extensions are made to existing drainpipes, the entire length of pipe shall be ~~reviewed~~ analyzed to ensure the drain system minimizes impacts to the bluff or canyon. Adequate visual impact mitigation may include coloration of the original pipe, painting of the pipe to blend with natural surroundings, screening of the pipe using vegetation and other natural land features, or any other method deemed appropriate. ~~Avoid construction of new stormwater outfalls and direct stormwater to existing facilities with appropriate treatment and filtration, where feasible. Where new outfalls cannot be avoided, plan, site, and design outfalls to minimize adverse impacts to coastal resources from outfall discharges, including consolidation of existing and new outfalls where appropriate.~~

~~RES-72 Natural Resources.~~ ~~Protect natural resources by restricting the encroachment of development, incompatible land uses and sensitive habitat disturbance in designated coastal canyon areas.~~

~~RES-73 Biological Assessment.~~ ~~A Biological Assessment Report is required for any development located along a coastal canyon or bluff, on or adjacent to any beach area, within or adjacent to any stream or wetland, and on vacant and undeveloped portions of developed lots with native vegetation, when the development results in the removal of any native vegetation. The Biological Assessment Report shall:~~

- a. ~~Be prepared by a Biologist and addresses the proposed project's impact on rare species, including state and federally listed and candidate plants and animals; California Department of Fish and Wildlife (CDFW) Special Animals; natural communities of high inventory priority with the CDFW's Nongame Heritage Program, and any other special interest species or communities identified in the~~

~~General Plan Technical Background Report, or those hereafter named by state or federal trustee agencies;~~

- ~~b. Identify avoidance and mitigation measures necessary to eliminate significant adverse impacts to sensitive biological resources; and~~
- ~~c. Define a program for monitoring and evaluating the effectiveness of the specified mitigation measures.~~
- ~~d. Any mitigation required due to an unavoidable negative impact should be located on-site, where feasible and should be of similar habitat type. Any off-site mitigation should be located within the City's boundaries close to the project site.~~

~~RES-78~~ RES-72 *Native Landscaping.* Drought-tolerant native landscaping specific to the habitat type/vegetation community is required in coastal canyon and bluff areas, to reduce erosion and maintain natural open space areas. Invasive plant species are prohibited in all landscaping.

~~RES-79~~ *Drought Tolerant/Native Species Landscaping.* Ornamental plantings in new, non-residential development should consist primarily of drought tolerant and California native species. Lawns or other high water-use landscaping may be approved only in small areas and special public locations, or as required by the Fire Department. Invasive plant species are prohibited in all landscaping.

~~RES-80~~ RES-73 *Coordination with State and Federal Agencies* Public and Private Entities. The City will work with the state and federal resource protection agencies, businesses, private organizations and individuals to protect natural and marine resources within the City.

~~RES-82~~ RES-74 *San Mateo Creek Watershed.* The City supports continued environmental protection of the San Mateo Creek Watershed.

4.3.6 Protection of Biological Resources

Specific policies that address ESHA are in Section 4.3.4 and specific policies that address Significant Biological Resources are in Section 4.3.5. This Section provides additional resource protection policies applicable to both.

~~RES-2~~ RES-75 *Site-Specific Biological Surveys.* Require a detailed site-specific biological survey prepared by a qualified biologist as a filing requirement for Coastal Development Permit applications. Proposals for development on sites where potential habitat study areas are shown on Figures 4-2A-D identified with a vegetation community on Figure 3-1 and Figure 3-2 of the Biological Inventory Report in Appendix A, beach areas, San Clemente State Beach inland bluffs, or

where there is probable cause to believe that potential sensitive habitat ESHA may exist, ~~the applicant shall provide the City with a site-specific biological study. If the initial inventory indicates the presence or potential for sensitive species or habitat on the project site, a detailed site-specific biological study/assessment shall be required for CDP processing.~~ The biological resources study shall include, but not be limited to:

- a. Analysis of available literature and biological databases, ~~such as the California Natural Diversity Database,~~ to determine if any sensitive biological resources ~~that have been reported as~~ historically ~~from~~ occurring in the proposed development project vicinity. At a minimum, the California Department of Fish and Wildlife's Natural Diversity Database (CNDDDB) must be used to determine if the site of the proposed project is known to support or has the potential to support sensitive habitat, vegetation communities, plants, and/or animals.
- b. Review of current land use and land ownership within the proposed development project vicinity.
- c. Assessment and mapping of vegetation communities present within the proposed development project vicinity.
- d. General assessment of potential federal and state jurisdictional areas, including wetlands and riparian habitats
- e. A base map that delineates topographic lines, parcel boundaries, and adjacent roads.
- f. A vegetation map ~~that identifies species that may be indicators of ESHAs.~~
- g. A description of the vegetation, including an estimate of the ground cover of the major species and a species inventory
- h. A soils map that delineates hydric and non-hydric soils, if applicable.
- i. An inventory of plant and animal species that indicates the potential existence of ~~ESHAs~~ sensitive species.
- j. A detailed map that shows the conclusions regarding the boundary, precise location and extent, or current status of the ESHA based on substantial evidence provided in the biological studies.

RES-76 *Threatened and Endangered Species.* Preserve the habitat of rare, including threatened and endangered species in place as the preferred habitat conservation strategy.

RES-43 RES-77 *Agency Jurisdiction and Permits.* In addition to approval of a Coastal Development Permit, the City of San Clemente shall require applicants to obtain all necessary authorizations and permits from all responsible applicable resource agencies for development projects that have the potential to impact jurisdictional waters, wetlands, and riparian habitat under the jurisdiction of the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and/or San Diego Regional Water Quality Control Board. The agency authorization should~~would~~ include impact avoidance and minimization measures, as well as mitigation measures for unavoidable impacts. Specific avoidance, minimization, and mitigation measures for impacts to jurisdictional resources shall be determined through discussions with the regulatory agencies during the proposed development's project permitting process and may include monetary contributions to a mitigation bank or habitat creation, restoration, or enhancement projects.

RES-83 RES-78 *Minimize Fuel Modification.* All new development shall be sited and designed to minimize required fuel modification and brushing to the maximum extent feasible in order to minimize habitat disturbance or destruction, removal or modification of native vegetation, and irrigation of natural areas, while providing for fire safety. No fuel modification required to protect new development should take place in ESHA. Development shall utilize fire-resistant materials.

RES-84 RES-79 *Alternative Fuel Modification.* Alternative fuel modification measures, including but not limited to landscaping techniques to preserve and protect habitat areas, buffers, designated open space, or public parkland areas, may be approved by the Fire Department/OCEFA only where such measures are necessary to protect public safety. Such "landscaping techniques" shall not include the use of a restricted or controlled native plant palette, mechanized mowing, thinning or pruning, permanent irrigation beyond Zone A (20 feet of combustible structures). Other alternative fuel modification methods that would result in a reduction in the size or quality of the areas to be preserved and protected, as listed above, shall be consistent with RES-83. Alternative fuel modification methods also shall not adversely impact public access opportunities. All development shall be subject to applicable federal, State and City fire protection requirements.

RES-85 RES-80 *Fuel Modification Plan.* Applications for new development near native or sensitive habitat shall include a fuel modification plan for the project site, approved by the Fire Department. Additionally, applications shall include a site plan

depicting the brush clearance, if any, that would be required on adjacent properties to provide fire safety for the proposed structures.

~~RES-86~~ RES-81 *Vegetation Removal Calculation.* If natural vegetation removal is proposed, as part of a fuel modification plan, applications for new development shall include the total acreage of natural vegetation that would be removed or subject to other fuel modification requirements, such as thinning.

~~RES-87~~ RES-82 *Landscape Area Requirements.* Use primarily native plant species in landscape areas within required fire clearance zones. All efforts shall be made to conserve water. Invasive plants are strictly prohibited.

~~RES-10~~ RES-83 *Construction Phase Implementation.* Approved development in or adjacent to ~~sensitive biological resources~~ ESHA shall include construction best managements practices (BMPs) to protect sensitive biological resources including, but not limited to, flagging to delineate the construction limits and sensitive biological resources to be avoided, and retaining a qualified biologist to be present during all or a portion of the construction activities to ensure impacts to sensitive biological resources are avoided or minimized. ~~complete the following requirements as part of the development process:~~

- a. ~~If sensitive biological resources are identified within or adjacent to the proposed development project area, as outlined in the biological resources report, the construction limits shall be clearly flagged to ensure impacts to sensitive biological resources are avoided or minimized. Prior to implementing construction activities, the City of San Clemente shall require applicants to contract with a qualified biologist to verify that the flagging clearly delineates the construction limits and sensitive resources to be avoided.~~
- b. ~~If sensitive biological resources are known to occur within or adjacent to the proposed development project area, as outlined in the biological resources report, the City of San Clemente shall require applicants to contract with a qualified biologist to develop and implement a project-specific contractor training program to educate project contractors on the sensitive biological resources within and adjacent to the proposed development project area and measures being implemented to avoid and/or minimize impacts to these resources. Project contractors shall be required to comply with the requirements of the program.~~
- c. ~~If sensitive biological resources are present within or adjacent to the proposed development project area and impacts may result from construction activities, as outlined in the biological resources report, the City may require that a developer retain a qualified biological monitor to be present during all or a portion of the~~

construction activities to ensure impacts to the sensitive biological resources are avoided or minimized. The specific biological monitoring requirements shall be determined on a project-by-project basis. The qualified biological monitor shall be approved by the City on a project-by-project basis based on applicable experience with the sensitive biological resources that may be impacted by the proposed development project activities.

RES-89 RES-84 Bird-Safe Buildings Standards. All new buildings, and major renovations/remodels of existing buildings, shall be required to ~~comply with~~ provide bird-safe building standards for façade treatments in order to reduce potential for bird-strikes. ~~Landscaping around buildings, including patios and courtyards, shall be designed and sited to avoid or minimize bird-strike hazards caused by reflective surfaces such as glass fencing/railing, lighting, and building interiors~~ Buildings shall be designed to use minimal exterior lighting and minimize light pollution from interior lighting to the maximum extent feasible to minimize nighttime bird-strike hazards.

RES-11 RES-85 Minimization of Lighting Impacts Adjacent to ESHA. Eliminate or ~~shield~~ shield and direct exterior lighting away from ~~ESHAs~~ biological resources to minimize adverse impacts to wildlife. There shall be no spillover of light into the identified biological resource ESHA. Buildings shall be designed to use minimal exterior lighting (limited to pedestrian safety needs) and to minimize direct upward light, spill light, glare and artificial night sky glow.

RES-90 RES-86 StreetPublic Trees. The City ~~will~~ shall maintain a healthy stock of park, public area and street trees and encourage the planting of trees with significant canopies that provide numerous benefits, including reduced urban heat gain, natural shading and wind screening, air filtration, and oxygen production. Only non-invasive tree species shall be used. Maintenance of public trees shall be consistent with RES-91.

RES-94 RES-87 Native Trees. Encourage the planting of Native California trees where their use is aesthetically, horticulturally and ecologically appropriate. Examples of potentially appropriate species include Coast Live Oak, California Sycamore and White Alder.

RES-91 RES-88 Native Tree Protection. New development shall be sited and designed to preserve native trees ~~to the maximum extent feasible~~ and to prevent any encroachment into the ~~Protected~~ Protected ~~Zone~~ Zone of mature individual native trees to the maximum extent feasible. Protected Zone means that area within the dripline of the tree and extending at least ~~five~~ 5-feet beyond the dripline, or 15-feet from the trunk of the tree, whichever is greater. If there is no feasible alternative that can prevent

tree removal or encroachment, then the alternative that would result in the fewest or least significant impacts shall be selected. Adverse impacts to, and or removal of mature native trees for new development in a highly developed area shall be fully mitigated at a 1:1 ratio (unless a greater mitigation ratio is required by other regulation); removal of mature native trees in a natural habitat area shall be fully mitigated at a 2:1 ratio (unless a greater mitigation ratio is required by other regulation). Mitigation shall take place in a proximal location with priority given to on-site mitigation. Mitigation shall not substitute for implementation of ~~at~~ the feasible project alternative that would avoid impacts to native trees or native habitat.

New development on sites containing native trees shall incorporate the following native tree protection measures:

- a. Protective fencing shall be used around the outermost limits of the protected zones of the native trees within or adjacent to the construction area that may be disturbed during construction or grading activities. Before the commencement of any clearing, grading, or other construction activities, protective fencing shall be placed around each applicable tree. Fencing shall be maintained in place for the duration of all construction. No construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas, or within the protected zones of any onsite native trees.
- b. Any approved development, including grading or excavation, that encroaches into the protected zone of a native tree shall be undertaken using only hand-held tools.
- c. ~~The a~~ Applicants shall retain the services of a qualified independent biological consultant or arborist, approved by the City, to monitor native trees that are within or adjacent to the construction area. Public agencies may utilize their own staff who have the appropriate classification. If any breach in the protective fencing occurs, all work shall be suspended until the fence is repaired or replaced.

RES-89 Nesting and Foraging Habitat. Potentially, any tree can provide important habitat which should be protected. The City shall ensure the protection of bird nesting habitat protected by the Migratory Bird Treaty Act (MBTA) and the long-term protection of breeding, roosting, and nesting habitat of bird species listed pursuant to the federal or California Endangered Special Acts, California bird species of special concern, and wading birds (herons or egrets) as well as owls or raptors. The trimming and/or removal of any trees that have been used for breeding and nesting by the above identified species within the past five (5) years, as determined by a qualified biologist or ornithologist shall be undertaken in compliance with all

applicable codes and regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service and the U.S. Migratory Bird Treaty Act, and shall be conducted under the parameters of a Tree Maintenance Program which shall be prepared and included as part of the LCP's Implementation Plan.

RES-90 Construction Near Nesting and Foraging Habitat. If an active nest of any species listed pursuant to the federal or California Endangered Species Act, California bird species of special concern, or a wading bird (herons or egrets) as well as owls or raptors is found, construction activities within 300 feet (500 feet from any identified raptor nest) shall not exceed noise levels of 65 dB peak until the nest(s) is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. The 65 dB peak noise levels may only be increased if a noise study demonstrates the ambient noise level is above 65 dB at the subject site. Nesting Bird Surveys for the above bird species during their breeding season shall be conducted by a qualified biologist prior to commencement of construction on sites where there is probable cause to believe that nesting birds may exist.

RES-91 Tree Trimming and Removal. The City shall prepare Tree Maintenance Procedures for the trimming and/or removal of trees consistent with Policy RES-89. The procedures shall include, but not be limited to, the following provisions:

- a. Tree trimming, or and approved tree removals on public property when necessary due to health and safety danger, shall be conducted only during time periods of the year that does not disturb roosting/nesting birds (October through December). A health and safety danger shall be considered to exist if a qualified arborist determines that a tree or branch is dead, diseased, dying or injured and said tree or branch is in imminent danger of collapse or breaking away. The City shall be proactive in identifying and addressing diseased, dying or injured trees on public property as soon as possible in order to avoid habitat disturbances during the nesting season. The City shall encourage private property landowners to be proactive in identifying and addressing diseased, dying or injured trees on private property and when new development is under review for a CDP.
- b. Trees or branches with a nest of a state or federal listed species, a California bird species of special concern, or a wading bird (heron or egret) as well as owls or raptors that has been active anytime within the last five years shall not be removed or disturbed unless a health and safety danger exists.
- c. Make every effort to preserve mature trees before considering tree removal. Preferred approaches, where possible, include modifying street improvements to preserve trees or using best horticultural practices such as watering and fertilizing, pest control, pruning, staking and guying. The removal of any tree or branches

that fall within section (b) above, shall require mitigation at a 2:1 ratio. If the tree to be removed is non-native, replacement trees shall consist of native or non-native, non-invasive tree species. A tree replacement planting plan for each tree replacement shall be developed to specify replacement tree location, tree type, tree size (no less than 36 inch box size), planting specifications, and a five-year monitoring program with specific performance standards.

RES-92 *Public View Corridors and Public Vistas.* Require that street and other public trees planted along designated Public View Corridors have narrow form and open structure to allow greater visual access. Street trees and other public trees should shall be carefully placed and/or properly pruned consistent with Policy RES-91, and following best arboricultural practices, to achieve the desired goals without interruption of significant public views. Prune and maintain plantings on public land to ensure that public vistas to and along the shoreline from public vantage points are preserved.

~~**RES-95 *Public Vistas.*** Prune and maintain plantings on public land to ensure that public vistas to and along the shoreline from public vantage points are preserved.~~

Plain Text and **Plain Bold Text Headings**= City proposed LUP language
Underlined Text = CCC Suggested Modification, Inserted Language
~~StrikeOut Text~~ = CCC Suggested Modification, Deleted Language

5.0 HAZARDS & SHORELINE/BLUFF/CANYON DEVELOPMENT

5.1 Introduction

The City of San Clemente contains areas subject to natural hazards that present risks to life and property. Potential hazards in the City include, but are not limited to, coastal bluffs erosion, slopes with low stability and high landslide potential, surface slope failures, seismic ground shaking, liquefaction, flooding, wave action, tsunami, and fire hazards.

In addition, storm generated ~~tidal~~ surges and rising sea levels present potential hazards that must also be considered. These events may result in loss of beach sand and other sedimentary deposits which are critical to the protection of coastal lands and bluffs and for public safety, recreation and wildlife habitat. A key component of the LCP is managing development in conformance with Coastal Act policies in order to respond to coastal hazards, reduce risks to life and property, avoid substantial changes to natural landforms and ~~preferably~~ avoid the need for protective structures to the fullest legal extent.

5.1.1 Coastal Bluffs and Coastal Canyons

Coastal bluffs are a vertical landform consisting of gently sloping or steep faces of sediment or soil that line most of the San Clemente coastline. The exceptions are the locations where streams have cut into the bluffs to form arroyos, canyons, or gently sloping valleys. The coastal bluffs and canyons are the prominent topographic feature within the Coastal Zone of San Clemente.

~~The coastal bluffs were shaped as the coastline was slowly uplifted from the ocean bottom during the Pliocene Epoch (1.6 million years ago). For this reason, marine fossils similar to the species living in deep water today show up in the Capistrano Formation (the marine deposit that makes up much of San Clemente's coastal bluffs).~~

~~The uplifted coastline has formed a steep bluff face. As the coastline emerged, coastal processes began to work on the bluff face. The wave action eroded away the bluff face and caused the bluff to break off, further steepening the face.~~

There are nine coastal canyons in San Clemente, including the two Marblehead Coastal Canyons, Palizada Canyon, Trafalgar Canyon, Toledo Canyon, Lobos Marinos Canyon, Riviera Canyon, Montalvo Canyon, and Calafia Canyon (see Figure 4-1, Coastal Canyons). Most of the City's coastal canyons are surrounded by residential development and are located on private residentially zoned properties, with the exception of the two Marblehead canyons, a smaller lower portion of Palizada Canyon,

a small upper portion of Palizada Canyon, and Calafia Canyon. See Figures 4-1 and 4-2-A through 4-2-D. The canyons have been cut off from larger habitat areas since the 1930s. Major issues and threats associated with urban encroachment into coastal canyons includes, erosion, incompatible plant material (i.e., introduction of non-native plant species) surface slope failures, excess watering, visual disruptions, private access ways used by the general public, non-structural runoff, and ~~significant~~unique maintenance issues. To address these issues, the LUP provides policies requiring development setbacks from coastal canyons for both new development and redevelopment, policies encouraging that drainage be directed away from canyons to reduce erosion, and policies requiring native landscaping.

Descriptions of the type of hazards associated with coastal bluffs and coastal canyons, and past history, is provided below.

5.1.2 Coastal Erosion/Bluff Erosion/Coastal Canyons

~~Coastal Erosion/Bluff Erosion/Coastal Canyons~~

Coastal beaches and bluffs are susceptible to erosion and slope failure from wave and tidal action. Measures to address this erosion, including armoring with shoreline protective devices, can have significant adverse impacts, such as: direct loss of sandy and rocky beaches and intertidal areas, interruption of natural shoreline processes, impediments to public access to and along the coastline as a result of the structure's physical occupation of the beach, and degradation of scenic and visual resources.

The origin or geomorphology of the coastal bluffs began, as the coastline was slowly uplifted from the ocean bottom during the Pliocene Epoch (1.6 million years ago). For this reason, marine fossils--similar to the species living in deep water today--show up in the Capistrano Formation (the marine deposit that makes up much of San Clemente's coastal bluffs). The uplifted coastline has formed a steep bluff face. As the coastline emerged, coastal processes began to work- on the bluff face. The wave action then eroded away the bluff face and caused chunks of the bluff to break off, further steepening the face. In San Clemente, the natural coastal and beach building process and the this erosional process has been interrupted by the development of the railroad and Pacific Coast Highway (Coast Highway) or El Camino Real). There is no longer a wave undercutting effect on the bluff face. However, over-steepened conditions of the bluff face exist as a direct result of the railroad and the Coast Highway. Large talus accumulations at the base of the bluff are periodically removed by maintenance crews whose purpose is to keep Pacific Coast Highway and the railroad open. Despite the elimination of natural processes, the coastal bluff remains a very prominent coastal feature.

The City's LCP and the Coastal Act contain policies for restricting development on the face of coastal bluffs. There are some cases where development has occurred on the bluff face in the past ~~the bluffs have been developed~~; however, this development occurred prior to the enactment of the Coastal Act. Many of the existing developed structures located in close proximity to the bluff edge are threatened by the incremental erosion of the bluff face and bluff edge. In other instances, the coastal bluffs have been graded in the interest of public safety, which is the reason for grading some of the Marblehead Coastal bluffs along the Coast Highway. The erosion to San Clemente's coastal bluffs has slowed by due to the revetment that protects the train tracks ~~for~~ from ocean erosion. However, it is anticipated that sea level rise may eventually threaten the revetment and railroad such that an adaptive response may be necessary over time.

Before the 1990s, the San Clemente beaches were marginally stable as sufficient sediment was supplied from San Juan Creek to the northern portion of the Oceanside littoral cell. This was prior to significant upland urban development that deprived the sand supply causing the system to become "sand starved." Since the 1990s, the lack of sediment supply to the shoreline has resulted in chronic, long-term beach erosion. As a result, the beaches provide minimal protection against storm-induced damages to public facilities such as restrooms, concession buildings, lifeguard stations and the City Marine Safety Headquarters building, parking areas, beach trail, and the railroad and the private residential development along the City's shoreline.

5.1.3 Tsunamis

Tsunamis

A tsunami is a series of ocean waves caused by a sudden displacement of the ocean floor, most often due to earthquakes or submarine landslides. Areas of San Clemente that would be flooded by a tsunami are limited to the beach and adjoining low-lying areas due to the presence of cliffs near the beach along the San Clemente coastline. The historical tsunami record for California suggests that the tsunami hazard in the Southern California region, from the Palos Verdes Peninsula south to San Diego, is moderate. However, the Southern California historical record is limited very short and it is possible that Southern California has been impacted by tsunamis for which there is no record. More significantly, there are several active faults immediately offshore of the Southern California area, and any of these could generate a future earthquake that could have a tsunami associated with it.

5.1.4 Storm Surges/Sea Level Rise

Storm Surges/Sea Level Rise

-The level of the ocean has always fluctuated with changes in global temperatures. The last Ice Age ended approximately 18,000 years ago. Since then the world has been experiencing climate change: most of the ice caps have melted, most of the glaciers have retreated, and sea levels have risen. The instrumental record of sea level rise has shown sea levels rising over the past 100 years, and the current best available science (National Research Council 2012), projects sea level rise to accelerate into the future, increasing significantly over the next 100 years and beyond.

The majority of the City is currently protected from storm surges and sea level rise because of San Clemente's natural topography with much of the City is protected by the tall bluffs overlooking the coastline and the existing revetment protecting the railroad along the coast. However, changing conditions will likely alter the hazards faced by the City and warrant new adaptive responses such as a City and USACE Coastal Storm Damage Reduction Project intended to widen the beach over a 50-year period and provide a soft/green approach to shoreline protection as recommended by the CCC Policy Guidance on SLR (2015).

The City's five mile coastline is paralleled by the railroad tracks that stretch the entire length of the City's western boundary. The railroad ~~tracks~~ tracks are protected by revetment for a majority of the coastline. The railroad tracks and revetment are within a railroad corridor right-of-way, owned and maintained by the Orange County Transit Authority (OCTA). Development and coastal resources on the ocean side of the railroad revetment is are currently the most susceptible to impacts from the only area that has the potential to be impacted by a waves, erosion, storm surge and or sea level rise. However, the railroad revetment itself is also occasionally affected by storm surge and during extreme high tide events. In addition, several sub-grade access ways and drainages have and will continue to allow flood waters to flow under the revetment and railroad. As sea level rises, the railroad and its revetment, the sub-grade access ways and drainages, and development landward of the railroad are anticipated to be further threatened by coastal hazards such as erosion, flooding and inundation. In addition, previous storm surge and extreme (King and Neap tides) high tides have already flooded portions of the revetment and the revetment will be further threatened by sea level rise in the future particularly when storm surges coincide with high tides. It is anticipated that rising seas will eventually threaten the revetment, railroad, and development landward of the revetment and railroad such that an adaptive response will be necessary.

The City's coastal recreational and visitor service facilities and amenities located along the coastline and seaward of the revetment ~~are would be~~ susceptible to waves, erosion, sea level rise and storm surges. These facilities and amenities include: Marine Safety Buildings/Headquarters, Municipal Pier, and Fisherman's Restaurant, and some

small structures including snack shops, shade structures, beach restrooms, and fire pits. The Marine Safety building and some public restrooms have small sea walls or sheet pile installed to protect them from large storms.

Existing shoreline protective devices will continue to interrupt shoreline processes, impede public access to and along the coastline as a result of the structures' physical occupation of the beach, and affect the appearance of the natural bluff face. It is anticipated that coastal structures will eventually require adaptive responses due to shoreline hazards, including sea level rise.

As of the date of certification of this section within the LUP, tThe 2012 National Research Council (NRC) Sea-level Rise for the Coasts of California, Oregon, and Washington report is recommended for use in the LCP as the current best available science for sea level rise in California (subject to consideration along with new and accurate information, when it comes available). The report's sea level rise projections for California south of Cape Mendocino are 2 to 12 inches (4 to 30 cm) by 2030; 5 to 24 inches (12 to 61 cm) by 2050; and 17 to 66 inches (42 to 167 cm) by 2100. This information along with new and ~~more~~ accurate information, when it comes available, will be utilized to evaluate new development projects to understand the future ~~ensure they are not impacted~~ of by Sea Level Rise.

5.1.5 Geologic and Seismic Hazards

Geologic and Seismic

San Clemente lies in the northern part of the Peninsular Ranges Geomorphic Province, which is characterized by northwest-trending mountains and valleys extending from the Los Angeles Basin into Baja California. The province is bounded by the San Andreas fault zone on the east—which passes about 51 miles northeast of the Sphere of Influence (SOI)—and extends offshore to the west. San Clemente is in the southern foothills of the Santa Ana Mountains, one of the mountain ranges in the Peninsular Ranges Geomorphic Province. San Clemente lies on a block of earth bounded by the Elsinore Fault, which passes about 17 miles northeast of the City, and the Newport-Inglewood Fault offshore. Most of the City of San Clemente and SOI consist of hills and canyons that are steeper east of I-5.

The two nearest active faults to San Clemente are the Glen Ivy North fault in the Elsinore Fault Zone about 17 miles northeast of the SOI, and an unnamed offshore fault 11 miles southwest of the City, ~~as shown on the 2010 Fault Activity Map~~ according to the prepared by the California Geological Survey. A segment of the Newport-Inglewood Fault is 19 miles northwest of the City, and a segment of the Newport Inglewood – Rose Canyon Fault is 19 miles south-southeast of the City; both are identified as active. The

Casa Loma Fault in the San Jacinto Fault Zone, 37 miles northeast of the SOI, is classified active.

The Cristianitos Fault, which is not classified active, extends roughly north–south through the northeast part of the City and the eastern part of the planning area. Several other smaller faults are mapped in the City and SOI. None of those smaller faults are classified active. ~~The Casa Loma Fault in the San Jacinto Fault Zone, 37 miles northeast of the SOI, is classified active.~~

According to the US Geological Survey (USGS), ~~hazards maps~~ there are many areas in San Clemente’s Coastal Zone that are susceptible to seismically induced landslides. However, there are no known landslides that have occurred that were seismically induced. Some landslides in the Coastal Zone may be related to over steepened slopes, block failures, and poor bedding of native soils. In the 1990s, landslides occurred along the north end of the City that resulted in a bluff protection device being installed along the bluffs to the north and south of the intersection of Camino Capistrano and Pacific Coast Highway. Other slides have occurred in the past within the City’s Coastal Zone that have impacted a small group of houses within the Shorecliffs and Boca Del Canon communities.

5.1.6 Wild Fire Hazards

Fire

The entire southern California area is at risk from wildland fires due to its weather, topography and native vegetation. The extended droughts characteristic of California’s Mediterranean climate result in large areas of dry vegetation that provide fuel for wildland fires.

San Clemente does not have a lot of potential for significant wildfires in the Coastal Zone because much of the area is developed and there are is not a lot of naturally vegetated open space areas that are susceptible to large fires to threaten the built environment. The coastal canyons are the only significant undeveloped area with plant material that would be susceptible to fires. The 2001 Trafalgar Canyon fire is the only recent fire to occur in the City’s Coastal Zone.

5.2 Coastal Act Policies

The Coastal Act Policies set forth below are incorporated herein as policies of the Land Use Plan:

Section 30235 Construction Altering Natural Shoreline

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

Section 30253 Minimization of Adverse Impacts

New development shall do all of the following:

- a. Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- b. Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- c. Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
- d. Minimize energy consumption and vehicle miles traveled.
- e. Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

5.3 Goals and Policies

~~GOAL 5-1 Minimize risks to life and property in areas of high geologic, flood, and fire hazard. Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs~~

5.3.1 Coastal Bluff and Shoreline Development Hazards Review

HAZ-1 HAZ-15 Hazards Review. Review applications for new development, land divisions and plan amendments to determine the presence of geologic, coastal or fire hazards. Geologic hazards include but are not limited to faults, earthquakes, slope instability, landslides, liquefaction, and erosion; coastal hazards include but are not limited to inundation, tidal flooding, storm flooding, wave impacts, elevated groundwater and saltwater intrusion, erosion and changes to these

hazards due to sea level rise. and, if present, ensure the hazards are avoided and/or mitigated, as required by the policies in this Section.

HAZ-2 HAZ-17 Development Near Hazards. New development that is in proximity to a geologic, coastal or fire hazard area shall be sited and designed in ways that avoid and/or mitigate minimize: risks to life and property, impacts to provide for or maintain existing public access and recreation, impacts to protect and enhance scenic resources, avoid and/or mitigate adverse impacts to the quality or quantity of the natural supply of sediment to the coastline, control adverse impacts due to runoff, and accounts for sea level rise and coastal storm surge projections.

HAZ-3 HAZ-19 Development Exposure to Hazards. Minimize the exposure of new development to geologic, flood coastal (including inundation from sea level rise, wave up-rush, storm surge, and stream flooding), and fire hazards. Strive to ensure that new bluff, canyon, or shoreline development is will be safe from, and does will not contribute to, geologic instability, erosion or other hazards over the life of the development, taking into account the effects of sea level rise on all relevant hazards. Ensure that new development does not contribute to the destruction of the site or the surrounding area.

HAZ-4 Tsunami Hazards. Review and periodically update local and distant tsunami inundation maps for San Clemente and adjacent coastal communities as they are developed to identify susceptible areas and plan evacuation routes.

HAZ-5 Tsunami – Regional Coordination. Participate in any regional effort to develop and implement workable response plans that the City’s emergency services can adopt immediately for evacuation in the case of a tsunami warning.

HAZ-6 Tsunami Evacuation Routes. Include tsunami evacuation route information as part of any overall evacuation route sign program implemented in the City. Signs should be clearly posted.

HAZ-7 Tsunami Hazard Avoidance. Continue beach nourishment projects/programs to maintain beach width. Wide beaches provide critical protection against tsunami run up for structures along the oceanfront.

HAZ-8 HAZ-27 Geotechnical Review. A geotechnical review is required for all shoreline/coastal bluff top or coastal canyon parcels where new development or major remodel is proposed. If, as a result of geotechnical review, a greater setback is recommended than is required in the policies herein, the greater of the setbacks shall apply. For shoreline/coastal bluff top or canyon parcels, geotechnical review ~~should~~ shall identify the bluff or canyon edge, provide a

slope stability analysis, and a bluff/slope retreat rate analysis. ~~include~~ Consideration of the expected long-term average coastal bluff retreat rates over the expected life of the structure (minimum of 75 years unless otherwise specified in the LCP), shall include retreat rates due to expected sea level rise and a scenario that assumes that any existing shoreline or bluff protective device is not in place. The anticipated retreat over the expected life of the structure shall be added to the setback necessary to assure ~~and should provide information~~ assuring that the development will maintain a minimum factor of safety against land sliding of 1.5 (static) and 1.1 (pseudo static) for the life of the structure. The analysis for shoreline/coastal bluff parcels shall use the best available science on sea level rise and consider a range of scenarios including the high scenario of sea level rise expected to occur over the life of the structure and its effect on long term bluff retreat rates. ~~The Building Official can~~ City may issue building permits for structures that maintain a different minimum factor of safety against landslides under certain circumstances and conditions, pursuant to the Geotechnical Review specifications in the IP and where alternative stability requirements are approved by the City Engineer.

HAZ-9 HAZ-10 Site-Specific Coastal Hazard and Erosion Study. A site-specific coastal hazard and erosion study is required for all new shoreline and coastal bluff development, prepared by a qualified professional and based on the best available science, that could be threatened by coastal hazards such as inundation, flooding, wave run-up and overtopping, erosion, etc. including an analysis of the changes to these hazards due to sea level rise within the anticipated life assuming no reliance upon existing or future shoreline protective devices. This study shall be prepared by a qualified professional, and shall use the best available science, and a scenario-based analysis to assess the potential coastal impacts (inundation, flooding, wave run-up and overtopping, erosion, etc.), taking into consideration the effects of sea level rise over the lifetime of the development (minimum of 75 years unless otherwise specified) considering, at a minimum, a high sea level rise scenario. If the new development cannot fully minimize hazards risks by avoiding all geologic and coastal hazards for the anticipated life of the development without reliance upon existing or future shoreline protection, the study should discuss possible adaptation responses to the hazards to reduce risk as feasible and mitigate impacts to coastal resources. The study should also include an evaluation to determine whether any grading (permitted or unpermitted) has occurred and whether the grading, if any, has had an effect on potential inundation hazard.

HAZ-10 HAZ-24 Applicant's Assumption of Risk. Applicants ~~with~~ A Coastal Development Permit (CDP) for a development in a hazardous area shall be

conditioned when consistent with Policy GEN-8 to require the property owner to must record a document (i.e., deed restriction) that waives and indemnifies exempting the City approving entity from liability for any personal or property damage caused by geologic, coastal or other hazards on such properties in relation to any development approved by the CDP and acknowledging that future shoreline protective devices to protect structures authorized by such a CDP are prohibited as outlined in HAZ-18.

5.3.2 ~~Coastal Canyon Development~~ Sea Level Rise

HAZ-11 HAZ-48 Sea Level Rise Monitoring. The City shall Mmonitor the issue of potential future sea level rise, both in the short term via permitting actions and in the long-term to address future development adverse impacts to along the shoreline.

HAZ-12 HAZ-53 Impacts of Sea Level Rise Citywide Sea Level Rise Vulnerability Study. The City shall research and prepare a respond to the Impacts of Citywide Sea Level Rise Vulnerability Study. The results of this study shall be used to inform future LCP updates. The City may coordinate this vulnerability study with the climate change vulnerability assessment required by Government Code Section 65302(g)(4). At a minimum the Sea Level Rise vulnerability study shall:

- 1) Continue to gather information on the effects of sea level rise on the City's shoreline, including identifying the most vulnerable areas, structures, facilities, and resources; specifically areas with priority uses such as public access and recreation resources, (including the California Coastal Trail), and existing and planned sites for critical infrastructure. Work with OCTA to develop a vulnerability assessment that shall use the best available science and evaluate multiple scenarios. The assessment shall include the best available scientific estimates of expected sea level rise, such as by the Ocean Protection Council, Nation Research Council, Intergovernmental Panel on Climate Change, and the West Coast Governors Association. Use the best available science to identify hazard zones and analyze potential impacts to coastal resources and development under a range of sea level rise scenarios, including a high sea level rise scenario. For each scenario, inundation, erosion, storm flooding, saltwater intrusion, and other coastal hazards influenced by sea level rise will be examined, as well as the associated impacts to coastal resources including but not limited to vertical and lateral public access ways, recreational resources (including the California Coastal Trail), sensitive habitats, beach width and water quality, as well as residential development, infrastructure, public facilities, and cultural resources. In the examination of coastal resource impacts, the study shall consider the interaction between the physical impacts of sea level rise and existing

development such as the railroad and associated revetment. The study shall also examine a scenario in which the railroad and revetment are removed. The best available science used to inform this study shall be reflective of the most current Coastal Commission guidance, and peer reviewed studies that are widely accepted within the scientific community and locally relevant. The City shall coordinate with OCTA to the extent feasible.

- 2) Based on the Citywide Vulnerability Study described above, develop appropriate SLR adaption measures and policies to avoid and/or mitigate these impacts for incorporation into the LCP via future LCP updates. information gathered over time, propose additional policies and other actions for inclusion in the LCP in order to address the impacts of sea level rise. As applicable, recommendations may include such actions as:
- a. Relocation of existing or planned development to safer locations, working with entities that plan or operate infrastructure;
 - b. Changes to LCP land uses, and siting and design standards for new development, to avoid and minimize identified risks;
 - c. Changes to standards for development in hazardous locations;
 - d. Changes to standards for in bluff/shoreline erosion rates; and
 - e. Modifications to the LCP to ensure long-term protection of the function and connectivity of existing public access and recreation resources

The Citywide Vulnerability Study shall be updated periodically as new science and modeling results and/or state guidance become available. This update shall occur approximately every 10 years, or more frequently as necessary, through an LCP amendment.

HAZ-13 HAZ-11 Shoreline Management Plan. Develop and implement a shoreline management plan for the City's shoreline areas subject to wave hazards and erosion. Subsequent to the completion of a sea level rise vulnerability assessment, the City shall develop and implement a shoreline management plan, including sea level rise adaptation strategies that address at least one scenario with the railroad and revetment in place and at least one other scenario without the railroad and revetment. The shoreline management plan should provide for the protection of public beaches, ~~existing development,~~ coastal-dependent development, ~~public improvements,~~ coastal access, public opportunities for coastal recreation and coastal resources and it should include sea level rise adaptation strategies for existing development, including critical public infrastructure. The plan must evaluate the feasibility of coastal hazard avoidance, restoration of the sand supply and beach width, beach nourishment, ~~and planned retreat~~ and any other adaptation or management strategies determined appropriate and feasible.

HAZ-14 HAZ-49 Ongoing Study. Support efforts by other local, state, and federal agencies to study the potential impacts of continued and accelerated sea level rise and flooding of waterways on existing or proposed structures within all development zones, including impacts to traffic flow, public access, natural areas including beaches, and water quality, transportation, and infrastructure, such as roads and sewers.

HAZ-15 HAZ-50 Regional Coordination. ~~Encourage~~ on-going coordination with neighboring jurisdictions and local, state, and federal agencies, and the fostering of an iterative process a feedback loop to assess the ~~latest climate change data~~ best available science on sea level rise.

HAZ-16 HAZ-51 Sea Level Rise and Development. Consistent with the policies herein, site development to avoid the need for future shoreline or bluff protective retention devices and to avoid and minimize risks from geologic, coastal, and fire hazards as exacerbated by sea level rise over the life of the proposed development structure. Design development to account for projected sea level rise using the best available science. Assess projects for their vulnerability to impacts from coastal hazards and sea level rise and, if vulnerable, require propose an adaptation strategy for new development and major remodels that does not rely on shoreline or bluff protective devices. Analyze options for removal or relocation of structures that become threatened by coastal hazards.

HAZ-17 HAZ-52 Sea Level Rise Information. The best available scientific information regarding sea level rise projections and effects shall be considered in the preparation of findings and recommendations for all geologic, geotechnical, hydrologic, coastal hazards, and engineering investigations. Current best available scientific information shall be reflective of the most current Coastal Commission guidance, and peer reviewed studies that are widely accepted within the scientific community and locally relevant. Support scientific studies that increase and refine the body of knowledge regarding potential sea level rise in San Clemente, and possible response to it.

5.3.3 Hazard Area Development Shoreline & Bluff Protective Devices

HAZ-18 Limits on Bluff or Shoreline Protective Devices. Limit the use of protective devices to the minimum required to protect coastal-dependent uses, or existing structures or public beaches in danger of erosion, unless such devices are otherwise consistent with the public access and recreational policies of the Coastal Act and all relevant policies of the LCP. Protective devices shall be

permitted when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Any approved protective devices shall also be designed to avoid, or mitigate where unavoidable, impacts on public access and recreation, habitat, scenic views, beach width and other coastal resources, and they shall not substantially impair public trust resources.

HAZ-19 No Right to Future Bluff or Shoreline Protective Device for New Development. New development, including Major Remodels, shall be sited and designed to avoid the need for shoreline protective devices over the life of the structure(s), except when such development is coastal-dependent and there is no feasible alternative that avoids the need for a shoreline protective device (and in such cases such devices shall be limited to the maximum feasible degree). When consistent with GEN-8, a condition of any CDP issued for new development, including Major Remodels, but excluding coastal-dependent development, in areas subject to coastal hazards, including but not limited to tidal and storm flooding, wave runup, and erosion, as influenced by sea level rise over time, shall require the property owner(s) to record deed restriction(s) on all properties on which proposed development is sited that acknowledges that, pursuant to Section 30235 of the Coastal Act and HAZ-18, the owner has no right to construct shoreline protection to protect the new development approved pursuant to the permit and that expressly waives any right to apply to construct such protection pursuant to Section 30235 of the Coastal Act and HAZ-18.

HAZ-20 HAZ-33 Bluff/Canyon/Shoreline Protective Retention Devices.

Bluff/canyon/shoreline protective retention devices shall be discouraged due to their coastal resource impacts, including visual impacts, obstruction of public access, interference with natural shoreline processes and water circulation, and effects on marine habitats and water quality. All new bluff/canyon/shoreline development and Major Remodels involving any significant alteration or improvement to a principal existing structure on lots with a legally established bluff/canyon/shoreline protective retention device, as a condition of development shall trigger review of any associated bluff/canyon/shoreline protective retention device as prescribed herein.

HAZ-21 HAZ-34 Restrict Bluff/Canyon/Shoreline Retention Devices. When consistent with Policy GEN-8 tThe construction, reconstruction, expansion, and/or replacement of a bluff/canyon/ shoreline retention protective device, (i.e. revetments, breakwaters, groins, seawalls, bluff retention protective devices, deep piers/caissons, or other artificial structures as defined in Chapter 7 that alter

natural landforms or alter bluff/canyon/shoreline processes), for coastal erosion control and hazards protection, are prohibited, except pursuant to a CDP where it can be shown that either the device fully complies with all relevant LCP policies and the coastal access and recreation policies of the Coastal Act, or all of the following are met:

- a. The bluff, canyon or shoreline ~~retention~~ protective device is required for the protection of coastal-dependent uses, existing ~~development~~ structure(s) (including a principal structures or residence or public beaches in danger from erosion,
- b. Where there is no less environmentally damaging alternative to the bluff, canyon or shoreline ~~retention~~ protective device,
- c. The device is sited to avoid sensitive resources,
- d. The device is designed to eliminate or mitigate adverse impacts on local shoreline sand supply and public access and to avoid or, where avoidance is infeasible, to minimize and mitigate the encroachment on the public beach, and
- e. The device is designed to minimize adverse visual impacts to the maximum extent feasible.

HAZ-22 HAZ-35 CDP Application for ~~New Bluff, Canyon or Shoreline Protective Retention Devices~~ or Repair, Maintenance, or Expansion of Existing Shoreline Protective Devices. The Any CDP application for a bluff, canyon or shoreline protective ~~retention~~ device constructed pursuant to policy HAZ-3421 shall include:

- a. A re-assessment of the need for the device, the need for any repair or maintenance of the device, and the potential for the device's removal based on changed conditions,
- b. An evaluation of the age, condition, and economic life of the existing principal structure,
- c. An analysis of changed geologic site conditions, including but not limited to, changes relative to sea level rise, implementation of a long-term large scale sand replenishment or shoreline restoration program,
- d. An analysis of any impact to coastal resources, including but not limited to public access and recreation, and

- e. A geologic analysis that: (1) describes the condition of the existing ~~retention~~-protective device, (2) identifies any impacts on public access and recreation, scenic views, sand supply and other coastal resources, (3) evaluates options to mitigate any previously unmitigated impacts of the structure or to modify, replace, or remove the existing protective device in a manner that would eliminate or reduce those impacts. In addition, any significant alteration or improvement to the principal existing structure shall trigger such review (i.e., the analysis of the bluff/canyon/shoreline ~~retention~~ protective device) and any unavoidable impacts shall be mitigated.

HAZ-23 HAZ-36 CDP Application for Bluff, Canyon or Shoreline Protective Retention Devices – Findings and Conditions for Approval. No permit shall be issued for retention, expansion, alteration or repair of a bluff, canyon or shoreline protective ~~retention~~ device unless the City finds:

- a. That the criteria for issuance set forth in policy HAZ-~~34~~ 21 are met,
- b. That the bluff or shoreline protective ~~retention~~ device, or expansion thereof, is still the minimum required to protect coastal-dependent uses, or an existing principal structures pursuant to HAZ-18, or public beaches in danger from of erosion,
- c. That the device will minimize further alteration of the natural landform of the bluff/canyon/shoreline, and
- d. That adequate minimization and mitigation for coastal resource impacts, including but not limited to impacts to the public beach, has been provided.

A condition of the CDP for all new development and Major Remodels on bluff, canyon or beach property shall require the property owner to record a deed restriction against the property, when consistent with Policy GEN-8, and in accordance with HAZ-18 that expressly waives any future right that may exist pursuant to Section ~~30253-30235~~ of the Coastal Act, to add new or additional bluff or shoreline protective ~~retention~~ devices. This policy requires the removal of any structures that become threatened by hazards if relocation is infeasible.

HAZ-24 HAZ-38 Design of Bluff/Canyon/Shoreline Protective Retention Devices. Bluff/~~canyon~~/shoreline protective ~~retention~~ devices permitted pursuant to policies HAZ-~~34~~21 through HAZ-~~36~~23 shall be designed to be compatible with the surrounding ~~bluff or canyon~~ vegetation and natural landforms. The design plan approved pursuant to the CDP shall demonstrate that:

- a. The device ~~structure~~ will be colored/constructed with concrete or other approved material that has been colored with earth tones that are compatible with the any adjacent area, and the color shall be maintained throughout the life of the structure;
- b. The ~~device structure~~ will be textured for a natural look to blend with the surrounding soil and/or vegetation, as applicable; ~~and the color will be maintained throughout the life of the structure. White and black color tones will not be used;~~
- c. Drought tolerant, non-invasive vegetation shall ~~may~~ be used to cover and camouflage the structure, where such planting is feasible;
- d. Mitigation measures shall be utilized to offset all unavoidable ~~any~~ impacts to coastal resources on or adjacent to the development site ~~caused by the project.~~
- e. ~~Any impairment and interference with shoreline sand supply and the circulation of coastal waters have been minimized and mitigated;~~
- e. Minimize and mitigate for the impairment and interference with shoreline sand supply and the ~~circulation of~~ coastal waters;
- f. Any geologic hazards presented by construction in or near earthquake or landslide hazard zones shall be ~~have been~~ addressed;
- g. Public recreational access shall be ~~have been~~ protected and enhanced where feasible, including by minimizing the displacement of beach; ~~and~~
- h. The device shall be ~~has~~, if necessary, ~~has been~~ designed to combined with drainage improvements ~~efforts~~ to control erosion from surface and groundwater flows; ~~and~~
- i. The device shall incorporate soft structures and designs that mimic natural shoreline features, where feasible.

HAZ-25 HAZ-42 No Bluff/Canyon/Shoreline Protective Retention Devices for Accessory Structures. No bluff/canyon/shoreline protection ~~Canyon~~ retention device shall be allowed for the sole purpose of protecting a new or existing accessory structure.

HAZ-26 HAZ-37 Devices on Public Lands. Construction, reconstruction, expansion, and/or replacement of ~~new~~ bluff, ~~canyon~~ or shoreline protective ~~retention~~ devices on land in public ownership or control for

the purpose of protecting existing development on private property or protecting development on public land shall be discouraged. However, where approvable pursuant to policies HAZ-21 through HAZ-23,~~necessary~~, such construction shall avoid siting on public land to the maximum extent feasible and shall protect public lands for general public use. To avoid impacts on public lands, consultation with other appropriate agencies, such as the Coastal Commission and State Lands Commission, shall be required during the permitting process.

HAZ-27 HAZ-39 Monitoring. The CDP for any the bluff, ~~canyon~~ or shoreline protective retention device shall require the protective retention device to be regularly monitored by an engineer or engineering geologist familiar and experienced with coastal structures and processes. Monitoring reports to the City shall be required every five years for the life of the device from the date of CDP issuance until CDP expiration, which monitoring shall, at the least, evaluate whether or not the shoreline protective device is still required to protect the existing structure it was designed to protect. The evaluation shall include items a-i under policy HAZ-23 as well as an assessment of the structural stability of the protective device, its need for maintenance and its ability to continue to perform the functions for which it was permitted.

HAZ-28 HAZ-40 Expiration of Bluff, ~~Canyon,~~ and Shoreline Protective Retention Devices. CDPs which authorize for expansion, alteration, and/or repair of existing bluff, canyon or shoreline protective retention devices or new bluff, canyon or shoreline protective devices shall, through conditions of approval, limit authorization of such devices to the life of the primary structure requiring protection, which authorization shall expire when the existing primary structure requiring protection is: 1) incorporated into a Major Remodel or redeveloped, 2) is no longer present, or 3) no longer requires a protective retention device, whichever occurs first. The property owner shall apply for a coastal development permit to remove the authorized bluff, canyon or shoreline protective retention device within six months of a determination by the City or Commission on appeal that the device is no longer authorized to protect the structure it was designed to protect because the structure is no longer present, is redeveloped, or no longer requires protection as authorized pursuant to policies HAZ-34 through HAZ-36.—The removal of the authorized bluff or shoreline protective retention devices for which authorization has expired shall be required prior to the commencement of construction of any new development on the site. on a Major Remodel.

5.3.4 Hazard Area Development

HAZ-29 HAZ-20 Avoidance of Geologic and Other Hazards. Require applicants for development in bluff, shoreline or canyon areas potentially subject to hazards such as seismic hazards, tsunami run-up, landslides, liquefaction, episodic and long-term shoreline retreat (including beach or bluff erosion), wave action storms, tidal scour, flooding, steep slopes averaging greater than 35%, unstable slopes regardless of steepness, and flood hazard areas, including those areas potentially inundated by accelerated sea level rise, to demonstrate, based on site-specific conditions and using the best available science, that for the expected life of the development (minimum of 75 years unless otherwise specified):

- a. The area of construction is stable for development based on geologic/geotechnical and coastal hazards review,
- b. The development will not create a geologic, coastal, or fire hazard or diminish the stability of the area, and
- c. For ~~shoreline/canyon, or bluff~~ development, The development complies compliance with the policies in this chapter.

HAZ-30 HAZ-29 Infrastructure Development and Uses in Hazard Areas. New development critical or re-development replacement or rehabilitation or sensitive infrastructure and land uses shall:

- a. Minimize risks to life and property in areas of high geologic, ~~flood~~ coastal, and fire hazard.
- b. Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- c. Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
- d. Minimize energy consumption and vehicle miles traveled.
- e. Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

HAZ-31 HAZ-25 New Development Compliance with Health and Safety. New development that does not conform to the provisions of the LCP and presents an extraordinary risk to life and property due to an existing or demonstrated potential public health and safety hazard shall be prohibited.

HAZ-32 HAZ-31 New Development in Hazard Areas. New development shall only be permitted where an adequate factor of safety can be provided ~~on~~ including on sites with ancient landslides, unstable slopes, or other geologic hazards areas.

HAZ-33 HAZ-16 Development on Hillsides, Canyons and Bluffs. New development shall be designed and sited to maintain the natural topographic characteristics of the City's natural landforms by minimizing the area and ~~of~~ height of cut and fill, minimizing pad sizes, siting and designing structures to reflect natural contours, clustering development on lesser slopes, restricting ~~avoiding~~ development within setbacks consistent with HAZ-41 and HAZ-47, and/or other techniques. Any landform alteration proposed ~~for~~ reasons of public safety shall be minimized to the maximum extent feasible. Developments partially or wholly located in a coastal canyon or bluff or along the shoreline shall minimize the disturbance to the natural topographic characteristics of the natural landforms.

HAZ-34 HAZ-18 Subdivision. Any subdivision of property ~~in or adjacent to coastal canyons or bluffs~~ shall be reviewed for consistency with LCP policies. New parcels that do not have an adequate building site area to comply with the setback standards and other hazard avoidance provisions of these policies shall not be created.

HAZ-35 Removal of Development. Except for coastal-dependent development, new development, including Major Remodels, in hazardous areas shall be conditioned to require that the development shall be removed and the affected area restored to its previous or natural condition if: (a) any government agency has ordered that the structures are no longer allowed to be occupied due to coastal hazards, or if any public agency requires the structures to be removed; (b) services to the site can no longer be maintained (e.g., utilities, roads); (c) the development is no longer located on private property due to the migration of the public trust boundary, and the development significantly impairs public trust resources; (d) removal is required pursuant to LCP policies for SLR adaptation planning; or (e) the development requires new and/or augmented bluff or shoreline protective devices and such devices cannot be authorized consistent with the LCP.

HAZ-36 HAZ-26 Improvements to Non-conforming Structures. Principal and accessory structures lawfully built along a coastal canyon, bluff or shoreline area pursuant to a Coastal Commission-issued Coastal Development Permit or subject to a Categorical Exclusion prior to the effective date of the LCP Coastal Act (January 1, 1977) that do not conform to the LCP shall be considered legal non-conforming structures. Such structures may be maintained and repaired, as long as the maintenance or repairs improvements do not increase the size or degree of non-conformity. Additions and improvements to such structures that are not considered a Major Remodel, as defined herein, or development authorized under a Categorical Exclusion Order, may be permitted provided that such additions or improvements do not increase the size or the degree of the nonconformity, comply with the current policies and standards of the LCP, and the remaining portion of the structure complies with the laws and regulations in effect when the structure was established. Complete demolition and reconstruction or Major Remodel is not permitted unless the entire structure is brought into conformance with the policies and standards of the LCP, including any requirement for a CDP.

HAZ-37 HAZ-28 Removal of Non-conforming, Unpermitted and/or Obsolete Structures and Uses. When a principal structure is removed, all non-conforming accessory development and/or uses shall be removed. Development on the shoreline, canyon, and/or bluff sites must identify and remove all unpermitted and/or obsolete structures that no longer serve a function are no longer being used, including but not limited to protective devices, fences, walkways, stairways, etc. which encroach into canyons or bluffs or shoreline or onto public property.

HAZ-38 HAZ-30 Accessory Legal Nonconforming Structures. For CDPs authorizing repair and maintenance of existing legal, non-conforming accessory structures on a shoreline, bluff or canyon lot that do not meet the shoreline, bluff or canyon setback, a condition shall be applied that requires the permittee (and all successors in interest) to apply for a CDP to remove the accessory structure(s), if it is determined by a licensed Geotechnical Engineer and/or the City, that the accessory structure is in danger from erosion, landslide, or other form of bluff or slope collapse.

HAZ-39 HAZ-8 Public Non-conforming Facilities. Existing publicly-owned facilities that are existing, legal, non-conforming, and coastal dependent uses, such as public access improvements, restrooms, and lifeguard facilities, on the bluff or beach area may be maintained, repaired and/or replaced as determined necessary by the City. Any proposed such repair or replacement of existing

public facilities shall be designed and sited to avoid the need for shoreline or bluff protection to the extent feasible.

~~**HAZ-7 Stability Requirements for Foundations on Bluffs.** The City may consider options including a caisson foundation to meet the stability requirement and avoid substantial alteration of the natural landform along the bluffs where setbacks and other development standards would preclude new development on a bluff top parcel. CDPs for any such residence shall have a condition that expressly requires a waiver of any rights to new or additional bluff retention devices which may exist and recording of said waiver on the title of the bluff top parcel.~~

HAZ-40 HAZ-41 Construction BMPs for Bluff/Canyon/Shoreline Development.

Development on the bluffs/canyon/shoreline, including the construction of a bluff/canyon/shoreline protective ~~retention~~ devices, shall include measures to ensure that:

- a. No stockpiling of dirt or construction materials shall occur on the beach;
- b. All grading shall be properly covered and sandbags and/or ditches shall be used to prevent runoff and siltation, as determined by the City Engineer;
- c. Measures to control erosion shall be implemented at the end of each day's work;
- d. No machinery shall be allowed in the intertidal zone at any time to the extent feasible;
- e. All construction debris shall be properly collected and removed from the beach, and
- f. Shotcrete/concrete or other material shall be contained through the use of tarps or similar barriers that completely enclose the application area and that prevent the contact of shotcrete/concrete or other material with beach sands and/or coastal waters.

HAZ-41 HAZ-2 Blufftop Setback. Proposed development, redevelopment, and accessory structures, if such accessory structures require ~~requiring~~ a foundation on blufftop lots shall be set back by the greater of the following distances: the setback distance recommended as a result of the geotechnical study required by policy HAZ-8 or HAZ-9, at least 25 feet from the bluff edge, or ~~set back~~ in accordance with a stringline drawn between the nearest corners of adjacent structures on either side of the development. No deepened foundations, such as caissons, shall be located within 25 feet of a bluff edge. ~~City Planner shall~~

~~determine which of the setbacks shall be applied to a development based on the geology, soil, topography, existing vegetation, public views, adjacent development, and other site characteristics. A structure developed prior to the Coastal Act could be considered in the stringline setback when it is in character with development that was approved under the Coastal Act. This minimum setback may be altered to require greater setbacks when required or recommended as a result of geotechnical review required by policy HAZ-27. Cantilevering into the bluff top setback or geologic setback may be allowed up to a 10-foot seaward projection when necessary to avoid a taking pursuant to Policy GEN-8. In addition, construction within 5-feet of the public right-of-way front yard setback for all stories shall be allowed as long as adequate architectural relief (e.g., recessed windows or doorways or building articulation) is maintained as determined by the City. No variance or other additional permit shall be required for a reduction in the street side setback to a minimum of 5-feet when this policy is applied, provided the development is consistent with all other applicable LUP policies.~~

HAZ-42 HAZ-5 New Development and Accessory Structures in Bluff Setbacks.

All new development, except for public access facilities, including additions to existing structures, on blufftop lots ~~property~~ shall be landward of the setback line required by Policy HAZ-412. This requirement shall apply to the principal structure, additions and accessory or ancillary structures such as guesthouses, pools, and septic systems, etc., with a foundation. Accessory structures such as decks, patios, and walkways, which are at grade and do not require foundations may extend into the setback area and shall be sited in accordance with a stringline, but no closer than 10 feet to the bluff edge, provided such accessory structures:

- a. ~~Such accessory structures~~ are consistent with all other applicable LCP policies;
- b. ~~Such accessory structures~~ are sited and designed to be easily relocated landward or removed without significant damage to the bluff area;
- c. ~~Such accessory structures~~ will be relocated and/or removed and the affected area restored to natural conditions when threatened by erosion, geologic instability, or other coastal hazards; ~~and;~~
- d. Are removed by the landowner in the event that portions of the development fall to the bluffs, beach or ocean before they are removed/relocated, along with all recoverable debris, and the material lawfully disposed of in an approved disposal site;

- e. Do not require any bluff or shoreline protective device.

HAZ-43 HAZ-3 Blufftop Swimming Pool Setback. The minimum setback for swimming pools is the greater of the following distances: 25 feet from the bluff edge or the setback distance recommended as a result of the geotechnical review required by policy HAZ-8 or HAZ-9. All new or substantially reconstructed swimming pools shall incorporate a leak prevention/detection system.

HAZ-44 HAZ-4 Bluff Face Development. New permanent structures shall not be permitted on a bluff face, except that for public access facilities, including walkways, overlooks, stairways, and/or ramps, may be allowed to be located on the bluff face within the shoreline/bluff top setback established to provide public beach access where no feasible alternative means of public access exists, by ~~Polies~~ HAZ-2 and HAZ-17 provided they meet the following criteria:

- a. Must be designed and constructed to minimize landform alteration of the oceanfront bluff face;
- b. Does not contribute to further erosion or cause, expand, or accelerate instability of the bluff;
- c. Must be visually compatible with the surrounding areas;
- d. Avoids the need for bluff or shoreline protection to the extent feasible; ~~Does not require shoreline protection devices;~~ and
- e. Must be sited and designed to be easily relocated or removed without significant damage to the bluff or shoreline; ~~and.~~

HAZ-45 HAZ-31 Blufftop/Coastal Canyon Lot Drainage and Erosion. New development and redevelopment on a blufftop or ~~Costal C~~ coastal canyon lot shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner away from the bluff/canyon edge to minimize hazards, site instability, and erosion. Drainage devices extending over or down the bluff face will not be permitted if the property can be drained away from the bluff face. Drainpipes will be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe, and beach.

HAZ-46 HAZ-6 Bluff, Canyon and Shoreline Landscaping. All landscaping for new blufftop, canyon or shoreline development or redevelopment shall consist of native, non-invasive, drought-tolerant, and fire-resistant species, and ~~a~~ Any approved permanent irrigation system shall be low volume (drip, micro jet, etc.) and shall only be permitted on the street facing portion of the

lot. Irrigation systems along the bluff, canyon or shoreline portion of a lot shall only be allowed on a temporary basis for initial plant establishment and shall be removed after vegetation has established. Excessive irrigation on bluff ~~top~~ and canyon lots is prohibited.

HAZ-47 HAZ-12 Canyon Setbacks. New development or redevelopment, including principal structures and accessory structures with foundations, such as guest houses, pools, and detached garages etc., shall not encroach into coastal canyons. When there are two or more setbacks available in the standards below (~~e.g., stringline or canyon edge setback~~), the City Planner shall determine which of the setbacks ~~shall will~~ be applied to a development based on the criteria below. geology, soil, topography, existing vegetation, public views, adjacent development and other site characteristics. Coastal Canyon Setbacks shall be set back the greater of either:

- a. A minimum of 30% of the depth of the lot, as measured from the property lines that abut the bottom of the coastal canyon, and not less than 15 feet from the canyon edge; or
- b. A minimum of 30% of the depth of the lot, as measured from the property lines that abut the bottom of the coastal canyon, and setback from the line of native vegetation (not less than 15 feet from coastal sage scrub vegetation or not less than 50 feet from riparian vegetation); or
- c. In accordance with house and deck/patio stringlines drawn between the nearest corners of the adjacent structures (rear corner/side of structure closest to coastal canyon). A legally permitted structure developed prior to the Coastal Act ~~may~~ could be considered in the stringline setback when it is in character with development along the coastal canyon that ~~was~~ has been approved under the Coastal Act with the benefit of Coastal Development Permits. ~~The development setback shall be established depending on site characteristics and determined after a site visit. If a greater setback is required as a result of the geotechnical review prepared pursuant to policy HAZ-27, the greater setback shall apply.~~
- d. Ancillary improvements such as decks and patios, which are at-grade and do not require structural foundations may extend into the setback area no closer than five (5) feet to the canyon edge (as defined in Chapter 7, Definitions), provided no additional fuel modification is required that may impact native vegetation. No new or redeveloped walkways, stairs or retaining walls shall extend into the canyon beyond the required coastal canyon setback.

When selecting the appropriate setback from the above-referenced options, the City Planner shall consider the following factors: geology, soil, topography, existing vegetation, public views, adjacent development, safety, minimization of potential impacts to visual resources, community character, protection of native vegetation and equity. These additional factors may require increased setbacks depending on the conditions of the site and adjacent coastal resources. The development setback shall be established depending on site characteristics and determined after a site visit by a City Planner. If a greater setback is required as a result of the geotechnical review prepared pursuant to policy HAZ-8 or HAZ-9, the greater setback shall apply. ~~A variance shall be required to allow a reduction or deviation to the canyon setbacks identified herein.~~

~~**HAZ-13 Location of Canyon Development.** All new development or redevelopment, including additions to existing structures, on parcels abutting coastal canyons shall be located on geologically stable areas as determined by the geotechnical review prepared pursuant to HAZ-27. This requirement shall apply to the principal structure and accessory or ancillary structures such as guesthouses, pools, and septic systems, etc.~~

~~**HAZ-48 HAZ-14 Canyon Pool Setbacks.** The minimum setback for swimming pools adjacent to coastal canyons is 15 ft. from the canyon edge. All new or substantially reconstructed swimming pools shall incorporate a leak prevention/detection system. This minimum setback may be altered to require greater setbacks when required or recommended as a result of geotechnical review required by policy HAZ-8 or HAZ-9.~~

~~**HAZ-49 HAZ-1 Beach Front Setback.** Proposed development on a beach front lot shall be setback in accordance with the greater of:~~

- ~~a. In accordance with a structural stringline drawn between the nearest corners of adjacent structures on either side of the development; or~~
- ~~b. In accordance with the underlying zoning district setbacks; or~~
- ~~c. A sufficient distance landward to eliminate or minimize, to the maximum extent feasible, coastal hazards, including hazards associated with anticipated sea level rise over the anticipated life of the structure as required by HAZ-8 or HAZ-9.~~
- ~~d. No part of a proposed new accessory structures shall be built farther toward the beach front than a stringline drawn between the nearest corners of adjacent accessory structures.~~

HAZ-50 HAZ-9 Shoreline Development and Marine Safety Headquarters. New permanent structures shall not be permitted on the sandy beach with the exception of ~~the proposed redevelopment of the City's Marine Safety Headquarters building, which may be allowed until such time that an operationally suitable alternative inland location is available and coastal dependent uses.~~ Any proposed relocation or redevelopment of the City's Marine Safety Headquarters on the sandy beach shall be limited to the smallest footprint operationally necessary, located as far landward as feasible and shall be designed to avoid the need for future shoreline protection, ~~to the maximum extent feasible.~~ Any CDP authorizing redevelopment of the Marine Safety Headquarters shall ~~require any future shoreline protection device to be sited and designed to mimic natural shoreline features where feasible, and to require a new CDP for any future shoreline protective device for the structure.~~

HAZ-51 HAZ-43 Beaches. ~~Establish~~ Protect and enhance a wide, safe, sandy beach to: (a) maintain, and when feasible, provide increased public access and recreational opportunities; (b) minimize impacts on sensitive marine resources; (c) protect water quality; (d) avoid the need mitigate adverse impacts of bluff for shoreline protective retention devices, and (e) protect existing infrastructure.

HAZ-52 HAZ-44 Sand Protection, Enhancement and Restoration. Support State and Regional initiatives that address the protection, enhancement, and restoration of sand on the City's our coastal beaches because wide beaches provide critical protection against Sea Level Rise, storm surges and tsunami run-up in addition to their public access, recreational, and ecological values.

HAZ-53 HAZ-45 Sand Nourishment. Support sand nourishment programs using beach-quality sand to enhance the use, appearance and safety of the City's beaches when adverse impacts to beach, intertidal, and offshore resources and surf are minimized and when appropriate mitigation measures are incorporated.

HAZ-54 HAZ-46 Sand Monitoring. Support efforts to monitor sand movement, research the impacts of coastal erosion and implement methods of mitigating further coastal damage to San Clemente's beach environment.

HAZ-55 HAZ-47 Erosion and Sediment Loss. Site development to avoid development in areas that are particularly susceptible to erosion and sediment loss or especially vulnerable to Sea Level Rise impacts.

HAZ-56 HAZ-22 Stabilization of Landslides. In the event that remediation or stabilization of landslides that affect existing structures or that threaten public health or safety is required, multiple remediation or stabilization techniques shall

be analyzed to determine the least environmentally damaging alternative. Maximum feasible mitigation shall be incorporated into the project in order to minimize adverse impacts to coastal resources and to preclude the need for future mitigation.

HAZ-57 HAZ-54 Development in Flood Prone Areas. Development in areas of special flood hazards subject to inundation as shown on the most current flood insurance rate map, and in areas potentially subject to flooding in future large storm events considering the effects of sea level rise, and erosion shall be prohibited unless no alternative building site exists on the legal lot and proper mitigation measures are provided to minimize or eliminate risks to life and property from flood hazard. Additionally, the City shall ensure that any permitted development and fill in the 100-year flood plain will not result in an obstruction to flood control and that such development will not adversely affect coastal resources within the floodplain.

HAZ-58 HAZ-55 Flood Control Channels. ~~Support the restoration of Concrete lined~~ flood control channels shall be restored back to natural earthen channels, whenever feasible.

HAZ-59 HAZ-23 Development Compliance with Fire Safety. Coastal Development Permit applications for new or redeveloped structures shall demonstrate that the development meets all applicable fire safety standards. New development shall be sited and designed to minimize required initial and future fuel modification and brush clearance in general, and to avoid such activities within native habitat areas, Environmentally Sensitive Habitat Areas (ESHA) and ESHA buffers, and on neighboring property.

~~**HAZ-32 Compensation for Taking Private Property.** The City does not have the power to grant or deny a permit in a manner which will cause a physical or regulatory taking of private property without the payment of just compensation therefor. This policy is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States Coastal Act Section 30010).~~

5.3.5 — Sea Level Rise

5.3.6 — Development in Flood Hazard Areas

5.3.7 — Emergency CDP Actions

~~**Emergency Coastal Development Permits.** The City may grant an emergency permit for areas located in the Coastal Zone and outside of the appeals area,~~

~~which shall include an expiration date of no more than one year and the necessity for a subsequent regular CDP application, if the City finds that:~~

- ~~a. An emergency exists that requires action more quickly than permitted by the procedures for a CDP and the work can and will be completed within thirty (30) days unless otherwise specified by the terms of the permit.~~
- ~~b. Public comment on the proposed emergency action has been reviewed, if time allows.~~
- ~~c. The work proposed would be consistent with the requirements of the certified LCP.~~
- ~~d. The emergency action is the minimum needed to address the emergency and shall, to the maximum extent feasible, be the least environmentally damaging temporary alternative.~~

~~Emergency CDP applications that are located within the appeals area must be reviewed by the Coastal Commission.~~

~~**Emergency Coastal Development Permit Expiration.** An emergency permit shall be valid for 60 days from the date of issuance unless otherwise specified by the City, but in no case for more than one year. Prior to expiration of the emergency permit, if required, the permittee must submit a regular, CDP application for the development even if only to remove the development undertaken pursuant to the emergency permit and restore the site to its previous condition.~~

~~**Monitoring Emergency Coastal Development Permits.** All emergency permits shall be conditioned and monitored to ensure that all authorized development is approved under a regular coastal development permit in a timely manner, unless no follow up permit is required.~~

~~**Emergency Coastal Development Permit Tracking.** Maintain the permit tracking and monitoring system to identify and prevent the illegal and unpermitted construction of coastal canyon development and bluff/shoreline retention devices as a component of the City's code enforcement.~~

~~**Emergency Coastal Development Permit Exceptions.** An exemption from the emergency CDP requirements is allowed for the replacement of structures destroyed by a disaster if the replacement occurs within three years. The replacement of any structure destroyed by a disaster is exempt from the requirement for a coastal development permit, if the replacement structure:~~

- ~~a. Conforms to applicable existing zoning requirements, including the limitations on legal nonconforming structures and uses;~~
- ~~b. Is for the same use as the destroyed structure;~~

- c. ~~Does not exceed the floor area of the destroyed structure by more than 10 percent or 500 square feet, whichever is less, or the height or bulk of the destroyed structure by more than 10 percent (the applicant must provide proof of pre-existing height and bulk); and~~
- d. ~~Is sited in the same location on the affected property as the destroyed structure.~~

Plain Text and **Plain Bold Text Headings** = City proposed LUP language
Underlined Text = CCC Suggested Modification, Inserted Language
~~StrikeOut Text~~ = CCC Suggested Modification, Deleted Language

6.0 VISUAL, HISTORIC, AND CULTURAL RESOURCES

6.1 Introduction

San Clemente residents and visitors enjoy spectacular scenic resources and unique cultural resources. The Coastal Act policies require the protection of scenic coastal areas and the preservation of cultural resources. Scenic resources include coastal bluffs, coastal canyons, natural landforms and designated scenic view corridors from publicly-owned properties along or through public rights-of-way, as defined in the Coastal Act and/or designated by the City. Historic and cultural resources include sites, districts, structures and distinctive landscapes that convey the City's unique cultural, historical, or architectural heritage. Distinctive cultural resources in the Coastal Zone are located in, but are not limited to, the Del Mar/T-Zone located in the City's downtown area, North Beach, Los Molinos and Pier Bowl areas.

6.1.1 Historic and Cultural Resources

Founded by Ole Hanson in 1925, San Clemente was envisioned as a "Spanish Village by-the-Sea". Incorporated in 1928, the City of San Clemente was among the first master-planned communities in the United States built on previously undeveloped land. Before a single structure was built, the City's founder, Ole Hanson, laid out a detailed plan based on his vision of a Spanish village by the sea. Hanson used Spanish Colonial Revival architecture. Development followed following a unifying theme which required white stucco buildings with red tile roofs. All structures were initially required to be constructed consistent with this unifying architectural theme.

Many of San Clemente's earlier Spanish style residential, commercial, and public buildings remain, lending a unique character to the community. As the Spanish Village by the Sea, San Clemente boasts a rich and respected history and culture that residents want to celebrate. Those buildings constructed during the Ole Hanson era (1925-1945) that have not been torn down constitute the City's list of historical structures. ~~This totals 240~~ As of 2017, there are more than 200 historic structures, the majority on the City's list, many of which are located within the City's Coastal Zone. Five of the City designated historic structures in the Coastal Zone are considered to be especially significant, with two listed on the National Register of Historic Places (NRHP). These five buildings include:

- Casa Romantica. The Casa Romantica, at 415 Avenida Granada, is located on the coastal bluffs overlooking the Pier Bowl. This structure is the original home of Ole Hanson, the City's founder. Ole Hanson built the Casa Romantica in

1927; the architect was Carl Lindbom. The Casa Romantica was listed on the NRHP in 1994.

- Ole Hanson Beach Club. The Ole Hanson Beach Club, located at 105 Avenida Pico, is one of many public buildings given to the town by Ole Hanson. Constructed in 1927, the swimming pool staged the United States Olympic Trials for swimming that same year. The Beach Club is one of the City's primary recreational and entertainment centers. The architect who designed the Beach Club was Virgil Westburg. The Beach Club was listed on the NRHP in 1981.
- Casa Pacifica/Western White House. The Casa Pacifica was built in 1927 by H.H. Cotton. The original estate included 110 acres. Approximately one-half of the original estate was used for stables and a one-half mile race track. The Cottons raised and trained thoroughbred horses there for over thirty years. The Casa Pacifica was subdivided in the 1960's; the original ten room home, however, has remained unaltered over the years. President Richard Nixon purchased the Cotton Estate in 1969. During Mr. Nixon's presidency, the Casa Pacifica became known worldwide as the "Western White House." President Nixon sold the Casa Pacifica in 1979 to Gavin Herbert, who in 2009, entered into a 10 year preservation agreement to restore, improve, and preserve the historic home with the City. The house is not currently listed on the NRHP.
- Miramar (San Clemente) Theatre. The Miramar Theatre, located at 1700-1740 Calle Deshecha opened in 1938, and was built in Spanish Colonial style. The design included seating that allowed patrons to sit upright or recline, notable luxuries for the time. The interior, with elaborate chandeliers, comfortable seating for 750 people and showing first run movies, was a major boost for the city and was built by theater architect Clifford A. Balch. The exterior of the theatre was embellished with a 44-foot tall tower to create a visible icon marking the city's northern entrance. The structure is currently vacant and is not currently listed on the NRHP.
- Casino San Clemente. The Casino San Clemente, located at 140 West Avenida Del Mar, was originally constructed in 1936 and is still in operation as an events center. The Casino is considered a local historic landmark and will celebrate its 80th year in 2017. The seaside landmark hosted celebrations for celebrities such as Judy Garland, Mickey Rooney, Dorothy Lamour, Cesar Romero and many others. Casino San Clemente was modeled after the Casino in Avalon on Catalina Island and is rich in local history featuring many evenings of musical entertainment, live radio broadcasts, and dinner theater. The Casino is not currently listed on the NRHP.

6.1.2 Community Character

San Clemente strives to be a sustainable, vibrant and beautiful community, cherishing its unique seaside character and setting, embracing environmental stewardship, fostering healthy living, and promoting economic and social diversity. San Clemente is unique because of its walkability, small-town character, public spaces that facilitate social interaction and human scale of developments. The downtown along Del Mar, Pier Bowl and North Beach embody the City's commercial/visitor-serving areas that contribute to San Clemente's character as the Spanish Village by the Sea.

New development in the Coastal Zone should strive to keep the spirit of San Clemente's unique character and maintain or improve the City's quality of life. Spanish Colonial Revival Architecture is required within the City's Architectural Overlay District as outlined in the City's General Plan (2016) and includes land within and outside of the Coastal Zone. Preservation and enhancement of historical resources, celebration of arts and culture, multi-modal transportation network that connects ~~our~~ the City's neighborhoods and key destinations all contribute to San Clemente's unique character.

In order to preserve San Clemente's unique character new development and improvements should strive to keep the spirit of San Clemente's unique character as the "Spanish Village by the Sea".

6.1.3 Bulk and Height Limits

~~In order to preserve San Clemente's unique character new development and improvements should strive to keep the spirit of San Clemente's unique character as the "Spanish Village by the Sea". The public realm and private buildings should:~~

- ~~a. Be respectful of the local context~~
- ~~b. Create a walkable pedestrian environment~~
- ~~c. Instill a sense of long-lasting quality and pride~~
- ~~d. Protect and foster a distinct small-town feel~~
- ~~e. Foster the creation of places for social interaction~~
- ~~f. Be designed at a human scale~~
- ~~g. Be designed at a scale and height that minimizes impacts on public view corridors and is scale with the adjacent development~~

6.1.43 Paleontological and Archaeological Resources

The City of San Clemente protects its archeological and paleontological resources in a manner which preserves history or cultural history and traditions, provides scientific or

cultural knowledge or provides educational value. These resources are sometimes exposed during development-related activities such as grading and construction. Federal and State regulations guide their assessment, handling and preservation. State law also requires consultation with local Native American tribes during local planning processes to ensure that archeological and cultural resources are identified, protected, preserved and archived. The goal would be, to the maximum extent possible, to protect significant paleontological and/or archeological resources in place.

Human History

Prior to European settlement, the coastal region of Southern California was characterized by rolling hills covered with coastal sagebrush. The region's first human inhabitants were members of the San Dieguito culture ~~Shoshone Native American tribe.~~ These early residents occupied small villages and hunted, gathered, and fished. ~~of dome-shaped huts called "kiitcas," sustained by hunting, gathering, and fishing.~~ One of the largest Native American settlements discovered in Orange County, consisting of several hundred people, was located just five miles north of San Clemente near the mouth of San Juan Creek, overlooking Capistrano Bay.

Though much archaeological evidence of these first inhabitants has been recovered, ~~there are no remaining man-made built resources in San Clemente from this period, though much archaeological evidence of these first inhabitants has been recovered.~~

The completion of the Transcontinental Railroad in 1869, and its eventual extension to Southern California in 1876, led to the founding of hundreds of new towns in the region. While population and building booms were taking place in Los Angeles ~~Angles~~ and San Diego in the 1880s and 1890s, the land that would become San Clemente remained unimproved. It was traversed first by stagecoach route which followed El Camino Real, California's main travel route until the arrival of the Santa Fe Railroad in 1888, which linked the region to San Juan Capistrano to the north and San Diego in the south.

As with the Native Americans before them, Spanish and Mexican settlers left little evidence of their presence in the area that would become San Clemente. There are no known remaining man-made built resources in San Clemente from this period, though archaeological resources may be present.

The San Clemente area changed hands a number of times, being utilized for ranching and coastal grazing purposes, before being purchased by a syndicate headed by Hamilton H. Cotton in 1924. Having previous associations with Hamilton H. Cotton and the Rancho Los Desechos area, Ole Hanson expressed his dream for a planning village to be built on the site, and entered into a partnership with Cotton. Hanson's concept

was to create a Spanish Village-by-the-Sea, where the entire city would be a park. The site would comprise 2,000 acres, with the grading of streets to fit into the natural contour of the land. As a condition to the purchase of residential lots, Hanson required all construction plans to be reviewed by an architectural review board to maintain the white stucco and red tile roof Spanish style. Hanson believed beauty to be an asset and intended to “preserve for all time these hills from the heterogeneous mixture of terrible structures which so often destroy the beauty of our cities.”

The City of San Clemente was founded by Ole Hanson on December 6, 1925, and property worth over \$125,000 was sold to the first San Clemente residents on that day. Hanson began his construction program with an administration building and community clubhouse built in the Spanish style, and the dedication of 3,000 feet of beach to remain free and clear of all encumbrances. After developing bridal paths, which ran along the ocean and back up to the city and hills, Hanson built and deeded over to the city the fishing and pleasure pier. A schoolhouse and its Plaza Park, the Ole Hanson Beach Club, and land designated for an 18-hole golf course were also dedicated to the city. Growth continued in San Clemente and by 1928, when citizens voted for incorporation, there existed more than 500 buildings and over 1,000 permanent residents. Ole Hanson also built his ocean view home, later named Casa Romantica, on the bluffs overlooking the pier. Hanson’s vision of the Spanish Village-by-the-Sea had been achieved and exists today in the rolling hills, downtown, and ocean beaches of San Clemente.

San Clemente has had a long history of coastal recreational activities, from swimming and surfing to fishing and community events. From the time the pier was constructed in 1928, until the completion of the Dana Point Harbor, a fleet of fishing boats was anchored at the pier for the convenience of sportsmen who were later involved in establishing the San Clemente Yacht Club. Sportfishing was very popular in the initial years of San Clemente. Aside from private gatherings on the beach, community sponsored activities included the annual lighting and decorating of a huge Christmas tree erected on the beach and the annual Fourth of July citywide celebration at the pier. Today, the community still holds a number of community events on the beach, including the Fourth of July fireworks show and the Ocean Festival during the month of July.

San Clemente’s beaches have been well known since the 1940s for their quality waves and surf. The sport of hardboard surfing generated considerable interest in its early days as a healthy recreational activity, leading to the formation of organizations such as the San Onofre Surf Club and the T-Street Surf Club. The San Clemente Surf Club began in the 1960s at the municipal pier, where surfing events and contests were held, including the “Surfcapades.” During the 1970s, surfing continued to grow and conflicts with swimmers became more prevalent, eventually leading to designated “surfing only”

areas. Today, San Clemente maintains its surfing heritage and continues to provide an excellent resource for the surfing community.

6.2 Coastal Act Policies

The Coastal Act Policies set forth below are incorporated herein as policies of the Land Use Plan:

Section 30251 Scenic and visual qualities

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30244 Archaeological or paleontological resources

~~Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.~~

Section 30253 Minimization of adverse impacts

New development shall do all of the following:

- e. Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30244 Archaeological or paleontological resources

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

6.3 Goals & Policies

~~GOAL 6-1: Continue to be a community that places high priority on the preservation and enjoyment of our scenic and cultural resources.~~

6.3.1 Viewpoints & Scenic Corridors Visual Resources

~~**VIS-1 Visual Character and Aesthetic Resources Preservation.** New development shall be designed to preserve Preserve the visual character and aesthetic resources of the City's coastal zone including preservation of the physical features of coastal bluffs and canyons, and where feasible, enhance and restore scenic and visual qualities of the coastal zone, including to and along the ocean and coastal bluffs, visually significant ridgelines, and coastal canyons, open spaces, prominent, mature trees on public lands, and designated significant public views (as identified on Figures 6-1 and 6-2). Where feasible, enhance and restore scenic and visual qualities of the coastal zone, including those to and along the ocean and coastal bluffs. Where protection of visual character and aesthetic resources is not feasible, impacts should be mitigated.~~

~~**VIS-2 Scenic View Corridors and Scenic Roadways and Public Views.** Enhance and protect existing locally designated Scenic Corridors and Scenic Roadways and identify opportunities for the designation of new Scenic Corridors and Scenic Roadways and significant public views. Any roadway designated as a new Scenic street Corridors or Scenic Roadway shall: 1) identify scenic roadways highways and local arterials, 2) describe significant visual linkages between the resources and amenities of San Clemente, and 3) establish objective design and landscaping criteria to maintain quality visual experiences along such corridors through appropriate landscaping, enhancement and protection of public views.~~

~~**VIS-3 Public View Corridors of Ocean.** Preserve designated public view corridors to the ocean.~~

~~**VIS-10 Scenic Corridor.** Designate scenic street corridors to: 1) identify scenic highways and local arterials, 2) describe significant visual linkages between the resources and amenities of San Clemente, and 3) establish objective design and landscaping criteria to maintain quality visual experiences along such corridors through appropriate landscaping, enhancement and protection of public views.~~

~~**VIS-13 New Scenic Corridors or Highways.** Expand or designate new scenic highways where protection of community resources warrants their preservation and/or protection.~~

~~VIS-14~~ VIS-3 **Major and Minor Scenic Corridors.** Require the following roadways be maintained and preserved as major or minor scenic corridors with key entry points as shown in Figure 6-2, Scenic Roadway Corridors:

- a. Avenida Pico
- b. El Camino Real/Pacific Coast Highway
- c. Ola Vista

~~VIS-18~~ VIS-4 **Signs.** Require the review of Limit the size, height, numbers, and type of on-premise signs to limit sign clutter and minimize their impact to Scenic eCorridors and community character.

~~VIS-12~~ VIS-5 **Architecture/Design—Quality—Development Adjacent to Freeway Gateways.** Require high quality design for development buildings at visually significant locations in Gateway areas (per Chapter 7 definition). New buildings and major remodels in Gateway areas adjacent to or opposite I-5 off ramps shall follow Spanish Colonial Revival architectural style and include appropriate entry design elements (e.g., Spanish Colonial Revival and Spanish architecture, landscaping, signage, lighting, streetscape furniture).

~~VIS-8~~ VIS-6 **Public View Corridors.** ~~The City will~~ New development shall preserve and improve the Public vView eCorridors, as designated on the Public View Corridors Map (Figures 6-1 and 6-1a)in Figure 6-1, Public View Corridors, Additional Public View Corridors to and along the shoreline and/or scenic coastal areas may be identified through the regulatory process. The City shall preserve and improve Public View Corridors on public property, specifically, in its capital improvements programs and discretionary approvals. The City shall also and encourage other agencies planning efforts with jurisdiction to do so to the maximum extent feasible. Specifically, in its capital improvement programs and discretionary approvals, the City will shall seek to ensure that: New development shall implement the following visual protection measures:

- a. New development including buildings and landscaping shall be sited and designed to avoid or minimize impacts to public views. Siting and design of buildings and landscape ~~should~~ shall avoid impacts on Public vView eCorridors to the extent feasible and blend man-made and man-introduced features with the natural environment. New development shall require a view analysis to ensure that the development avoids or reduces impacts on Public vView eCorridors.
- b. Utilities, traffic signals, and public and private signs and lights shall not adversely impact Public vView eCorridors, consistent with safety needs.

- c. Where important public vistas of distant landscape features occur along streets, street trees shall be selected and planted so as to facilitate viewing of the distant features.
- d. Street trees planted along designated ~~Public View Corridors~~ Public View Corridors ~~should~~ shall have narrow form and open structure to allow greater visual access. Street trees ~~should~~ shall be carefully placed and/or properly pruned, following best arboricultural practices, to achieve the desired goals without interruption of significant public views to and along the ocean.

~~VIS-4 VIS-7~~ **Street Design.** Respect and enhance both Scenic Corridors and Public View Corridors in the design and layout of streets.

~~VIS-5 VIS-8~~ **Parks and Trails.** Locate and design parks and pedestrian and bicycle trails to take advantage of ocean, canyon and hillside views. New public and private development adjacent to ~~Public View Corridors~~ Public View Corridors shall incorporate public trails, recreation areas and view corridors where feasible.

~~VIS-6 VIS-9~~ **Underground Utilities.** Utilities shall be located underground to avoid the adverse impacts to aesthetic resources caused by public utilities and unmanned telecommunications antennas and facilities, where feasible and where costs of such undergrounding does not pose economic hardship. Where undergrounding is determined by the City to not be physically possible, such features shall be located and designed to reduce their visibility, not adversely impact public view corridors to and along the ocean, and be consistent with prevailing architectural character and scale. In beaches, parks and open spaces areas, such facilities shall be designed and located to blend in with natural colors, textures and landforms.

~~VIS-11 VIS-10~~ **Development Review.** Review and require changes to development proposals, as needed, to minimize obstructions of designated significant public views and designated ~~scenic~~ Public View Corridors, and to ensure public and private development projects in the Coastal Zone use ~~are~~ of high-quality materials and are designed to be attractive and aesthetically compatible with adjacent structures, site improvements, utilities and landscape features.

~~VIS-16 VIS-11~~ **Building Heights and Setbacks.** Review the heights and setbacks of all new and re-developed structures in the Coastal Zone to ensure the preservation of existing public views to and along the ocean, scenic coastal areas, and existing or new Public View Corridors designated on Figures 6-1, 6-1a and 6-2 ~~visual corridors and the maintenance of an open, scenic quality within each corridor.~~ Structures shall not exceed the height limits identified in Chapter 2, Section 2.3 Land

Use Designations, Table 2-1. Structures may be required to be lower than the maximum height limit in order to protect, restore and/or enhance public views.

~~**VIS-20**~~ **VIS-12** **Public View Analysis Impacts from Shoreline.** All proposed large-scale When appropriate, new development and redevelopment projects which have, or will have, the potential to impact public ocean views to and along the ocean and scenic coastal areas, shall ~~prepare~~ require an analysis of the effect of the proposed project on public views to the ocean. This analysis shall accurately pictorially, digitally, photographically, or physically, indicate the proposed site in its current state and compare it with an illustration showing the proposed building volume (at the same scale) in its proposed location.

~~**VIS-15**~~ **VIS-13** **Siting New Development.** ~~Restrict~~ Development on sandy beach areas to those structures directly supportive of visitor-serving recreational and public safety uses, such as lifeguard towers, recreational equipment, and restrooms/showers, and design and site such structures shall be designed and sited to minimize impacts to public coastal views.

Suggested Modification: Revise figure to: 1) revise title of Figure 6-1 from “Public View Corridors” to “Scenic Corridors and Scenic Roadways,” 2) limit map area to Scenic Corridors (Scenic Roadways) within coastal zone only; 3) depict Scenic Corridors as either Major and Minor Scenic Corridors (Scenic Roadways) and identify them by name (e.g., Avenida Pico and Ola Vista are not identified on this figure as existing Scenic Corridors); 4) identify any “Freeway Gateways” within the coastal zone in this figure; and 5) place this figure following Policy VIS-3, instead of after VIS-13.

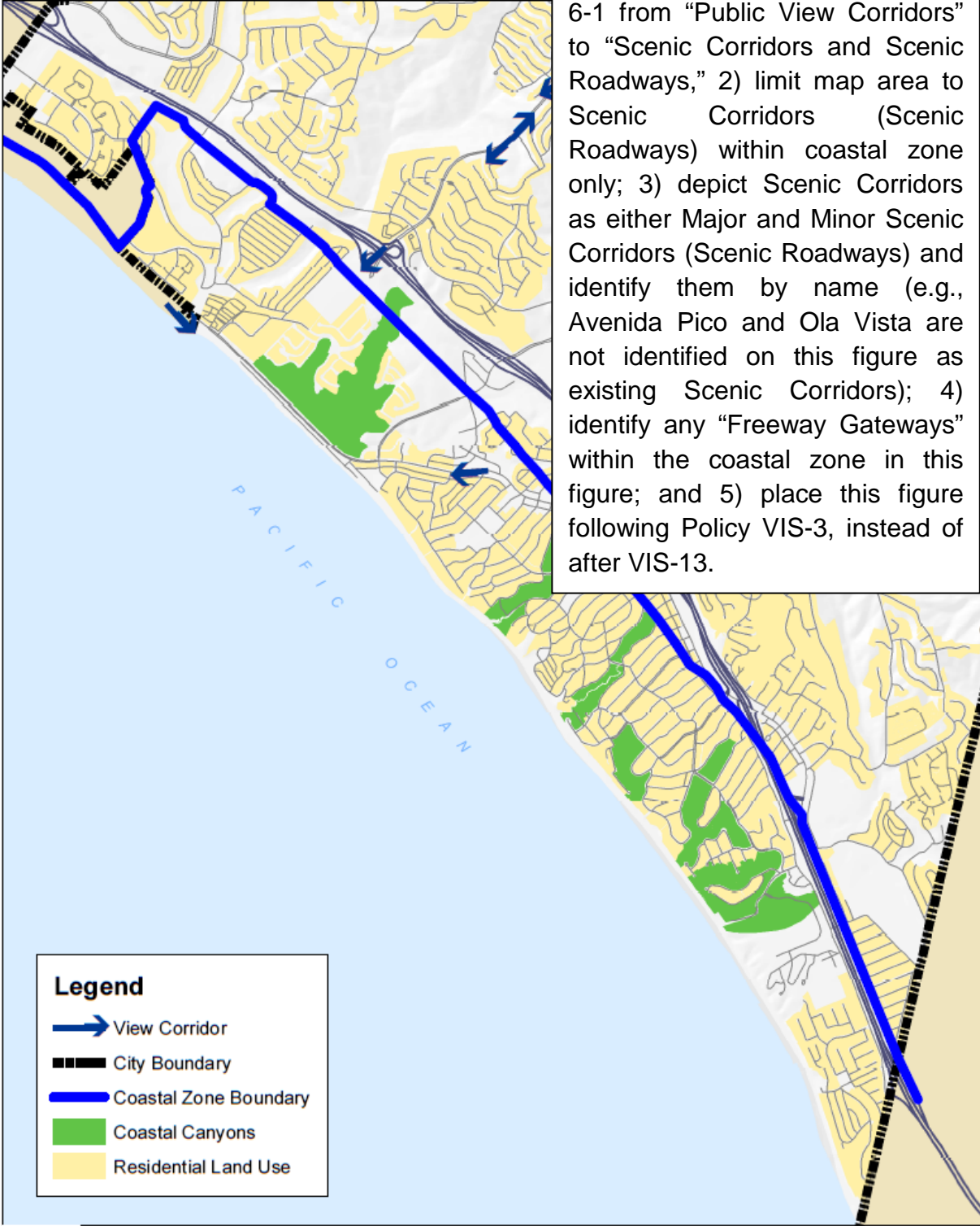


Figure 6-1
Public View Corridors



North Beach - Public View Corridors



Pier Bowl Area - Public View Corridors

Suggested Modification: Revise figure to: 1) revise the number of this figure to Figure 6-2 titled “Public View Corridors” to provide a clearer distinction from Figure 6-1 depicting “Scenic Corridors/Roadways”; 2) provide a legend identifying symbols and their meaning (e.g., a vista/viewpoint vs. a wider view cone); 3) identify and depict all public view points at Marblehead (i.e., public views of/to coastal canyons and from coastal canyon vantage points and any that may exist along new public roadways are not depicted here), 4) identify and depict all Public View Corridors as large areas of the City are not included in this exhibit, (i.e., Public View Corridors south of Trafalgar Canyon, at T-Street, Leslie Park, atop all bluff public access way points, along the beach trail, and from the State Park/Beach are left out); and 5) place this figure following VIS-6 instead of VIS-13.

~~VIS-9~~ VIS-14 **Coastal Canyon Visual Resources Restoration.** Promote the restoration of coastal canyons with native landscaping to enhance as a visual resources in a manner that is consistent with the goals of the City and the Coastal Act.

VIS-15 **Preservation of Open Space in Coastal Canyons.** Preserve the designated undeveloped "natural" coastal canyon areas where appropriate that were originally intended to function as open space (See Figure 4-1: Coastal Canyons in Chapter 4).

~~VIS-21~~ VIS-16 **Development Design.** Development shall be designed and sited to maintain the natural topographic and physiographic characteristics of the project site including the:

- a. Minimization of the building pad area and height of cuts and fills;
- ~~b. Minimization of pad sizes;~~
- b. c.—Encouragement of the "stair stepping" of structures to conform to slopes (by use of retaining walls and other elements); and
- c. d.—Configuration of sites to reflect natural topography, by the clustering of sites and units on lesser slope and avoiding extensive fragmentation of steeper slope and/or other techniques.

~~VIS-7~~ VIS-17 **Trees as Screening Tool.** Where screening of public utilities and/or telecommunication facilities is determined by the City to be desirable, the strategic location, selection, planting and maintenance of trees or other plant materials will be considered as a tool for screening or redirecting views provided they do not adversely affect existing Public View Corridors to the shore/beach.

~~VIS-17~~ VIS-18 **Compatible Landscaping.** Require new development and re-development to provide landscaping themes that are compatible with and reinforce the visual character of the community adjacent, designated scenic corridors.

~~VIS-19~~ VIS-19 **Design and Maintenance Plan.** Support Require and implement the creation of a long-term Master Scenic Corridor Landscape Plan for the proper design, installation and maintenance of sScenic hHighways and sScenic eCorridors elements, including the responsibilities for the maintenance of such as landscaping and roadway surfaces to be fulfilled by homeowners' associations, community service districts, private owners and public agencies.

~~VIS-22~~ VIS-20 **Fences.** The location and design of proposed fences that impact Public View Corridors ~~should~~ shall be evaluated on properties that are in or adjacent to Public View Corridors to ensure the fences are an open design to not adversely impact the Public View Corridor.

~~**VIS-23** **VIS-21** **Construction Staging Areas.** The location of construction staging areas for new developments ~~should impact the in or adjacent to the pPublic vView eCorridors~~ should be considered when they are in or adjacent to a Public View Corridor. ~~If feasible, staging areas for development projects should be located out of Public View Corridors.~~ shall not adversely impact the Public View Corridors, to the maximum extent feasible.~~

Suggested Modification: Delete this Figure as its intent is unclear. "Major/Minor Urban Corridors" and "Major/Minor Recreation Corridors" are terms not used or defined in the LUP language, policies, or definitions and incorporate/identify any "Freeway Gateways" in the Coastal Zone into Figure 6-1, per Suggested Modifications to that figure.

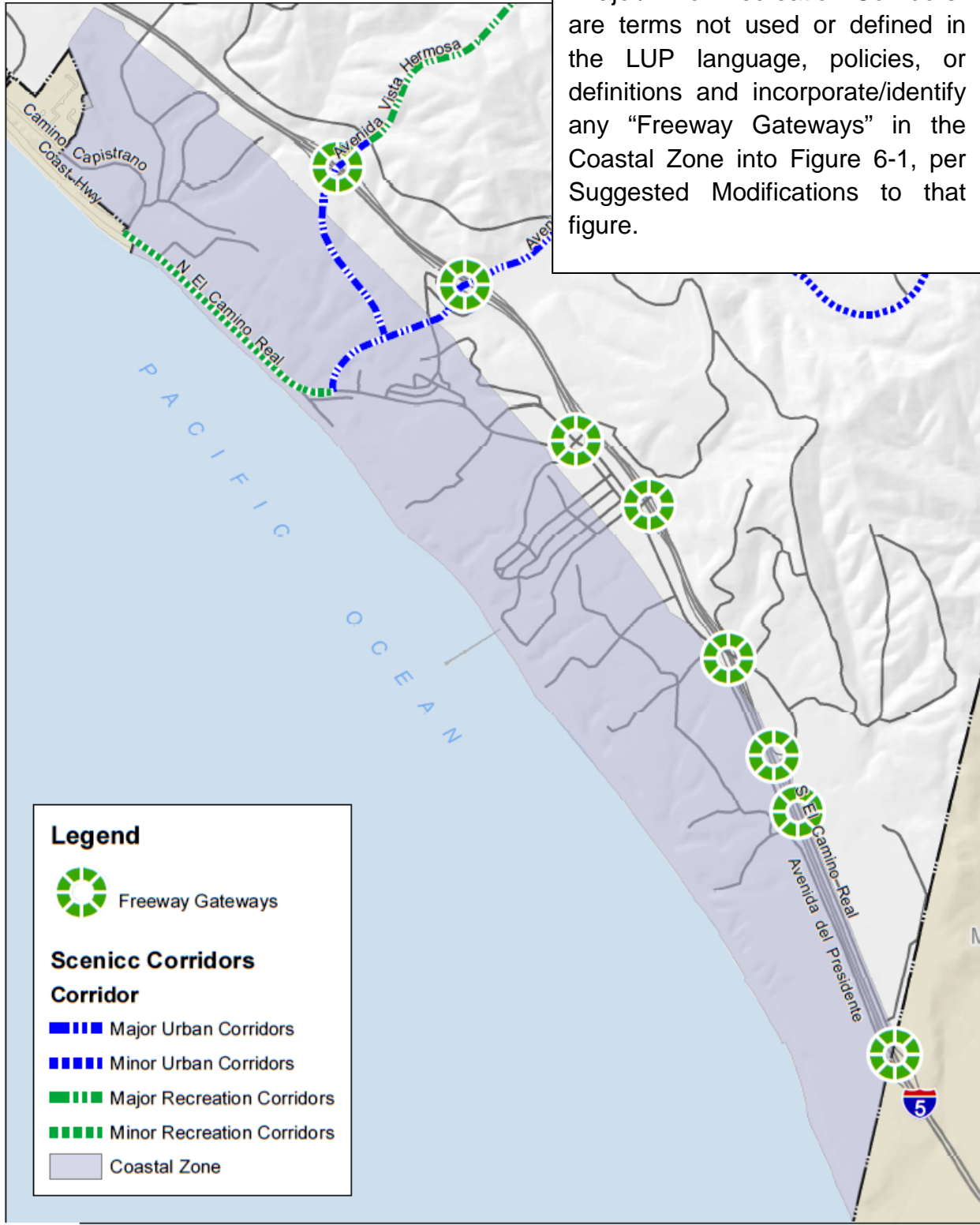
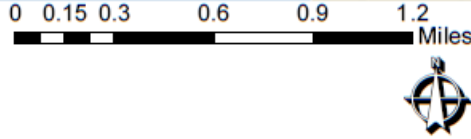


Figure 6-2
 Scenic Roadway Corridors



6.3.2 Historic & Cultural Resources

CUL-1 Cultural Resources. Protect cultural resources, including historical, archaeological ~~and~~ or paleontological features in the Coastal Zone. Where necessary to protect cultural resources, new development shall include an appropriate pre-development investigation to determine, in the least destructive manner, whether cultural resources are present. The pre-development investigation shall include recommendations as to how the site can be developed and designed to avoid or minimize significant impacts to cultural resources. In situ preservation and avoidance are the preferred alternative over recovery and/or relocation in the protection of paleontological and archaeological resources. When in situ preservation or site capping is not feasible, recovery and/or relocation may be considered. Native American tribal groups with cultural affiliation to the project site area as identified by the Native American Heritage Commission shall have the opportunity to review and comment on the pre-development plan as required by AB52 (2014). Archaeologists and representatives from Native American tribal groups shall provide monitoring during grading/excavation and construction activities of any approved development that has the potential to adversely impact any on-site significant cultural resources. ~~such that the new development may be re-designed to avoid and minimize impacts, protect and preserve resources from destruction, including requirements for in situ or site-capping preservation plans or, where in situ preservation isn't feasible, recovery plans to mitigate the effects of the development, notification requirements to native American tribes linked to the resources, and including on-site monitoring requirements to include scientific and cultural monitors.~~

CUL-2 Historic Resources Community Appreciation. Promote community appreciation for the unique history of the San Clemente area and community involvement in its retention and preservation.

CUL-3 ~~CUL-2~~ **Historic Resources City Gateways.** Preserve and incorporate public views of historic resources in the designing and constructing construction of City Gateway improvements, ~~we preserve and incorporate public views of historic resources.~~

CUL-4 ~~CUL-3~~ **Architectural, Historical, Archaeological and Cultural Resource Preservation and Restoration.** Provide for the identification, preservation and restoration of the sites, structures, districts and cultural landscapes which have architectural, historical, archaeological, and/or cultural significance.

CUL-5 Historic Resources Inventory. Maintain and periodically update the City of San Clemente's inventory of historic properties for buildings, objects, structure, and monuments having importance to the history or architecture of San Clemente. Maintain

a Liaison between State Historic Preservation Officer and the City relative to cultural/historic structures and properties ~~shall be maintained.~~ to advise and assist, the City as appropriate, in carrying out their historic preservation responsibilities.

CUL-6 ~~CUL-8~~—*Planning*. Incorporate historic and cultural preservation as an integral part of planning, development and environmental review for new development and re-development, where appropriate.

CUL-7 ~~CUL-9~~—*Process*. Maintain regulations, policies, and fees that support, encourage and ease the process for historic preservation, rehabilitation, restoration, and adaptive reuse.

CUL-8 ~~CUL-6~~—*Adaptive Reuse*. Encourage adaptive reuse of historic resources to preserve them and prevent architecturally inappropriate changes, disrepair and demolition.

CUL-9 ~~CUL-4~~—*Property Maintenance*. Require owners of historic resources to maintain their property in a manner which preserves the property's historic integrity.

CUL-10 ~~CUL-21~~—*Historic Incentives*. Provide incentives to private owners of historic resources to maintain and/or enhance their properties in a manner that will conserve the integrity of such resources in the best possible condition, so long as adverse impact to public access and coastal resources are minimized.

CUL-11 ~~CUL-10~~—*Flexible Development Standards*. Provide flexible development standards for historic resources, in the interests of maintaining the resources historic and architectural integrity, so long as adverse impact to public access and coastal resources are minimized.

CUL-12 ~~CUL-7~~—*State and Federal Standards*. Ensure projects follow the Secretary of Interior Standards for the Treatment of Historic Properties and standards and guidelines as prescribed by the State Office of Historic Preservation for any State or Federally listed historic resources or properties eligible for historic listing.

CUL-13 ~~CUL-20~~—*New Development*. Through the design review process, encourage that new development and re-development is compatible with adjacent existing historic structures in terms of scale, mass, building materials and architectural treatment.

CUL-14 ~~CUL-5~~—*Historic Resource Mitigation Requirement*. Require mitigation of Avoid significant, adverse impacts to onsite and nearby historic resources as part of the coastal development permit process. If impacts to historic resources are unavoidable, appropriate mitigation shall be required.

CUL-15 ~~CUL-13~~—*Architectural Overlay District.* Require that new buildings and ~~m~~Major building ~~r~~Remodels in the Del Mar/T-Zone, North Beach, and Pier Bowl areas, and on portions of El Camino Real designated with an Architectural Overlay District on Figures 2-1 (A-G) utilize Spanish Colonial Revival architecture.

CUL-16 ~~CUL-18~~—*Architectural Quality.* Ensure that the City's architecture in key community and tourist/visitor-serving areas maintains a high quality of design consistent with the City's history.

CUL-17 ~~CUL-14~~—*Preserving Distinctive Architecture.* ~~Require~~ Encourage applicants for projects involving new development buildings, additions and remodels to follow design standards (per the Implementation Plan) for Spanish Colonial Revival architectural style, except that remodels of architecturally significant buildings eligible or potentially eligible for historic listing with distinctive styles other than Spanish Colonial Revival, such as Post-Modern and Mid-Century Modern architectural styles, should reinforce the buildings' original architectural design.

CUL-18 ~~CUL-11~~—*Encourage Arts, Heritage and Culture.* Encourage, support and promote a range of arts, crafts, heritage and cultural experiences, art exhibitions and performances in public places and civic buildings, historic resources, and parks, and pedestrian-oriented districts.

CUL-19 ~~CUL-12~~—*Surfing and Beach Cultures.* Recognize and help support the work of artists and organizations that promote, preserve and celebrate San Clemente's rich surfing history, culture and art.

CUL-20 ~~CUL-15~~—*Historically Significant Trees and Public Landscapes.* Require that historically significant trees and public landscapes are be designated as historic resources and are preserved, wherever possible.

CUL-21 ~~CUL-16~~—*Native Trees.* Encourage the planting of Native California trees where their use is aesthetically, horticulturally and ecologically appropriate. Examples of potentially appropriate species include Coast Live Oak, California Sycamore and White Alder.

CUL-22 ~~CUL-17~~—*Tree Preservation.* Make every effort to preserve mature trees before considering tree removal. Preferred approaches, where possible, include modifying street improvements to preserve trees or using best horticultural practices such as watering and fertilizing, pest control, pruning, staking and guying.

CUL-23 ~~CUL-19~~—*Romantica.* ~~Require that the existing Casa Romantica building be preserved and that any rehabilitation or adaptive reuse be in accordance with the Federal Guidelines for Historic Preservation. |~~

CUL-24 ~~**CUL-22**~~ ***Western White House***. Commemorate San Clemente's historical significance as location of "The Western White House".

CUL-25 ~~**CUL-23**~~ ***Park and Open Space Development***. Emphasize the protection, enhancement, and sensitive development of park and open space areas which possess great scenic, environmental, historic, and cultural values.

CUL-26 ***Passive and Open Space***. Designate lands for the provision of passive and visual open space on the Coastal Land Use Plan Map, which provide a balance to the urban and suburban development of the Coastal Zone.

Plain Text and **Plain Bold Text Headings** = City proposed LUP language
Underlined Text = CCC Suggested Modification, Inserted Language
~~StrikeOut Text~~ = CCC Suggested Modification, Deleted Language

CHAPTER 7.0: ACRONYMNS AND DEFINITIONS

Acronyms

The following acronyms are used in this LUP.

CDFW California Department of Fish and Wildlife

CSLC California State Lands Commission

EPA Environmental Protection Agency

NPDES National Pollutant Discharge Elimination System

NPS National Park Service

NRHP National Register of Historic Places

PL Plate Line

TOR Top of Roof

USACE United States Army Corps of Engineers

Definitions

For the purpose of the Land Use Plan, certain terms shall be defined as set forth in this chapter. Terms not included shall be defined by the California Coastal Act or in the City of San Clemente General Plan, ~~or if not listed, shall be construed in accordance with Chapter 17.88 of the San Clemente Municipal Code,~~ or if not defined herein, with accepted standard usage. Words used in the present tense shall include the future; words in the singular shall include the plural; the words “will” and “shall” are mandatory and the word “may” is permissive. The word “should” refers to policy guidance which must be followed in the absence of compelling, opposing considerations identified by the City.

For the purposes of the Coastal Zone, the following definitions shall apply:

1. **“ACTIVE RECREATIONAL AREA”** means an area used for a variety of physically active intense recreational uses such as, but not limited to basketball, tennis, volleyball, softball, soccer, golf or other recreational activities or sports playing fields. activities.

2. **“ADJACENT STRUCTURE”** means a structure located on a lot contiguous (sharing a property line) with the proposed structure or development.
3. **“AFFORDABLE HOUSING”** means housing that is rented or sold for an amount that is limited by a set percentage of the County median income, adjusted for family size, as reported and updated annually by the Department of Housing and Community Development (HCD).
4. **“APPEALABLE AREA”** means the geographic area identified in section 30603 of the California Public Resources Code which is generally depicted on the Local Coastal Program Post Certification Map as "Appeal Jurisdiction." Appeals boundaries are determined based on the criteria detailed in Title 14 California Code Regulations Section 13577.
5. **“APPEALABLE COASTAL DEVELOPMENT PERMIT”** means after certification of the LCP, an action taken by the City on a coastal development permit application that in an appealable area may be appealed to the California Coastal Commission according to the standards set forth in section 30603(a) of the California Public Resources Code for the following types of developments only:
- (1) Developments approved by the City between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance;
 - (2) Developments approved by the City not included in paragraph 1 that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff;
 - (3) Developments approved by the City not included within paragraph (1) or (2) that are located in a sensitive coastal resource area.
 - (4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).
 - (5) Any development which constitutes a major public works project or a major energy facility.
6. **“APPLICANT”** means any person, partnership, ~~corporation~~ corporate entity, or state, ~~or local, or other~~ government, agency applying for a Coastal Development Permit.

7. ~~“**APPROVING AUTHORITY**” means the City Planner, City Council, Planning Commission, or Zoning Administrator approving a Coastal Development Permit.~~
8. **“AREA OF SPECIAL FLOOD HAZARD”** is the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). ~~After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V.~~ For purposes of these regulations, the term “special flood hazard area” is interchangeable synonymous in meaning with the phrase “area of special flood hazard.”
9. **ARMOR** To fortify a structure or topographical feature to protect it from the effects of wave action, erosion and other natural forces (e.g., constructing a wall to armor the base of a coastal bluff sea-cliff). ~~(Newport Beach LUP)~~
10. **ARMOR ROCK or ARMOR STONE**): Natural or man-made rock or rock-like structures that are used for shoreline protection. Commonly, armor rock is used as the outermost layer of a groin or revetment. Many forms of these rocks are utilized; their overall stability depends largely on the type of mechanical interlock between the units, and in-place fitting. ~~(Newport Beach LUP)~~
11. **“BEACH”** The expanse of sand, gravel, cobble or other loose material that extends landward from the low water line to the place where there is distinguishable change in physiographic form, or to the line of permanent vegetation. The seaward limit of a beach (unless specified otherwise) is the mean low water line.
12. **“BEACH FRONT”** means an area of land that is adjacent to or upon the beach and ~~the edge of the ocean.~~
- “BEACH GROOMING” means the mechanical raking or sifting of beach sand to remove debris or litter, or level or re-contour the beach.
- “BICYCLE TOURISM” means any travel-related activity which incorporates a bicycle.
13. **“BIOLOGIST”** is a qualified expert with a B.S. or B.A. or equivalent degree in biology, environmental studies, fisheries, ecology geomorphology, or related field, from an accredited university, and at least two years of field and/or laboratory

experience in evaluation of land use impacts on fish and wildlife species and their habitats, with evidence of peer-reviewed publications or other related professional literature. Biologists who conduct wetland delineations shall have completed the U.S. Army Corps of Engineers' "Reg IV" wetland delineation training or the equivalent, and shall have demonstrated ability to independently conduct wetland delineations.

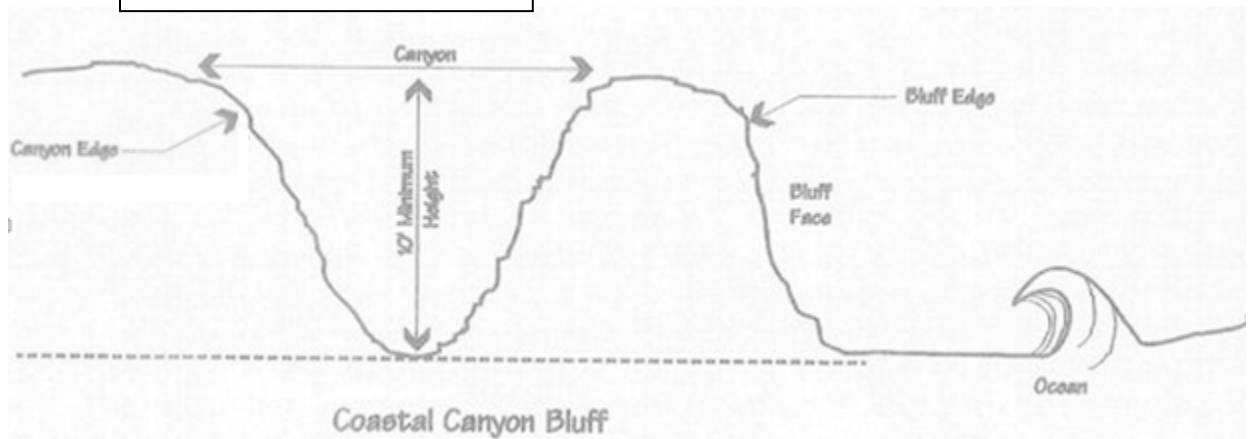
~~14. "BLUFF" means a high bank or bold headland with a broad, precipitous, sometimes rounded cliff face overlooking a plain or body of water. A bluff may consist of a steep cliff face below and a more sloping upper bluff above.~~

15. "**BLUFF, COASTAL**" A bluff overlooking the a beach or shoreline or that is subject to marine erosion. Many coastal bluffs consist of a gently sloping upper bluff and a steeper lower bluff or sea cliff. The term "coastal bluff" refers to the entire slope between a marine terrace or upland area and the sea. ~~The term "sea cliff" refers to the lower, near vertical portion of a coastal bluff.~~ For purposes of establishing jurisdictional and permit boundaries coastal bluffs include, (1) those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and (2) those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified as an Appealable Area.

16. "**BLUFF EDGE**" The upper termination of a bluff, cliff, or seacliff: In cases where the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes related to the presence of the steep bluff face, the bluff line or edge shall be defined as that point nearest the bluff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the bluff. In a case where there is a step like feature at the top of the bluff face, the landward edge of the topmost riser shall be taken to be the bluff edge. Bluff edges typically retreat landward due to coastal erosion, landslides, development of gullies, or by grading (cut). In areas where the bluff top or bluff face has been cut or notched by grading, the bluff edge shall be the most landward ~~most~~ position of either the current or ~~of~~ historic bluff edge. In areas where fill has been placed near or over the historic bluff edge, the original natural bluff edge, even if buried beneath fill, shall be taken to be the bluff edge. (Refer to Figure 7-1).

Suggested Modification to delete Figure 7-1.

Figure 7-1



47. **“BLUFF FACE”** means the portion of a bluff between the bluff edge and the toe of the bluff. It is the steep surface of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding, uplifting or excavation of the land mass. The bluff face may be a simple planar or curved surface or it may be step-like in sections.

48. **“BLUFF PROTECTIVE RETENTION DEVICE”** means a structure or other device, including, but not limited to, coastal structures, upper bluff systems, and temporary emergency devices, designed to retain the bluff and protect an existing a bluff home or other principal structure, or coastal dependent use from the effects of wave action, erosion, and other natural forces.

“BLUFFTOP RETREAT” means the landward migration of the bluff or cliff edge, caused by marine erosion of the bluff or cliff toe and other forms of erosion of the bluff face.

49. **“BMPs (BEST MANAGEMENT PRACTICES)”** Schedules of activities, prohibitions of practices, operation and maintenance procedures, and other management practices to prevent or reduce the conveyance of pollution in stormwater and urban runoff, as well as, treatment requirements and structural treatment devices designed to do the same.

20. **“BREAKWATER”** means a shoreline protective device structure or barrier protecting a shore area, harbor, anchorage, or basin from waves, usually constructed as a concrete or riprap (rock wall) structure that is parallel to the shore.

21. **“BUFFER”** means a development setback that provides essential open space between development and protected habitat and keep disturbance at a distance. Buffers should be measured from the delineated boundary of an ESHA or wetland or, for streams, from the top of bank or the landward edge of riparian vegetation, whichever provides the larger buffer.

22. **“BULKHEAD”** A type of shoreline protective device consisting of vertical walls built into and along the Harbor shoreline preventing the erosion of land into the water and to protect the land from wave, tide and current action by the water, similar to a “retaining wall” on land. Bulkheads may be directly bordered by water, or may have sloped stones (riprap) or sandy beach located between the bulkhead and the water and land areas. (Newport Beach LUP)

“CAISSON” Means a subsurface support structure. A Caisson is a shaft or shafts of steel reinforced concrete placed under a building column, foundation or wall and extending down to hardpan, bedrock or competent material as defined or approved by a soils engineer or geologist. Caissons, for this definition, are drilled into position and are used to carry surface building loads and/or to carry surface building loads from anticipated future loss of support (i.e. “slope failure”). Also known as a pier foundation.

23. **“CALIFORNIA COASTAL TRAIL (CCT)”** is a continuous interconnected public trail system along the California coastline. It is designed to foster appreciation and stewardship of the scenic and natural resources of the coast and serves to implement aspects of Coastal Act policies promoting non-motorized transportation. The Trail system is to be located on a variety of terrains, including the beach, adjacent to the rail line, bluff edge, and hillsides providing scenic vantage points, ~~and within the highway right-of-way~~. It may take many forms, including informal footpaths, paved sidewalks, and separated bicycle paths. When no other alternative exists, it sometimes connects along the shoulder of the road. While primarily for pedestrians, the Trail also accommodates a variety of additional user groups, such as bicyclists, wheelchair users, equestrians, and others as opportunities allow. The CCT consists of one or more parallel alignments. It is intended that the CCT system shall be designed and implemented to achieve the following goals and objectives:

- a) Provide a continuous walking and hiking trail as close to the ocean as possible;
- b) Provide maximum access for a variety of non-motorized uses by utilizing alternative trail segments where feasible;

- c) Maximize connections to existing and proposed local trail systems;
- d) Ensure that the trail has connections to trailheads, parking areas, interpretive kiosks, inland trail segments, etc. at reasonable intervals;
- e) Maximize ocean views and scenic coastal vistas; and,
- f) Provide an educational experience where feasible through interpretive facilities.

“COASTAL CANYON, COASTAL” means any valley, gorge, or similar landform which has a vertical relief of ten feet or more. (Refer to Figure 7-4 4-1).

24. CANYON EDGE” The upper termination of a canyon: In cases where the top edge of the canyon is rounded away from the face of the canyon as a result of erosional processes related to the presence of the canyon face, the canyon edge shall be defined as that point nearest the canyon beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the canyon. In a case where there is a step like feature at the top of the canyon face, the landward edge of the topmost riser shall be taken to be the canyon edge. (Refer to Figure 7-1).

25. “CATEGORICAL EXCLUSION” is a provision of the Coastal Act (Section 13240), which allows Refers to certain categories of development which the Coastal Act authorizes the Coastal Commission to be excluded from the requirement to obtain a CDP where the Commission has found there is no potential for significant adverse effect on coastal resources. (Reference California Public Resources Code section 30610(e) and 14 CCR section 13240 et seq.)

26. “CDFW” California Department of Fish and Wildlife.

27. “CERTIFIED LAND USE PLAN (LUP)” means a plan for the use of property within the Coastal Zone which has been adopted by the local government and certified by the California Coastal Commission pursuant to the California Public Resources Code.

28. “CERTIFIED LOCAL COASTAL PROGRAM (LCP)” means a program for the use of property within the Coastal Zone. The Local Coastal Program includes the Land Use Plan and specific regulations, and land use regulation maps, which have been adopted by the local government and certified by the California Coastal Commission pursuant to the Public Resources Code. Local governments with certified LCPs can issue Coastal Development Permits.

29. “CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)” Legislation and corresponding procedural components established in 1970 by the

State of California and corresponding regulations codified at California Public Resources Code section 21000 et seq. and Title 14 California Code of Regulations section 15000 et seq., respectively. It is the legislative intent of CEQA that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage. (Reference California Public Resources Code section 21000.) ~~to require environmental review for projects anticipated to result in adverse impacts to the environment.~~

30. “COASTAL ACCESS” means the ability of the general population to reach, use or view the shoreline, beach or coastal recreation areas. ~~an area dedicated to provide public access to the beach or for public viewing of the shoreline.~~

31. “COASTAL ACT” means the California Coastal Act of 1976, as amended, and corresponding regulations codified at California Public Resources Code section 30000 et seq. and Title 14 California Code of Regulations section 13001 et seq., respectively.

32. “COASTAL BLUFF” ~~means any landform that has vertical relief of ten feet or more that is adjacent to the coast. See also “Bluff, Coastal”. (Refer to Figure 7-1).~~

33. “COASTAL CANYON” ~~means any valley, or similar landform which has a vertical relief of ten feet or more. (Refer to Figure 7-1).~~

34. “COASTAL CLIFF” ~~means any steep vertical landform which has a vertical relief of ten feet or more.~~

35. “COASTAL BLUFF, CANYON FACE, CLIFF FACE” ~~means a sharp or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding, uplifting or excavation of the land mass. The canyon or bluff face may be a simple planar or curved surface or it may be step-like in section (Refer to Figure 7-1).~~

36. “COASTAL COMMISSION” means the California Coastal Commission, the state agency established by state law responsible for carrying out the provisions of the Coastal Act, and responsible for certifying local coastal programs (LCPs) and amendments thereto, and including and— ~~for reviewing~~ of coastal development permits on appeal from ~~from~~ local agencies.

37. “COASTAL-DEPENDENT DEVELOPMENT OR USE” means any development or use that requires a site-on, or adjacent to, the sea to be able to function at all. (Reference California Public Resources Code section 30101.)

38. “COASTAL DEVELOPMENT PERMIT (CDP)” means a permit for any development ~~or use~~ within the coastal zone that is required pursuant to ~~this Plan~~ and ~~of~~ subdivision (a) of Coastal Act Section 30600. (Reference California Public Resources Code section 30101.5.)

39. “COASTAL-RELATED DEVELOPMENT” means any use that is dependent on a coastal-dependent development or use. (Reference California Public Resources Code section 30101.3.)

40. “COASTAL SAGE SCRUB” means a type of habitat vegetation community which includes, but are not limited to, the following: many species of Dudleya, Calandrinia maritima, Cleome isomeris, Coreopsis gigantea, Eriogonum giganteum, Eriogonum grande, Eriophyllum nevinii, Galvesia speciosa, Haplopappus venetus, Hemizonia clementina, Lavatera assurgentiflora, Malacothrix saxatilis, Phacelia lyonii, and Rhus integrifolia, plus two species of Polypodium, Artemisia californica, Crossosoma californicum, Diplacus species, Encelia californica, Eriogonum fasciculatum, Galium, Haplopappus, Helianthemum, Lotus, Lupinus, Malacothamnus, and Opuntia species, Malosma laurina, Salvia spp., Senecio, and Solanum species, and Toxicodendron radicans diversilobum, the sprawling Marah macrocarpus and Calystegia macrostegia, and many other showy herbs like species of Castilleja, Haplopappus, Lotus, Lupinus, and Zauschneria, and Eriophyllum confertiflorum.

41. “COASTAL ZONE” means the land and water area ~~boundaries~~ established by the State Legislature as defined in Coastal Act Section 30103. (For a graphic depiction of the coastal zone within the City of San Clemente, refer to the coastal boundary indicated on Figure 1-1, Coastal Zone Boundaries). (Reference California Public Resources Code section 30103.)

“COMPLETE STREETS” means streets that comfortably accommodate all users, with particular emphasis on pedestrians, bicyclists, and public transportation, as well as people of all ages and physical abilities. The Complete Streets Act of 2008 requires circulation elements to incorporate multimodal transportation into the General Plan.

42. “CUMULATIVE EFFECT” means the incremental effects of an individual project reviewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects. (Reference California Public Resources Code section 30105.5).

“DEMOLITION” means the intentional removal, or destruction of any portion of a building or structure.

43. “DEVELOPMENT” means ~~the placement or erection,~~ on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the California Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, or timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provision of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 45.11). As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

44. “EDGE” ~~means the upper termination of a bluff, canyon, or cliff. When the top edge is rounded away from the face as a result of erosional processes related to the presence of the steep bluff, canyon, or cliff face, the edge shall be defined as that point nearest the face beyond which the downward gradient of the land surfaces increases more or less continuously until it reaches the general gradient of the bluff, canyon, or cliff. In a case where there is a step-like feature at the top of the bluff face, canyon, or cliff face, the landward edge of the topmost riser shall be taken as bluff edge, canyon edge, or cliff edge (Refer to Figure 7-1).~~

45. “EMERGENCY” means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss of or damage to life, health, property or essential public services. (Reference Title 14 California Code of Regulations section 13009.)

“MAJOR ENERGY FACILITY” means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy ~~energy facility as defined by the (Reference California Public Resources Code Section 30107) and exceeding \$50,000 in estimated cost of construction.~~

“ENVIRONMENTAL JUSTICE” means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

46. “ENVIRONMENTALLY-SENSITIVE HABITAT AREA (ESHA)” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments (Public Resources Code section 30107.5).

47. “EPA” Environmental Protection Agency.

48. “EROSION” the wearing away of land by natural or man-made forces. ~~On a beach, the carrying away of beach material by wave action, currents or the wind.~~

“EROSION RATES” means the rate of erosion averaged over a given period of time or projected for future shoreline change conditions.

“ESHA BUFFER” means a development setback that provides ~~essential~~ open space between development and protected habitat in order to ~~and~~ keep disturbance at a distance. Buffers shall ~~should~~ be measured from the delineated boundary of an environmentally sensitive habitat area (ESHA) or wetland or, for streams, from the top of bank or the landward edge of riparian vegetation, whichever provides the larger buffer.

“ESTUARY” means a coastal water body, usually semi-enclosed by land, having open, partially obstructed, or intermittent exchange with the open ocean, and in which ocean water is at least occasionally diluted by freshwater from the land. The salinity level maybe periodically increased to above that of the open ocean due to evaporation. (Reference Title 14 California Code of Regulations section 13577(c).)

49. “EXECUTIVE DIRECTOR” means the Executive Director of the California Coastal Commission.

“FACTOR OF SAFETY” means the stability of a slope as expressed as the ratio of the resisting forces (forces which tend to resist movement of a slope) to the driving forces (forces which tend to cause movement).

50. “FEASIBLE” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. (Reference California Public Resources Code section 30108.)

51. “FIRST PUBLIC ROAD PARALLELING THE SEA”. ~~The road nearest the sea, as defined in this Section, and which meets all of the following criteria:~~ shall mean that road nearest to the sea, as defined in this Section 30115 of the Public Resources Code, and which meets all of the following criteria:

- a. ~~The road is lawfully open to and suitable for uninterrupted public use and is suitable for such use~~ use by the public;
- b. ~~The road is publically maintained by a public agency;~~
- c. ~~The road contains~~ is an improved all-weather road surface open to motor vehicle traffic in at least one direction;
- d. ~~The road is not subject to any restrictions on use by the public except during when closed due to an emergency or when closed temporarily for military purposes; and~~
- e. ~~The road connects~~ Does in fact connect with other public roads providing a continuous access system, and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries, and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.

(Reference Title 14 California Code of Regulations section 13011)

52. “FRACTIONAL OWNERSHIP /LIMITED USE ACCOMMODATIONS” ~~shared ownership of a vacation or resort property by people in an arrangement which allocates usage rights based on time. Facility providing overnight visitor accommodations where at least some of the guestrooms (units) within the facility are owned separately by multiple owners on a fractional time basis. A fractional time basis means that an owner receives exclusive right to use of the individual~~

unit for a certain quantity of days per year and each unit available for fractional ownership will have multiple owners.

53. “FUEL MODIFICATION” means controlling the types, density, and moisture content of plants (or fuel) around structures to create a defensible space with respect to wildfire risk.

54. “GATEWAY”: ~~Gateways are~~ means urban places located at important entry points, as defined in the City's General Plan, into aesthetically pleasing, memorable and understandable arrival places within the City. Gateways are typically located in high visibility areas, close to major transportation facilities that, due to their visual prominence, that shape the aesthetic character of their surroundings.

“GEOLOGIC HAZARD” means a risk associated with geologic processes or events.

55. “GREENHOUSE GAS (GHG)” A balance of naturally occurring gases in the atmosphere determines the earth's climate by trapping solar heat through a phenomenon known as the greenhouse effect. GHGs, including carbon dioxide, methane, nitrous oxide, chlorofluorocarbons, and water vapor, keep solar radiation from exiting our atmosphere. In a process very similar to the windows on a greenhouse, GHGs trap so much heat that the temperature within the eEarth's atmosphere is rising. GHGs are emitted through both natural processes and human activities. Emissions from human activities, such as electricity production, motor vehicle use, and agriculture, are contributing to the concentration of GHGs in the atmosphere and have led to a trend of unnatural warming of the eEarth's climate, which is known as global warming.

56. “GROIN” is a shoreline protective device ~~protection~~ ~~structure~~ built, usually perpendicular to the shoreline, to retain nearshore sediment and reduce erosion of the beach or shore. A series of groins acting together to protect a section of beach is known as a groin system or groin field.

“HERITAGE TOURISM” as defined by the National Trust for Historic Preservation is the traveling to experience the places, artifacts and activities that authentically represent the stories and people of the past and present. It includes cultural, historic, and natural resources.

“HISTORIC RESOURCE” means any object, building, structure, site, area, place, record, or manuscript which is at least 50 years old and is historically or archeologically significant, or which is significant in the architectural, engineering, scientific, economic, agriculture, educational, social, political, military, or cultural history of the City of San Clemente and/or California and/or the United States.

“HOTEL” Any structure with six or more lodging units, which is occupied or intended or designed for occupancy for short term, temporary or impermanent lodging or sleeping purposes including any hotel inn tourist home or house motel, studio hotel bachelor hotel, lodging house, vacation rental, rooming house, apartment house, dormitory, public or private club, bed-and-breakfast, private single-family residence, private multi-family residence, condominium, townhouse guest house, mobile home or house trailer at a fixed location, or other similar structure or portion thereof.

57. “HYDROMODIFICATION CONTROL BEST MANAGEMENT PRACTICES”

Structural systems designed to minimize post-development changes in runoff flow characteristics and maintain the natural watershed, by processes such as infiltration, evapotranspiration, harvesting and use, detention, or retention. Examples include retention structures such as basins, ponds, topographic depressions, and stormwater vaults

“IN SITU” is a Latin phrase meaning “in place.” Archaeologically it refers to an artifact or object being found in its original, undisturbed deposited/placed position.

58. “INTENSIFICATION OF USE” means a change in the intensity of use which includes, but is not limited to, any addition, expansion or change in use on a site that involves: (a) a change in the total number of dwelling units; or (b) a change in the amount of floor area or customer area of a commercial or industrial use; or (c) an increase in the number of required off-street parking spaces. ~~the use of a lot or premises which, based upon the provisions of the underlying zone, requires more off-street parking than did the immediately prior legal use of such lot or premises.~~

CERTIFIED LAND USE PLAN (LUP)” means a plan or the relevant portions of a local coastal government’s general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies for the use of property within the Coastal Zone which has been adopted by the local government and certified by the California Coastal Commission pursuant to the California Public Resources Code Section 30108.5.

59. “LATERAL ACCESS” means an area of land ~~providing a connection~~ parallel to the beach, along the beach front, toe of bluff or top of bluff. A lateral ~~accessway~~access way may be used for public pass and repass, passive recreational use, or as otherwise designated in the City of San Clemente Local Coastal Program Land Use Plan.

“LICENSED GEOTECHNICAL ENGINEER” means an individual who is a geotechnical engineer, civil engineer or coastal geologist licensed by the State of California.

60. “LIMITED USE OVERNIGHT ACCOMMODATIONS” Any hotel, motel, or other similar facility that provides overnight visitor accommodations wherein all or part of the facility may be sold to a subsequent purchaser who receives the right in perpetuity, for life, or a term of years, to the recurrent, exclusive use or occupancy of all or part of the facility annually or on some other seasonal or periodic basis, including, but not be limited to timeshare, condominium-hotel, fractional ownership hotel, or uses of a similar nature, as those terms shall be defined in the implementing regulations for this land use plan.

~~PRIMARY LINE OF NATIVE VEGETATION—LINE~~ means is one type of development setback standard that may be utilized for coastal canyons. Characteristics Location to be established based on an on-site visit, topography, and inventory of existing vegetation and topography.

“LIVING STREETS” Streets that embody complete streets (see Complete Streets definition in Glossary) and also include consideration of other issues related to economic vibrancy, equity, environmental sustainability, aesthetics, and more. (from Model for Living Streets Design Manual, Los Angeles County, 2011)

61. “LOCAL COASTAL PROGRAM” or “LCP” means a local government’s (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resource areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of the Coastal Act at the local level.

“CERTIFIED LOCAL COASTAL PROGRAM (LCP)” means a program for the use of property within the Coastal Zone. The Local Coastal Program includes the Land Use Plan, and specific regulations, and land use regulation maps, and specific implementing regulations such as zoning ordinances, which have been adopted by

the local government and certified by the California Coastal Commission pursuant to the Public Resources Code to implement the provisions and policies of the Coastal Act by the local government. Local governments with certified LCPs can issue Coastal Development Permits (Reference California Public Resources Code section 30108.6).

62. “LOW IMPACT DEVELOPMENT” ~~minimizing or eliminating pollutants in storm water through natural processes and maintaining pre-development hydrologic characteristics, such as flow patterns, surface retention, and recharge rates. An innovative stormwater management approach with a basic principle that is modeled after nature, using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source in order to protect water quality and associated aquatic habitat and maintain pre-development hydrologic characteristics.~~

63. “MAJOR REMODEL”- Alterations that involves (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 ~~the date of certification of the LUP~~ January 1, 1977.

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; 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 ~~the date of certification of the LUP~~ January 1, 1977.

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.”

~~64. “MAJOR ENERGY FACILITY” means any energy facility as defined by the California Public Resources Code Section 30107 and exceeding \$50,000 in estimated cost of construction.~~

~~65. “MAJOR PUBLIC WORKS AND ENERGY FACILITIES PROJECT” means facilities that cost more than one hundred thousand dollars (\$100,000) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624. any public works project as defined by the California Code of Regulations Section 13012 and exceeding \$50,000 in estimated cost of construction. It also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities. . (Reference 14 Title California Code of Regulations section 13012.)~~

“MEAN HIGH TIDELINE” is the statistical mean of all the high tides over the cyclical period of 18.6 years, and shall be determined by reference to the records and elevations of tidal benchmarks established by the National Ocean Survey. In areas where observations covering a period of 18.6 years are not available, a determination may be made based on observations covering a shorter period, provided they are corrected to mean value by comparison with observations made at some suitably located control tide station. (Reference Title 14 California Code of Regulations section 13577(c).

~~66. “MEAN HIGH WATER” means the 19-year average of all high water heights (if the tide is either semidiurnal or mixed) or the higher high water heights if the tide is diurnal. For diurnal tides high water and higher high water are the same.~~

~~67. “MEAN LOW WATER” means the 19-year average of all low water heights (if the tide is either semidiurnal or mixed) or the lower low water heights if the tide is diurnal. For diurnal tides low water and lower low water are the same.~~

“MEAN SEA LEVEL” is the 19-year average height of the surface of the sea for all stages of the tide, usually determined from hourly height readings.

“MITIGATION” means:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action.

- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- c. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- e. Compensating for the impact by replacing or providing substitute resources or environments.

“MITIGATION MEASURES” means the measures imposed on a project to avoid, minimize, eliminate, or compensate for potentially significant, adverse impacts to the environment.

“MONITORING” means the systematic collection of physical, biological, or economic data or a combination of these data in order to inform decisions regarding project operation or to evaluate project performance.

“MOTEL” means a building or group of buildings on the same parcel containing six or more short-term lodging units having no cooking facilities, a majority of which have individual entrances from the outside.

“NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD)” is a fixed reference for elevations, equivalent to the 1929 Mean Sea Level Datum. The geodetic is fixed and does not take into account the changing stands of sea level.

68. “NATIVE VEGETATION” means vegetation composed of plants which originated, developed, or were produced naturally in the Southern Orange County coastal region and were not introduced directly or indirectly by humans (e.g., not exotic or invasive). Native vegetation includes, but is not limited to: ~~marsh~~ wetland vegetation, native grasslands, coastal/inland sage scrub, and oak and riparian woodlands.

69. “NATURAL AREAS” undeveloped areas that may contain both native and non-native vegetation.

70. “NON-CONFORMING STRUCTURE” means a structure that was lawfully erected, but which does not currently conform with the property development regulations prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this code or by reason of annexation of

territory to the City or by natural changes to the landscape or landform such as erosion.

71. “NON-CONFORMING USE” means a use of a structure or land that was lawfully established and maintained according to land use requirements that were in effect when the use was initiated, but which does not currently conform with the use regulations or required conditions for the district in which it is located. Any of the following criteria apply: by reason of adoption or amendment of this code or by reason of annexation of territory to the City.

- The use is not consistent with the purpose and intent of the zoning district in which the use is located.
- The use is specifically prohibited or is not identified and interpreted to be a permitted or conditionally permitted use of the zoning district in which the use is located.
- The use does not provide the number of parking spaces required
- The use does not have an entitlement required to establish the existing use.

72. “NPDES” National Pollutant Discharge Elimination System.

73. “OFFER TO DEDICATE (OTD)” is a document, recorded against the title to a property, which is an offer to dedicate OTD to the people of the State of California an easement or use restriction over the property or a portion of the property. ~~Generally, an~~ An OTD may allows for specific public access-oriented uses in or of the area of the property involved (for example, allowing the public to walk across the area). The OTD conveys an easement in perpetuity only upon its acceptance on behalf of the people by a public agency or by a nonprofit private entity subject to the approval of ~~approved by~~ the Executive Director of the Coastal Commission.

74. “PASSIVE RECREATIONAL AREA” means areas used primarily for ~~non-active type of~~ uses such as open quiet areas, walking/hiking paths, stationary benches, picnic facilities and hiking and riding trails, and does not include recreational sports or playing fields such as those listed in “Active Recreational Area.”

“PERMIT” means any license, certificate, approval, or other entitlement for use granted or denied by any public agency. (Reference California Public Resources Code section 30110.)

“PERMIT AND APPEAL JURISDICTION MAP” means a map depicting those areas where the Coastal Commission retains original jurisdiction and permitting

authority, areas under local government permit authority, and areas where the local government's permit action may be appealed to the Coastal Commission.

“PLATE LINE” The top of the highest horizontal framing member or solid wall of a building or structure or part thereof, upon which roof beams or ceiling rafters rest. Features excluded from measurement under this definition shall include gable ends, sloping roofs, parapet walls and other vertical extensions which are normally controlled by limits on roof height as set forth in this section.

~~75. “PRIMARY NATIVE VEGETATION LINE” means one development setback standard that may be utilized for coastal canyons. Characteristics to be established based on an on-site visit, and inventory of existing vegetation and topography.~~

~~76. “PUBLIC TRUST LANDS” shall be defined as all lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation, and other public purposes. Public Trust Lands include tidelands, submerged lands, the beds of navigable lakes and rivers, and historic tidelands and submerged lands that are presently filled or reclaimed and which were subject to the Public Trust at any time. (Reference Title 14 California Code of Regulations section 13577(f). From California Code of Regulations, section 13577; see tidelands and submerged lands.)~~

~~77. “PUBLIC VIEW CORRIDOR” (also, “DESIGNATED PUBLIC VIEW CORRIDOR”). A view from a public right-of-way, public facility, or other publicly-available owned use area, or public easement which is specifically designated in LUP Figure 6-1 and 6-1a the General Plan or newly added by permit conditions and which provides the public at large with views of the Pacific Ocean, shoreline, coastal ridgelines, coastal canyons, coastal bluffs or other designated scenic and visual resources. Approximate boundaries of a view corridor are identified using a motorist's, cyclist's or pedestrian's line of vision and are typically defined or enframed by landforms, structures and vegetation.~~

~~78. “PUBLIC WORKS” means public facilities and infrastructure including:~~

- ~~a. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the California Public Utilities Commission, except for energy facilities;~~

- b. All public transportation facilities, including streets, roads, highways, mass transit facilities and stations and bridges, trolley wires, public parking lots and structures, ports, harbors, airports, railroads, and other related facilities;
- c. All publicly financed recreational facilities and projects of the State Coastal Conservancy and any development by a special district ~~as required by Section 30114 of the Coastal Act;~~ and
- d. All community college facilities (Reference California Public resources Code section 30114).

“REDEVELOPMENT” see “Major Remodel.”

“APPROVING REVIEW AUTHORITY” means the City Planner, Community Development Director, City Council, Planning Commission, ~~or~~ Zoning Administrator, or California Coastal Commission, as applicable, approving having the responsibility to review and act upon a Coastal Development Permit application.

~~79.~~ “REVETMENT” is a type of shoreline protective device typically consisting of a sloped retaining wall; a facing of stone, concrete, blocks, rip-rap, etc. built to protect an embankment, bluff, or development against erosion by wave action and currents. This includes both engineered revetments as well as non-engineered revetments. (Coastal Glossary)

~~80.~~ “RIPARIAN VEGETATION” means an environment associated with native plant communities which require high soil moisture conditions maintained by transported fresh water in excess of that otherwise available through local precipitation.

~~81.~~ “RIPRAP” means a type of shoreline protective device consisting of a protective layer or facing of rock, concrete blocks or quarry stone, placed to prevent erosion, scour, or sloughing of an embankment or bluff or to protect development (See “Armor Rock”).

~~82.~~ “SAND GROOMING or BEACH GROOMING” ~~means the mechanical raking or sifting of beach sand to remove debris or litter, or level or re-contour the beach.~~

~~83.~~ “SCENIC CORRIDOR” or “SCENIC HIGHROADWAYS”. ~~A scenic corridor is a linear segment of major or minor streets, as described in the Master Landscape Plan for Scenic Corridors. Scenic corridors are designated to: 1) identify scenic highways and local arterials, 2) describe significant visual linkages between the resources and amenities of San Clemente, and 3) establish objective design and~~

landscaping criteria to maintain quality visual experiences along such corridors through appropriate landscaping, enhancement and protection of public views. “Major” and “Minor” scenic corridors shall correspond to the Master Landscape Plan for Scenic Corridor’s definitions of “Major Urban/Recreation Corridor” and “Minor Urban/Recreation Corridor”, respectively.

84. “SEA” means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood-control and drainage channels (Reference California Public Resources Code section 30115.).

85. “SEA LEVEL RISE/CHANGE/SEA LEVEL CHANGE/RISE” Sea level can change, both globally and locally, due to (i) changes in the shape of the ocean basins, (ii) changes in the total mass of water due to thermal expansion, and (iii) changes in water density, and other factors. Factors leading to sea level rise under global warming include both increases in the total mass of water from the melting of land-based snow and ice, and changes in water density from an increase in ocean water temperatures and salinity changes. Relative sea level rise occurs where there is a local increase in the level of the ocean as measured over time at established/representative local tidal gauges relative to the land, which might be due to ocean rise and/or land level subsidence.

86. “SEAWALL” is a type of shoreline protective device consisting of a structure separating land and water areas, primarily designed to prevent erosion and other damage to the shoreline and existing development due to wave action. It is usually a vertical wood or concrete wall as opposed to a sloped revetment. (~~Coastal Glossary~~)

“SENIOR HOUSING” means independent senior living communities, also known as retirement communities, or independent retirement communities, which are housing designed for people 55 and older.

“SETBACK” means the required distance that a building, structure, parking, or other designated element must be located from a lot line or boundary, such as a coastal bluff or coastal canyon edge.

“SHORE” means the strip of land in immediate contact with the sea, including the zone between high and low water. A shore of unconsolidated material is usually called a beach.

87. “SHORELINE PROTECTIVE DEVICE” includes any type of shoreline armoring or protective structures, such as seawalls, revetments, riprap, breakwaters, groins, bluff retention protective devices, deep piers/caissons, bulkheads, or other artificial structures built for the purpose of protecting land or structures against sea level rise, coastal hazards, and erosional forces.

“SHORT-TERM APARTMENT RENTAL” or “STAR” means a type of STLU that is a multi-family-dwelling structure on a single parcel, under single ownership, where some or all individual units are rented as STLUs and where the STAR owner being a person that holds legal or equitable title to the property lives on-site in one of the other units not being rented short term. STAR does not include an STLU in a multi-family-dwelling structure where the units are under multiple separate ownerships, such as a condominium development, unless the STAR owner owns all the units in the structure and on the parcel and resides in one of the other units not being rented short term. Multi-family-dwelling structures containing six or more STARS or STLUs, whether under individual or separate ownership for the purposes of this title, are considered “hotels” or “motels.”

“SHORT-TERM LODGING UNIT” or “STLU” means any lodging unit that is occupied or intended or designed to be occupied on a temporary basis for less than 30 days short-term basis, other than a hotel, motel, or bed-and-breakfast inn, and is limited to a single rental contract. Among other things, “STLU” includes a STAR, which is subject to special regulations.

88. “SLAB FOUNDATION” a foundation type that supports a building on in a thin layer of steel reinforced reinforces concrete.

89. “SPECIAL DISTRICT” means any public agency, other than a local government as defined in this chapter, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special district" includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting that area.

90. “SPHERE OF INFLUENCE (SOI)-” The probable, ultimate physical boundaries and service area of the City, as determined by the Local Agency Formation Commission (LAFCO) of the County.

- 91. “STORM SURGE”** A rise above normal water level on the open coast due to the action of wind stress on the water surface. Storm surge resulting from a winter storm or hurricane also includes the rise in level due to atmospheric pressure reduction as well as that due to wind stress.
- 92. “STREAM”** means a natural watercourse ~~identified as~~ that either permanently or ephemerally has water running through the ~~a stream on a map adopted pursuant to a this certified Local Coastal Program; or as designated by a solid blue line or other symbol on the USGS 7.5 minute quadrangle series map.~~ The bank of the stream and shall be field verified and generally defined as the watershed and relatively permanent elevation or upward slope acclivity at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where the stream has no discernible bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established.
- 93. “STRINGLINE”** means in a developed area where new construction is generally infilling and is otherwise consistent with the policies of the Land Use Plan of the City of San Clemente Local Coastal Program, no part of a proposed new structure, including decks, shall be built closer to a further toward a bluff edge, canyon edge or beach-front than a line drawn between the nearest adjacent corners of the adjacent structures for a structural stringline and to the nearest corner of an accessory structure for an accessory stringline.
- 94. “STRUCTURE”** means any physical construction, including but not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line (Reference California Public Resources Code section 30106.).
- 95. “SUBMERGED LANDS”** means lands that lie below the line of mean low tide (Reference Title 14 California Code of Regulations section 13577(e).).
- 96. “TEMPORARY EVENT”** is an activity or use that constitutes development as defined in Section 30106 of the Coastal Act, this chapter but which is an activity or function which is or will be of limited duration and involves the placement of non-permanent structures, such as but not limited to bleachers, vendor tents/canopies, portable toilets, stages, film sets; and/or involves the exclusive use of sandy beach, parkland, filled tidelands, water, streets, or parking areas ~~in temporary facilities, public or private buildings or open spaces, or outside of buildings~~ which are otherwise open and available for general public use.

“TIDE” means the periodic rising and falling of the water that results from gravitational attraction of the moon and sun, and other astronomical bodies, acting upon the rotating earth. The California coast has a mixed tidal occurrence, with two daily high tides of different elevations and two daily low tides, also of different elevations. Other tidal regimes are diurnal tides, with only one high and one low tide daily, and semidiurnal, with two high and two low tides daily, with comparatively little daily inequality between each high or each low tide level.

97. “TIDELANDS” means lands ~~that~~ which are located between the lines of mean high tide and mean low tide. (Reference Title 14 California Code of Regulations section 13577(d).

“TIMESHARE” Any arrangement, plan, or similar program, other than an exchange program, whereby a purchaser receives ownership rights in or the right to use accommodations, commonly in vacation or recreation properties, for a period of time less than a full year during any given year, on a recurring basis from more than one year, but not necessarily for consecutive years.

98. “TREATMENT CONTROL BEST MANAGEMENT PRACTICES” are structural systems designed to remove pollutants from runoff by processes such as gravity settling of particulate pollutants, filtration, biological uptake, media absorption or any other physical, biological or chemical process. Examples include vegetated swales, detention basins, and storm drain inlet filters.

99. “TOE” means the lowest part of an ~~embankment~~ slope.

“UNIVERSAL ACCESS” Access for people with disabilities, or special needs, or enabling access through the use of assistive technology.

100. “USACE” is ~~United States Army Corps of Engineers.~~

101. “VERNAL POOLS” are seasonal depressional wetlands that occur under the Mediterranean climate conditions of the California coast and in glaciated areas of northeastern and mid-western states. They are covered by shallow water for variable periods of time from winter to spring, but may be completely dry for most of the summer and fall (EPA 2015). These wetlands range in size from small puddles to shallow lakes and are usually found in a gently sloping plain of grassland. Western vernal pools are sometimes connected to each other by small drainages known as vernal swales, forming complexes.

102. “VERTICAL ACCESS” means an area of land providing a connection between the first public roadway or use area nearest the sea and the publicly-owned tidelands, beach or established lateral accessway. ~~—A vertical accessway~~ which may be used for public access pass and repass, passive recreational use, or as otherwise designated in the City of San Clemente Local Coastal Program Land Use Plan.

103. “VISITOR-SERVING USES” ~~include lodging, eating and drinking establishments, retail, and recreation facilities.~~

“VISITOR SERVING LAND USE” means visitor serving commercial and/or recreational land uses or facilities designed to enhance public opportunities for coastal recreation and generally includes but is not limited to beach areas, parks, hotels, motels, restaurants, music venues, entertainment attractions and specialty/artisan retail commercial uses.

104. “WETLANDS” means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens (Section 30121). Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at, near, or above the land surface long enough to promote the formation of hydric soils or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following attributes:

- a. The substrate is predominantly undrained hydric soil; or
- b. At least periodically, the land supports predominantly hydrophytes; or
- c. The substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.
(Reference Title 14 California Code of Regulations section 13577(b).)

105. “WETLAND BUFFER” measurements for wetland buffers is as follows:

(1) Measure 100 feet landward from the upland limit of the wetland. Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time

during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as:

(A) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;

(B) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or

(C) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.

(2) For the purposes of this section, the term "wetland" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where:

(A) the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and

(B) there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands.

~~(c) Estuaries. Measure 300 feet landward from the mean high tide line of the estuary. For purposes of this section, an estuary shall be defined as a coastal water body, usually semi-enclosed by land, having open, partially obstructed, or intermittent exchange with the open ocean, and in which ocean water is at least occasionally diluted by freshwater from the land. The salinity level maybe periodically increased to above that of the open ocean due to evaporation. The mean high tide line shall be defined.~~