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601 LEGAL AUTHORITY

This Specific Plan has been prepared and adopted pursuant to Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457 of the California Government Code. The California Government Code authorizes Cities such as San Clemente, to adopt Specific Plans as a more comprehensive method of implementing the General Plan. The Specific Plan bridges the gap between the goals and policies of the General Plan and the site-specific criteria of a tentative tract map or site plan. This Forster Ranch Specific Plan is a regulatory plan constituting the zoning for the property. Development Plans or Agreements, Tract or Parcel Maps, and any action requiring discretionary or ministerial approval by the City shall be consistent with this Specific Plan as adopted by City Council.

The City shall have the authority to enforce this Specific Plan according to state law and the Municipal Code, including but not limited to general permit procedures for appeals, concurrent review of multiple applications, public notification requirements, time extensions, revocations, modifications, etc. In any instance where this Specific Plan has a requirement that differs from the Zoning Ordinance, Specific Plan provisions take precedence. Where the Specific Plan is silent on an issue, the requirements of the Municipal Code shall apply.

602 DEVELOPMENT REVIEW PROCEDURES

A. PURPOSE AND APPLICABILITY

This Section describes procedures for the City review and permitting of projects within the Forester Ranch Specific Plan area. Projects include but are not limited to, requests to establish certain land uses, develop and subdivide property, modify existing development, and install signage. The City reviews and processes proposals according to State law, the Municipal Code and the Local Coastal Program, including this Specific Plan. When Site Plan Permits and other applications are processed concurrent with Tentative Maps, the approving body (i.e. City Council or Planning Commission) shall be the approving body stated in the Subdivision Ordinance for Tentative Map approval.

B. ENVIRONMENTAL REVIEW

All applications for discretionary review and approval shall be subject to environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines and City procedures.

C. LOCAL COASTAL PROGRAM

A portion of Sector G of the Forester Ranch Specific Plan is within the Coastal Zone, therefore applications are reviewed according to the California Coastal Act of 1976 as amended and contained in the California Public Resources Code (Section 30000 et seq.). The Local Coastal Program for the Forster Ranch area includes land use policies in the Coastal Land Use Plan (LUP) and regulations and procedures within this Specific Plan and the Zoning Ordinance.

The City reviews and processes proposals according to State law, the Coastal Land Use Plan (LUP), this Specific Plan, and the Zoning Ordinance. Following City approval of permits, projects that do not meet criteria for the Coastal Categorical Exclusion Order, must be reviewed and approved by the City “in-concept” before applications are submitted to the Coastal Commission for processing.

The City does not have an Implementation Plan (IP). The City is preparing an IP for public review and City Council consideration, and Coastal Commission certification. Until IP certification is complete, this Specific Plan and the Zoning Ordinance function as implementation plans for the Pier Bowl area.

D. TENTATIVE MAPS

Applications for approval of Tentative Tract and Tentative Parcel Maps shall be reviewed in accordance with the City’s most current Subdivision Ordinance (Chapter 35 of the Municipal Code). Preliminary grading concept plans shall be approved in association with approval of a Tentative Map. Grading concept plans shall be reviewed for consistency with this Specific Plan. The City may impose specific conditions on Tentative Maps in addition to the requirements of this Specific Plan.

E. SUBDIVISION ORDINANCE

Subdivisions, lot mergers, lot line adjustments, and corrections shall be reviewed according to State law and the City’s Subdivision Ordinance. Preliminary grading concept plans shall be approved in association with approval of a Tentative Map. Grading concept plans shall be reviewed for consistency with this Specific Plan. The City may impose specific conditions on Tentative Maps in addition to the requirements of this Specific Plan.

F. INTERPRETATIONS

Development standards and uses not specifically addressed in this Specific Plan are subject to the Zoning Ordinance in Title 17 of the San Clemente Municipal Code (SCMC 17). If the standard or use is also not specifically addressed in the Zoning Ordinance, Municipal Code Section 17.04.040 (SCMC 17.04.040) governs. In addition to general findings required for interpretations in SCMC 17.04.040, the review authority shall find the interpretation is consistent with LUP land use policies.

G. GRADING

If grading is proposed, a grading permit shall be required depending on the amount and nature of work proposed. Grading permits are required to ensure grading is completed according to State law, the Municipal Code, and the City's Grading Manual.

H. ARCHITECTURAL PERMITS

All applications for development within the Forster Ranch Specific Plan shall be subject to the requirements of an Architectural Permit in accordance with the Zoning Ordinance. The purpose of the Architectural Permit is to implement both the Design Guidelines in Chapter 3 of this Specific Plan, as well as the Purpose and Intent stated in the Architectural Permits Section of the Zoning Ordinance. The City may impose specific conditions on Architectural Permits in addition to the requirements of this Specific Plan.

I. SITE PLAN PERMITS

All applications for new development within the Forster Ranch Specific Plan, except for custom homes on individual lots, shall be subject to the requirements of a Site Plan Permit in accordance with the Zoning Ordinance. The purpose of the Site Plan Permit is to implement both the Design Guidelines in Chapter 3 of this Specific Plan, as well as the Purpose and Intent stated in the Site Plan Permits Section of the Zoning Ordinance. The City may impose specific conditions on Site Plan Permits in addition to the requirements of this Specific Plan. Applications for anything other than new development shall be reviewed and processed in accordance with the Zoning Ordinance requirements for Site Plan Permits or Minor Site Plan Permits as determined by the Zoning Ordinance.

J. SIGNS

Sign applications shall be processed in accordance with the City's Sign Ordinance and the Sign Program for the site.

K. MINOR ADMINISTRATIVE ADJUSTMENTS

Where specifically permitted in Section 5, Development Standards, the City Planner may approve minor adjustments to development standards. Adjustments made to development standards must be consistent with the intent of the design guidelines.

L. OTHER APPLICATIONS

All other permits not identified by this Specific Plan shall be processed according to the Zoning Ordinance, including but not limited to, Conditional Use Permits, Variances, and Discretionary Sign Permits.

603 AMENDMENTS TO THE SPECIFIC PLAN

Amendments to this Specific Plan shall be reviewed and processed in accordance with the Zoning Ordinance, or the Implementation Plan following its certification by the Coastal Commission. If land use policy or map changes are required, a General Plan and Coastal Land Use Plan amendment shall be reviewed according to the Municipal Code. If the City Planner determines that a General Plan Amendment is required, said application shall be reviewed and processed in addition to the Specific Plan Amendment in accordance with the Zoning Ordinance.

604 ENFORCEMENT

This Specific Plan promotes orderly development and the zoning for the Forster Ranch area. Consistent with the Municipal Code, any violation of the standards and regulations identified in the Specific Plan adopted by the City Council shall be considered a violation of the Zoning Ordinance.

605 SEVERABILITY

In the event that any plan, diagram, regulation, condition, program, or other portion of this Specific Plan is held invalid by a court of competent jurisdiction, such portion(s) shall be deemed separate, distinct, and independent provisions of the Specific Plan and the invalidity of such provisions shall not affect the validity of the remaining provisions of the Specific Plan.