

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CERTIFYING ADDENDUM NO. 4 TO THE GENERAL PLAN ENVIRONMENTAL IMPACT REPORT, AND APPROVING ZONING AMENDMENT 21-240; TO ACHIEVE CONSISTENCY BETWEEN THE GENERAL PLAN, LOCAL COASTAL PROGRAM, AND WEST PICO CORRIDOR SPECIFIC PLAN, AND AMEND THE ZONING MAP TO EXPAND THE WEST PICO CORRIDOR SPECIFIC PLAN AREA AND THE ARCHITECTURAL OVERLAY DISTRICT BETWEEN THE DOWNTOWN AND PIER BOWL AREAS

WHEREAS, following the 1993 update to the City's General Plan, the City adopted the West Pico Corridor Specific Plan in 1997. The Specific Plan was adopted to provide more thorough and definitive planning standards for the revitalization of existing urbanized areas, such as Los Molinos, North El Camino Real, and Pico Corridor. The Specific Plan includes development standards, design guidelines, and procedures to implement the goals, policies, and objectives of the City's General Plan and Local Coastal Program ("LCP") Land Use Plan ("LUP") for portions of West Pico Corridor in the Coastal Zone. Since 1997, several Specific Plan amendments have occurred to address various community issues; and

WHEREAS, on February 4, 2014, the City Council of the City of San Clemente adopted the Centennial General Plan, which, among other provisions, included changes to land use designations, particular types of uses, and development criteria for certain designations; and

WHEREAS, on February 4, 2014, as part of its action on the Centennial General Plan, the City Council certified Environmental Impact Report SCH No. 2013041021 ("General Plan EIR") pursuant to the California Environmental Quality Act ("CEQA"), approved mitigation measures, and adopted a Statement of Overriding Considerations; and

WHEREAS, subsequent to adoption of the General Plan EIR, the City Council adopted several Addenda:

- A. On November 3, 2015, the City Council adopted General Plan Amendment ("GPA") 15-049, approved Ordinance Nos. 1609 and 1610 for Zoning Amendment ("ZA") 14-456, and certified EIR Addendum No. 1 (the "2015 Addendum");
- B. On September 5, 2017, the City Council adopted GPA 15-331, approved EIR Addendum No. 2 (the "2017 Addendum"), and approved Ordinance No. 1645 for ZA 17-251; and

C. On December 17, 2019, the San Clemente City Council adopted GPA 19-291 and SPA 19-292 (an update to the *Pier Bowl Specific Plan*), and approved EIR Addendum No. 3 (the “2019 Addendum”).

WHEREAS, at the public hearing on June 12, 2018, the City Council adopted Resolution No. 18-19 approving a comprehensive update to the City of San Clemente’s LUP with suggested modifications (Major LCP Amendment No. 1-16 (LCP-5-SCL-16-0012-1)); and

WHEREAS, on August 10, 2018, the California Coastal Commission (“CCC”) certified the comprehensive LUP update; and

WHEREAS, on August 17, 2021, the City Council initiated GPA 21-238, SPA 21-239, ZA 21-240, and Land Use Plan Amendment (“LUPA”) 21-241 (collectively, the “Project”) to:

- A. Change the land use designation of two parcels located at 1510 Avenida De La Estrella (APNs 057-020-45 and 057-020-67) from a split of Light Industrial and High Industrial to High Industrial. This change is a cleanup item that would make existing non-conforming automobile towing and salvage businesses on the parcels a conforming use. Concrete batch plants would not be allowed on the two parcels, unlike other High Industrial areas of West Pico Corridor.
- B. Expand the Architectural Overlay District to include several missing properties along primary circulation routes between Downtown and the Pier Bowl. The Overlay requires the use of Spanish Colonial Revival Architecture for all major remodels and new development.
- C. Update the West Pico Corridor Specific Plan to be consistent with the General Plan and LUP, pursuant to the California Government Code Sections 65300.5, 65359, and 65454; and expand the Specific Plan area to include additional parcels. Additionally, the project includes an update to the design guidelines and standards for Los Molinos that implement General Plan and LUP policies for the Los Molinos Focus Area.
- D. Update Title 17 - Zoning to reflect and clarify the changes reference above.

WHEREAS, the draft LUPA underwent a six-week public review and comment period from September 7, 2022 through October 13, 2022, which is a CCC requirement for formal acceptance of the LUPA for processing; and

WHEREAS, the City analyzed the proposed amendments for CEQA compliance and determined an EIR Addendum may be prepared pursuant to CEQA Guidelines Section 15164(b), according to findings in Section 2 of this Ordinance No. PC 22-017. Additionally, the proposed amendments to the West Pico Corridor Specific Plan and Zoning are mandatory actions under Government Code Section 65860 to make zoning

regulations consistent with the General Plan; and the proposed amendments are within the scope of the General Plan EIR and subsequent Addenda, pursuant to State CEQA Guidelines Sections 15162 and 15168. The proposed LUPA is statutorily exempt from CEQA, pursuant to CEQA Guidelines Section 15265, that states CEQA does not apply to local government activities and approvals pursuant to the California Coastal Act; and

WHEREAS, on October 7, November 18, and December 14, 2021, the City held community outreach meetings to hear the public's input on the Project. For the October 7, 2021 meeting, a public notice was mailed to property owners and properties within and surrounding the Project area, including the proposed Specific Plan area and expansion area of the Architectural Overlay district. The public notice referenced a Project website created to provide regular updates and dates for future meetings; and

WHEREAS, on March 16, 2022, the Planning Commission held a study session to introduce the Project and its scope of work; and

WHEREAS, on March 23, 2022, the Design Review Subcommittee held a meeting to discuss ideas being considered for updates to Los Molinos design guidelines as an implementation measure to the General Plan; and

WHEREAS, on September 7, 2022, the Planning Commission held a duly noticed public hearing on the subject application, considered evidence presented by City staff and comments from other interested parties, and made a recommendation to the City Council as fully set forth herein; and

WHEREAS, on October 18, 2022, the City Council held a duly noticed public hearing, considered evidence presented by City staff including a Ordinance, limited to the adoption of ZA 21-240, and exhibits attached thereto, and heard other interested parties. Separate from this Ordinance, the City Council considered and acted upon General Plan Amendment 21-238, SPA 21-239, and LUPA 21-241 by Resolution on October 18, 2022.

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred; and

NOW, THEREFORE, the City Council of the City of San Clemente does hereby resolve as follows:

Section 1. Incorporation of Recitals.

The City Council hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the City Council as fully set forth in this Ordinance.

Section 2. Compliance with the California Environmental Quality Act.

The City Council has reviewed and considered the certified EIR, EIR Addendum No. 4, the Initial Study, any oral or written comments received, and the administrative record prior to making its decision on the Project. The City Council finds that the certified EIR, Addendum No. 4 to the EIR, and the Initial Study together provide a complete and accurate reporting of the environmental impacts associated with the Project. The City Council finds that the Project is in compliance with CEQA and the State CEQA Guidelines.

Additionally, the proposed amendments to the West Pico Corridor Specific Plan and Zoning are mandatory actions under Government Code Section 65860 to make zoning regulations consistent with the General Plan. The proposed amendments are within the scope of the General Plan EIR and subsequent Addenda, pursuant to State CEQA Guidelines Sections 15162 and 15168. Further, the proposed LUPA is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15265, that states CEQA does not apply to local government activities and approvals pursuant to the California Coastal Act.

Section 3. Findings on the Necessity for a Subsequent or Supplemental Environmental Impact Report.

Based on substantial evidence set forth in the record, including, but not limited to, the certified EIR, Addendum No. 4, the Initial Study, and all related information presented to the City, the City Councils find that: (1) the Project necessitates only minor modifications to the certified EIR such that an EIR Addendum is the appropriate document for compliance with CEQA, pursuant to State CEQA Guidelines Section 15164; and (2) the preparation of a subsequent or supplemental EIR pursuant to State CEQA Guidelines Section 15162 is not required for the proposed Project because:

- A. The Project does not constitute a substantial change in the environment that would require major revisions to the certified EIR due to the presence of (1) new, significant environmental effects; or (2) a substantial increase in the severity of previously identified significant effects; and
- B. The Project does not constitute a substantial change in the environment with respect to the circumstances under which the Project is undertaken, such that would require major revisions of the certified EIR due to the presence of (1) new, significant environmental effects; or (2) a substantial increase in the severity of previously identified significant effects; and
- C. The Project does not contain new information of substantial importance that was not previously known nor could have been known through the exercise of reasonable diligence at the time the EIR was certified, showing any of the following:

1. The Project would have one or more significant effects not discussed in the certified EIR;
2. Significant effects previously examined would be substantially more severe than shown in the certified EIR;
3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the lead agency declined to adopt such measures; or
4. Mitigation measures or alternatives considerably different from those analyzed in the certified EIR would substantially reduce one or more significant effects on the environment, but which the lead agency declined to adopt.
5. An EIR Addendum is not required to be circulated for public review, but can be attached to the certified EIR Pursuant to State CEQA Guidelines Section 15164, Subdivision (c). The certified EIR is available on the City's website at www.san-clemente.org.

Section 4. Findings on Environmental Impacts.

Based upon a review of Addendum No. 4, the Initial Study, the administrative record, the certified EIR, and all written and oral evidence presented to the City Council, the City Council finds that all environmental impacts of the Project have been addressed within the certified EIR and Addenda Nos. 1 through 4. The City Council finds that no new or additional mitigation measures or alternatives are required and that there is no substantial evidence in the administrative record supporting a fair argument that the Project could result in any significant environmental impacts beyond those analyzed in the certified EIR. The City Council finds that Addendum No. 4 contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the City's independent judgment and analysis.

Section 5. Zoning Amendment Findings.

With respect to ZA 21-240, the City Council finds the following for amendments to the Zoning Ordinance, as set forth in Section 6 and 7 herein:

- A. The proposed amendments are consistent with the General Plan pursuant to Government Code Section 65860(c), since they directly implement the Centennial General Plan (as adopted on February 14, 2014 and by subsequent amendments thereafter); and
- B. The zoning amendments adopting the use provisions and development criteria as proposed will not adversely impact the public health, safety, and welfare since they further the Centennial General Plan objectives of (1) meeting community values, needs, and conditions; (2) guiding long-term public and private land use,

transportation, economic development, resource preservation, urban design, and other public policy actions; and (3) reflecting the City Council's review, direction, and independent judgement regarding land use, circulation and transportation, economic development, environmental protection, recreation, public safety and services, coastal issues, historic preservation, natural resources, urban design, and governance and growth management policies.

Section 6. San Clemente Municipal Code Section 17.56.020, Architectural Overlay District, is hereby amended in its entirety as follows:

17.56.020 Architectural (-A) Overlay District.

- A. **Purpose and Intent.** The purpose and intent of the Architectural ["-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) a pedestrian orientation. The goals for areas with this designation are as follows to:
1. Maintain and enhance the unique "Spanish-Village-by-the-Sea" character of specific areas of the City;
 2. Maintain a high quality of design consistent with the City's history, according to the General Plan Urban Design Element and City's Design Guidelines;
 3. Require new development and major remodels have Spanish Colonial Revival architecture, except as described in Subsection E (**Architectural Review Criteria**) below.
 4. When Spanish Colonial Revival architecture is required, the goal of the [-A] Overlay is to require site and structural development that exemplifies the Ole Hanson era, and, at the same time, allow creative interpretation of Spanish Colonial Revival architecture. If this section requires architecture other than Spanish Colonial Revival, the goal of the [-A] Overlay is to require site and structural development; that is consistent with the City's Design Guidelines and in character with the architectural style required by the [-A] Overlay.
 5. Provide for the development of commercial and mixed-use (integrating commercial with residential) districts characterized by a high level of pedestrian activity;
 6. Require that structures be sited and designed to enhance pedestrian activity along sidewalks.
- B. **Applicability.** The provisions in this section apply to development within the -A Overlay.
- C. **Permitted and Conditionally Permitted Uses.** Permitted and conditional uses within the -A Overlay are the same uses as those allowed within the underlying

base zones. Please refer to the use tables in Chapters 17.32, Residential Zones and Standards, through 17.48, Public Zones and Standards, of this title.

- D. **Development Review.** Development in areas with this overlay designation will be subject to architectural review for compliance with the City's Design Guidelines. See Section 17.16.100, Architectural/Cultural Heritage Permits and Minor Architectural/Cultural Heritage Permits for requirements regarding architectural review.
- E. **Architectural Review Criteria.** The purpose of architectural review shall vary, according to the following criteria. For referenced architectural style areas, refer to Figure UD-2 in the General Plan Urban Design Element for area locations.
 - 1. Required Architecture.
 - a. **Spanish Colonial Revival.** Ole Hanson-era Spanish Colonial Revival architecture is required except when subsections b and c apply, below. When Spanish Colonial Revival architecture is required, site and structural developments are to exemplify the Ole Hanson era, and, at the same time, allow creative interpretation of Spanish Colonial Revival architecture;
 - b. **Spanish Colonial Revival or Other Spanish Architecture.**
 - i. El Camino Real Neighborhood Commercial Zones. Spanish Colonial Revival architecture or other Spanish architectural styles is required, such as Monterey, Mediterranean, or Mission, etc., on properties in the NC2 and NC3 Zones along North El Camino Real between West Avenida Palizada and Calle Los Bolas, and on South El Camino Real between Avenida Rosa and Interstate-5. This excludes North El Camino Real properties in the West Pico Corridor Specific Plan.
 - ii. North El Camino Real in West Pico Corridor Specific Plan. The West Pico Corridor Specific Plan includes several Neighborhood Commercial properties on North El Camino Real with rear frontage to Calle Valle and Los Obreros Lane. New development and major remodels along El Camino Real shall have a true form of Spanish architecture, such as Spanish Colonial Revival, Mission, Monterey, etc. wherever a project equals or exceeds the grade of North El Camino Real. For portions below the grade of North El Camino Real, projects are evaluated according to design guidelines in the West Pico Corridor Specific Plan for the Los Molinos Design District.
 - c. **Distinctive Architecture of Historically Significant Buildings.** Projects shall preserve and reinforce the original architectural design of structures that are designated historic resources, eligible for historic

listing, or potential eligible for historic listing. This includes significant structures with distinctive architectural styles that include but is not limited to Spanish Colonial Revival, Art Deco, Post-Modern, and Mid-Century Modern. Project should reinforce the building's original architectural design.

- d. **Pedestrian-Oriented Design in the [A] and [CB] Overlays.** Projects located in [A] and [CB] Overlays shall have a pedestrian-orientation with design elements such as courtyards, paseos, outdoor eating areas, landscaping, interesting architectural details, etc.
2. **New Structures.** The architectural character for all new buildings shall reflect a pedestrian orientation, and have Spanish Colonial Revival architecture unless other architecture is required by subsection E above. New and historic structures are required to comply with all relevant sections of the City's Design Guidelines, as well as the development standards for the underlying zoning designation.
3. **Historic Structures.** Projects shall preserve and reinforce the original architectural design of significant structures that are designated historic, eligible for historic listing, or potential eligible for historic listing. This includes significant structures with distinctive architectural styles other than Spanish Colonial Revival, such as, Art Deco, Post-Modern, and Mid-Century Modern. Project should reinforce the building's original architectural design.
4. **Remodeled Structures.** Although the ultimate goals for remodeled buildings in the Architectural Overlay are to have the required architectural style per subsection E (**Architectural Review Criteria**) above. It may not always be practical, with minor changes, to convert a contemporary building into a true form of the required architectural style, consistent with the City's Design Guidelines, or to provide pedestrian-oriented elements. It is not the intent of the Architectural Overlay District to prevent minor building improvements, additions, maintenance, etc., from occurring. The following should be considered when remodeling a building:
 - a. In reviewing additions to existing buildings which do not have the required architectural style and/or not pedestrian-oriented, the review authority shall determine whether or not it is practical for the existing buildings to be converted to a true form of the architecture required by this section and/or to provide pedestrian-oriented elements.
 - b. In cases where only minor modifications are proposed, the goals shall be the following:
 - i. To improve the architectural quality of the building, consistent with the architectural style required by this section;

- ii. To include design elements that are in character with the required architectural style, where practical;
- iii. To include as many pedestrian-oriented elements, such as courtyards, paseos, outdoor eating areas, landscaping, interesting architectural details, etc., as is practical.

Minor modifications are changes that leave the existing building essentially intact and are primarily cosmetic (e.g., paint, re-stucco, enlarged windows, small additions).

Minor remodels are required to comply with the standards of the underlying zoning designation, and the general Design Guidelines in the City's Design Guidelines. If the building being remodeled is Spanish Colonial Revival, or if Spanish Colonial Revival elements would complement the building and are practical, then the section of the City's Design Guidelines pertaining to Spanish Colonial Revival architecture should be used to guide minor changes. When practical, the guidelines for pedestrian districts contained in the City's Design Guidelines should also be used.

- c. For all major remodels, projects shall have the required architectural style per subsection E (**Architectural Review Criteria**) and pedestrian-orientation unless it can be demonstrated that it is impractical to do so. Major remodels are changes that significantly alter a building's design (e.g., additions that significantly change the footprint of the building, the addition of new stories, new roof design, etc.).

Major remodels are required to comply with all relevant sections of the City's Design Guidelines, particularly the section for pedestrian districts, as well as the development standards for underlying zoning designation. If Spanish Colonial Revival architecture is required, major remodels are also required to comply with relevant sections of the City's Design Guidelines for Spanish Colonial Revival architecture.

Section 7. The San Clemente Zoning Map is hereby amended to update Zoning Districts and Zoning Overlay Districts to reflect the expansion of the West Pico Corridor Specific Plan area and expansion of the Architectural Overlay District between the Downtown and Pier Bowl areas, as shown and included as Exhibit A.

Section 8. City Council Adoption of Ordinance.

Based on the entire record, including all written and oral evidence presented to the City Council, and the findings made and evidence discussed in the staff report and this Ordinance, the City Council hereby approves adopts Zoning Amendment 21-240.

Section 9. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable, such decision shall not affect the validity or enforceability of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases would be declared invalid or unenforceable.

Section 10. The City Clerk shall certify to the passage of this Ordinance and publish the same in the manner required by law, and this Ordinance shall take effect as provided by law.

APPROVED AND ADOPTED this ____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

I, **JOANNE BAADE**, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. _____ having been regularly introduced at the meeting of October 18, 2022, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the _____ day of _____, _____, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

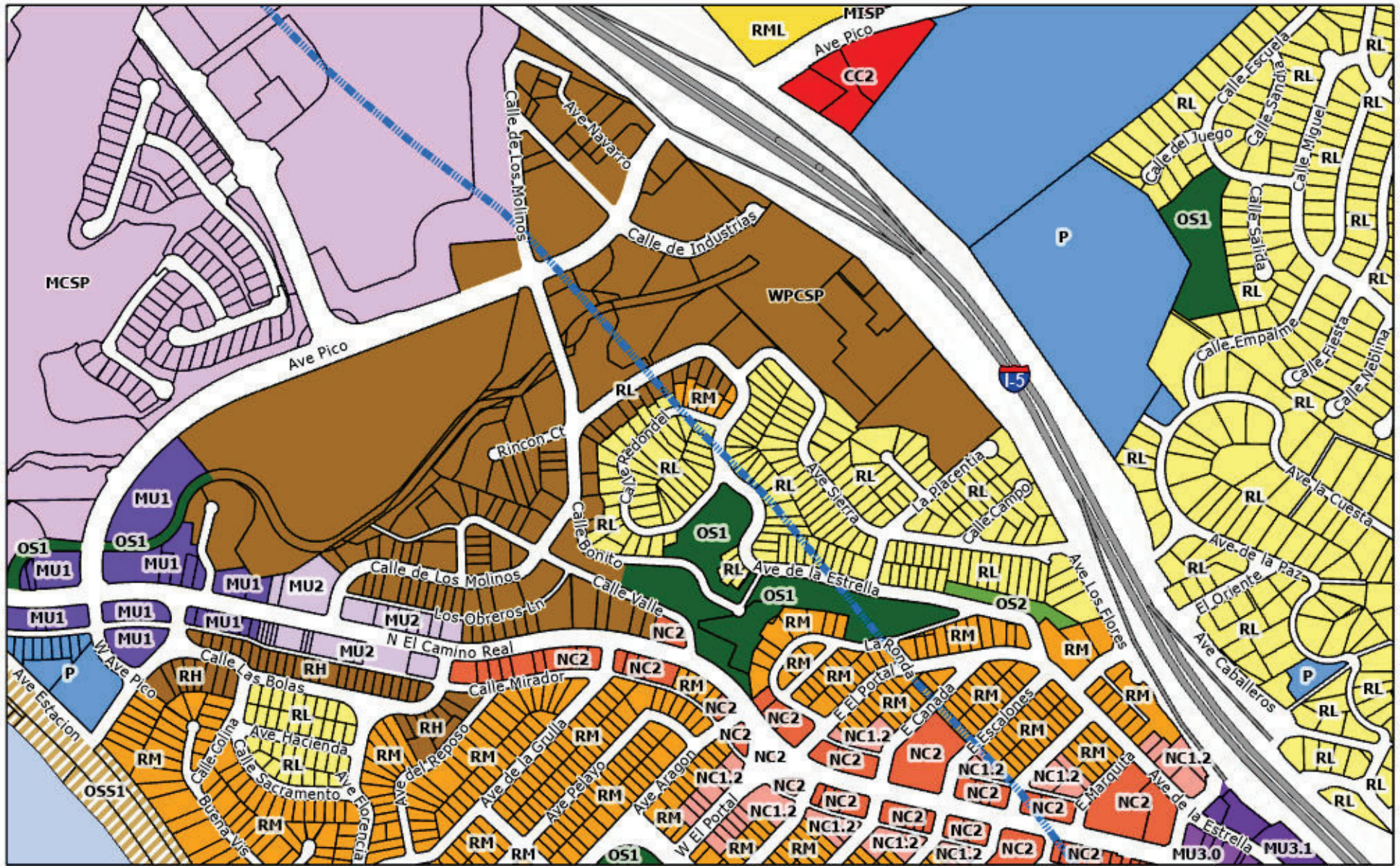
CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

CITY ATTORNEY

Enclosed:

- Amended Zoning Districts Map, page F3.
- Amended Zoning Overlays Map, page G3.



Legend

Coastal Zone boundary

Zoning Districts

- RL - Residential Low Density
- RML - Residential Medium Low Density
- RM - Residential Medium Density
- RH - Residential High Density
- MU1 - Mixed Use 1
- MU2 - Mixed Use 2
- MU3.0 - Mixed Use 3.0
- MU3.1 - Mixed Use 3.1
- P - Public
- OS1 - Open Space Public
- OS2 - Open Space Private
- OSS1 - Public Shoreline

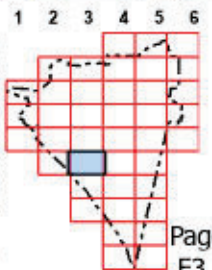
- CC2 - Community Commercial 2
- NC1.2 - Neighborhood Commercial 1.2
- NC2 - Neighborhood Commercial 2
- MCSP - Marblehead Coastal Specific Plan
- MISP - Marblehead Inland Specific Plan
- WPCSP - West Pico Corridor Specific Plan

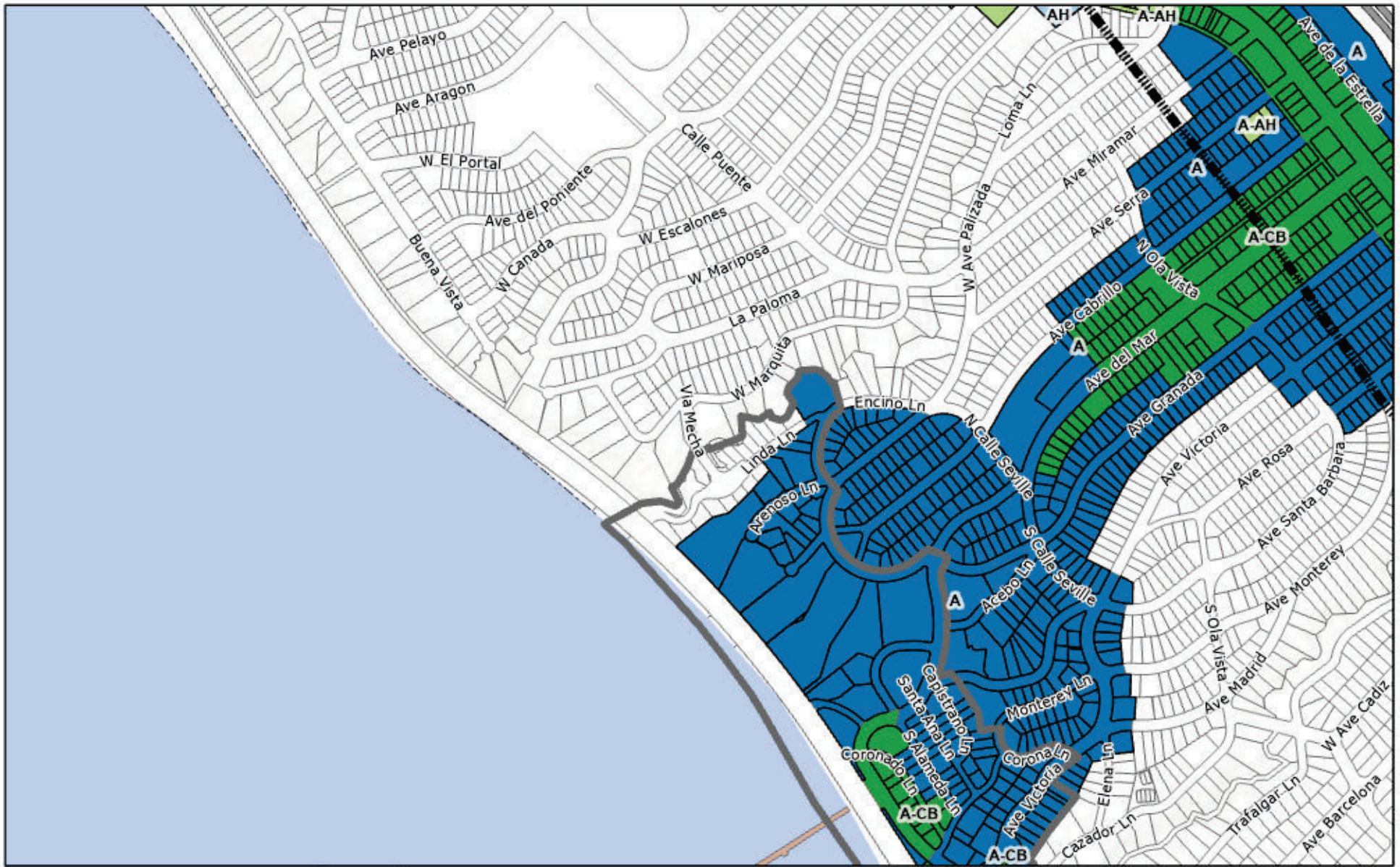


Zoning Districts



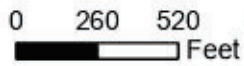
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Zoning Overlay Zones

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Legend

- Coastal Zone boundary
- Specific Plans
- Affordable Housing (AH)
- Architectural (A)
- Architectural, Affordable Housing (A-AH)
- Architectural, Central Business (A-CB)

