Chapter 6

ADMINISTRATION

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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 Pier Bowl 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

This Section describes procedures for the review and permitting of projects within the Pier Bowl as shown on Figure 1-2 in Chapter 1. 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.

A. Environmental Review.

Projects are reviewed according to the California Environmental Quality Act (CEQA) Guidelines.
B. Local Coastal Program.

The Pier Bowl Specific Plan is entirely 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 Pier Bowl 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.

C. 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.

D. 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.

E. 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.
F. **Site Plan and Architectural Review.**

All applications for new development and modifications to existing development shall be subject to approvals required by the Local Coastal Program. The purpose of the review process is to ensure projects are consistent with land use policy, design guidelines, and applicable regulations. As part of the review process, the City may impose specific conditions of approval on permits, in addition to the requirements of this Specific Plan. If a project does not fully comply with required development standards, then zoning exceptions or variances must be processed as part of an application.

G. **Signs.**

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

H. **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 Enforcement**

This Specific Plan promotes orderly development and the zoning for the Pier Bowl 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.

**604 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.

**605 Specific Plan Amendments**

Amendments to this Specific Plan shall be reviewed and processed according to the Zoning Ordinance, or the Implementation Plan following it is certified 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, Local Coastal Program, and State law.