

ORDINANCE NO. 983

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING ORDINANCE NO. 922 BY MODIFYING SECTION 6 OF CHAPTER 38 OF THE CODE OF THE CITY OF SAN CLEMENTE TO ACCURATELY REFLECT AND CLARIFY THE PROCEDURES USED BY THE RESIDENTIAL DEVELOPMENT EVALUATION BOARD IN RATING DEVELOPMENT PROJECTS.

WHEREAS, the Planning Division has proposed revisions to the text of Section 6, Chapter 38 of the Code of the City of San Clemente; and

WHEREAS, the revised text was developed by the Planning Division in order to more accurately describe the ratings procedure for the Development Allocation Program; and

WHEREAS, Section 10 of Chapter 38 of the Code of the City of San Clemente permits amendment of the Ordinance by a four-fifths vote of the Council, provided the amendment is consistent with the intent of the Ordinance; and

WHEREAS, the Residential Development Evaluation Board held a duly noticed public hearing on the matter on September 6, 1988, and considered all of the evidence presented to it by City staff and interested parties; and

WHEREAS, on September 6, 1988, the Residential Development Evaluation Board recommended City Council approval of the proposed revisions to Chapter 38 of the Code of the City of San Clemente; and

WHEREAS, on September 21 and October 5, 1988, the City Council of the City of San Clemente held a duly-noticed public hearing on the subject modifications to Chapter 38 of the Code of the City of San Clemente; and

WHEREAS, the City Council of the City of San Clemente considered all of the evidence presented by City staff and interested parties; and

WHEREAS, an initial environmental assessment for the above referenced matter has been processed and completed in accordance with the California Environmental Quality Act. The environmental assessment indicates that there will be no significant adverse impacts associated with adoption of these revisions and that a negative declaration is warranted; and

WHEREAS, the City Council does hereby find as follows:

- A. That the proposed amendment to Chapter 38 is consistent with the intent of Chapter 38 in that it will clarify rating procedures.

- B. That the proposed amendment to Chapter 38 is consistent with the General Plan in that it does not conflict with any goal, policy or objective of the General Plan.
- C. That the proposed amendment to Chapter 38 is consistent with the applicable provisions of the Zoning Ordinance of the City of San Clemente in that it does not conflict with any provision of the Zoning Ordinance.
- D. That an environmental assessment has been prepared and processed in accordance with the California Environmental Quality Act which indicates that the proposed amendment to Chapter 38 will not cause any significant environmental impact and a negative declaration is warranted.

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

SECTION 1. Section 38-6c of the Code of the City of San Clemente, California is hereby amended as follows:

(c) After having studied each application in accordance with subsections (a) and (b) of this section, in regard to each of these criteria, or so many of them as may be applicable, and having assigned evaluation points on a scale of zero to ten in accordance with its findings. The Board shall prepare a chart documenting the points awarded in each subsection of sections (a) and (b) of this section. The chart shall also indicate the subtotals for points in sections (a) and (b) of this section and the overall totals for points awarded in all these sections. In addition, the Board shall prepare three lists as follows:

(1) A list ranking the competing projects from the highest to the lowest percentage of points scored in Section 6a. The percentage shall be calculated by dividing the points scored in Section 6a by the total maximum points possible in Section 6a.

(2) A list ranking the competing projects from the highest to the lowest percentage of points scored in Section 6b. The percentage shall be calculated by dividing the points scored in Section 6b by the total maximum possible points in Section 6b.

(3) A cumulative list ranking the competing projects from the highest to the lowest percentage of the combined points scored in Sections 6(a) and 6(b) combined. The percentage shall be calculated by

dividing the total points scored in Sections 6(a) and 6(b) by the total maximum points possible in Sections 6(a) and 6(b).

d. Having evaluated each development in accordance with the criteria set out in this section, the Board shall publish in appropriate ways the rating given to each development on each of those criteria. The Board shall then schedule a public hearing to be held within fifteen to thirty days of classification, of the point assignments made by the Board.

(1) The applicant or any interested party may request the Board, at public hearing, to reevaluate the point assignment made on any or all of the criteria. The primary criteria for the Board to alter its point assignment on a particular development is demonstration by the applicant or interested party that there exists pertinent information which the Board was not aware of at the time of the original evaluation.

(2) Any applicant or interested party who is dissatisfied with the Board's action may, within seven days of the action, submit written notification of such dissent to the City Clerk, which will be furnished to the City Council prior to the awarding of development allocations.

e. Having evaluated each application, the Board shall present their lists of evaluations and recommendations to the City Council for the awarding of development allocations. (Ord. No. 922, Par.6; Ord. No. 931, Par. 1, 5-11).

SECTION 2. Section 38-7A of the Code of the City of San Clemente, California is hereby amended as follows:

A. The City Council shall consider, at a public hearing, the Board recommendations and rankings of the proposed developments in each of the three lists prepared pursuant to Section 38-6 and shall award development allocations based on their evaluation of those recommendations and rankings.

SECTION 3. This Ordinance shall be in full force and effect at 12:01 a.m. on the 31st day after its adoption. The City Clerk shall cause this Ordinance to be published in a newspaper of general circulation, printed and published in San Clemente, California, within fifteen days after adoption.

SECTION 4. First read to a regular meeting of the City Council of said City held on the 5th day of October, 1988,

and finally adopted at a regular meeting of said Council on the 19th day of October, 1988.

Myrna Erway
CITY CLERK of the City of
San Clemente, California

Tom Lorck
MAYOR of the City of San
Clemente, California

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

I, MYRNA ERWAY, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. 88-983, having been regularly introduced at the meeting of October 5, 1988, 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 19th day of October, 1988, and said ordinance was passed and adopted by the following stated vote:

AYES: COUNCIL MEMBERS: LIMBERG, MECHAM, RICE, VEALE,
MAYOR LORCH
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE

Myrna Erway
CITY CLERK

Approved as to form:

/s/ Jeff Oderman
CITY ATTORNEY

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