

ORDINANCE NO. 991

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SAN CLEMENTE, CALIFORNIA AMENDING
SECTION 38-7 OF THE CODE OF THE CITY OF
SAN CLEMENTE, REGARDING THE REALLOCATION
OF RESIDENTIAL DEVELOPMENT ALLOCATION
AWARDS FOR MODIFIED AND ALTERED PROJECTS

WHEREAS, Measure B, as adopted by the voters of the City of San Clemente, permits the City Council to amend various sections of the Measure, providing such amendments are consistent with the intent thereof;

WHEREAS, flexibility is necessary in the administration of Measure B in order to ensure that the City is developing the highest quality housing stock possible;

WHEREAS, the following amendment is consistent with the intent of Measure B and provides the necessary flexibility;
and

WHEREAS, an environmental assessment has been prepared for this amendment in accordance with the California Environmental Quality Act, and the Planning Division has determined that no significant environmental effects will occur as a result of the approval of this amendment, thereby justifying the adoption of a Negative Declaration.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE HEREBY ORDAINS AS FOLLOWS:

SECTION 1: That no significant environmental effects will occur as a result of this amendment and, therefore, pursuant to the California Environmental Quality Act, the City Council of the of San Clemente hereby adopts a Negative Declaration.

SECTION 2: That a new Section 38-7(d) is hereby added to the Code of the City of San Clemente, to read in its entirety as follows:

(d) Any applicant that has modified or altered a project which has previously been awarded development allocations may request that the City reallocate the previously awarded development allocations to the modified or altered project when such modifications or alterations are not "minor" as that term is used in Resolution 86-93, Exhibit "B"(6)(i). An applicant seeking to reallocate previously awarded development allocations to a modified or altered project shall complete the reallocation application on the form provided by

the City, and shall submit the application, together with the required fee, to the Community Development Department. The City Council shall reallocate the previously awarded development allocations to a modified or altered project if it is determined at a public hearing that the following conditions are satisfied:

- (1) The project has previously been awarded development allocations;
- (2) The applicant is not seeking to increase the number of units in the project;
- (3) All elements of the revised or altered project meet all minimum City standards required for the project;
- (4) The revised or altered project has previously been awarded all necessary discretionary approvals; and
- (5) After a re-evaluation of the revised or altered project pursuant to the then current Residential Development Evaluation Board's standards, the points awarded to the revised or altered project are equal to or greater than the number of RDEB points in each RDEB category originally assigned to the project.


If the above conditions are not satisfied, the applicant must resubmit the project for development allocations in the next annual development allocation sequence as if no allocations were ever awarded.

Applications for a reallocation of previously awarded development allocations for modified or altered projects may be submitted at any time. The reallocation of development allocations shall not effect the number of development allocations to be awarded in the year in which the reallocation is made.

SECTION 3: The City Clerk shall certify to the passage of this Ordinance and cause the same to be published as required by law, and the same shall take effect as provided by law.

APPROVED, ADOPTED AND SIGNED this 1st day of February, 1989.

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, MYRNA ERWAY, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. 991 having been regularly introduced at the meeting of January 18, 1989 the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the 1st day of February, 1989, and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES: DIEHL, HAGGARD, VEALE, MAYOR RICE

NOES: LORCH

ABSENT: NONE

and was thereafter on said day signed and approved by the Mayor of said City.



CITY CLERK of the City of
San Clemente, California

Approved as to form:


/s/ Jeff Ogerman

City Attorney

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