

CALIFORNIA COASTAL COMMISSION

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**RECORD PACKET COPY****Item Tu 13k**

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 Staff Report: October 25, 2001
 Hearing Date: November 13-17, 2001
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-01-322
APPLICANT: City of San Clemente
AGENT: James E. Pechous, Associate Planner
PROJECT LOCATION: 415 Avenida Granada, San Clemente, Orange County

PROJECT DESCRIPTION: Rehabilitation and reuse of the existing "Casa Romantica" historic structure in the Pier Bowl area of San Clemente. The structure is currently vacant and was last used as a special events facility. Renovation will result in the creation of a cultural center. Thirty-three (33) standard parking spaces and 3 tandem employee spaces will be provided on site, for a total of 36 spaces. The project involves the demolition of multiple detached buildings along the street-facing portion of the property, including a duplex with paved parking facilities, a laundry room, and chauffeurs quarters/garage. The project also involves structural improvements and additions to the primary Casa Romantica structure, including the addition of a 1000 square foot workshop beneath the new West Terrace with additional ancillary support space of approximately 450 square feet. The project also involves landscaping and hardscape improvements. Approximately 850 cubic yards of grading (150 cy cut and 700 cy fill) is proposed for site preparation and drainage.

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing adaptive reuse and rehabilitation of a designated historic structure on a blufftop lot in the Pier Bowl area of the City of San Clemente. Staff recommends the Commission **APPROVE** the proposed development with seven (7) special conditions requiring: 1) conformance with geotechnical recommendations; 2) submittal of a revised landscaping plan with 5-year monitoring plan; 3) conformance with the grading, drainage and runoff control plan submitted; 4) an assumption of risk agreement; 5) a no future protective device agreement; 6) a future improvements agreement; and 7) a limitation on off-site parking use. The major issues raised by the proposed project are development adjacent to a coastal bluff and the adequacy of parking. A total of thirty-six (36) parking spaces will be provided on-site, which will provide adequate parking for day-to-day use of the cultural center. However, when special events are held at the site, off-site parking will be necessary. Shared use of nearby public parking is proposed.

PROJECT SPECIFICS: Lot Area: 104,963 sq. ft.
Building Area: 12,700 sq. ft. (including covered patios)
Building Coverage: 12,500 sq. ft.
Pavement Coverage: 22,572 sq. ft.
Landscape Coverage: 69,351 sq. ft.
Unimproved Area: 540 sq. ft.
Parking Spaces: 36 (33 standard & 3 tandem employee)
Land Use Designation: MU 4.3-p-A (Mixed Use)
Ht. above final grade: 20 ft.

LOCAL APPROVALS RECEIVED:

Approval in Concept from the Department of Community Development of the City of San Clemente and Approval of Conditional Use Permit 00-214/ Cultural Heritage Permit 00-215 from the City Council of the City of San Clemente.

SUBSTANTIVE FILE DOCUMENTS:

City of San Clemente Certified Land Use Plan (LUP); Pier Bowl Specific Plan; *Preliminary Geotechnical Investigation Casa Romantica Restoration Project, San Clemente, California* prepared by Geofirm dated June 21, 2001; *Historic Resource Report, Casa Romantica Cultural Center* prepared by Chattel Architecture, Planning & Preservation, Inc. dated July 2001; *Acoustical Engineering Analysis* prepared by Wave Space, Inc. dated July 3, 2001; and *Parking Study for the Casa Romantica in the City of San Clemente* prepared by Katz, Okitsu & Associates dated August 29, 2001.

LIST OF EXHIBITS:

1. Vicinity Map
2. Parcel Map
3. Coastal Access Map
4. Project Plans
5. Landscape Plan
6. Grading and Drainage Plan
7. City of San Clemente Resolution No. 01-47
8. CRCC letter dated September 11, 2001

STAFF RECOMMENDATION:

Staff recommends that the Commission APPROVE the permit application with special conditions.

MOTION:

I move that the Commission approve CDP No. 5-01-322 pursuant to the staff recommendation.

Staff recommends a YES vote. Passage of this motion will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

I. Approval with Conditions

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 including the public access and recreation policies of Chapter 3, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Conformance of Design and Construction Plans to Geotechnical Report
 - A. All final design and construction plans, including foundation, grading and drainage plans, shall be consistent with all recommendations contained in the *Preliminary Geotechnical Investigation Casa Romantica Restoration Project, San Clemente, California* prepared by Geofirm dated June 21, 2001.
 - B. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.
 - C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be

reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Submittal of a Revised Landscaping and Irrigation Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a revised landscaping and irrigation which incorporates the following provisions:
- (a) All planting shall provide 90 percent coverage within 90 days and shall be repeated if necessary to provide such coverage;
 - (b) All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscaping plan;
 - (c) Landscaped areas in the rear yard (bluff-facing) portion of the property shall be planted and maintained for erosion control and native habitat enhancement purposes. To minimize the need for irrigation and minimize encroachment of non-native plant species into the proposed ocean bluff restoration area, all landscaping adjacent to the bluff edge shall consist of native, drought tolerant plants. Invasive, non-indigenous plant species that tend to supplant native species shall not be used;
 - (d) Pursuant to the project proposal, all existing non-native plant species on the bluff slope shall be removed and replaced by natives;
 - (e) All new fencing along the bluff slope and property lines shall be screened by native vegetation;
 - (f) Landscaped areas in the front and side yards may include native or drought-tolerant, non-invasive, non-native plant species; and
 - (g) No permanent in-ground irrigation systems shall be installed along the bluff slope. Temporary above-ground irrigation is allowed to establish plantings.
- B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
- C. Five years from the date of issuance of Coastal Development Permit No. 5-01-322, the applicant shall submit for the review and approval of the Executive Director, a monitoring report, prepared by a licensed biologist, landscape architect or qualified resource specialist, that certifies the on-site landscaping is in conformance with the landscaping plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species, plant coverage and an evaluation of the

conformance of the resultant landscaping with the requirements of this special condition.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed landscape architect or a qualified resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

3. Conformance with the Grading, Drainage and Runoff Control Plan

- A. The applicant shall comply with the Precise Grading Plan submitted August 13, 2001 prepared by K. W. Lawler and Assoc., Inc. and with all recommendations contained in the *Preliminary Geotechnical Investigation, Casa Romantica Restoration Project, San Clemente, California* prepared by Geofirm, Inc. dated June 21, 2001. In addition, the applicant shall comply with the following provisions:
- (a) Run-off from all roofs, patios, driveways and other impervious surfaces and slopes on the site shall be collected and discharged via pipe or other non-erosive conveyance to the biofiltration swales or designated catch basins to avoid ponding or erosion either on- or off- site;
 - (b) Run-off shall not be allowed to pond adjacent to the structure or sheet flow directly over the sloping surface; and
 - (c) The functionality of the approved drainage and runoff control plan shall be maintained throughout the life of the development.
- B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Assumption of Risk, Waiver of Liability, and Indemnity Agreement

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site of the Casa Romantica may be subject to hazards such as bluff erosion and landslides; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defiance of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

- B. Prior to any conveyance of the property that is the subject of this coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection (A) of this condition. The restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.
- C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a written agreement in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

5. No Future Blufftop Protective Device

- A(1) By acceptance of this permit, the applicant agrees, on behalf of itself and all successors and assigns, that no blufftop protective device(s) shall ever be constructed to protect the improvements to the Casa Romantica approved pursuant to Coastal Development Permit No. 5-01-322 including, but not limited to, the hardscape improvements and ocean terrace, and any other future improvements in the event that the development is threatened with damage or destruction from bluff retreat, landslides, or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- A(2) By acceptance of this permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the permittee and/or landowner shall remove the development authorized by this permit, including the hardscape improvements and ocean terrace, if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the bluff face before they are removed, the landowner shall remove all recoverable debris associated with the development and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.
- A(3) In the event the bluff erodes to within 10 feet of the Casa Romantica structure but no government agency has ordered that the structures not be occupied, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist retained by the permittee, that addresses whether any portions of the structure is threatened by bluff erosion, landsliding, or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the structure without blufftop protection including, but not limited to, removal or relocation of portions of the structure and hardscape improvements. If the geotechnical report concludes that the structure or any portions of the hardscape improvements are unsafe, the permittee shall, in accordance with a coastal development permit, remove the threatened portion of the development.
- B. Prior to any conveyance of the property that is the subject of this coastal development permit, the applicant shall execute and record a deed restriction,

in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection (A) of this condition. The restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

- C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a written agreement in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

6. Future Improvements

- A. This permit is only for the development described in Coastal Development Permit No. 5-01-322. Pursuant to Title 14, California Code of Regulations, Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code, Section 30610(b) shall not apply. Accordingly, any future improvements to the development authorized by this permit that would result in an increase in square footage or any other change in the intensity of use of the property including, but not limited to, repair and maintenance identified as requiring a permit in Public Resources Code, Section 30610(d) and Title 14, California Code of Regulations, Sections 13252(a)-(b), shall require an amendment to Permit No. 5-01-322 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
- B. Prior to any conveyance of the property that is the subject of this coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection (A) of this condition. The restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.
- C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a written agreement in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

7. Event Timing / Use of Off-Site Parking

The permittee shall comply with the following operational requirements:

- (a) During the peak summer months (defined as Memorial Day weekend through Labor Day weekend), the Linda Lane parking lot shall not be utilized to accommodate Casa Romantica parking demand either 1) on a holiday or 2) earlier than 4:00 p.m. on Friday, Saturday or Sunday;

- (b) No more than forty-two (42) parking spaces at the Linda Lane parking lot shall be utilized to accommodate parking demand for a Casa Romantica event at any given time;
- (c) With the exception of the Linda Lane valet parking lot arrangement approved pursuant to CDP No. 5-01-322, no public parking facilities within the Coastal Zone shall be utilized to accommodate parking demand for a Casa Romantica event.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. **PROJECT LOCATION, BACKGROUND AND DESCRIPTION**

Location

The proposed project site is the Casa Romantica property located at 415 Avenida Granada in the Pier Bowl area of the City of San Clemente, Orange County (Exhibits 1 & 2). The site is bound to the north by a condominium complex; to the east by single-family residential development along Avenida Granada; to the south by a former canyon slope leading to the Pier Bowl parking lots below; and to the west by an approximately 100 foot high coastal bluff, the OCTA railway and the Pacific Ocean beyond. The nearest public access to the coast is available via the Corto Lane pedestrian accessway, approximately 200 feet south of the subject site (Exhibit 3).

Background

The primary Casa Romantica structure was built in 1928 by Ole Hanson, founder of the City of San Clemente, as his primary residence. In subsequent years, additional structures were constructed on the property, including a duplex, laundry room and chauffeurs quarters/garage located in the front yard area (street-facing). The Casa Romantica residence is listed on the National Register of Historic Places for its association with Hanson. However, the ancillary structures, known as "outbuildings," were determined to be non-contributing features to the historical status of the site. The Casa Romantica structure was originally used as a single-family residence. It later became a senior board and care facility and has been used for the last fifteen years as a wedding and events center. In 1989, the Redevelopment Agency of the City of San Clemente purchased the property, allowing continued use of the site as a special events facility. In 1999, the City Council directed staff to implement a plan for the development of the Casa Romantica as a cultural center. On March 15, 2000, the City Council and Redevelopment Agency Board of Directors adopted a master plan for the site as contained in the "*Casa Romantica Reuse Feasibility Study: A Cultural and Educational Center for San Clemente, California*," prepared by Wolf, Keens & Company and Chattel Architecture, Planning & Preservation, Inc.

Description

The applicant is proposing to rehabilitate and adaptively reuse the Casa Romantica as a cultural center. The project involves demolition of the existing duplex, laundry room and chauffeur's quarters/garage in the front yard, the addition of a new West Terrace with an approximately 1000 square foot workshop below, and various interior and exterior repairs/modifications to the main residence (Exhibit 4). The majority of work proposed to accommodate assembly use within the Casa Romantica structure includes replacement of infrastructure (mechanical, electrical and plumbing), strengthening cripple wall support system below the principal floor elevation, installation of fire sprinklers and handicap accessible restrooms. This work will occur in areas of previous alteration. Only the new

West Terrace addition will result in an expansion of the existing footprint. No building additions are proposed on the seaward portion of the residence.

However, both hardscape and landscape improvements are proposed along the bluff-facing portion of the property, including an expansion of the existing Ocean Terrace, creation of a native demonstration garden, a new City Terrace and grassy amphitheater with removable seating at the southwestern corner, an informal stone terrace at the northwestern corner, pathways, ocean bluff restoration and the placement of fencing along the perimeter of the property for security purposes (Exhibit 5). As will be discussed in Section B (Geologic Stability), the proposed hardscape improvements will be sited in accordance with the typically imposed 10-foot hardscape setback. A new 85-seat amphitheater and garden stroll path will be constructed along the northern portion of the property. In addition, the front yard area of the property will be reconfigured to accommodate a redesigned vehicular entrance, passenger drop-off and pick-up, fire access and a new 36-space (33 standard and 3 tandem) parking lot. Lastly, the project involves drainage improvements such as the creation of biofiltration areas to minimize erosion and improve water quality (Exhibit 6). The City Council has found the proposed structural improvements, front yard/parking area modifications and new outdoor spaces are in keeping with the historic character of the site, as discussed in Resolution No. 01-47, which approved the currently proposed project (Exhibit 7).

The City-owned property will be run by the Casa Romantica Cultural Center (CRCC) Non-Profit Corporation, formed to operate and maintain the programs and activities to be held there. Exhibit 8 is a letter from the CRCC Executive Director describing admission, daily operations and special events. The proposed use of the Casa Romantica will provide multicultural programs that will allow continuous public accessibility to the site. The cultural center will include both permanent and touring displays.

According to the CRCC, it is the ultimate goal of the Casa Romantica Cultural Center to operate the facility without an admission charge for entrance to the grounds. Such access would include *“use and enjoyment of the horticultural gardens; access to both permanent and touring exhibitions of art and history; use of the historic archives and satellite branch of the Orange County Library to be located on the premises; and participation in general entertainment activities that may have been scheduled at any given time.”* Although it is the goal to allow free admittance, the feasibility study prepared for the site indicates that, at least in the early years, a daily charge will be necessary to maintain the financial self-sufficiency of the facility. The CRCC anticipates that this fee will range from \$3 to \$5 for an adult, with discounts for senior and children. A “suggested donation” option is also being considered.

Room rentals for small weddings, corporate meetings and social events will also be allowed at the Casa Romantica. Catered meals and alcoholic beverages will be allowed for such events, with meal preparation occurring off-site. As stated by the CRCC Executive Director, *“Special events presented under the auspices of the non-profit will be separately ticketed activities. These might include performance of music, theatre, and/or dance; special literary events; or cultural gatherings of other kinds.”*

The CRCC anticipated that the Casa Romantica will be open to the public at least six days a week, with the option of adding a seventh day based on interest, attendance and finances. General hours of operation will be Tuesday through Friday 8:00 a.m. to 6:00 p.m., and Saturday and Sunday 9:00 a.m. to 6:00 p.m. Evening hours will be extended to accommodate special events or rental activities.

The project involves the use of off-site parking to accommodate special events. As stated above, the proposed parking lot design for the Casa Romantica includes a total of 36 parking spaces (33 standard spaces and 3 tandem spaces), as shown in Exhibit 4. The City parking requirement for "assembly" uses is one parking space per every four attendees. Based on this parking standard, the on-site parking lot can accommodate a maximum of 132 people, including both visitors and employees. According to the City, there will be adequate capacity to accommodate 90% of the day-to-day parking operations of the proposed cultural center. However, there will be occasions when events will exceed the on-site parking capacity. The applicant anticipates that there will be 15-20 mid range size special events of approximately 150 people and two to three large-scale events. Based on fire code requirements, the maximum occupancy for the Casa Romantica is 299 guests. During events in which more than 132 people are expected, special parking arrangements must be made. If a maximum of 299 people attend an event at the Casa Romantica, 75 spaces would be required. Thirty-three (33) standard spaces are provided on-site, resulting in a deficiency of 42 spaces. The project includes a request to use up to 42 off-site parking stalls at Linda Lane Park for events over 132 people to accommodate the on-site deficiency. Linda Lane Park is located approximately one quarter mile north (upcoast) of the subject site (Exhibit 3). Parking will be discussed further in Section C (Public Access) of the current staff report.

B. GEOLOGIC STABILITY

The subject site is located on a coastal bluff. This type of development poses potential adverse impacts to the geologic stability of coastal bluffs, to the preservation of coastal visual resources, and to the stability of residential structures. Blufftop stability has been an issue of historic concern throughout the City of San Clemente. Coastal bluffs in San Clemente are composed of fractured bedding which is subject to block toppling and unconsolidated surface soils which are subject to sloughing, creep, and landsliding. The setback and stringline policies of the Commission were instituted as a means of limiting the encroachment of development seaward to the bluff edges on unstable bluffs and preventing the need for construction of revetments and other engineered structures to protect development on coastal bluffs, as per Section 30253 of the Coastal Act. A stringline does not apply in this instance. Therefore, the City's 25-foot structural setback and 10-foot hardscape setback will be utilized.

1. Coastal Act Policies

Section 30253 of the Coastal Act states:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Section 30235 of the Coastal Act states, in relevant part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply...

2. City of San Clemente Policies

The City of San Clemente Certified LUP contains policies establishing stringlines for purposes of limiting the seaward encroachment of development onto eroding coastal bluffs and into sensitive coastal canyons. Although the standard of review for projects in San Clemente is the Coastal Act, the policies of the Certified LUP are used as guidance. These policies include the following:

Policy VII.13:

Development shall be concentrated on level areas (except on ridgelines and hilltops) and hillside roads shall be designed to follow natural contours. Grading, cutting, or filling that will alter landforms (e.g.; bluffs, cliffs, ravines) shall be discouraged except for compelling reasons of public safety. Any landform alteration proposed for reasons of public safety shall be minimized to the maximum extent feasible.

Policy VII.14 states:

Proposed development on blufftop lots shall be set back at least 25 feet from the bluff edge, or set back in accordance with a stringline drawn between the nearest corners of adjacent structures on either side of the development. This minimum setback may be altered to require greater setbacks when required or recommended as a result of a geotechnical review.

3. Project Site Geotechnical Report

For the current application, the applicant submitted a geotechnical investigation prepared by Geofirm dated June 21, 2001. The geotechnical investigation was carried out to "evaluate the geologic conditions present at the site, to identify areas of potential concern for proposed construction, and to provide geotechnical engineering recommendation to support the proposed design." The investigation consisted of 1) review of geologic reports, maps and photographs; 2) field review of rock exposures within and immediately adjacent to the study area; 3) excavation, sampling, and logging of exploratory borings; 4) laboratory testing of samples; and 5) geologic interpretation of structural and lithologic observations and the engineering valuation of the geologic findings with respect to overall gross stability and foundation characteristics of the study area.

The site is a rectangularly-shaped 2.3 acre, northeast to southwest aligned site. Topographically, the site is characterized in the geotechnical report as a "broad, gently southwest sloping ridge which is truncated to the southwest by a steeply descending bluff." The bluff descends at an overall 1.5 to 1 (horizontal to vertical) ratio from an approximate elevation of 109 feet above mean sea level to 35 feet above mean sea level, within the property boundaries, and continues descending offsite to an elevation of approximately 18 feet above mean sea level. Along the western portion of the property, between the Casa Romantica structure and the adjacent condominium complex, is a shallow gully with vegetation. To the east is a narrow lawn area which "merges offsite with a slope which

descends to the elevation of the adjacent city parking lot.” As described in the Geofirm report, the site is “underlain stratigraphically downward by scattered fill, alluvium and colluvium, both non-marine and marine terrace deposits, and siltstone bedrock strata of the Capistrano Formation.”

The Geofirm report describes the condition of existing improvements on the site, including the main residence and the outdoor terrace. The report notes minor distress in the residence and moderate distress in the terrace. As described in the report, the distress evident in the terrace area is *“probably due to inadequate footing embedment and settlement an/or soil creep of the underlying soils.”* Grouted brick walkways show similar signs of distress.

The report addresses potential affects of groundwater, faulting, and seismicity at the subject site. According to the report, groundwater is not expected to be a factor during or after construction of this project. Seismically induced gross landsliding is possible for the southwesterly slope toward the beach and secondary seismic hazards to the site include shallow ground shaking, settlement and liquefaction. However, the potential for seismically included liquefaction or settlement to occur is considered to be low.

The report discusses evidence of historic landsliding in the subject area and states that previous studies infer instability in certain areas of the bluff. As concluded in the report,

The bluff slope southwesterly of the main building is underlain by non-marine and marine terrace deposits and siltstone bedrock. Bedrock on the bluff slope has performed well with respect to surficial stability. However, terrace material have performed poorly, with surficial erosion evident.

The consultant states that the slow natural erosion due to sloughing of the bluff will continue and should not adversely impact the property or site improvements. Slope stability analysis indicates that *“the bluff slope to the southeast is grossly stable with respect to deep-seated arcuate and/or translational failure along bedding, while the slope to the southwest is not.”* Improvements constructed near the top-of-slope may be subject to conditions of soil creep. Therefore, the proposed hardscape improvements near the bluff edge will be at risk.

As concluded in the Geofirm report, *“we consider the proposed restoration of Casa Romantica to be feasible from a geotechnical engineering standpoint, provided that the recommendations of this report are implemented during design and construction. However, it is noted that there is currently a risk of gross buff instability to the southwest, and this condition will remain unchanged. Proposed hardscape improvements will therefore be at risk.”* The consultant’s recommendations address grading and earthwork, drainage improvements and foundation design.

4. Project Analysis/Special Conditions

Section 30253(2) of the Coastal Act states that new development shall assure stability and structural integrity and shall not contribute to erosion, geologic instability or destruction of the site or require the construction of protective devices which would substantially alter natural landforms.

Geotechnical Recommendations

The Geofirm geotechnical report states that the proposed improvements are feasible provided the applicant complies with the recommendations contained in the report. The geotechnical report includes recommendations focusing on grading, drainage and foundation design. The report recommends removal and recompaction of all existing fill and

upper loose soil deposits in areas of proposed improvements. The report advises that proposed structural improvements founded on re-graded fill be provided with a conventional and locally deepened foundation system. To minimize the effects of possible creep movement, the report recommends a minimum footing setback from the slope face of 15 feet for all hardscape improvements.

Regarding drainage the report states that *"performance of foundations will be improved by establishing and maintaining adequate surface drainage"* and advises that the ground surface around structures be graded so that surface water will be carried quickly away from the building without ponding. Due to its lower elevation, runoff from the frontage street (Avenida Granada) currently drains through the subject site. According to the City staff, street improvements are proposed to capture storm water runoff (i.e. improved curb and gutter system), thereby reducing the amount of offsite runoff entering the Casa Romantica site. As submitted, all rooftop, side yard and front yard runoff will be directed to the newly created biofiltration system, which will discharge to the existing below-grade drainpipe. Runoff from the rear yard and patio areas will be collected in an area drain within the biofiltration system and directed to an existing discharge point at the base of the bluff slope. The drainage plan proposed is consistent with recommendations contained in the geotechnical report.

Approximately 850 cubic yards of grading (150 cubic yards of cut and 700 cubic yards of fill) is proposed for site preparation and drainage improvements. The geotechnical report contains grading and earthwork recommendations for site clearing; preparation of on-site soils, excavation conditions; fill placement and compaction; fill material; shrinkage and subsidence; utility trenches; and surface and subsurface drainage. The report also provides recommendations for foundation and slab construction. This section discusses improvements adjacent to slopes. In it, the consultant states that improvements built near the top of slope may be subject to conditions of soil creep and recommends a minimum footing setback from the slope of 15 feet. As noted in the report, *"structural deformations caused by creep movement cannot be entirely precluded and it is the intent of the recommendations presented herein only to minimize their perception."*

Since the recommendations provided by the geotechnical consultant include measures to mitigate any adverse geologic effects, the Commission finds that Special Condition 1 ensures that the consulting geotechnical expert has reviewed the development plans and verified their conformance with the geotechnical recommendations. The condition requires the applicant to submit two (2) full-size copies of the project plans, for the review and approval of the Executive Director, that have been reviewed and approved by the geotechnical consultant prior to issuance of the coastal development permit. As such, Special Condition 1 guarantees that all final development plans are consistent with Section 30253 of the Coastal Act.

Setback Requirements

The site is located on a blufftop lot with a condominium complex to the northwest; an approximately 100' high bluff face, railroad tracks and ocean to the southwest; Avenida Granada to the northeast (inland) and the Pier Bowl parking lot to the southeast. Only the 25-foot bluff setback policy could be applied in this situation because the configuration of the lot is such that a stringline setback would be inappropriate.

The coastal bluffs in San Clemente are not subject to direct wave attack because they are separated from the beach by the OCTA railroad tracks and right-of-way. The railroad tracks have a rip-rap revetment which protects the tracks from erosion and wave overtopping. Though not subject to direct wave attack, the bluffs are subject to weathering caused by

natural factors such as wind and rain, poorly structured bedding, soils conducive to erosion and rodent burrowing. Bluffs may also be subject to erosion from human activities, such as irrigation, improper site drainage and grading.

To meet the requirements of the Coastal Act, bluff and cliff developments must be sited and designed to assure stability and structural integrity for their expected economic lifespans while minimizing alteration of natural landforms. The Commission typically requires that structures be set back at least 25 feet from the bluff edge and hardscape features (including decks and patios) be setback at least 10 feet from the bluff edge to minimize the potential that the development will contribute to slope instability. Bluff and cliff developments (including related storm runoff, foot traffic, site preparation, construction activity, irrigation, waste water disposal and other activities and facilities accompanying such development) must not be allowed to create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding geologically hazardous areas which would then require stabilization measures such as caissons, pilings or bluff re-structuring.

As shown in Exhibit 4, the existing Casa Romantica structure is sited more than 25 feet from the bluff edge. All building additions proposed by the applicant will be located near the center of the existing structure, more than 100 feet from the bluff edge. In addition, all new hardscape improvements, including the Ocean Terrace expansion and City View Terrace will comply with the typically-applied 10-foot setback from the bluff edge. The applicant states that *"the hardscape improvements that are along the 10 foot hardscape bluff edge setback are removable and are conditioned to not be allowed to be rebuilt in the event of a slope failure."*

According to the geotechnical consultant, footings for proposed hardscape features should be set back a minimum of 15 feet from the nearest slope face. The proposed Ocean Terrace expansion will be supported by a low retaining wall with a deepened footing. The above-grade portion of the terrace will be set back 10 feet from the bluff edge, while the footing will be set back 15 feet.

No blufftop protective devices are proposed or anticipated for any proposed hardscape features or the existing residence. With implementation of proper drainage and erosion control measures, erosion of the blufftop will not adversely affect the subject property. In addition, the site is not subject to erosion from wave attack. As such, the proposed development is consistent with the geologic hazard policies of the Coastal Act.

Landscaping

Developments on both coastal canyon and blufftop lots in San Clemente are required to submit landscaping and irrigation plans, consisting primarily of native, drought-tolerant plants, in order to be found in conformance with Section 30253 of the Coastal Act. Review of landscaping plans is necessary to assure that appropriate plant species are selected and limited watering methods are applied. Appropriate vegetation can help to stabilize slopes. Native, drought-tolerant plants common to the local area do not require watering after they become established, have deep root systems which tend to stabilize soils, are spreading plants and tend to minimize the erosive impact of rain, and provide habitat for native animals. Landscaping that involves in-ground irrigation may lead to overwatering or sprinkler line breaks that can contribute to slope instability. Therefore, review and approval of final landscaping and irrigation plans is necessary prior to the issuance of a coastal development permit.

The applicant has submitted a landscape plan prepared by Isabelle C. Greene that shows use of primarily native, drought tolerant species throughout the project site (Exhibit 5). The plan includes a "native demonstration garden" along the top of bluff, multiple biofiltration

areas and a permeable parking area for drainage and water quality purposes. The plan also includes removal of exotic plants and replacement with native plants as part of a proposed "ocean bluff restoration". The plan demonstrates that the existing eucalyptus grove will be retained and that trees will be planted for screening purposes along the northwestern property line. Lastly, the plan contains a "shade garden" and various shrubs and groundcovers.

The landscaping plan submitted proposes various forms of water application, including drip irrigation, spay irrigation and hand watering. Above-ground drip irrigation lines covered with mulch are proposed along the bluff slope. As stated by the applicant, the drip system for the bluff slope will be temporary and *"will probably be capped off rather than removed. This will allow for plant replacement if necessary."* The native demonstration garden near the bluff edge will be on a permanent drip system, which will be covered by a shallow layer of dirt. The City Terrace area will be hand-watered and inland planting areas will be spray irrigated.

The Commission notes that landscaping improvements which require intensive watering, such as many lawn and turf species, will result in potential adverse effects to the stability of the bluff slope due to increased groundwater infiltration along the rear (bluff-facing) portion of the subject site. As stated in the geotechnical report *"irrigation should be well controlled and minimized. Season adjustments should be made to prevent excessive watering."* Therefore, in order to ensure stability of the bluff slope, all permanent irrigation improvements included as part of the landscaping plan for the subject site must be designed to minimize groundwater infiltration in the rear yard and must be primarily limited to drip irrigation systems.

While the proposed landscaping plan is largely consistent with the typically-imposed requirements and past actions of the Commission, the plan must be revised to address the following issues: removal of bluff face irrigation lines and fence screening. The applicant indicates that the lines on the bluff slope may be capped off rather than removed. Even when capped, the lines may become overgrown and difficult to monitor for leakage. Breaks in irrigation lines have been known to contribute to slope instability and failure. As such, the lines must be removed to prevent such an occurrence. In addition, the landscaping plan submitted does not address screening of the proposed fence along the lower bluff slope. The fence must be screened with native plant species, consistent with the ocean bluff restoration program. These requirements are necessary to improve slope stability through establishment of native vegetation and minimization of excessive irrigation.

To ensure that the above-referenced issues are appropriately addressed, the Commission imposes Special Condition 2, which requires the submittal of a revised landscape plan. In addition to the modifications discussed above, the condition reiterates that only native, drought tolerant plant species may be planted along the bluff slope and seaward portion of the property and affirms that no in-ground irrigation systems may be installed on the site. The special condition allows non-native, non-invasive ornamental plants to be utilized in the front and site yards and allows the use of temporary irrigation systems to help plantings establish. The condition requires that the plantings be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan. Lastly, this special condition requires submittal of a 5-year monitoring report to ensure that the planting has been carried out in accordance with the special condition.

Site Drainage

Since the manner in which a site drains is important to site stability on canyon lots, a grading and drainage plan has been submitted which documents how site drainage will be

accomplished. The plan (prepared by K.W. Lawler and Associates) shows how runoff from impervious surfaces will be diverted toward the proposed biofiltration areas in a non-erosive manner. As shown in Exhibit 6, runoff from the rear yard will be collected in an area drain and conveyed to the toe of the slope via an existing pipeline. To ensure that the project is carried out in accordance with the plan, the Commission imposes Special Condition 3. Special Condition 3 requires the applicant to carry out the project in conformance with the grading and drainage plan submitted, which incorporates the recommendations of the geotechnical report. The special condition also requires that drainage devices be maintained throughout the life of the development.

As noted above, the geotechnical report provides recommendations regarding site drainage. These recommendations are provided by the geologist in order to avoid any adverse effects that improper site drainage may have upon site stability. For instance, improper site drainage could cause an area subject to slope creep and/or failure to activate and cause damage to the structure. Excessive water infiltration at the subject site will result in potentially hazardous conditions. The geologist's recommendations regarding site drainage are designed to avoid such adverse effects.

Assumption of Risk, No Future Protective Devices and Future Improvements

Although the proposed project will be constructed in conformance with the geologic recommendations, risk from development on a coastal bluff and coastal canyon is not eliminated entirely. Specifically, development on a coastal bluff is inherently risky. While the project is deemed entirely adequate at this time to minimize any potential hazard, future protection and repair may be required as subsurface conditions continue to change. In addition, a prior geotechnical report identified potentially hazardous conditions at the subject site. Therefore, the standard waiver of liability condition has been attached through Special Condition 4. By this means, the applicant is notified that the proposed improvements are being built in an area that is potentially subject to geologic hazard that can damage the applicant's property. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development. Finally, the condition ensures that future owners of the property will be informed of the risks and the Commission's immunity for liability.

Special Condition No. 5 of the permit requires the applicant to submit a written agreement, for the review and approval of the Executive Director, stating that no bluff protective devices shall be permitted to protect the structure, patios or future improvements if threatened by bluff failure. The development could not be approved if it included provision for a bluff protective device. Instead, the Commission would require the applicant to set the development (in this case, the hardscape improvements) further landward. The condition states that in the event any bluff protective work is proposed in the future, the applicant acknowledges that as a condition of filing an application for a coastal development permit, the applicant must provide the Commission or its successor agency with sufficient evidence enabling it to consider all alternatives to bluff protective works, including consideration of relocation of portions of the residence that are threatened, structural underpinning, or other remedial measures identified to stabilize the residence that do not include bluff or shoreline stabilization devices.

Whereas Special Condition No. 5 applies to bluff protective measures, Special Condition No. 6 is a future development agreement submitted by the applicant which states that any future improvements or additions on the property, including hardscape improvements, grading, landscaping, vegetation removal and structural improvements, require a coastal development permit from the Commission or its successor agency. This condition ensures that development on a coastal bluff which may affect the stability of the bluff, structures on the bluff, or may require future bluff protective structures, requires a coastal development

permit. Future development includes, but is not limited to, structural additions, landscaping and fencing. (Public Access will be discussed in the following section.)

5. Conclusion/Project Consistence with Coastal Act

The Commission has found that in order to assure that the proposed development minimizes risks to life and property in areas of high geologic hazard and assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area the applicant shall be conditioned to: 1) conform to recommendations prepared by the geotechnical consultant, Geofirm, Inc.; 2) submit a revised landscape plan; 3) conform to the grading and drainage plan submitted and the recommendations of the geotechnical consultant; 4) submit an assumption-of-risk agreement; and 5) submit an agreement regarding future improvements to the subject site. Only as conditioned does the Commission find that the proposed development is consistent with Section 30253 of the Coastal Act.

C. PUBLIC ACCESS

1. Coastal Act Policies

As defined by Section 30106 of the Coastal Act, "development" means change in the density or intensity of use of land or construction, reconstruction, demolition, or alteration of the size of any structure. The proposed project involves a change in land use from a former wedding and special events facility to a cultural center. The square footage will increase with the addition of a new West Terrace with workshop below. Due to the proposed change in intensity of use, the current renovation project is considered development under the Coastal Act.

The Coastal Act provides that development should maintain and enhance public access to the coast and encourages the provision of lower cost visitor and recreational facilities. Section 30252 of the Coastal Act requires that new development should maintain and enhance public access to the coast. It states, in relevant part:

The location and amount of new development should maintain and enhance public access to the coast by...(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.

Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities be protected, encouraged and where feasible, provided. It states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

2. Land Use Plan Policies

Chapter 3 (Goals and Policies) of the City of San Clemente Certified Land Use Plan (LUP) contains policies regarding development within the Pier Bowl area and public access to the shoreline. However, until such time as the City's Implementation Plan (IP) is approved and the Local Coastal Program (LCP) has been certified by the Commission, the Chapter 3 policies of the Coastal Act are applied as the standard of review and the LUP will be used as guidance.

Chapter 3, Section F of the LUP discusses special districts within San Clemente, including the Pier Bowl area. The City's LUP describes future plans for North Beach as follows:

Plan policy provides for the continuation of the Pier Bowl as a recreational activity area. Coastal recreational uses including retail, restaurant, hotel, bed and breakfast, time share, and residential, are allowed. Cultural and recreational activities, including the Ocean Festival, are encouraged. Building design in the Pier Bowl is required to preserve public views, encourage pedestrian activity, to be sensitive to the Pier Bowl's topography and to be a Spanish Colonial Revival Architecture style.

Access to the shoreline in the subject area of the Pier Bowl is available at Linda Lane Park, Corto-Lane and the Municipal Pier, as shown in Exhibit 3. Parking is available at Linda Lane Park and the Municipal Pier parking lots.

Policies for the Pier Bowl are contained in Sections VI.5 through VI.7 of the LUP. These policies encourage a mix of residential, recreational and commercial land uses.

Policy VI.7 states:

Maintain and/or adaptively reuse the Casa Romantica structure and accommodate the development of overnight accommodation, restaurants, cultural facilities, ancillary retail, and mixed commercial and residential uses subject to City review and approval.

Mirroring Section 30252 of the Coastal Act, Section VII(d) of the LUP states, in relevant part:

The location and amount of new development should maintain and enhance public access to the coast by... (d) providing adequate parking facilities or a substitute means of serving the development with public transportation.

3. Local Parking Requirements

The primary issues of concern to the Commission triggered by development at this location include 1) potential adverse impacts on parking resulting in impaired access to the coast and 2) provision of lower cost visitor-serving development. Since parking is considered the most significant issue raised by the proposed project, this section outlines parking requirements used by the City of San Clemente to evaluate the proposed development.

The site currently provides parking for approximately 10 vehicles in an unstriped lot. There is also an unimproved dirt area in the front yard that was used by the previous operator as a parking area during wedding and banquet use. The proposed project involves the creation of a 36-space parking lot (33 standard spaces and 3 tandem). The site will also include a main driveway off of Avenida Granada at the northeast corner of the site, with parking along a loop drive to the west of the main drive aisle. A small landscape traffic circle is proposed within the main drive to provide a passenger drop-off area in front of the entrance to the Casa Romantica facility.

Based on a parking study submitted by the applicant, the on-site parking will accommodate the majority of daily parking needs of the Casa Romantica Cultural Center when the attendance is less than 132 people. However, there will be special events where the occupancy will exceed 132 people. The maximum occupancy allowed at the site is 299 people based on fire code standards. If an event attracts the maximum number of attendees allowable, 75 parking spaces are required according to the City parking standard

of 1 space per 4 persons for “assembly” use. The parking demand for this scenario (75 spaces) exceeds the amount of parking available on site (36 spaces). The maximum deficiency expected is 39 stalls, which would occur for an event attracting 299 people, all arriving by private vehicle.

When parking demand for a special event is expected to exceed the capacity of the on-site parking lot, the City proposes to accommodate overflow at an off-site location. After evaluating three alternative locations, the parking consultant determined the Linda Lane parking lot to be the most appropriate location, as will be discussed further in the following section. Linda Lane is located approximately one quarter mile upcoast of the subject site, as shown in Exhibit 3. The City Council authorized use of the Linda Lane lot under Resolution 01-47, subject to the requirements outlined in Special Condition 21 (Exhibit 7).

The Commission recognizes that the City’s allowance of offsite parking in this situation is consistent with the policies of the San Clemente certified Land Use Plan regarding historic resources and future development of the Casa Romantica within the Pier Bowl area.

a. Site Specific Parking Analysis

Public access to the coast can be adversely impacted by new development if adequate parking spaces are not provided. Patrons of the new development will compete with beachgoers for public parking spaces. In this case, the project is located on a blufftop adjacent to the coast. The nearest beach access is available at the Pier Bowl parking lot to the southeast or the Linda Lane parking lot to the northwest. The applicant proposes to use the Linda Lane parking lot to accommodate parking demand from special events held at the Casa Romantica. As such, the proposed project may affect beach parking.

To evaluate the parking impacts of the proposed Casa Romantica Cultural Center, the applicant submitted a parking analysis for the proposed project prepared by the Katz, Okitsu & Associates dated August 29, 2001. The report examines the existing parking supply, the project parking requirements, and presents conclusions related to the parking needs of the project relative to the available parking in the area. The consultant concluded that there would be adequate capacity to accommodate 90% of the day-to-day parking operations of the proposed cultural center. However, there will be occasions when events will exceed the on-site parking capacity.

As stated previously, the consultant evaluated possible use of three nearby public parking lots in the near vicinity of the Casa Romantica. The three lots evaluated were the Pier Bowl, Linda Lane and the Community Center public parking lots. The Pier Bowl lot was determined to be at or near capacity and therefore was not considered as an off-site parking option. The Community Center parking lot provides 93 public parking spaces. The Linda Lane parking lot provides 99 metered public spaces and an additional 26 metered parking spaces nearby on Linda Lane, for a total of 125 parking spaces.

As reported in the parking study, the parking lots described above were observed during various times between December and June 2001. The sites were specifically surveyed from 10am to 8pm on various Saturday (assumed to be the peak parking time), both before and during the summer months. In addition, various spot surveys were conducted during the weekdays by the consultant and City staff.

Based on survey results, the consultant determined the Community Center parking lot to be inappropriate to accommodate the Casa Romantica parking demand. However, it was determined that the Linda Lane lot is currently underutilized. The peak demand for the lot was observed to be 51 vehicles (of 125 spaces available), occurring on a crowded Friday

afternoon when beach use was heavy. The parking consultant states, "*The Linda Lane lot would be an appropriate location for overflow parking, particularly during non-beach use periods (morning, evening, Fall, Winter, and Spring.*" However, the report states that the City holds special events at the beach and in the Pier Bowl area throughout the year which may result in a greater parking demand at the Linda Lane parking lot than was observed in the parking study. As such, the consultant does not recommend use of the Linda Lane site during these special events.

The consultant provides conditions to provide "*adequate parking during events that are expected or planned to attract more than 132 visitors.*" These conditions have been incorporated into the City's conditions of approval provided on Page 8 of Exhibit 7. As conditioned, in order to allow off-site parking at Linda Lane, a Special Events Permit must be obtained from the City Parks Department prior to such an event. Specific provisions of the Special Events Permit include: 1) provision of a free valet service (cost embedded in event cost); 2) requirement that parking spaces utilized at Linda Lane for valet service be located as far inland as possible; 3) provision of a shuttle service option; 4) consideration of bus service instead of valet/shuttle service; 5) restriction on use of Linda Lane parking lot during local special events; and 6) appropriate signage for valet/shuttle service. As conditioned locally and herein, the use of the Linda Lane parking lot by Casa Romantica visitors will not negatively affect parking availability for beach access or other uses in the Pier Bowl area.

The applicant has indicated that peak parking periods for special events at the proposed Casa Romantica will be in the evenings (during lectures/events/concerts), after the peak beach use period has ended. This demonstrates an opportunity for shared use parking, where the various land uses have different peak parking times and the existing parking supply is sufficient to serve both day and evening activities.

The proposed project will provide more on-site parking than the previous use, thereby accommodating daily use for up to 132 visitors. The proposed cultural center will provide adaptive reuse of the existing historic structure without generating substantial parking demand under typical daily operation. Consequently, the proposed project, as conditioned below, will not result in adverse effects on current parking conditions in the Pier Bowl area during day or evening hours.

b. Special Conditions

To ensure that adequate parking is provided to serve the proposed development now and in the future, the Commission finds it necessary to impose two special conditions. Special Condition 6, discussed previously, requires that any future development which changes the intensity of use of the site or which changes the use of the site requires an amendment to this permit or a new coastal development permit. This ensures that the Commission will have the opportunity to review future improvements to the structure that could affect parking demand. This type of special condition is consistent with those imposed in previous permits issued in high use, visitor-serving areas. The Commission imposed Special Condition 6 for similar developments, such as 5-01-135 (Lee); 5-99-379 (Blurock), 5-98-177 (Finnemore), 5-98-048 (La Quinta Homes), and 5-97-249 (Weeda).

Special Condition 7 requires the applicant to comply with specific operational requirements to ensure that the proposed use of the site will not create adverse parking conditions in the Pier Bowl area, particularly at Linda Lane Park. As required by Section 30252 of the Coastal Act, new development "*should maintain and enhance public access to the coast by... (d) providing adequate parking facilities or a substitute means of serving the development with public transportation.*" In accordance with Section 30252, the condition

prohibits use of the Linda Lane parking lot on holidays, special events or earlier than 4:00 p.m. on a weekend. The condition also prohibits the applicant from using any other public parking sites within the coastal zone, beyond what is allowed at the Linda Lane site, for Casa Romantica events.

Thus, only as conditioned to obtain Commission approval for any future improvements to the property (including change in use or change in intensity of use) and to comply with certain operational requirements does the Commission find the proposed development consistent with Section 30252 of the Coastal Act.

4. Lower Cost Visitor-Serving Commercial Development

As cited previously, Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities be protected, encouraged and where feasible, provided. The proposed project presents an opportunity for increased visitor serving development in the subject area. The project involves renovation and reuse of a currently vacant historic building located at a central location within the Pier Bowl area of the City of San Clemente. The subject site is located across just upcoast of the popular Municipal Pier area and downcoast from the Linda Lane beach area. As such, the project site is located in a prime location for lower cost, visitor-serving commercial development.

The proposed project will provide commercial development that will serve the surrounding community as well as visitors. A new cultural center will be provided in an existing historic structure. As discussed previously, a nominal fee (approx. \$3-\$5 per person) or donation will be requested. The existing structure is currently vacant; therefore, the proposed project will increase commercial activity in the area. The Casa Romantica Cultural Center will be open to the public, providing a lower cost visitor-serving opportunity in the Pier Bowl area. Therefore, the Commission finds that the development does not pose any adverse impacts to lower cost visitor and recreational facilities and is consistent with Section 30213 of the Coastal Act.

D. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The City re-submitted on June 3, 1999, but withdrew the submittal on October 5, 2000.

The proposed development is consistent with the policies contained in the certified Land Use Plan. Moreover, as discussed herein, the development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for San Clemente that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

E. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been found to be consistent with the public access policies of the Coastal Act. Mitigation measures, in the form of special conditions, are imposed which require 1) conformance with geotechnical recommendations; 2) submittal of a revised landscaping plan with 5-year monitoring plan; 3) conformance with the grading, drainage and runoff control plan submitted; 4) an assumption of risk agreement; 5) a no future protective device agreement; 6) a future improvements agreement; and 7) a limitation on timing of off-site parking use. No further alternatives, or mitigation measures, beyond those imposed by this permit amendment, would substantially lessen any significant adverse impacts which the development would have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

ORANGE CO.

MAP V

SEE MAP 4

CAPISTRANO BEACH COUNTY PARK

SEE MAP

- SEE F2
- 1 OCEAN DR
 - 2 PACIFIC DR
 - 3 SURF DR
 - 4 SANDY DR
 - 5 BREAKER DR
 - 6 BEACH DR
 - 7 EMBYR DR
 - 8 SEA BREEZE DR
 - 9 DOLPHIN DR

PACIFIC

OCEAN

SUBJECT SITE

- 1 EDONADO LN
- 2 S ALABAMA LN
- 3 SANDY LN
- 4 CAPISTRANO LN
- 5 CORONA LN

MUNICIPAL PIER

AMTRAK STA

1 AVD PRINCESA

COASTAL COMMISSION
 EXHIBIT # 5-01-322
 PAGE 1 OF 1

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415 Avenida Granada

Radius Map

Scale: 1" = 400'

CityGIS.com

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 Digital Map Products

CONSENT

5-01-322

EXHIBIT # 2

PAGE 1 OF 1

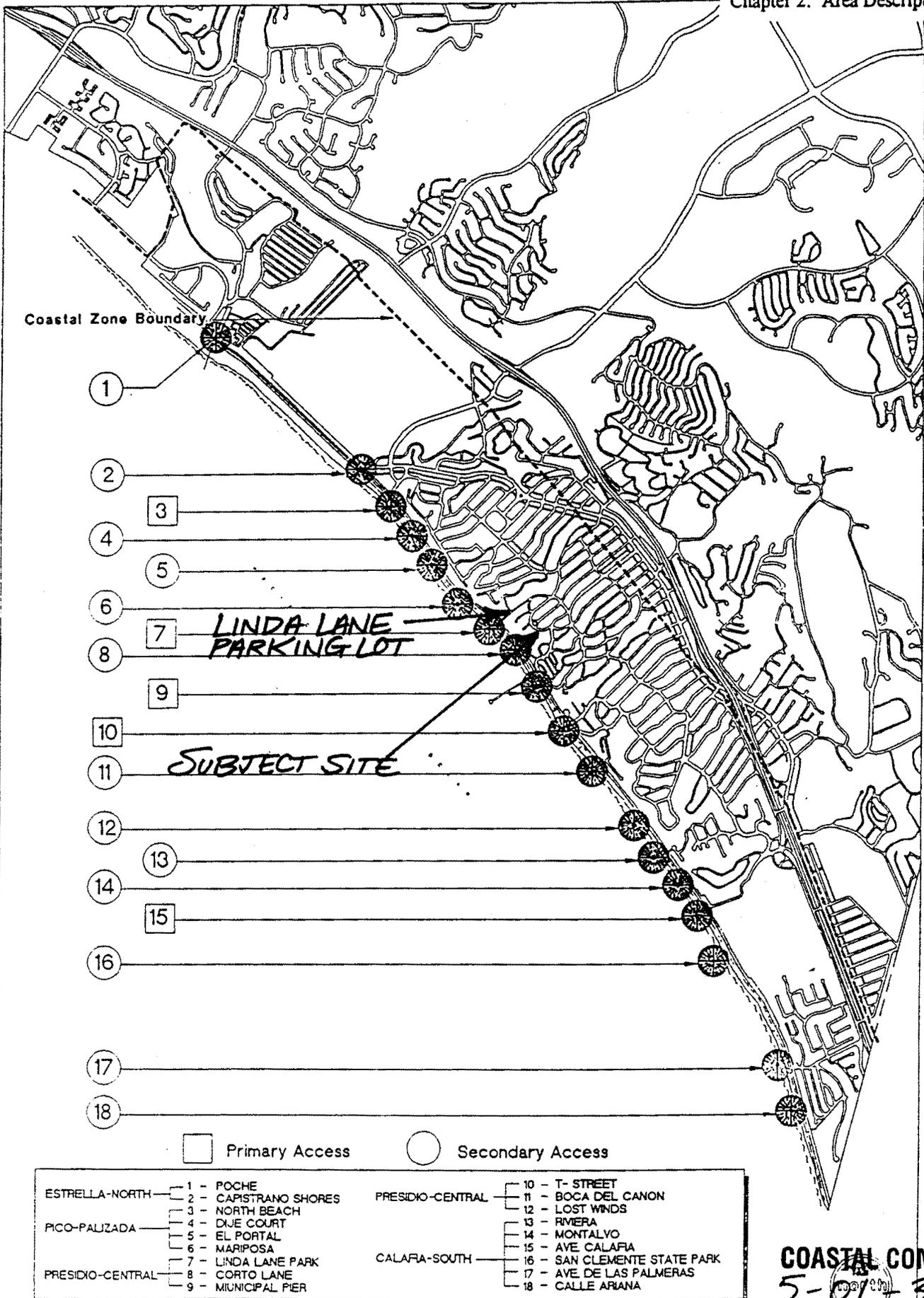


FIGURE 2-5

COASTAL COMMISSION
5-01-322

EXHIBIT # 3

PAGE 1 OF 1



STANDARD DRAWING SYMBOLS
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 1973 EDITION
 1500 K STREET, N.W.
 WASHINGTON, D.C. 20004

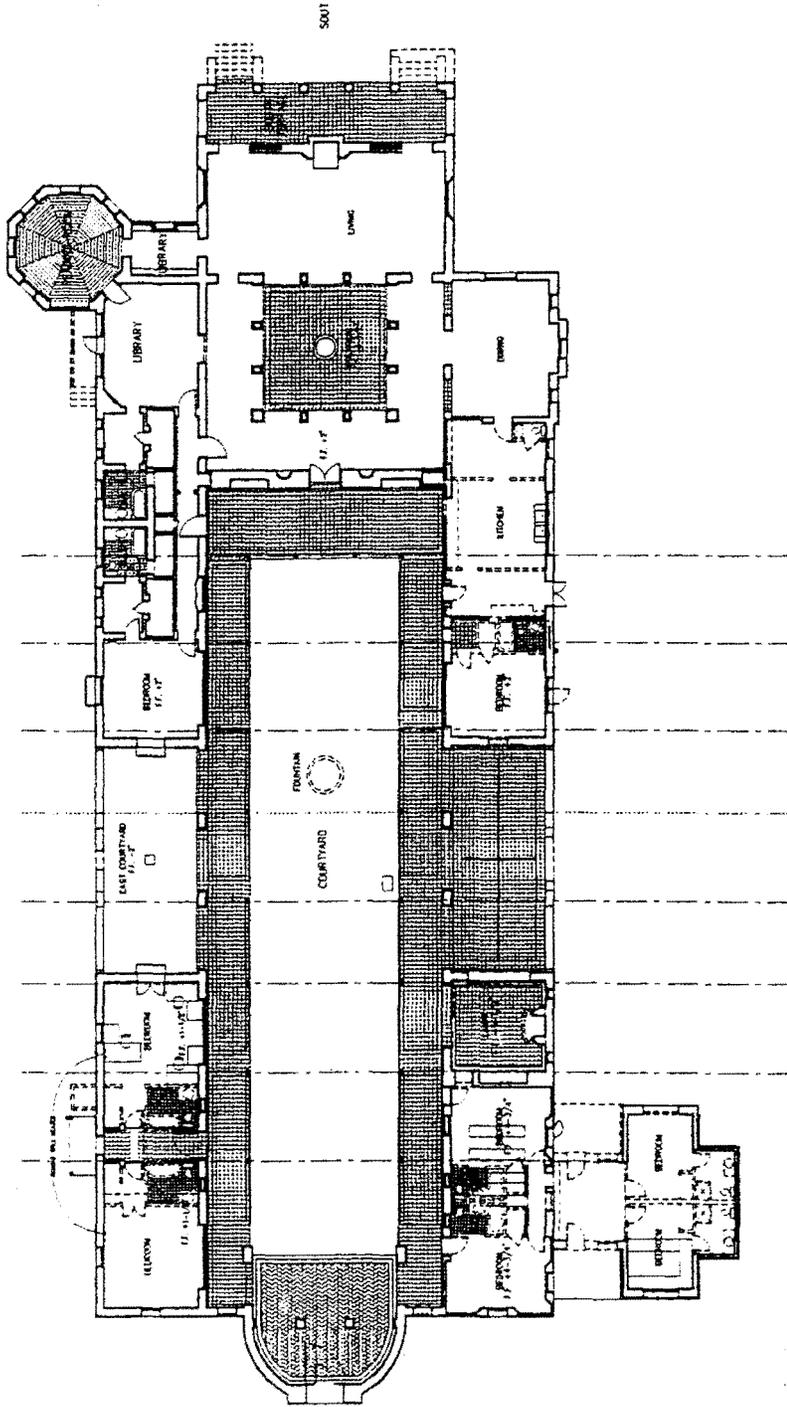
CULTURAL ARTS &
 EDUCATIONAL CENTER
 CASA ROMANTICA
 SAN CLEMENTE, CA

REVISIONS	SHEET TITLE

EXISTING
 FLOOR PLAN
 DEMOLITION PLAN

DATE 06-28-01
 SCALE 1/8" = 1'-0"
 JOB NO.
 SHEET NO.

A2



LEGEND:
 - - - - - EXISTING WALLS TO BE DEMOLISHED
 ———— EXISTING WALLS TO REMAIN

FLOOR PLAN 11/27/01

COASTAL COMMISSION
 5-01-322
 EXHIBIT # 4
 PAGE 2 OF 7

APPROVED BY ARCHITECT
 DATE: 11/11/11
 PROJECT NO. 111111

- NEW PLASTER WALL & TRIM TO MATCH EXISTING IN DR. HALLWAY & BATHS.
- NEW GALVANIZED METAL MATCH EXISTING EXTERIOR WALLS.
- NEW REPAIRS TO ROOFING MATERIALS TO MATCH EXISTING.
- NEW PAINTED METAL CEILING TO MATCH EXISTING.
- RECONSTRUCT POORLY MATCH EXISTING TRIMS.
- NEW PUMP.
- NEW WOOD DOOR.
- NEW WOOD SILL.
- REPLACE DAMAGED WALLS W/ NEW DAMAGED PARTS TO MATCH.
- PROPOSED 8' HIGH EXTERIOR WALLS AT PROPOSED STAIR WELLS AT NEW RETAINING WALL.
- CASTING 2' PILE TIE TO REBAR.
- ROAD SHOULDER TO MATCH EXISTING.
- NEW GAL. GUTTER.

CULTURAL ARTS & EDUCATIONAL CENTER
 CASA ROMANTICA
 SAN CLEMENTE, CA

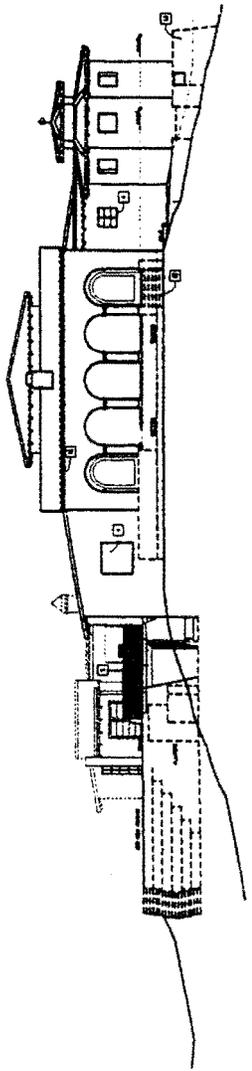
REVISIONS	DATE	BY	CHKD BY

ELEVATIONS

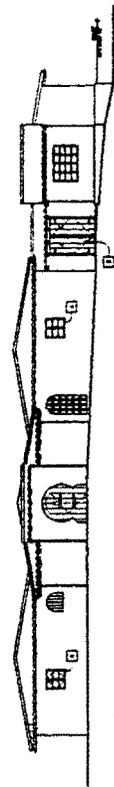
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 SHEET NO.

A5

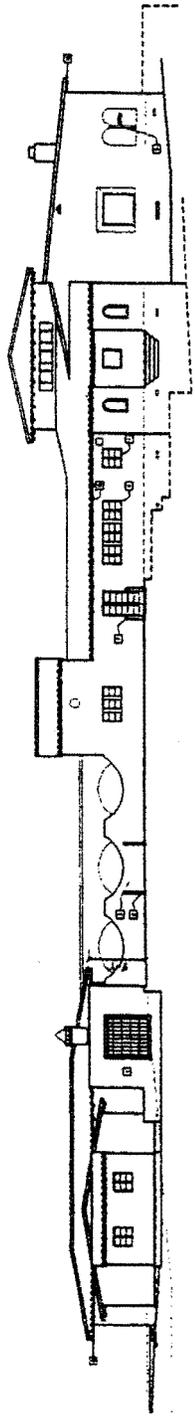
SOUTH ELEVATION 1



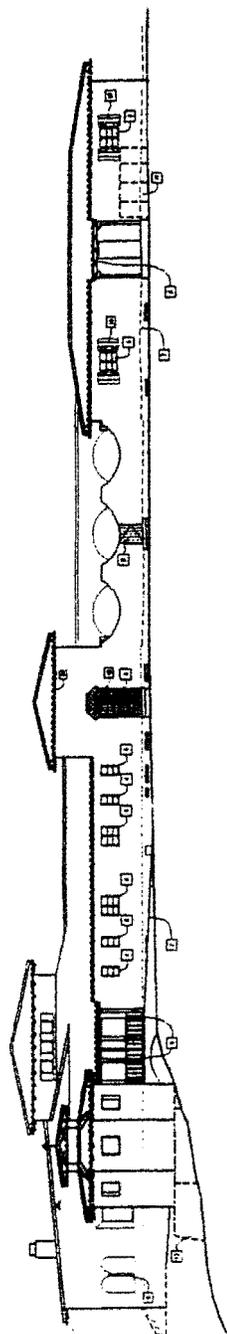
NORTH ELEVATION 2



WEST ELEVATION 3



EAST ELEVATION 4

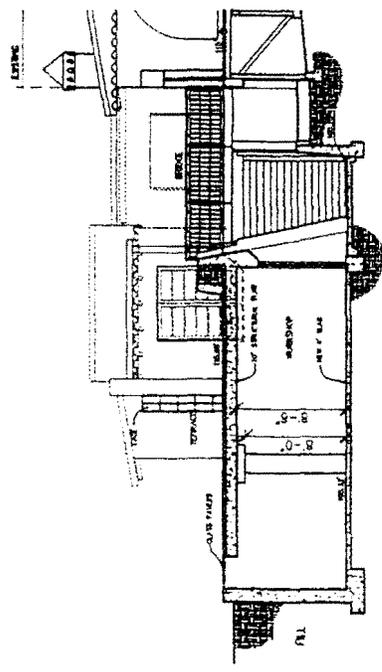
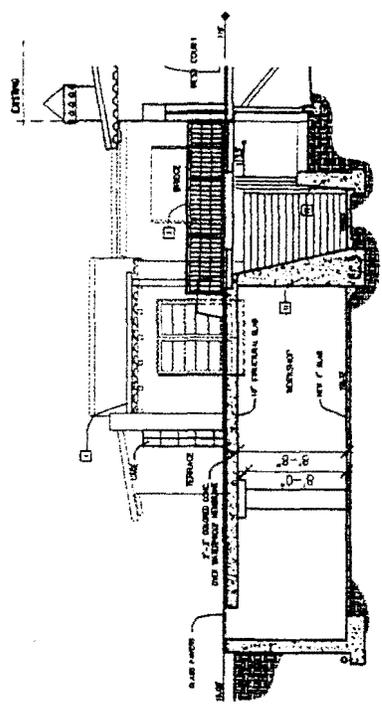


COASTAL COMMISSION
 5-01-322
 EXHIBIT # 4
 PAGE 5 OF 7

APPROVED BY: [Signature]

DATE: 06-26-01

- 1 NEW METAL TRUSS PANELING MATCH EXISTING TO EXISTING CASA ROMANTICA ON THE LEFT
- 2 NEW METAL BRIDGE AND DOWNWARD SLOPING ROOF MATCH EXISTING CASA ROMANTICA
- 3 NEW BRIDGE WITH RAIL
- 4 NEW BRIDGE MATCHING EXISTING WOOD STEEL, HAND AND RAILINGS
- 5 RECONSTRUCT PORCH MATCH EXISTING DETAILS
- 6 NEW RAMP
- 7 NEW WOOD DECK
- 8 NEW WOOD DECK
- 9 REPLACE DAMAGED CHALKLINE WITH NEW GALVANIZED PAINTED STEEL TO MATCH
- 10 BRIDGE TOWARD CONCRETE PLANTER
- 11 BRIDGE TOWARD CONCRETE WALL



SECTION 1

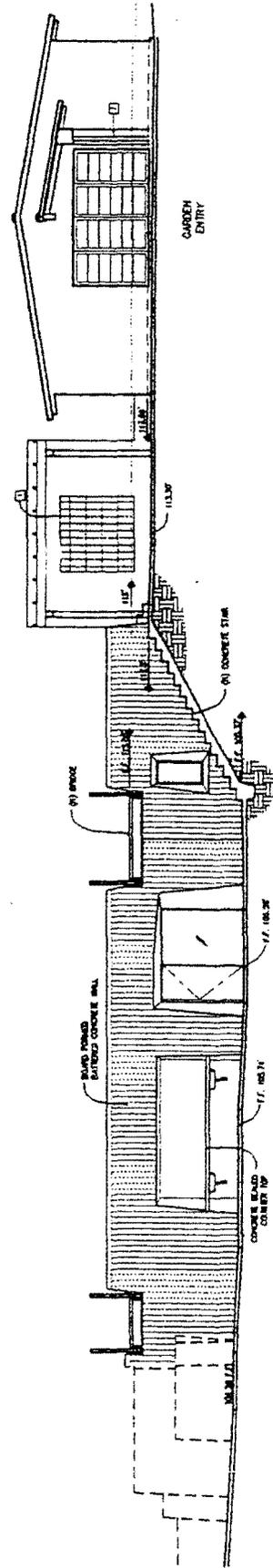
SECTION 2

CULTURAL ARTS & EDUCATIONAL CENTER
CASA ROMANTICA
SAN CLEMENTE, CA

DATE	06-26-01
SCALE	1/4"=1'-0"
DWG. NO.	
SHEET NO.	

SECTIONS

A6



COASTAL COMMISSION
5-01-322
EXHIBIT # 4
PAGE 6 OF 7

APPROVED FOR THE ARCHITECT
 CONTRACT NO. 5-01-322
 SHEET NO. 7 OF 7

- NEW METAL INSULATED PANELS MATCH EXISTING TO EXISTING ROOF STRUCTURE DELIVER
- NEW METAL BRIDGE AND GANTRY MATCH EXISTING TO EXISTING GANTRY DELIVER
- NEW EXTERIOR IRON GATE MATCH EXISTING TO EXISTING GATE DELIVER
- RECONSTRUCT PORCH MATCH EXISTING DETAILS
- NEW RAMP
- NEW WOOD GATE
- NEW WOOD DECK
- REPLACE DAMAGED CEILING BY NEW DAMAGED PARTS MATCH TO MATCH
- POUR NEW CONCRETE FLOOR
- POUR FORMED CONCRETE

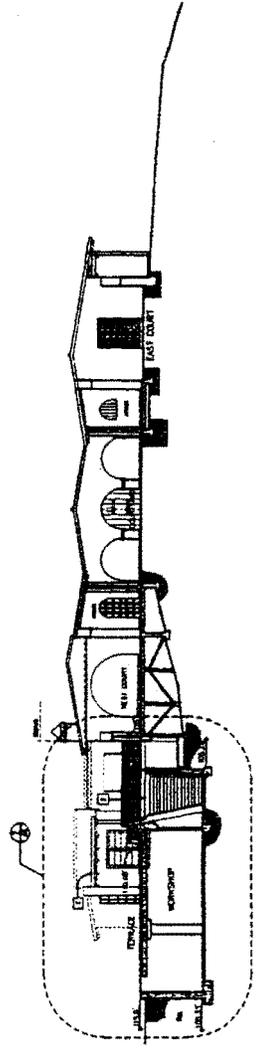
CULTURAL ARTS & EDUCATIONAL CENTER
 CASA ROMANTICA
 SAN CLEMENTE, CA

REVISIONS	SHEET TITLE

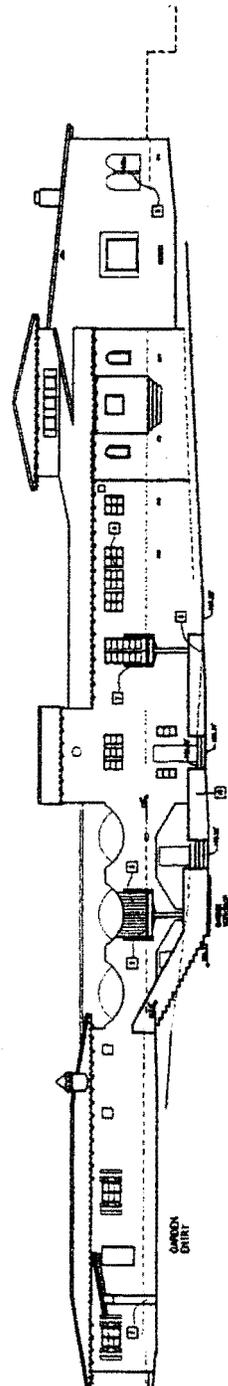
SECTIONS

DATE	09-08-
SCALE	1/8"=1'-0"
JOB NO.	
SHEET NO.	

A7

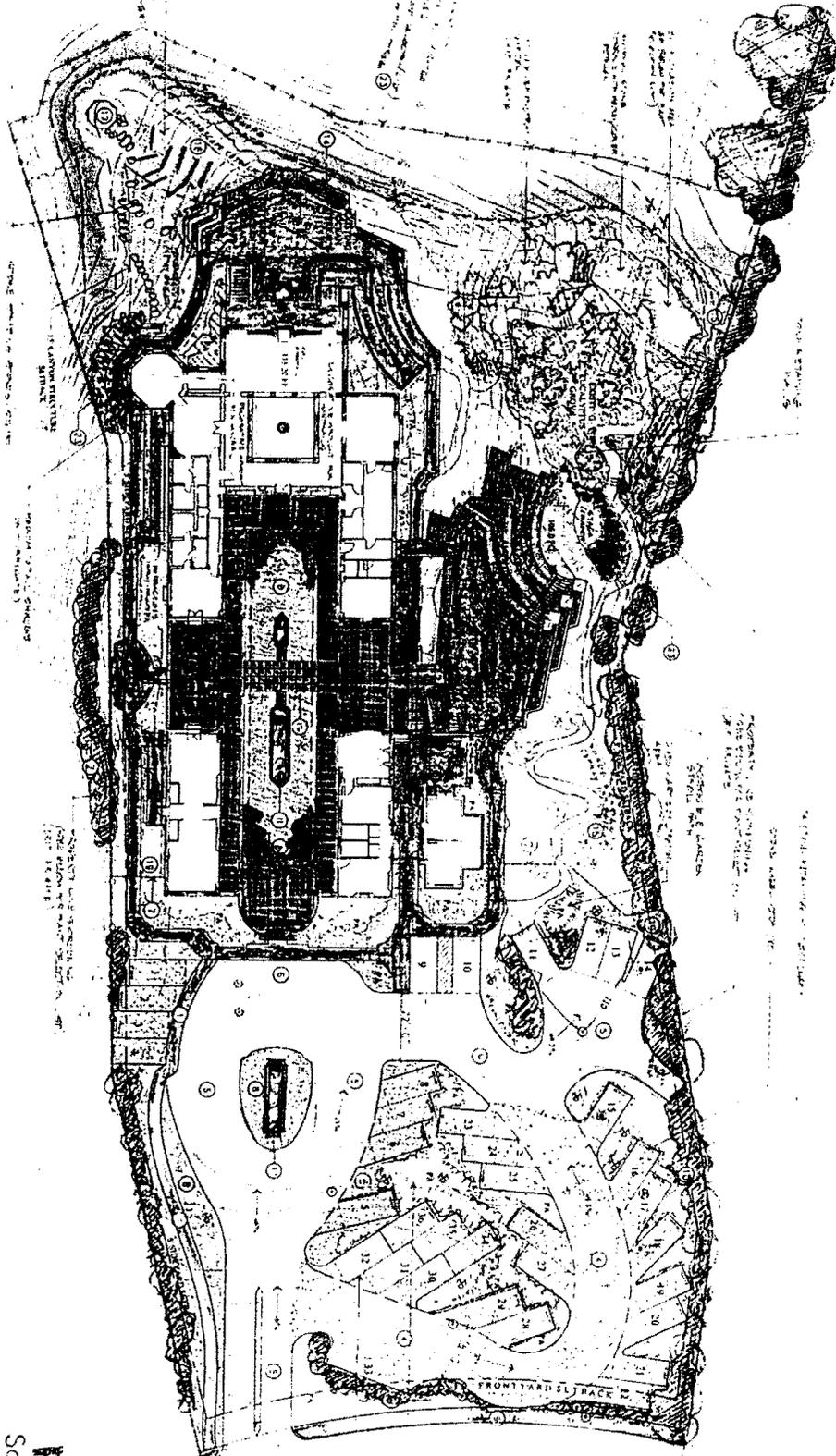


TRANSVERSE SECTION/SOUTH COURTYARD ELEVATION SCALE 1/8"=1'-0" 1



LONGITUDINAL SECTION/WEST COURTYARD ELEVATION SCALE 1/8"=1'-0" 2

COASTAL COMMISSION
 5-01-322
 EXHIBIT # 4
 PAGE 7 OF 7

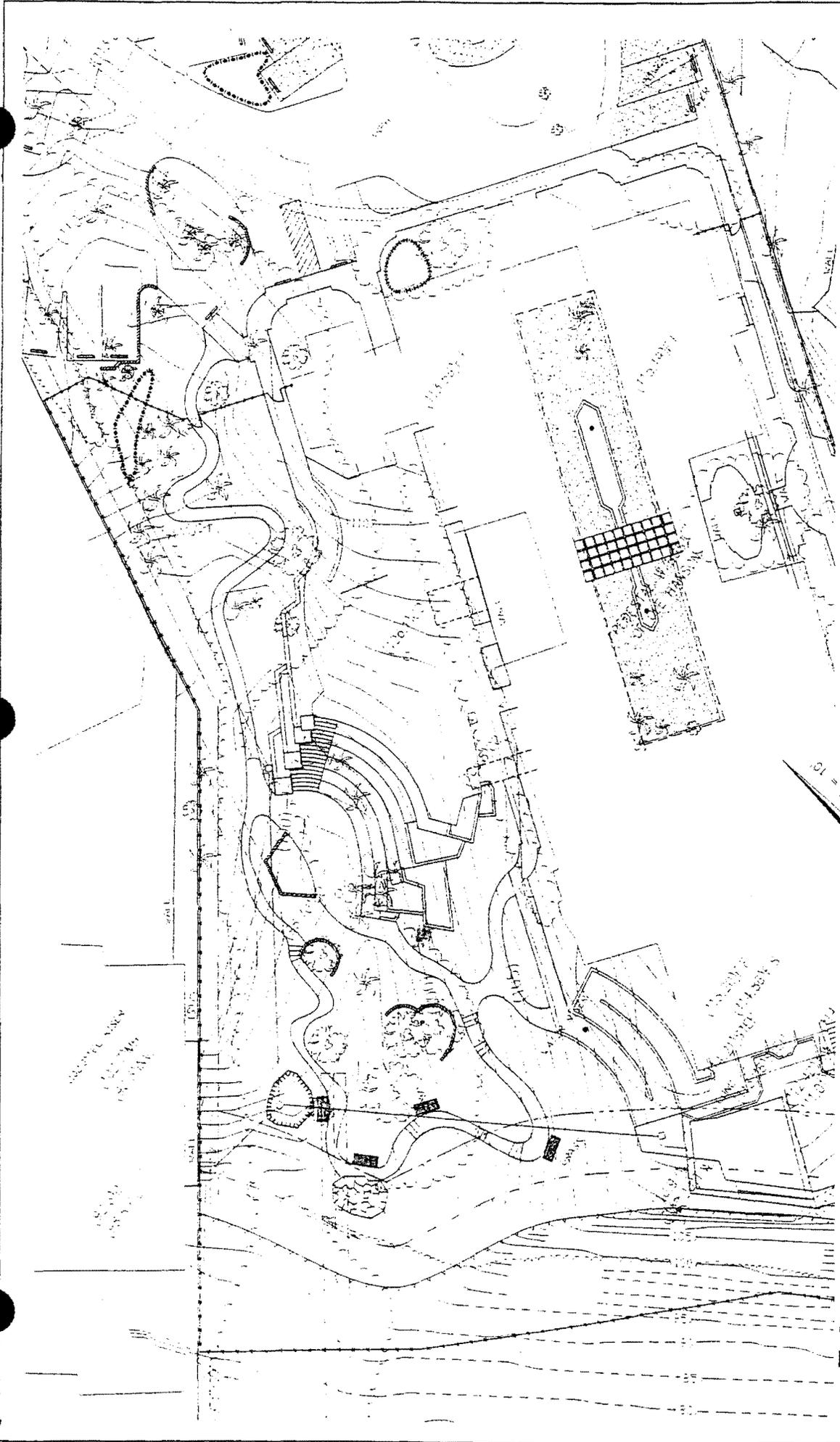


COASTAL COMMISSION
5-01-322

EXHIBIT # 5

PAGE 1 OF 1

RECEIVED
South Coast Regio
AUG 13 2001
CALIFORNIA
COASTAL COMMISS



PRECISE GRADING PLAN FOR
 CASA ROMANTICA
 CITY OF SAN CLEMENTE
 CALIFORNIA



SHEET
 2
 OF 3 SHEETS
 DRAWING NO. 10000

SCALE 1" = 10'

COASTAL COMMISSION
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 PAGE 2 OF 3



PRECISE GRADING PLAN FOR
 CASA ROMANTICA
 CITY OF SAN CLEMENTE
 CALIFORNIA



COASTAL COMMISSIC
 5-01-32
 EXHIBIT # 6
 PAGE 3 OF 3

SHEET
 3
 OF 3 SHEETS
 PREPARED BY
 WALTER H. HARRIS
 REGISTERED PROFESSIONAL ENGINEER
 STATE OF CALIFORNIA
 LICENSE NO. 1007-151

RESOLUTION NO. 01-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION, AND APPROVING CONDITIONAL USE PERMIT (CUP) 00-214/CULTURAL HERITAGE PERMIT (CHP) 00-215 TO ALLOW THE DEVELOPMENT OF A CULTURAL CENTER AT THE CASA ROMANTICA, SERVING OF ALCOHOLIC BEVERAGES FOR CATERED EVENTS, ENCROACHMENT OF PARKING SPACES INTO THE SETBACKS, OFF-SITE PARKING AT LINDA LANE PARK AND REHABILITATION OF THE CASA ROMANTICA LOCATED AT 415 AVENIDA GRANADA.

WHEREAS, on March 15, 2000, the City Council and Redevelopment Agency Board of Directors endorsed the Wolf, Keens & Company (WKC) "Casa Romantica Reuse Feasibility Study: A Cultural and Educational Center for San Clemente, California" and directed staff to implement the plan for their final approval; and

WHEREAS, on April 12, 2000, the City Council made the implementation of the Casa Romantica Cultural Center the number one Vital Few Priority in the City of San Clemente; and

WHEREAS, at the direction of the City Council and Redevelopment Agency Board of Directors, the City Staff assisted in the formation of a new non-profit organization, the "Casa Romantica Cultural Center Inc." to oversee and operate the Casa Romantica Cultural Center; and

WHEREAS, on July 19, 2000, the Redevelopment Agency Board of Directors approved a contract with Anthony Stark Architects, Isabelle Greene and Associates and Melendrez Babalas Associates to develop design plans that would allow the processing of a CUP and CHP to rehabilitate and adaptively reuse the Casa Romantica as a cultural center; and

WHEREAS, on November 14, 2000, an application was submitted by the City of San Clemente and the Casa Romantica Cultural Center Inc. for a CUP and a CHP to allow a cultural center at the Casa Romantica, on-site sale and consumption of alcohol with catered events, an encroachment of five (5) parking spaces into the front and side-yard setbacks and up to a maximum of 42 off-site parking stalls at Linda Lane Park for events over 132 and up to a maximum of 299 people for any event. The CHP request is to allow rehabilitation of the Casa Romantica and landscape design improvements to the grounds at the site located at 415 Avenida Granada, the legal description being Lots 26 & 27, Block 3, of Tract 784; and

COASTAL COMMISSION

5-01-322

EXHIBIT #

7

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WHEREAS, on November 14, 2000, the City's Development Management Team reviewed the application for compliance with the General Plan, Coastal Element, Zoning Ordinance, Pier Bowl Specific Plan and other applicable requirements; and

WHEREAS, on December 9, 2000, the City held a public workshop on the projects design at the Casa Romantica and the Community Center to present the conceptual design and to receive public comments regarding the proposed cultural center use and project design; and

WHEREAS, on May 24, 2001, the Planning Commission Design Review Subcommittee reviewed the subject application, considered evidence presented by the City staff and provided comments and concurred that the project design conforms with the Pier Bowl Specific Plan Design Guidelines; and

WHEREAS, on June 12, 2001, the Parks and Recreation Commission held a duly noticed public hearing on the subject application, considered evidence presented by the City staff and the Casa Romantica Cultural Center Inc. Board of Directors, and recommended to the City Council the approval of CUP 00-214 and CHP 00-215; and

WHEREAS, a Mitigated Negative Declaration reflecting the independent judgement of the City of San Clemente was prepared on June 27, 2001, and was advertised for public review and comment on July 5, 2001, and will be in circulation through August 3, 2001; and

WHEREAS, on July 10, 2001, the Planning Commission held a duly noticed public hearing on the subject application and considered evidence presented by the City staff, the Casa Romantica Cultural Center Inc. and other interested parties; and

WHEREAS, on August 8, 2001, the City Council held a duly noticed public hearing on the subject application and considered evidence presented by the City, staff, the Casa Romantica Cultural Center Inc. and other interested parties.

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

SECTION 1: Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15063, an initial study has been prepared for this project. After reviewing the initial study, the proposed Mitigated Negative Declaration and all comments received during the public review process, the City Council finds that the Mitigated Negative Declaration reflects the independent judgement of the City of San Clemente and that the project, as mitigated, will not have a significant impact upon the environment. As a result of its review of the aforementioned documents, the City Council approves the Mitigated Negative Declaration and the authorization of the issuance of a Notice of Determination pursuant to CEQA Guidelines Section 15075. The City Planner

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is the custodian of record for those records making up the record of proceedings for the Mitigated Negative Declaration. Those records are retained in the Planning Department of the City of San Clemente.

Pursuant to Title 14, California Code of Regulations Section 753.5(c) (1), the City Council determines that, after considering the record as a whole, there is no evidence that the proposed Project will have the potential for any adverse effect on wildlife resources or the habitat upon which the wildlife depends. Furthermore, on the basis of substantial evidence, the City Council finds that any presumption of adverse impact has adequately been rebutted, and that, therefore, pursuant to Fish and Game Code Section 711.2 and Title 14, California Code of Regulations Section 753.5(a) (3), the Project is not required to pay Fish and Game Department filing fees.

SECTION 2: With respect to CUP 00-214, the City Council finds as follows:

- A. The proposed cultural center use and the on-site sale and consumption of alcohol with catered events is permitted within the subject zone pursuant to the approval of a Conditional Use Permit and complies with all of the applicable provisions of the San Clemente General Plan, the San Clemente Coastal Element, the Pier Bowl Specific Plan and the San Clemente Zoning Ordinance, and the purpose and intent of the zone in which the use is being proposed, in that the project does not exceed occupancy standards, is less intense than the previous wedding and event center use on the site, and meets the minimum development standards of Pier Bowl Specific Plan – Casa Romantica Mixed Use Standards with the exception allowed by a CUP and contained elsewhere in this section.
- B. The site is suitable for the type and intensity of use that is proposed in that the project is significantly below the allowable floor area ratio, height limit and density standards allowed under the provisions of the City General Plan and Pier Bowl Specific Plan.
- C. The establishment, maintenance or operation of the proposed use will not be detrimental to the health, safety, morals, comfort or general welfare of the people residing or working in the area, or be injurious or detrimental to property or improvements in the City in that:
 - 1. The proposed cultural center use, including the recommended programming specified the WKC “Casa Romantica Reuse Feasibility Study: A Cultural and Education Center for San Clemente, California” is permitted in the Pier Bowl Specific Plan – Casa Romantica Mixed Use Standards pursuant to the approval of a CUP and complies with all the applicable provisions of the Pier Bowl Specific Plan, the San Clemente Zoning Ordinance, the San Clemente General Plan and the purpose and intent of the zone in which the use is being proposed.

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2. The use and modification of parking for a commercial historic structure to allow five (5) spaces to encroach into the side yard and front yard setbacks are consistent with the City Coastal Element, the Pier Bowl Specific Plan and the City of San Clemente Zoning Ordinance goals and policies for community- and visitor-serving uses and preservation of historic buildings in that the design allows the preservation of mature palm trees and a historically accurate representation of the site's original site plan.
 3. The project will provide a wide range of culture, arts, education, and historic preservation uses for San Clemente that will enrich and enhance the general welfare of the community.
 4. The project conditions of approval and mitigated negative declaration implement requirements that ensure there are no substantial impacts to the surrounding neighborhood.
 5. Off-site parking for the Casa Romantica is permitted under the Pier Bowl Specific Plan with the approval of a CUP. On-site parking requirements in the Pier Bowl Specific Plan and City Zoning Ordinance for the project cannot be provided without altering or modifying the historic structure in a manner which is incompatible with the historic structure's original architectural style and character in that providing additional on-site parking would necessitate demolition of important, character-defining historic, architectural and landscaping features. Based on the findings and mitigation measures recommended in the Parking Study for the Casa Romantica prepared by Katz, Okitsu & Associates (Traffic Engineers and Transportation Planners), adequate off-site parking can be provided at Linda Lane without adversely impacting beach or recreational parking.
- D. The proposed use will not negatively impact surrounding land uses in that: (a) The site is situated in a high density residential zone and a similar and more intense assembly use was previously located at this site; and (b) the cultural center use has been designed to respect the neighboring properties by providing landscape screening, security fencing, limiting occupancy and hours of operation, providing on-site management and incorporating specific project conditions of approval and mitigation measures so that the project will not significantly impact the surrounding property and neighborhood.
- E. The use and modification of parking for a commercial historic structure to allow five (5) spaces to encroach into the side yard and front yard setback are consistent with the City Coastal Element, the Pier Bowl Specific Plan and the City of San Clemente Zoning Ordinance goals and policies for community and visitor-serving uses and preservation of historic buildings in that: (a) The Casa Romantica is historically

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significant and is listed in the National Register of Historic Places; and (b) The encroachment of these parking spaces into the setbacks allows the preservation of mature palm trees and a historically accurate representation of the site's original site plan.

SECTION 3: With respect to CHP 00-215, the City Council finds as follows:

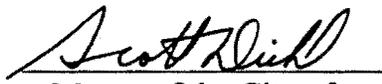
- A. The architectural treatment of the project complies with the objectives, goals and policies of the San Clemente General Plan, the City Urban Design Guidelines and the Pier Bowl Specific Plan Design Guidelines including but not limited to Spanish Colonial Revival style architecture where appropriate, in that:
1. The project restores existing deteriorated historic architectural materials and details.
 2. The proposed addition, parking area and outdoor spaces are in keeping with the historic character of the site.
- B. The architecture and landscape design treatment of the project complies with the architectural guidelines and standards as adopted and from time to time amended by the Planning Commission and/or the City Council in that the project preserves, restores and rehabilitates an existing historic building on the National Register of Historic Places in compliance with the Secretary of the Interior's Standards for Treatment of Historic Properties.
- C. The architectural treatment of the project is in harmony with the structures surrounding the project in that the proposed restoration and rehabilitation of a traditional Spanish Colonial Revival building is compatible with the surrounding development.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood in that the design is Spanish Colonial Revival and the project is at a low intensity and scale.
- E. The proposed project will not be detrimental to the orderly and harmonious development of the City in that it is located within an existing historic building, it replaces a use that was at least as intense and does not create any additional load on City services or infrastructure.
- F. The proposed project/use preserves and strengthens the pedestrian-orientation of the district and/or San Clemente's historic identity as a Spanish village in that it creates a cultural center in the founder of the City of San Clemente's original home, and it will offer displays and programs that teach about the history of the City and Orange

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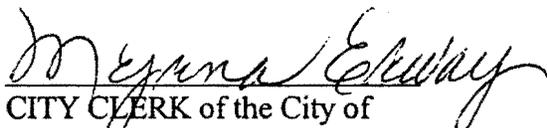
County, Ole Hanson, Historic Preservation as well as a variety of enriching multi-cultural performing arts, visual arts and language arts programs.

SECTION 4: The City Council of the City of San Clemente hereby: (a) Adopts a mitigated negative declaration; and (b) Approves CUP 00-214/CHP 00-215, Casa Romantica Cultural Center, to allow a cultural center at the Casa Romantica with up to a maximum of 299 people, on-site sale and consumption of alcohol with catered events, an encroachment of five (5) parking spaces into the front and side-yard setbacks, up to a maximum of 42 parking off-site parking stalls at Linda Lane Park for events over 132 and up to a maximum of 299 people, rehabilitation to the Casa Romantica and landscape design improvements to the site located at 415 Avenida Granada, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the CITY COUNCIL of the City of San Clemente on August 8, 2001.


Mayor of the City of
San Clemente, California

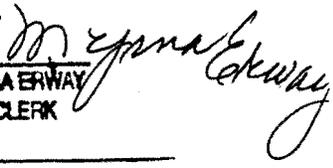
ATTEST:


CITY CLERK of the City of
San Clemente, California

I, MYRNA ERWAY, CITY CLERK OF THE CITY OF SAN CLEMENTE, CALIFORNIA, HEREBY CERTIFY UNDER PENALTY OF PERJURY THE FOREGOING INSTRUMENT TO BE A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL NOW ON FILE IN MY OFFICE.

DATE:

8/10/01


MYRNA ERWAY
CITY CLERK

BY: _____

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

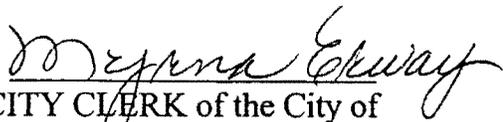
I, MYRNA ERWAY, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 01-47 was adopted at a regular meeting of the City Council of the City of San Clemente held on the 8th day of August, 2001, by the following vote:

AYES: DAHL, DOREY, EGGLESTON, RITSCHER, MAYOR DIEHL

NOES: NONE

ABSENT: NONE

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CITY CLERK of the City of
San Clemente, California

Approved as to form:


City Attorney

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CONDITIONS OF APPROVAL*
CUP 00-214/CHP 00-215
CASA ROMANTICA CULTURAL CENTER

- 1. The owner or designee shall develop the approved project in conformance with the site plan, floor plan, elevations, roof plan, landscape plan, sample and materials board and any other applicable submittals as recommended for approval by the Planning Commission on July 10, 2001, subject to modifications by these Conditions of Approval.

Any deviation from the approved site plan, floor plan, elevations, roof plan, landscape plan, materials or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Zoning Administrator or City Council as appropriate. ■ (Plng.)_____

- 2. Conditional Use Permit 00-214 shall become null and void if the use is not commenced within two (2) years from the date of the approval. Pursuant to Section 17.12.150(B) of the Zoning Ordinance of the City of San Clemente, since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development.

Pursuant to Section 17.12.150(C) of the Zoning Ordinance, a use shall be deemed to have lapsed, and CUP 00-214/CHP00-215 shall be deemed to have expired, one year after the date the use ceases operation and/or the business closes at such location.

Pursuant to Section 17.12.160, the owner or designee shall have the right to request an extension of CUP 00-214/CHP00-215 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall be subject to review and approval by the City Council ■ (Plng.)_____

- 3. This project is approved subject to the provisions of a Mitigated Negative Declaration. Within forty-eight (48) hours of final approval the City shall file the Notice of Determination required under Public Resources Code Section 21152 and Title 14 of the California Code of Regulations Section 15075.

■ (Plng.)_____

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4. This project shall be subject to the mitigation measures adopted with the Mitigated Negative Declaration prepared for the project as identified in these conditions of approval. (PIng.)_____
5. Signage is not part of this review. Any signage for this proposed development shall require the owner or designee to submit for review and obtain approval of a Sign Plan or Master Sign Program in accordance with the City's Sign Ordinance. (PIng.)_____
6. Prior to issuance of any permits, the owner or designee shall submit for review, and shall obtain the approval of the Community Development Director and the Director of Beaches, Parks, and Recreation or designees for, a detailed landscape and irrigation plan, incorporating drought tolerant plants, for on- and off-site landscaping, prepared by a Registered Landscape Architect, and in compliance with all pertinent requirements including the City's Landscape Guidelines. (PIng.)_____
7. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to, the Zoning Ordinance, the Uniform Fire Code, Security Ordinance, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 of the California Administrative Code, and the Uniform Codes as adopted by the City, including the State Historical Building Code. ■ (PIng.)_____ (Bldg.)_____
8. Prior to issuance of building permits, the owner or designee shall submit for review and obtain the approval of the City Planner or designee for, traditional execution of the project's architectural and landscape elements and details. ■■ (PIng.)_____
9. Prior to the issuance of building permits, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that approval by the California Coastal Commission has been obtained for the project. (PIng.)_____
10. CUP 00-214 allows food service as an ancillary use to the cultural center; food service is limited to non-alcoholic beverages, desserts, and light snacks. ■■ (PIng.)_____
11. CUP 00-214 allows for diversified programs with a wide range of uses, including small weddings, corporate meeting and social events. Catered meals with alcoholic beverages (which must be provided by the caterer) shall be permitted during these events. Caterers shall obey all rules, regulations and conditions imposed upon the project through, but not limited to, the Alcoholic Beverage Commission (ABC) and relevant State laws. Revocation of, or sale of said ABC license to another person at

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another location, shall render this Use Permit null and void. Prior to any sale of the ABC license, the owner or designee shall notify the Community Development Department of the sale. ■ (PIng.)_____

12. Prior to issuance of building permits, the owner or designee shall submit a site plan for review and approval. The plans shall include the plan view, sectional view, and indicate the grade width of the street or court measured flow line to flow line. (Fire - FP4)_____

13. Prior to issuance of building permits, the owner or designee shall submit plans for the review and approval of the Fire Chief as indicated on the OCFA Plan Submittal Criteria form. ■■ (Fire - FP14)_____

14. Prior to issuance of a Certificate of Occupancy, the owner or designee shall demonstrate to the satisfaction of the City Building Official or designee that the project has been constructed in conformance with the approved sets of plans and all applicable, codes, ordinances, and standards. (Bldg.)_____

15. Events held pursuant to CUP 00-214 shall not have any amplified sound allowed in the Amphitheater, West Terrace, East Terrace or Ocean Terrace. Average hourly sound level at the stage area of the proposed amphitheater shall be limited to the hours of 7 AM to 10 PM as follows:

- 65 dBA for up to 8 hours
- 68 dBA for up to 4 hours
- 71 dBA for up to 2 hours
- 74 dBA for up to 1 hour

■■ (MM3A) (Bldg.)_____

16. Prior to the issuance of building permits, the owner or designee shall include within the first four pages of the working drawings a list of all conditions of approval imposed by the final approval for the project. (Bldg.)_____

17. Prior to issuance of building permits, the owner or designee shall submit a copy of the City Engineer approved soils and geologic report, prepared by a registered geologist and soil engineer, which conforms to City standards and all other applicable codes, ordinances, statutes and regulations. The soils report shall accompany the building plans, engineering calculations, and reports. (Bldg.)_____

18. Prior to issuance of certificates of occupancy, the owner or designee shall demonstrate to the satisfaction of the City Building Official or designee that the project

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complies with all applicable provisions of Section 770 of the City's Security Ordinance. (Bldg.)_____

19. Prior to issuance of precise grading and/or building permits, the owner or designee shall submit for review, and shall obtain the approval of the City Engineer or designee for, a precise grading plan as required by the City Grading Manual and Ordinance. (Eng.)_____

20. Prior to the issuance of building permits the owner or designee shall submit a letter to the Community Development Director agreeing to the provision that no coastal bluff protective device(s) shall ever be constructed to protect the new hardscape included under CUP 00-214/CHP 00-215, in the event that the development is threatened with damage or destruction from erosion, storm conditions or other natural hazards in the future. Said new hardscape is located along the Casa Romantica's ocean bluff edge including, but not limited to, the expanded portion of the Ocean Terrace, planters, City View Terrace and seating area. In the event that any portion of the development is destroyed, the owner shall remove all recoverable debris associated with the development from the bluff or toe of slope and the structures will need to be scaled back a safe distance from the bluff as determined by the City Building Official and as required by the California Coastal Commission.

■■ (MM1) (Plng.)_____

21. Prior to any special events at the Casa Romantica that includes more than 132 attendees, the Casa Romantica Cultural Center Inc. or designee shall obtain a Special Events Permit from the Beaches Parks and Recreation Department. Prior to the issuance of a Special Events Permit the applicant must demonstrate to the satisfaction of the City that the following standards and provisions will be met:

- A. A valet service shall be provided to transport vehicles of guests from the Casa Romantica to a designated off-site parking facility. The off-site facility will normally be the Linda Lane parking lot or the San Clemente High School. Other public parking lots outside the boundary of Coastal Zone may also be considered.
- B. There shall be no direct cost for valet service to event attendees. The cost of the valet service shall be embedded into the cost of the event, or it shall be included as a service by the Casa to be provided during events.
- C. Parking for the valet service at Linda Lane shall be located in those stalls located furthest away from the beach access, the park and children's play area.
- D. A shuttle service will be provided for attendees who do not wish to use valet service, and to transport valets when parked vehicles are not available.

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- E. For occasions when more than 132 visitors are expected, and it can be clearly shown that the overwhelming majority of visitors will be transported in buses or other means that do not create parking demands, the City may determine that there is no need for valet and shuttle service. However, this will only be permitted when there is overwhelming evidence that alternative transportation is being provided, such as from a nearby hotel where use of hotel buses is mandatory. The applicant for use of the facility will be required to provide such evidence to the satisfaction of the Director of Beaches, Parks and Recreation or his or her designee.
- F. A Special Event Permit shall not be granted for off-site parking at Linda Lane Park during other special events which may require the parking at the Linda Lane Lot. These events may include but are not limited to: Professional Surfing Tour of America, The Fourth of July, the Ocean Festival, the Summer Surfing Festival, and the Chamber of Commerce "Sea Fest".
- G. The location and direction to the appropriate parking facilities shall be posted at the Casa Romantica, along with signs requesting that visitors not park on nearby roadways to minimize impacts on the neighborhood.

■ ■ (MM5) (B.P.& R.) _____

- 22. Prior to submittal of grading plans, a construction phasing and mitigation program shall be submitted to and approved by the City Engineer or designee. The program shall include, but not be limited to, a schedule and the method of performing the grading and construction of all improvements and discussions and depictions of the following: hours of operation in compliance with City codes; stock-piling, staging and mobilization areas; construction traffic routing and directional signing; types of construction equipment; gate and fencing plan, including green mesh screening; dust and erosion control measures; and notification program. Watering of the site shall be conducted prior to, during and after grading operations to mitigate dust generation. Equipment shall use low sulfur fuel, shall be well-tuned and fitted with properly operating and maintained mufflers. Grading shall be suspended when winds exceed 25 miles per hour and during first and second stage smog alerts.

■ ■ (MM2)(Eng.) _____

- 23. Prior to issuance of grading permits, the owner or designee shall provide evidence acceptable to the City Engineer that:

- A. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be well-tuned and equipped with operating and maintained mufflers.

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B. All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).

C. The City of San Clemente Noise Ordinance, limiting the hours of construction to between 7:00 a.m. and 6:00 p.m., shall be enforced.

■■ (MM3B)(Eng.)_____

24. Prior to issuance of a Certificate of Occupancy, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that all exterior lighting is designed, arranged, directed or shielded per the approved plans, and in such a manner as to contain direct illumination on site, thereby preventing excess illumination onto adjoining site(s) and/or street(s). (Plng.)_____

25. Prior to issuance of a Certificate of Occupancy, the owner or designee shall submit a letter, signed by a registered landscape architect, stating that all materials for all landscaped areas have been installed in accordance with the approved plans, and shall demonstrate that all landscaped areas have been landscaped per the approved landscape plans, to the satisfaction of the Community Development Director or designee. (Plng.)_____

26. Prior to the issuance of building permits, the owner or designee shall retain a professional meeting the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61 Appendix A) in historic architecture to participate as a design collaborator in preparation of final construction documents. Treatments in conformance with the Standards for Rehabilitation shall be incorporated into final construction documents. ■■ (MM4A)(Plng.)_____

27. Prior to the commandment of any grading, landscaping and/or construction activities, existing conditions of all buildings (interior and exterior) and grounds shall be photodocumented with large and medium format, black and white photography. Photodocumentation shall be keyed to existing plans and shall be assembled in archival quality documents for approval and deposit at the County of Orange, San Clemente Branch Library and at the South Central Coastal Information Center at California State University, Fullerton. Archival quality documents shall include a reproduction of the National Register nomination and other relevant materials, color Xerox quality reproductions of historic images, and appropriate photo labeling. Photographers shall be directed and the final report assembled by a professional meeting the Secretary of the Interior's Professional Qualifications Standards in history and/or architectural history. ■■ (MM4B)(Plng.)_____

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28. During construction, a professional meeting the Secretary of the Interior's Professional Qualifications Standards in historic architecture, shall provide periodic construction monitoring including participation in contractor selection, and regularly scheduled job site meetings with contractors and others. The construction monitor shall collaborate with the project architect and landscape architect in field decisions which impact historical resources. ■■ (MM4C)(Bld.)_____

* All Conditions of Approval are standard, unless indicated as follows:

- Denotes a modified standard Condition of Approval
- Denotes a project specific Condition of Approval

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Casa Romantica

CULTURAL CENTER

P.O. Box 191, San Clemente, CA 92674

September 11, 2001

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Ms. Anne Kramer
Coastal Program Analyst
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

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Dear Ms. Kramer:

Pursuant to our recent meeting in regard to the development of the Casa Romantica Cultural Center at 415 Avenida Granada in San Clemente:

Regarding Admission/Fee Amount

It is the ultimate goal of the Casa Romantica Cultural Center to operate the facility without an admission charge for entrance to the grounds. Such access would include: use and enjoyment of the horticultural gardens; access to both permanent and touring exhibitions of art and history; use of the historic archives and satellite branch of the Orange County Library to be located on the premises; and participation in general entertainment activities that may be scheduled at any given time.

However, the primary feasibility study prepared for us by Wolf, Keens and Company indicated that, at least in the early years, a daily charge will be necessary to maintain the financial self-sufficiency of the facility. It is judged that this daily fee would range from \$3 to \$5 for an adult, with concomitant discounts for seniors and children (yet to be determined). If such a fee is found to be necessary, at least one day per week will be designated as a "Free" day, so that any who wish may use the facility. A membership category will also be established through which an annual contribution to the non-profit organization will allow open access to the facility year-round.

An alternative that is being investigated is one that asks for a "Suggested Donation" at the door. Ultimately, our goal is find sufficient underwriting to cover all necessary operational expenses and be an educational and recreational resource that is free to the public.

Special events presented under the auspices of the non-profit will be separately ticketed activities. These might include performances of music, theatre, and/or dance; special literary events; or cultural gatherings of other kinds. Depending on the individual

Ms. Anne Kramer
California Coastal Commission
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attraction, and the degree of financial underwriting that we can secure on each attraction, we estimate tickets will range from \$3 to \$50. Periodically, Gala Benefit events may be presented with a ticket price that also includes a tax-deductible donation. Special events presented by renters of the facility will be subject to the prices established by the sponsoring organization.

Regarding Daily Operations and Special Events

It is anticipated that the Casa Romantica will be open to the public at least six days a week, with the option of adding the seventh day based on interest, attendance and finances. General hours of operation are proposed as:

Tuesday through Friday	8:00 A.M. to 6:00 P.M.
Saturday and Sunday	9:00 A.M. to 6:00 P.M.

Evening hours will be extended to accommodate special events or rental activities as opportunities present themselves. During special events, the facility will not generally be open to other public activity. It is anticipated that the majority of indoor performance activities will take place between 7:30 P.M. and 10:00 P.M. Any outdoor performances would be targeted with an ending time no later than 9:00 P.M., with most taking place during daytime hours. The City of San Clemente has imposed the following restrictions on outdoor concerts: a) No use of amplification; b) Concerts not to exceed two hours in length. As on-site performance areas – both inside and out - accommodate attendance of 100 or less, the planned number of parking places on site should serve all attendance.

School participation (educational tours for students) will be targeted for morning hours on school days between 8:30 and 11:30 A.M. To maintain control and accommodate the size of our display rooms, we anticipate no more than 120 students at any given time on the premises. As students will be arriving and departing via buses from their schools, their participation will not impact the available parking on-site. We expect our adult audience to schedule their visits so as to avoid the student audiences.

General-purpose daily activity is expected to be heaviest between the hours of 12:00 Noon and 5:00 P.M. We expect the length of the average visit to be two hours in duration – suitable to visit exhibitions, the horticultural gardens, and enjoy associated on-site activities. Total weekday general-purpose attendance is estimated between twenty-five and fifty people per day. (Not inclusive of student tours and/or special events). Weekend general-purpose attendance will be spread throughout the day (9 – 6), and is estimated at 100 to 150 people per day. Based on the above assumption of average stay, on-site parking will again fulfill the expected need.

One possible use of the facility will be as a site for classes in various areas of the arts (i.e. painting, pottery, horticulture, writing, etc.). Classes would be aimed at both students and adults (continuing education). Student classes would be scheduled after school hours during the week. In most cases, we expect students to arrive via bus, walking, or “drop-off” by parents; thus not affecting the

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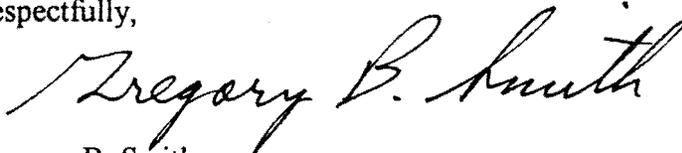
parking. Adult classes would most likely be scheduled in late afternoon or early evening hours, to coincide with lesser used hours of activity. Class size will be self-limiting, based on the size of the rooms available for this proposed use. (Average estimated class size: 15)

The City of San Clemente Planning Division has estimated that on-site parking will be sufficient for attendance of up to 132 persons at any given time. This should be sufficient for all general purposes and performances other than special social events, benefits, and meetings which may be expected to accommodate as many as 299 total participants. In those special cases, the City of San Clemente has required that we apply for and receive a Special Use permit from the San Clemente Park and Recreation Department.

This permit shall be reviewed and issued specific to the sponsor, times and activities of the event in question. The permit also mandates that a parking plan will be instituted that includes free valet parking and a shuttle bus system to and from an approved site to accommodate the additional parking needs. Though outdoor performance activities will include no amplified music and be targeted to finish no later than 9:00 P.M., some outdoor activity by guests may be expected to take place during special social events as late as 12:00 Midnight (i.e. New Year's Eve). The City of San Clemente has not specified time limits on usage other than approval by the Park and Recreation Department, but the Casa Romantica Cultural Center is committed to being less intrusive in their activities than the previous occupant - a wedding promoter.

Should you have any questions regarding these or other items in the plan of the Casa Romantica Cultural Center, please contact me at your earliest convenience.

Respectfully,



Gregory B. Smith
Executive Director
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