

CALIFORNIA COASTAL COMMISSION

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**F9b**

Filed:	08/04/2017
180th Day:	01/31/2018
Staff:	LR-LB
Staff Report:	11/21/2017
Hearing Date:	12/15/2017

STAFF REPORT: REGULAR CALENDAR

Application No.: 5-17-0539

Applicant: El Camino Real LLC

Agent: Jim Holloway

Location: 1700 N. El Camino Real, San Clemente, Orange County
(APN: 057-193-02)

Project Description: Rehabilitation and adaptive reuse of two historic structures: 1) a 7,372 sq. ft. Miramar Theater into a 8,200 sq. ft. Performance and Event Center; and 2) a 5,200 sq. ft. bowling alley into a specialty restaurant structure with up to seven restaurants/kitchens, with a 6,283 sq. ft. addition (consisting of a 1,035 sq. ft. ground floor addition and 5,248 sq. ft. basement addition), and a 3,400 sq. ft. outdoor courtyard seating space addition with a 9ft. tall patio wood trellis, hardscape and landscape improvements.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION:

The proposed project is the rehabilitation and adaptive reuse of the two structures on the City's Designated Historic Structures List that have been vacant since 1992 (for 25 years). The applicant proposes to convert the 750 seat Miramar Theater into a 435 seat Performance and Event Center with ADA access improvements, and enclose the open area along Boca de la Playa with a block wall/wrought iron fence to create a new private garden courtyard area; and to convert the bowling alley into a specialty restaurant structure with up to seven restaurants/kitchens and outdoor courtyard seating space enclosed with a new stucco and iron railing perimeter site wall. The restaurants will provide indoor seating for 50 patrons and outdoor seating for 150 patrons. Other hardscape improvements include new decorative awnings, and a Spanish-style mosaic wall fountain

and new pavers in proposed patio areas. Both structures are Spanish Revival architectural design and reflect the City's Spanish Village by the Sea heritage. Landscaping consists of drought tolerant, non-invasive plants. The major issues raised by this proposed development concerns possible impacts to water quality and to public beach access, as the historic structures were granted "historic structure" parking waivers and would rely solely on existing public parking to meet parking requirements. However, based on the City's parking study, the existing public and private parking supply in the North Beach district is adequate to accommodate the parking demand by the proposed reuse of these historic structures without causing significant adverse impact to coastal access. Additionally, in order to provide an extra measure of protection to ensure the protection of these historic resources, and to mitigate the potential future parking impacts, the City and the applicant have agreed to enter into an agreement for the City to provide the 92 parking spaces waived in the North Beach area when those parking spaces are deemed necessary based on future parking surveys. As further mitigation to ensure that the proposed development will not result in significant adverse impacts to parking availability (and thus coastal access), the Commission further imposes special conditions requiring the applicant provide a Transportation Demand Management Program which among other things requires an employee public transit fare reimbursement program and both patron and employee bike parking on-site (not on public right-of-way). To address potential water quality impacts, the Commission also imposes special conditions requiring construction phase BMPs, submittal of a post-development water runoff plan, and use of low water use plant palette for proposed new landscaping.

Staff is recommending **approval** of the proposed coastal development permit with **seven (7)** special conditions. The special conditions are for: **1) Transportation Demand Management Program; 2) Submittal of Final Revised Plans; 3) Post Development Runoff Plan; 4) Parking Monitoring Program; 5) Landscaping; 6) Construction Phase BMPs; and 7) Future Development.**

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EXHIBITS

- Exhibit 1 - Vicinity Map
- Exhibit 2 – Site Plan
- Exhibit 3 – Landscaping Plan
- Exhibit 4 – Correspondence

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-17-0539 pursuant to the staff recommendation.*

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

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

This permit is granted subject to the following 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 on which the Commission voted on the application. 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 of 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:

This permit is granted subject to the following special conditions:

1. **Transportation Demand Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for the review and written approval of the Executive Director, two copies a plan for transportation demand management. The plan shall be prepared by a qualified professional. The plan shall include, at a minimum, the following components:
 - (a) The permittee or any successor-in-interest or tenant of the permittee shall actively encourage employee participation in a Ride Sharing/Carpooling program, schedule shifts to benefit this program, and shall offer coordination services free of charge. A commuter information area shall be provided that offers employees appropriate information on available transportation alternatives to the single-occupancy vehicle (i.e., current maps, routes and schedules for public transit; Ridesharing match lists; available employee incentives; ridesharing promotional material supplied by commuter-oriented organizations, etc.) This area shall be centrally located and accessible to all employees.
 - (b) A public transit fare reimbursement program shall be implemented by the permittee or any successor-in-interest or tenant of the permittee. The permittee or any successor-in-interest or tenant of the permittee shall provide to employees of the development a minimum of 50% reimbursement to 100% of the public transit fare to and from work. Posters, brochures and registration materials of the program shall be available to employees at all times. Employees shall be informed of the program upon orientation and annually thereafter.
 - (c) Provision of a short-term bicycle parking area for the public on the property outside of the public right-of-way. Short-term bicycle parking may be located outside or inside the building with direct access to a public street and shall be located to maximize visibility from the main entrance, no farther than 50 feet of walking distance from a main pedestrian entrance. For buildings with more than one main pedestrian entrance, short term bicycle parking shall be split evenly among all main pedestrian entrances. Adequate lighting shall be provided to ensure safe access to bicycle parking facilities.
 - (d) Provision of employee long-term bicycle parking and facilities for employee showers and lockers, free of charge, on the property and encouragement, to the extent possible, to walk or ride bicycles to and from work. Long-term bicycle parking shall be secured from the general public and enclosed on all sides and protect bicycles from inclement weather. Acceptable examples of long-term bicycle parking include bicycle lockers, bicycle rooms, or bicycle cages.
 - (e) The permittee or any successor-in-interest or tenant of the permittee shall provide, to the maximum extent possible, communal bicycles and/or company vehicle(s) for employee use.

(f) A Revised Site Plan identifying the number and location of proposed bicycle racks/bicycle parking areas on the subject site; and also identifying the location of public transit and seasonal trolley stops in the vicinity of the project site.

B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. **Final Revised Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for the review and written approval of the Executive Director, two full-size sets of the following revised final plans, modified as required below.

1. Site Plan that conforms with the plans submitted to the Commission, titled “*Site Plan – Miramar event Center and Restaurants*” received in the Coastal Commission’s Long Beach office on June 21, 2017, except that it shall be modified as required by **Special Condition 1.**

B. All revised plans shall be prepared and certified by a licensed professional or professionals as applicable (e.g., architect, surveyor, geotechnical engineer), based on current information and professional standards, and shall be certified to ensure that they are consistent with the Commission’s approval.

3. **Post-Development Runoff Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for the review and written approval of the Executive Director, a final Post-Development Runoff Plan that demonstrates that the project complies with the following requirements:

A. **Low Impact Development Strategies.** The project shall comply with the following Low Impact Development standards:

1. Minimize disturbance of coastal waters and natural drainage features such as stream corridors, rivers, wetlands, natural drainage patterns, drainage swales, groundwater recharge areas, floodplains, and topographical depressions.
2. Maintain or enhance appropriate on-site infiltration of runoff to the greatest extent feasible. Use strategies such as avoiding building impervious surfaces on highly permeable soils; amending soil if needed to enhance infiltration; and installing an infiltration Best Management Practice (BMP) (e.g., a vegetated swale, rain garden, or bio retention system).
3. Minimize the addition of impervious surfaces, and where feasible increase the area of pervious surfaces in re-development. Use strategies such as minimizing the footprint of impervious pavement; and installing a permeable pavement system where pavement is required.
4. Disconnect impervious surface areas from the storm drain system, by interposing permeable areas between impervious surfaces and the storm drain system. Design curbs, berms, and similar structures to avoid isolation of vegetative landscaping and other permeable areas, and allow runoff to flow from impervious pavement to permeable areas for infiltration. Use strategies such as directing roof-top runoff into permeable landscaped areas; directing runoff from impervious pavement into

distributed permeable areas (e.g., turf, medians, or parking islands); installing a vegetated swale or filter strip to intercept runoff sheet flow from impervious surfaces; and installing a rain barrel or cistern to capture and store roof-top runoff for later use in on-site irrigation.

5. Where on-site infiltration is not appropriate or feasible, use alternative BMPs to minimize post-development changes in runoff flows, such as installing an evapotranspiration BMP that does not infiltrate into the ground but uses evapotranspiration to reduce runoff (e.g., a vegetated “green roof,” flow-through planter, or retention pond); directing runoff to an off-site infiltration facility; or implementing BMPs to reduce runoff volume, velocity, and flow rate before directing runoff to the storm drain system.
- B. Implement Source Control BMPs. Appropriate and feasible long-term Source Control BMPs, which may be structural features or operational practices, shall be implemented to minimize the transport of pollutants in runoff from the development by controlling pollutant sources and keeping pollutants segregated from runoff. Use strategies such as covering outdoor storage areas; using efficient irrigation; proper application and clean-up of potentially harmful chemicals and fertilizers; and proper disposal of waste.
- C. Avoid Adverse Impacts from Stormwater and Dry Weather Discharges. The adverse impacts of discharging stormwater or dry weather runoff flows to coastal waters, intertidal areas, beaches, bluffs, or stream banks shall be avoided, to the greatest extent feasible. The project shall comply with the following requirements:
1. Runoff shall be conveyed off-site or to drainage systems in a non-erosive manner.
 2. The discharge of dry weather runoff to coastal waters shall be minimized, to the greatest extent feasible. Use strategies such as efficient irrigation techniques that minimize off-site runoff.
- D. Manage BMPs for the Life of the Development. Appropriate protocols shall be implemented to manage BMPs (including ongoing operation, maintenance, inspection, and training) to keep the water quality provisions effective for the life of the development. The project shall comply with the following requirements:
1. On a weekly basis, the applicant shall, sweep impervious surfaces to remove litter, sediment, and other debris.
 2. Washing-down of impervious surfaces is prohibited, unless these nuisance flows are diverted through an approved filter and do not contribute any additional pollutants to the runoff.
 3. The applicant shall use trash and recycling containers that, if they are to be located outside or apart from the principal structure, are fully enclosed and water-tight in order to prevent stormwater contact with waste matter which can be a potential source of bacteria, grease, and other pollutants in runoff.
 4. Wash down areas for restaurant equipment and accessories shall be self-contained, equipped with a grease interceptor (minimum capacity of 750 gallons), and properly connected to a sanitary sewer. If the wash area is to be located outdoors, it should be covered, paved, have primary containment, and be connected to the sanitary sewer.

The grease interceptor shall be regularly maintained according to manufacturer's specifications to ensure maximum removal efficiencies.

E. **Site Plan and Narrative Description.** The Post-Development Runoff Plan shall include a site plan and a narrative description addressing, at a minimum, the following required components:

1. A site plan, drawn to scale, showing the property boundaries, building footprint, runoff flow directions, relevant drainage features, structural BMPs, impervious surfaces, permeable pavements, and landscaped areas.
2. Identification of pollutants potentially generated by the proposed development that could be transported off the site by runoff.
3. An estimate of the proposed changes in (1) impervious surface areas on the site, including pre-project and post-project impervious coverage area and the percentage of the property covered by impervious surfaces; (2) the amount of impervious areas that drain directly into the storm drain system without first flowing across permeable areas; and (3) site coverage with permeable or semi-permeable pavements.
4. A description of the BMPs that will be implemented, and the Low Impact Development approach to stormwater management that will be used. Include a schedule for installation or implementation of all post-development BMPs.
5. A description and schedule for the ongoing management of all post-development BMPs (including operation, maintenance, inspection, and training) that will be performed for the life of the development, if required for the BMPs to function properly.

The permittee shall undertake development in accordance with the approved Post-Development Runoff Plan, unless the Commission amends this permit or the Executive Director determines issues a written determination that no amendment is legally required for any proposed minor deviations.

4. **Parking Monitoring Program.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for the review and approval of the Executive Director, a biennial (every two years) parking monitoring program for a ten (10) year period in conjunction with the implementation of the proposed Parking Waiver Incentive Agreement between the permittee and the City of San Clemente that delivers data and monitoring results in a form that provides for analysis and conclusions regarding the effect of the proposed development on public parking in the North Beach study area, with an emphasis on any adverse impacts to public access and recreation to and along the coast. Information used to develop the monitoring program shall include, but not be limited to, the following:

- a) Vehicle counts;
- b) Changes to the current parking fees, parking hours (daily, hourly, holiday, etc.)
- c) Parking lot usage, vacancy and/or turnover rates, and other data relevant to understanding visitation patterns;
- d) Use of any patron parking fee validation programs
- e) Available information regarding factors such as weather, water quality, surf conditions, etc. that may affect visitation patterns;
- f) Parking citations (quantity and type) and other law enforcement citations issued

- g) Special events including dates and time periods that such events occurred;
- h) Impacts to residential use of on-street parking to the extent feasible;
- i) Data on employee participation in a Ride Sharing/Carpooling program, number of employees utilizing public transit, number of employees biking/walking to work.

Data and analysis shall be submitted to the Executive Director for the duration of the required monitoring period with analysis focusing on vehicle counts and parking availability during peak beach going times and overall North Beach parking lot usage. Reporting shall commence two years from the opening date of the Miramar Event Center and Restaurants. Each biennial report shall include copies of all previous reports as appendices. Each biennial report shall be a cumulative report that summarizes all previous reports. At the conclusion of the monitoring period a final monitoring report addressing all the monitoring data collected over the full monitoring period shall be submitted to the Executive Director. The final report must evaluate whether the proposed development resulted in any significant adverse change to beach usage/attendance or parking lot usage and any recommendations for changes to the parking program that would offset any significant adverse impacts to public access and recreation to and along the coast. In consultation with the Executive Director, the permittee shall submit an application for an amendment or new coastal development permit to implement any such changes that constitute development under the Coastal Act.

5. **Landscaping – Drought Tolerant, Non-Invasive Plants.** Vegetated landscaped areas and planters shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. The use of pesticides and herbicides shall be prohibited. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See:<http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).

6. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The permittee shall comply with the following construction-related requirements:

- (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.

- (e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- (f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- (g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- (h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- (i) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (l) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- (m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

7. **Future Improvements.** This permit is only for the development described in Coastal Development Permit No. 5-17-0539. Except as otherwise provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of use land, hardscape improvements including perimeter walls or fencing shall require an amendment to Permit No. 5-17-0539 from the Commission or shall require an additional coastal development permit from the Commission, unless the Executive Director determines no amendment or new CDP is legally required, or from the applicable certified local government.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT LOCATION & DESCRIPTION

The proposed project is located at 1700 North El Camino Real in the North Beach District of the City of San Clemente. The site is currently developed with two buildings, the Miramar Theater built in 1938 and the Bowling Alley built in 1946 both of which are listed on the City's Designated Historic Structures List. The site is bounded by North El Camino Real to the north, Calle Deshecha

to the south, W. Avenida Pico to the east and Boca de la Playa to the west. The designated land use in the certified Coastal Land Use Plan is (MU3-p-A) Mixed Use with Pedestrian and Architectural overlays. The site is adjacent to the North Beach municipal surface parking lot designated as Public Parking with an Architectural overlay (P-A), and similar mixed-use land uses. Public access to the coast and to the San Clemente Coastal Trail is available 400 feet from the subject site at North Beach (**Exhibit #1**).

The applicant proposes the rehabilitation and adaptive reuse of the two structures on the City's Designated Historic Structures List that have been vacant since 1992 (25 years). The applicant proposes to convert the 7,836 sq. ft., 750 seat Miramar Theater into a 8,200 sq. ft., 435 seat Performance and Event Center with a 726 sq. ft. addition for new restrooms and a backstage dressing room/green room, ADA access improvements, and to enclose the open area along Boca de la Playa with a block wall/wrought iron fence to create a new private garden/courtyard area. The applicant also proposes to convert the 5,200 sq. ft. bowling alley into a specialty restaurant structure with up to seven individual restaurants/kitchens, with a 6,283 sq. ft. addition (consisting of 1,035 sq. ft. ground floor addition, and new 5,248 sq. ft. basement addition), and a 3,400 sq. ft. outdoor courtyard seating space addition with a 9-ft. tall patio wood trellis and enclosed by a new stucco/iron railing perimeter wall. The restaurants will provide shared seating, with an indoor seating capacity for 50, and outdoor seating for 150 patrons. The proposed new additions to the bowling alley will more than double the existing square footage of the existing building. In order to preserve the historic building, the applicant is not proposing any demolition of exterior walls, instead the structure will be lifted in place and the new basement foundation will be built inside the existing foundation. The basement will provide storage for the restaurant uses, a catering kitchen for the Event Center, utilities, restrooms, and employee breakroom/locker room.

The height of the existing theater structure is on average 28'6" tall with a 44' tall tower; and the maximum height of the existing bowling alley on average is 27' tall with a 27'5" entry tower. Both structures are Spanish Revival architectural design and reflect the City's Spanish Village by the Sea heritage. Proposed new hardscape includes ADA improvements, enclosing the open area along Boca de la Playa with a block wall/wrought iron fence into a new garden courtyard area for the Event Center, and new perimeter walls along the proposed new Restaurant structure to enclose the proposed 3,400 sq. ft. outdoor courtyard seating space, new decorative awnings, and a Spanish-style mosaic wall fountains. Proposed project plans are included as **Exhibit #2**. Proposed landscaping consists of drought tolerant, non-invasive plants such as succulents, agaves, grasses, yuccas and palms; landscaping plans are included as **Exhibit #3**.

The existing Miramar Theater and Bowling Alley provide no on-site parking and are therefore non-conforming to current parking requirements. Most commercial development constructed in San Clemente prior to 1955 did not provide on-site parking since the City's first parking ordinance was not adopted until 1956 and thus, relied on public parking lots or public on-street parking. The City's parking requirement for the proposed development is a combined 92 parking spaces. The City arrived at this figure as follows: The City allows up to 16 outdoor seats to be waived from the occupancy and parking calculation as a means to promote a pedestrian friendly environment. After accounting for a City waiver of 16 outdoor seats, the City's parking requirement for the proposed Event Center/Restaurant Complex is a combined 124 parking spaces (1 parking space/ 5 seats). Additionally, when uses have discontinued for more than one year, and in this case, the site has been vacant for 25 years, the City does not compare the new use parking demand to the historic

parking demand. Instead, the City compares the new use parking demand to the retail use parking demand (1 space/400 sq. ft.). The City granted the applicant a credit of 32 parking spaces for a final parking requirement of 92 spaces. The applicant then requested, and the City granted 92 “historic parking waivers.”

B. STANDARD OF REVIEW

The proposed development is within the City of San Clemente, an uncertified jurisdiction. The standard of review for the project is therefore the 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 in October 1995. The certified Land Use Plan policies may be used as guidance.

C. LAND USE

Section 30213 of the Coastal Act states in relevant part:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

City of San Clemente Certified Land Use Plan Policies (as guidance):

Policy II.2: Accommodate the development of a mix of residential and commercial uses in areas designated as “MU” in accordance with the density and height standards in Table 3-1

Policy II.3: Accommodate development of commercial uses in overlay areas designated as “-p.”

Policy II.4: Designate lands for the development of coastal related commercial, recreational, lodging, and supporting uses on the Coastal Land Use Plan Map, stipulated in Figure 3-1 and establish standards to ensure their compatibility with adjacent residential neighborhoods and commercial districts.

The proposed project site is designated Mixed-Use with Pedestrian and Architectural overlays (MU3-p-A) in the City’s certified Land Use Plan. Mixed-use zones allow a combination of commercial uses with residential units allowed on upper floors. The pedestrian (-p) overlay allows for office uses to be located to the rear of ground floor retail and on the second floor or higher, not on the street front, and the architectural (-A) overlay requires design in accordance with the City’s Spanish Colonial Revival standards.

The proposed uses do not include a residential component and are visitor serving commercial uses. The certified LUP list of principal uses for the project site includes various specialty retail uses, personal and professional services, recreational commercial, overnight accommodations, restaurant, cultural facilities and similar uses. The applicant’s proposed restaurants, outdoor dining, and theater/event center supports and enhances public opportunities for coastal recreation in the North

Beach district and is consistent with Section 30222 of the Coastal Act and applicable policies of the certified LUP.

However, any change of use or intensity of use beyond the development proposed here may not be consistent with the Chapter 3 policies of the Coastal Act and the certified LUP. Therefore, the Commission imposes **Special Condition #7** to the coastal development permit requiring that future improvements including any intensification of use, change in use or other deviation from the approved plans shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

As conditioned, the proposed project will be maintained as a visitor-serving commercial use consistent with Section 30222 of the Coastal Act and applicable policies of the certified LUP.

D. PUBLIC ACCESS

Section 30210 of the Coastal Act states in relevant part:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212 of the Coastal Act states in relevant part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby,

Section 30252 of the Coastal Act states, in relevant part:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses...

City of San Clemente Certified Land Use Plan Policies (as guidance):

Policy VII.1: Location and amount of new development should maintain and enhance public access to the coast by:

- a) *Facilitating the provision or extension of transit service*
- b) *Providing commercial facilities within or adjoining residential development or in other areas that will minimize use of coastal access roads.*
- c) *Providing non-automobile circulation within the development.*
- d) *Providing adequate parking facilities or a substitute means of serving the development with public transportation.*
- e) *Assuring the potential for public transit for high intensity uses.*

Policy IX.4: The maintenance and enhancement of public non-vehicular access to the shoreline shall be of primary importance when evaluating any future public or private improvements in the Coastal Zone.

The proposed project is located between the first public road and the sea. Public access to the beach is available nearby, approximately 400 feet southwest of the site at the North Beach public access point. North Beach is one of the City's principal beach access points, with a protected at-grade pedestrian railroad crossing, beach restrooms/showers, picnic tables, snack bar, and children's play area. The historic Ole Hanson Public Beach Club is located adjacent to the beach on the bluff at the southeastern portion of North Beach district. The San Clemente Coastal Trail, a popular 2.5 mile trail on the inland side of the railroad tracks begins at North Beach. North Beach is also the location of the City's Metrolink train station.

Parking

One of the basic goals of the Coastal act is to maximize public access to the coast. When private development does not provide adequate on-site parking, users of that development who arrive by automobile are forced to occupy public parking used by visitors to the coastal zone. Thus, all new private development must provide adequate on-site parking to minimize adverse impacts on public access.

The proposed project is the rehabilitation and reuse of two historic buildings, the Miramar Theater built in 1938 and the Bowling Alley built in 1946 which were originally constructed with zero on-site parking and currently provide zero on-site parking, thus non-conforming to current parking standards. Like most development constructed prior to 1955, the subject site does not provide any on-site parking, but instead relied on public parking lots or public on-street parking. These structures were previously used as a 650 seat theater and a 6 lane bowling alley. The current parking requirement for a 650 fixed-seat theater is 108 parking spaces (1 parking space per every 6 seats; $[650/6=108.3]$) and the parking requirement for a 6-lane bowling alley is 24 spaces (4 parking spaces per lane; $[6 \times 4=24]$) for a combined total of 132 parking space demand. The new uses proposed for these existing historic structures is a 435 non-fixed seat theater/event center and restaurant space with 200 seats. As explained in detail below, the proposed new uses result in a combined 124 parking space requirement. Thus, the proposed rehabilitation and reuse project results in a lower parking requirement than if the project included rehabilitation only and retained the structures' former use.

The City's parking requirement for an Event Center and Restaurant is 1 parking space/5 seats. The City's zoning ordinance allows for up to 16 outdoor seats to be waived in order to promote "a pedestrian environment." The proposed rehabilitation and reuse of the two historic structures results in 435 seats for the Miramar Event Center and 200 seats for the restaurants, minus the City

waiver of 16 outdoor seats, so the City's parking requirement for the proposed Event Center/Restaurant Complex is a combined 124 parking spaces $((435 + 200 - 16)/5)$. Additionally, the City grants new development on a site with nonconforming parking, such as the subject site, a parking credit based on its existing use. However, in this case, both structures have been vacant and not had an existing use since 1992. In such a case, the City grants a parking credit, (per the nonconforming section of the Zoning Ordinance), not based on existing use, but based on the parking requirement for retail use (1 space/400 sq. ft. of area). This resulted in a credit of 32 spaces for the proposed development as a whole. Thus, the City determined a total parking requirement for the proposed development at 92 parking spaces $(124 - 32)$. The applicant then applied for, and the City granted parking waivers for the entire 92 parking spaces required for the proposed new uses in these two rehabilitated historic structures.

The City offers a number of local, state, and federal historic structure preservation incentive programs such as a historic rehabilitation tax incentive, fee waivers, and parking waivers. The City provides parking waivers as preservation incentives for historic structures, recognizing that without such incentives, most historic resources would not be able to meet current parking standards onsite and that the parking requirement could prohibit the rehabilitation and adaptive reuse necessary to preserve valuable community resources. At the subject site, the 124 parking space requirement for the proposed Event Center/Restaurant use (or, for that matter, the 132 parking space requirement for the previous theater/bowling alley use) could not be provided on site without demolition or modification of the historic structures in a manner incompatible with preservation of the structures as important historic and cultural resources. The process for obtaining "historic parking waivers" is through the approval of a Conditional Use Permit (CUP). On June 7, 2017 the City Planning Commission approved a CUP for 92 parking waivers, the total number of parking spaces calculated as required for the proposed Miramar Event Center and Restaurants, in order to facilitate the adaptive reuse and rehabilitation of the historic Miramar Theater and Bowling Alley. In order to mitigate the potential parking impacts resulting from this 92 parking space waiver, a condition of approval was placed on the CUP which requires that the applicant and the City enter into a Historic Property Parking Waiver Incentive Agreement (HPPWIA). The HPPWIA would ensure that the property owner maintain and restore the property and in return, the City will provide 92 new parking spaces in the North Beach area, at a location determined by the City when public parking demand reaches 90% utilization at peak times, for 50% of days in the peak summer season (based on future parking surveys). In 2009, the City also entered into a HPPWIA with the owners of nearby The Casino for 64 parking waivers in the North Beach district.

Parking for the proposed project would be provided primarily at the existing 230-space North Beach municipal surface parking lot located across the street (Calle Deshecha) from the site and along the adjacent public streets (Calle Deshecha, Calle Estacion, etc.). There are approximately 380 total public parking spaces in the North Beach area (a combination of on-street metered spaces and off-street pay-machine spaces in the municipal surface parking lot). The North Beach municipal surface parking lot is a pay lot, with parking rates of \$1/hour between the hours of 9am-6pm, daily and provides public parking for many public uses: parking for beachgoers, parking for Coastal Trail users (the trailhead is at the parking lot), parking for the Ole Hanson Municipal Beach Club users, and finally Metrolink train commuter parking (spaces designated for use by Metrolink Commuters are limited to Monday-Friday 4:30am-6pm, any still open after 9am are available to beachgoers). In addition to all these public uses, the North Beach municipal parking lot also accommodates parking

generated from The Casino, another North Beach historic structure rehabilitated and converted to a restaurant use with no on-site parking.

The City made the finding that there is adequate parking in the North Beach district to support the applicant's request for 92 parking waivers based on a 2016 North Beach Parking Study conducted by the City which identified 586 public and private parking spaces in the North Beach Study Area, of which, 202 private spaces in private parking lots (for a local hotel, retail uses and restaurant uses) and 230 public spaces in the North Beach municipal beach pay parking lot, and 154 metered and unmetered on-street parking spaces on both commercial streets such as N. El Camino Real and residential streets such as Boca de la Playa. The Parking Study was conducted over four days in August, which is considered peak summer season. The study concluded that overall, during the evening weekday periods and most hours Saturday, the parking system is most impacted, but well below its effective capacity. The overall (both on-street and off-street) peak summer occupancy occurred on Wednesday at 7PM and had an occupancy rate of 49%. This was most likely due to the many restaurants currently in the North Beach area. The next busiest time occurred at 9am Saturday with 45% occupancy. The Study states: *"The parking industry regards an occupancy rate of 85% for on-street and 90% for off-street parking as the maximum effective capacity (Walker Parking Consultants)."* The anticipated peak usage of the proposed Miramar Event Center is Friday and Saturday evenings, outside of the peak beachgoer usage times. Based upon the results contained in the report, the City concluded that adequate parking is found in the study area and made the following general recommendation: *#8) Historic Preservation – Parking waivers may be considered for historic structures as provided in Zoning Ordinance Section 17.56.080.C.2 provided adequate parking found to be provided in the study area.*

Though parking incentive programs are not specifically outlined in the City's certified LUP, the LUP does include a policy that includes providing "incentives" to private owners of historic resources to conserve historic resources (further discussed below) thus, the parking incentive programs for historic structures is a reasonable measure for protecting historic structures, despite potential impacts to parking and coastal access. Furthermore, in previous Commission actions, the Commission has accepted the lack of parking spaces to be "grandfathered" (a provision that permits an exemption based upon a pre-existing condition) as a legal nonconforming use. In this case, the proposed combined new event center and restaurant uses result in a lessening of intensity of the previous theater and bowling alley uses, and result in a lesser parking requirement. On this basis, and the results of the City's 2016 parking study, the parking demand for the proposed new development can be accommodated with existing number of off-street and on-street public parking spaces and is not expected to significantly impact public access to the coast as the anticipated peak usage would be outside of the peak beachgoer usage times. To ensure that the proposed project does not result in significant adverse impact to public access to the coast, the Commission imposes **Special Condition #4** requiring the applicant submit a plan for a Parking Monitoring Program for a 10 year period commencing two years from the opening of the proposed development. In addition to the City's requirements in the Historic Property Parking Waiver Incentive Agreement (HPPWIA), these monitoring reports shall provide analysis and conclusions regarding the effect of the development on public parking in the North Beach study area. The monitoring program would provide the Commission with biennial reports with data and monitoring results in a form that provides for analysis and conclusions regarding the effect of the proposed development on public parking including but not limited to vehicle counts; any new changes to the current parking fees, parking hours, parking lot usage, vacancy and/or turnover rates, and other data relevant to

understanding visitation patterns; impacts to residential use of on-site parking, data on employee participation in a Ride Sharing/Carpooling program, number of employees utilizing public transit, and number of employees biking/walking to work. The purpose of the Parking Monitoring Program is to ensure the proposed development will result in less than significant impacts to parking and public access over time.

It is important that the parking demand as a result of the development does not increase significantly, as there are multiple recreational uses that rely on the same parking supply. Recognizing that parking on-site is not a viable option, and in order to reduce the potential of the proposed project to adversely affect the ability of the public to access the beach, the Commission further imposes **Special Condition #1** requiring implementation of a Transportation Demand Management Plan (TDM). The TDM requires that, at minimum, the applicant provide on-site bicycle racks (not on public right-of-way) for both employee and patron use; employer provided public transportation passes; and carpooling incentives. Orange County Transit Authority (OCTA) and Metrolink provide bus and rail service to North Beach. **Special Condition #2** requires a final revised Site Plan identifying the number and location of proposed bicycle racks/bicycle parking areas and identifying the location of public transit and summer trolley stops in the vicinity of the project site.

Any change, however, in the balance of uses on the site could increase the demand for parking and cause an increase in the competition for the limited number of parking spaces in North Beach. As increase in parking demand could have a negative effect on public access to the shoreline, the Commission imposes **Special Condition #7** requiring the applicant to obtain Commission approval for any future improvements or changes in use at the site. Any proposed change in use or other deviation from the approved plans shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit or new coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

Therefore, the Commission finds that the proposed project, as conditioned, has a sufficient parking supply to meet the parking demand and to protect access to the shoreline. The proposed project will not significantly adversely impact coastal access and is consistent with Sections 30210, 30212, and 30252 of the Coastal Act.

E. SCENIC AND VISUAL RESOURCES/DEVELOPMENT: MINIMIZATION OF IMPACTS

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 of the Coastal Act, in part states that:

New development shall do all of the following:

(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

City of San Clemente Certified Land Use Plan Policies (as guidance):

Policy VII.3: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed:

- a. To protect public views to and along the ocean and scenic coastal area.*
- b. To minimize the alteration of coastal bluffs and canyons.*
- c. Where feasible, to restore and enhance visual quality in visually degraded areas.*
- d. Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development in accordance with this Element and the Urban Design Element.*
- e. Encourage building elevations above the second floor to be set back from the street facing façade within the first 35 feet of property depth to minimize the impacts of height and bulk on abutting sidewalks and streets.*
- f. Require that structures located in the Pedestrian Overlay Zone, as designated on the Coastal Land Use Plan, be sited and designed to enhance pedestrian activity along the sidewalks.*

Policy VII.7: Ensure that the City's architecture in key community and tourist serving areas maintains a high quality of design consistent with the City's history.

Policy VII.8: Require that new, adaptively reused, and renovated buildings located in the Pier Bowl, Downtown and North Beach district be designed to reflect the City's Spanish Colonial Revival heritage in accordance with the Urban Design Element.

Policy XII.3: [in part] Require the following coastal roadways be maintained and preserved as scenic corridors: Avenida Pico, El Camino Real

Policy XIII.5: Provide incentives to private owners of historic resources to maintain and/or enhance their properties in a manner that will conserve the integrity of such resources in the best possible condition.

The above-cited policies of the Coastal Act are designed to protect visual qualities of coastal areas as a resource of public importance, to protect views to and along the ocean and scenic coastal areas, and for new development to be visually compatible with the character of surrounding areas, including the protection of special communities/neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses. Furthermore, the City's LUP, used as guidance, includes numerous policies that provide for the preservation and restoration of the sites, structures, and districts which have architectural, historical, archeological and/or cultural significance to the City of San Clemente.

The proposed development is the rehabilitation and adaptive reuse of the two structures, the 1938 Miramar Theater and the 1946 Bowling Alley both of which are listed on the City's Designated Historic Structures List and have been vacant for 25 years and in a state of disrepair. Both historic structures have frontage along El Camino Real and Avenida Pico, two streets designated as coastal scenic corridors. The existing theater structure is approximately 31-ft. tall with a 44-ft. tall tower and the maximum height of the existing bowling alley is 27-ft. tall. Both structures are Spanish Revival architectural design and reflect the City's Spanish Village by the Sea heritage.

The applicant proposes to undertake the proposed rehabilitation and adaptive reuse of the structures utilizing a Historic Preservation Consultant to ensure compliance with the Secretary of the Interior Standards for the Rehabilitation of Historic Structures and to not significantly adversely impact the historic resources. In addition, the proposed patio and courtyard areas would strengthen the pedestrian orientation of the development in compliance of the LUP requirement that structures located in the Pedestrian Overlay Zone be sited and designed to enhance pedestrian activity along the sidewalks. Also, as the historic structures are proposed to be restored and not demolished, there would not be any significant adverse changes to public views from El Camino Real or Avenida Pico.

Therefore, as proposed, the Commission finds that the proposed project is consistent with Section 30251 and 30253 of the Coastal Act.

F. MARINE RESOURCES/WATER QUALITY

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for longterm commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed project is located near the coastal waters of the Pacific Ocean (**Exhibit #1**). Water from the project site will flow into the City of San Clemente's storm drain system ultimately draining to the Pacific Ocean. Beach closures occurring throughout Orange County are typically attributed to polluted urban runoff discharging into the ocean through outfalls. As illustrated by

these beach closures, polluted runoff negatively affects both marine resources and the public's ability to access coastal resources.

The standard of review for the proposed development is the Chapter 3 policies of the Coastal Act, including the aforementioned marine resource policies. The proposed project poses a potential source of pollution due to contaminated runoff generated at the site during construction phase and from the proposed restaurant uses. To mitigate potential impacts to marine resources caused by polluted runoff leaving the site, **Special Condition #3** requires the applicant provide a post development runoff control plan which incorporate best management practices (BMPs) into the project design (such as permeable pavers) aimed to reduce or prevent contaminants from running off the site and impacting nearby coastal waters and special water quality protection requirements typically required of restaurant uses for wash down areas for restaurant equipment and accessories to be self-contained, equipped with a grease interceptor and properly connected to a sanitary sewer. Additionally, during grading and construction, the storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to minimize adverse construction-related impacts upon marine resources, **Special Condition #6** requires the applicant comply with construction-related best management practices (BMPs) to ensure that construction materials, debris and waste does not enter receiving waters or be subject to dispersion and that prevent spillage and/or runoff of demolition or construction related materials and to contain sediment or contaminants associated with demolition or construction activities.

Landscaping

Low water use, drought tolerant plants require less water than other types of vegetation, thereby minimizing the amount of water introduced onto the site and potential runoff. Drought resistant plantings and minimal irrigation encourage onsite retention of water runoff. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" (a.k.a. WUCOLS) prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>.

Additionally, invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org>) and California Native Plant Society (www.CNPS.org) in their publications. The Commission typically requires landscaping to consist of plants that are drought-tolerant and non-invasive to avoid significant adverse impacts to marine resources and water quality. The applicant proposes and **Special Condition #5** requires use of drought tolerant, non-invasive plants.

As conditioned, the proposed project is consistent with past Commission action regarding water quality requirements and will minimize water quality impacts. The Commission, therefore, finds that as conditioned, the development will be consistent with Section 30230 and 30231 of the

Coastal Act.

G. LOCAL COASTAL PROGRAM (LCP)

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 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).

H. 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 City of San Clemente is the lead agency for purposes of CEQA compliance. The City determined this project is categorically exempt from CEQA under Section 15331 for Historic Resources and Section 15332 for infill development. As such, the City determined the project is exempt from CEQA's requirements regarding consideration of mitigation measures and alternatives. The Commission, however, has conditioned the proposed project in order to ensure its consistency with Coastal Act and CEQA requirements, particularly regarding public access and resource protection. These special conditions are: 1) Transportation Demand Management Program; 2) Final Revised Plans; 3) Post Development Runoff Plan; 4) Parking Monitoring Program; 5) Landscaping; 6) Construction Phase BMPs; and 7) Future Development.

There are no other feasible alternatives or mitigation measures available which will lessen any significant adverse impact the project would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

5-17-0539(El Camino Real LLC)

Appendix A - Substantive File Documents

City of San Clemente Land Use Plan

City of San Clemente 2016 North Beach Parking Study, August 2016

City Resolution No. PC 17-017

CDP 5-10-040-W (LAB Holding LLC)