

**CALIFORNIA COASTAL COMMISSION**

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# F9b

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Staff Report: 8/19/2021  
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## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 5-21-0128

**Applicants:** The Publik House, LLC (Erik Bowman), Lessee;  
San Clemente Arts, LLC (Richard & Patty Herdell),  
Lessor

**Agent:** Jim Holloway

**Location:** 1531 & 1533 No. El Camino Real  
San Clemente, Orange County  
APNs: 057-170-26; 057-170-62

**Project Description:** Renovations to a historic property to accommodate multiple uses on-site: special events venue, café, church, and an office to serve these uses. The various uses would occur within overlapping areas and are proposed to be open at staggered times to accommodate parking demand. Other than the office use, none of the proposed uses will occur at the same time. The proposed project includes exterior and interior modifications to the existing 25-foot high, two-story plus basement level, historic 7,448 square foot building, and landscape, hardscape, and parking lot improvements on the 19,979 square foot site. No increase to the existing building's square footage is proposed. Also proposed is a valet parking program to be implemented in conjunction with special events including 101 to 150 guests (maximum number of special event guests is 150). The site is currently vacant and most recently supported an art supply and framing store for sixteen years (2003 – 2016). Prior to the art store, the building was occupied by different uses, including a funeral parlor in the 1990s and the Big Bear Café in the 1930s.

**Staff Recommendation:** Approval with conditions.

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## SUMMARY OF STAFF RECOMMENDATION

The applicants are proposing renovations to a historic property to accommodate multiple uses on-site: special events venue, café, church, and an office to serve these uses. The various uses would occur within overlapping areas and are proposed to be open at staggered times to accommodate parking demand. Other than the office use, none of the proposed uses will occur at the same time. The proposed project includes exterior and interior modifications to the existing 25-foot high, two-story plus basement level, historic 7,448 square foot building, and landscape, hardscape, and parking lot improvements on the 19,979 square foot site. No additional square footage is proposed. Also proposed is a valet parking program to be implemented in conjunction with special events including 101 to 150 guests (maximum number of special event guests is 150).

The original building was constructed in 1928. The original building is on the City's local register of historic properties. The subject site is located in the City's North Beach/North El Camino Real Focus Area, a unique, community- and coastal visitor-oriented entertainment hub and recreation area. The area's key assets include convenient beach access, a rich inventory of historic buildings, and access to passive and active recreational amenities and numerous visitor-serving shops and services. The subject site is located about 0.5 miles from North Beach beach, about a five-to-ten-minute walk.

In this case, the number of parking spaces proposed is significantly less than the number of spaces resulting from application of the Commission's parking ratios typically applied in past Commission actions. But the number is consistent with the City's (uncertified) parking standards. The City found the proposed development did not require any parking waivers. In addition to the different parking ratios, another significant difference in the method for determining the parking demand is that, as proposed by the applicants and approved by the City, the project relies on restricting a significant amount of otherwise available public service area that could be used for café, event, or church use. This different approach in determining parking demand also results in a lower number of parking spaces proposed than the Commission would typically require.

The applicants have offered a number of reasons the proposed parking is not expected to interfere with public coastal access and other visitor serving amenities in the area. One factor supporting the number of parking spaces proposed is the findings of the City's 2016 and 2018 North Beach Parking Studies (NBPS). Both the 2016 and 2018 studies found there is a parking surplus in North Beach. The 2018 NBPS found peak overall parking demand occurring on Saturday at 9 a.m. at an occupancy rate of 43% (267 of 623 parking spaces available) during the study period over one week in August. The 2018 NBPS found that, at this time, the peak occupancy of on-street parking was 50%, public off-street parking lots were 43%, and private off-street lots were at 39%. These low occupancy rates indicate that there is sufficient parking in North Beach to meet current demand.

Another factor supporting the adequacy of the proposed number of parking spaces is the availability of alternate modes of transportation available to serve the subject site. These include use of regular and electric bicycles (on-site bike parking is proposed), the City's free summer trolley, OCTA bus lines, and the nearby Metrolink station.

In addition, the café use may be utilized by people already in the area, such as employees of surrounding businesses or people already in the area to visit the beach or other activities. This could lessen the parking demand (i.e., park once for two activities).

The proposed Transportation Demand Management Plan (TDMP) will actively promote guest stays at the hotel across the street from the site in conjunction with special events held at the site. There is also a second hotel about 1/3 of a mile southeast on North El Camino Real that, while not quite as convenient as directly across the street, is within reasonable walking distance to the site for special events. In addition, the proposed TDMP also includes promoting the use of ride shares, which would also reduce parking demand related to special events at the site. These factors could contribute to a reduced parking demand at the subject site.

The Commission traditionally has required maximum parking to assure that public access is maximized. However, more recently the Commission has approved of additional ways to promote public access and help minimize energy consumption and vehicle miles traveled in individual cars. These methods include promoting public transit, bicycling, walking, ride sharing, and installation of electric vehicle charging stations. In this case, the proposed development provides less parking than would typically be required by Commission standards, but does meet the City's required parking standard. In addition, the project will promote the use of bicycles and is accessible by public transit (summer trolley, OCTA, and Metrolink). However, as is recognized in the City's NBPS, currently unoccupied buildings in the parking study area contribute to the current lower parking occupancy. Parking demand and occupancy is likely to increase in the future as businesses occupy vacant buildings and development in the area is completed.

While it seems reasonable at this time to accept the parking ratios applied by the City rather than the Commission's typically applied parking ratios, which are stricter, a stricter parking standard may become appropriate and necessary to protect public access. Similarly, if there is demand it may prove difficult to keep public service areas closed during hours of operation. Staff is recommending that the Commission accept the parking as proposed at this time, but in order to assure that the project will not result in adverse impacts to public access over the life of the project, **Special Condition No. 1** is recommended which limits approval of the proposed uses to a three-year term. If, at the end of the three-year term the applicants wish to continue operation of the uses, an amendment request must be submitted to extend the expiration date. If impacts are identified, the amendment would need to include measures to offset the impacts, such as off-site valet and/or employee parking, annual contributions to the City of San Clemente to be used to promote multi-modal access to the North Beach/North El

Camino Real commercial area, and/or creation of new public parking spaces within the general project vicinity within the coastal zone. Other measures may also be considered. If the amendment request includes sufficient evidence to demonstrate that adequate parking is provided such that no impacts to public access occur, the Commission will consider the amendment request.

In addition, staff is recommending **Special Condition No. 2** which would require the applicants to submit and implement a Parking Monitoring Plan. In the event the applicants wish to extend the approved uses beyond the three-year time limit, the required parking monitoring plan will help detail how the proposed parking is working and where shortfalls may be occurring. **Special Condition No. 3** would require the applicants to submit and implement a revised TDMP that includes, at a minimum, the measures proposed, as well as an employee education program to inform employees of public transit options, ridesharing, and bicycle infrastructure nearby with the aim of reducing the need for on-site employee parking; and 100% reimbursement of all employee public transportation fares incurred traveling to and from work.

As mentioned, the project as proposed would limit the capacity of the proposed uses by limiting the number of seats and/or the public service area. These proposed use limitations are necessary to meet the number of parking spaces provided on-site. In order to assure that these use limitations are carried out as proposed by the applicants, **Special Condition No. 4** would impose the proposed limitations as a condition of approval of the project. In addition, the project proposes to raise the height of the non-historic, single-story portion of the existing structure to 24 feet above grade, with no increase in internal floor area. However, a 24-foot high structure could accommodate two interior floor levels. The applicants have indicated that the increase in height is intended to create a higher ceiling for a better interior aesthetic, with no intent to include a second floor. If additional interior second floor area were created within the heightened structure, that would also increase the project's parking demand. In order to assure the parking demand is not increased without commensurate increase in parking spaces, and as proposed by the applicants, **Special Condition No. 4** requires that the project be carried out as proposed with no second story floor area within the heightened structure.

Finally, **Special Condition No. 5** is recommended which would require that the drainage plan be implemented as proposed. **Special Condition No. 6** requires implementation of water quality best management practices during construction.

The restaurant will serve residents and visitors in the area and has the potential to create pollution trash and debris in the form of single-use plastic foodware and packaging which could enter coastal waters that are near the subject site. Thus, **Special Condition No. 7** requires the applicant to participate in a marine debris reduction program to reduce waste and single-use plastic foodware and packaging.

One objection to the proposed project was received ([Exhibit 15](#)) regarding the proposed courtyard wall. The objection is addressed beginning on page 33 of this staff report.

The standard of review is Chapter 3 of the Coastal Act and the San Clemente LUP may be used as guidance. Staff is recommending approval of the proposed development subject to the seven special conditions described above to assure consistency with the Coastal Act policies regarding public access and water quality. Commission staff recommends that the Commission **APPROVE** Coastal Development Permit application 5-21-0128 as conditioned. The motion is on page 7.

The applicants are in agreement with the staff recommendation.

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### Exhibits

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Photos of Existing Structure
- Exhibit 3 – Project Plans
- Exhibit 4 – Proposed Parking No Valet
- Exhibit 5 – Proposed Parking With Valet
- Exhibit 6 – City Approved Parking Chart
- Exhibit 7 – Parking Demand Comparison Chart
- Exhibit 8 – Public Service Area Closure Examples
- Exhibit 9 – 2018 North Beach Parking Study Figure 1
- Exhibit 10 – Proximity of Hotel & Trolley Stops to Subject Site
- Exhibit 11 – Free Trolley Route Map
- Exhibit 12 – Map Showing Site Relative to Approved Historic Structures
- Exhibit 13 – Photo of North El Camino Real Left Turn Lane
- Exhibit 14 – Proposed Courtyard Wall
- Exhibit 15 - Letter of Objection Received (Larry Culbertson, 3/26/2021)
- Exhibit 16 – Proposed Building Height Increase

## I. MOTION AND RESOLUTION

### Motion:

I move that the Commission approve Coastal Development Permit 5-21-0128 pursuant to the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. 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 Commissioners present.

### Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project 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. 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

- 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 applicant 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 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 applicant 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. Three-year Limited Term Approval of Uses.

**A.** Approval of the uses described and allowed per Coastal Development Permit 5-21-0128 shall expire three years from the date of Coastal Commission action on CDP 5-21-0128.

**B.** However, the Commission may consider an extension of the expiration date if a CDP amendment application is received by the South Coast District office no sooner than two years from the date of Coastal Commission action on CDP 5-21-0128.

An amendment application must include evidence sufficient to demonstrate that adequate parking for each use is or will be provided, and/or that continuation of the uses will not adversely impact public access. Such evidence shall include, but is not limited to, the results of the Parking Monitoring Plan required in **Special Condition No. 2** below. Such evidence shall also include, but is not limited to, a description of and proposal for additional parking or other measures to address any identified parking shortfalls and other adverse impacts to public access caused by the uses described per CDP 5-21-0128. This proposal may include, but is not limited to:

- 1) off-site valet parking and/or off-site employee parking. Such off-site location(s) shall be off-street, non-public spaces;
- 2) annual contributions to the City of San Clemente to be used to provide additional public parking spaces in the project vicinity and/or promote multi-modal access to the North Beach Study Area (depicted on Figure 1 Vicinity Map of the City of San Clemente North Beach Parking Study, August 2018, attached to this 8/19/2021 staff report as [Exhibit 9](#));
- 3) creation of new public parking spaces within the general project vicinity within the coastal zone;
- 4) documentation supporting the proposed measures' ability to offset the adverse impacts to public access in the North Beach area.

**C.** Any amendment request shall include documentation of the uses' impacts on public coastal access in the area, particularly public access to North Beach beach and North Beach/North El Camino Real Focus Area. Additional information supporting an amendment request may reference North Beach Parking Studies prepared by the City of San Clemente, but must also provide site specific, project related studies and information.

**D.** The uses described and allowed per Coastal Development Permit 5-21-0128 shall cease unless the Commission amends this permit. If an amendment request is accepted,



the uses may continue in the interim between the date of submittal and Coastal Commission action on the amendment request.

## **2. Parking Monitoring Plan.**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a Parking Monitoring Plan (PMP). The PMP shall be prepared by a qualified professional with expertise in traffic and parking management. The PMP shall describe parameters to be applied that are sufficient to determine whether the project parking provided pursuant to approval of this CDP is adequate to meet the project's parking demand.

**B.** The Parking Monitoring Plan shall include methods of data collection, analysis, and conclusions regarding the effect of the subject development on public access in the North Beach Study Area (depicted on Figure 1 Vicinity Map of the City of San Clemente North Beach Parking Study, August 2018, attached to this 8/19/2021 staff report as [Exhibit 9](#)), and the adequacy of project parking to serve the uses on site.

The Parking Monitoring Plan shall include measures such as, but not limited to:

- 1) Documenting how many on-site spaces are occupied throughout the business hours for each use;
- 2) Documenting how many public on-street parking spaces are occupied on Calle de los Molinos throughout the business hours for each use;
- 3) Documenting how customers for each use arrive to the establishment, and if by private vehicle, where they have parked;
- 4) For customers who have arrived by private vehicle, noting to the extent feasible, whether any other activities were included with their single parking incident (e.g., visiting neighboring business, visiting North Beach beach, travel on the trolley or Metrolink, etc.);
- 5) Documenting when special events patrons have stayed at nearby hotels and walked to the event;
- 6) Available information regarding factors such as weather, water quality, surf conditions, etc. that may affect visitation patterns;
- 7) Special events including dates and time periods that such events occurred.

**C.** Monitoring shall commence when the approved uses commence, and shall continue for the entire duration of the approved three-year limited term period.

**D.** Analysis shall focus on availability of public parking in the North Beach Parking Study Area and impacts to it due to the uses approved per 5-21-0128.

**E.** If an amendment to this CDP is pursued to extend the expiration date beyond the three-year limited term period, the PMP data and analysis shall be included with the amendment request. A final monitoring report based upon the data and analysis shall be prepared and submitted. The final report must evaluate whether the approved uses resulted in any significant adverse impact to available public parking in the area and to public coastal access. If adverse impacts are noted,

the final report shall include recommendations for changes to the parking program that would offset any significant adverse impacts to public access and recreation to and along the coast, such as, but not limited to, the provision of off-site valet parking location and/or off-site employee parking. Any such off-site location(s) shall be off-street, non-public spaces.

The PMP and final monitoring report may reference information from North Beach Parking Studies prepared by the City, but shall be a separate, site- and project-specific document.

**D.** The permittee shall undertake development in accordance with the approved PMP unless any changes to the approved PMP are submitted for Coastal Commission review and the Commission amends this permit or the Executive Director provides written determination that no amendment is legally required for any proposed minor deviations.

### **3. Revised Transportation Demand Management Plan.**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, a revised Transportation Demand Management Plan (TDMP) in substantial conformance with the TDMP submitted with CDP application 5-21-0128, received by the South Coast District office via email on 6/29/2021. The revised TDMP shall be prepared by a qualified professional with expertise in traffic and parking management, and shall identify measures to be implemented to lessen the impacts to public access due to the subject development. At a minimum, the revised TDMP shall include, but is not necessarily limited to, the measures included in the TDMP received 6/29/2021, and:

- 1) Parking for a minimum of seven bicycles on-site, including a bike rack able to accommodate 5 bicycles and additional space to accommodate electric bicycles; the TDMP shall include a site plan identifying the location of bicycle rack(s) on site as well as additional area able to accommodate electric bicycle parking;
- 2) an employee education program to inform employees of public transit options, ridesharing, and bicycle infrastructure nearby with the aim of reducing the need for on-site employee parking at the project site;
- 3) an employee commuter information board that offers employees appropriate information on available transportation alternatives to the single-occupancy private 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 readily accessible to all employees;
- 4) a public transit fare reimbursement program shall be implemented by the permittee. The permittee shall provide to employees of the development a 100% reimbursement of any public transit fares 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.

**B.** The applicants shall undertake development in conformance with the approved final plans unless.

#### **4. Conformance with the Project as Proposed.**

**A.** By acceptance of this coastal development permit, the applicants agree to carry out the project as proposed and in conformance with the project plans dated 5/12/2021 prepared by a2 Design Architecture, including, but not limited to, conformance with:

- 1) the staggered timing and limited number of seats and seating area/public service area of the café, church, and event space uses as proposed by the applicants and as reflected on the proposed project plans (attached as [Exhibit 3](#) to this staff report dated 8/19/2021); the timing of the three uses shall not overlap; and
- 2) the area of the raised roof height (as shown on the proposed project plans (attached as [Exhibit 3](#) to this staff report dated 8/19/2021) shall not be converted to a second story and/or internal floor area.

**B. Permit Compliance.** The permittee shall undertake and maintain the development in conformance with the special conditions of the permit and the approved final plans. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission approved permit amendment unless the Executive Director determines that no permit amendment is required.

#### **5. Drainage Plan.**

By acceptance of this permit, the permittee agrees that development of the site shall conform with the drainage depicted on the Paving and Drainage Plan (5/24/2021), Drainage Improvements and Notes Plan (5/24/2021), and Site Plan (5/27/2021), attached to this staff report as [Exhibit 3](#), indicating that site drainage will be directed to vegetated areas and to an open bottom drain inlet. 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 legally required.

#### **6. Construction Best Management Practices.**

**A.** The permittee shall comply with the following construction-related requirements and shall do so in a manner that complies with all relevant local, state and federal laws applicable to each requirement:

- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
- (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (3) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
- (4) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to, placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and stored as far away from a storm drain inlet and receiving waters as possible.

**B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the onset of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:**

- (1) The permittee shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These 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. It shall be located as far away from the receiving waters and storm drain inlets as possible;
- (2) The permittee shall develop and implement spill prevention and control measures;
- (3) The permittee shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50 feet away from a storm drain, open ditch or surface water; and
- (4) The permittee shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

**7. Marine Debris Reduction Program.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a robust and comprehensive plan to reduce waste and single-use plastic foodware and packaging. The plan shall include commitments consistent with all of the following, and the applicant shall implement the approved version of the plan:

- a. Participate in a Marine Debris Reduction Program such as the ReThink Disposable Program (RTDP) or Surfrider's Ocean Friendly Restaurants (OFR) or a substantially similar program. Within 6 months of the completion of the proposed

development, the applicant shall participate in an established program to reduce waste and single-use plastic foodware and packaging on-site and for takeout orders. The applicant shall be responsible for the fees needed to participate in the program.

b. The applicant shall provide an annual report for the review and approval of the Executive Director of the Coastal Commission which includes the Marine Debris and Reduction Program scope and metrics, and total impact of the program. The report shall be provided annually, no later than January 30th, for the preceding calendar year.

c. The applicant 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 plan shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is required.

## IV. FINDINGS AND DECLARATIONS

### A. Project Description and Location

The proposed development involves renovations to a historic property to create a multi-use space. The structure proposed for renovation is a two-story building nearest El Camino Real, and single story adjacent to the alley (Los Obreros Lane), plus a basement level, 25 feet high above grade (at maximum point), 7,448 square feet, with a 5,132 square foot footprint on a 19,979 square foot site. The 7,448 square foot structure includes an 1,135 square foot basement level, 5,179 square foot ground/main level, and an 1,134 square foot second story. Other than the second story office use, the proposed uses will occupy both indoor and outdoor space on the ground level.

Proposed uses include a special events venue, café, church, and office space within the altered interior spaces of the existing structure and the courtyard. The café, events, and church uses would occur within overlapping areas and are proposed to be open at staggered times; none of the three uses will occur concurrently. The proposed project includes exterior and interior modifications to the historic 7,448 square foot building, as well as landscape, hardscape, and parking lot improvements for ADA compliance. A valet parking program is also proposed, to be implemented in conjunction with special events that include 101 up to the maximum of 150 guests. The café will accommodate a maximum of 96 seats on weekdays and 100 seats on weekends, when the office use will be closed. The church will accommodate a maximum of 80 seats. The event space will include a maximum of 100 seats without valet parking, and 150 seats with valet parking.

Proposed improvements to the structure include removal of interior walls to open up interior space; enlarge the existing restroom and add a second restroom; addition of a new commercial kitchen, new lighting, flooring, ceiling treatments throughout, and new wood doors and windows. Proposed improvements to the courtyard area include the addition of fountains, ponds, fireplace, and seating. A new stucco wall, ranging in height from 6'2" to 7', with wooden gates, sliding pocket doors, and decorative wrought iron is proposed along the courtyard.

The parking lot provides 18 on-site parking spaces without valet parking<sup>1</sup>. With valet the parking lot will accommodate 35 on-site parking spaces. One of the on-site parking spaces will include an electric vehicle charging station. A bike rack that can accommodate five bicycles will also be provided on site, as well as space able to

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<sup>1</sup> There are currently 24 parking spaces on site, of which a number are non-conforming to the City's parking requirements as to dimension and access. The City has required these spaces to be corrected, which will result in 18 on-site parking spaces.

accommodate an additional two electric bicycles, which don't always fit in traditional bike racks.

No increase to the existing building's square footage is proposed. However, the existing roughly "L" shaped building includes a two-story section and a single-story section. The single-story section of the building is the part of the "L" adjacent and parallel to the alley (Los Obreros Lane). The roof height of the single-story section is proposed to be raised, but it will remain a single story only. No increase in internal square footage is proposed. The roof area above the existing single-story portion of the building is proposed to be raised to allow a higher ceiling and interior height. The flat roof in this area will be converted to a pitched roof. The height at this portion of the structure will be increased by 13 feet, from 11.5 feet to 24.5 feet at the top of the roof pitch. ([Exhibit 3](#) Plan Sheets A-1.1, A-3.4 and [Exhibit 16](#))

The site most recently supported an art supply and framing store for sixteen years. Prior to the art store, the building was occupied by different uses, including a funeral parlor in the 1990s and the Big Bear Café in the 1930s. The original building was constructed in 1928. The original building is on the City's local register of historic properties. Based on the Historic Assessment prepared for the project (GPA Consulting, 12/18/2020), it was determined that only the original two-story portion of the building, built in 1928, constitutes a historic building. The single-story portion of the building was added in 1946, with subsequent additions in 2006 and 2012. A 1,300 square foot addition was approved in 2006 (5-06-144, Herdell). In 2012, a 491 square foot addition was approved (5-12-039-X, San Clemente Arts).

In 2006 the existing structure was determined to be eligible as a contributor to a potential National Register Historic District, and thus is automatically listed in the California Register of Historical Resources (Historical Assessment, prepared by GPA, 12/18/2020). The Historic Assessment found that the project complies with the Secretary of the Interior's (SOI) Standards for the Treatment of Historic Properties.

The subject site is located in the City's North Beach/North El Camino Real Focus Area, as identified in the certified Land Use Plan (LUP). The area is described in the certified LUP as:

The North Beach/North El Camino Real Focus Area is a unique, community- and coastal visitor-oriented entertainment hub and recreation area. It is an important City gateway along the historic El Camino Real/Pacific Coast Highway from beach cities to the north. The area's on-going revitalization is based on the community's desire to preserve and enhance its key assets. The Area's assets include: views of the ocean, convenient beach access, a rich inventory of historic buildings, access to passive and active recreational amenities and numerous visitor-serving shops and services.

With access to the Metrolink rail station, the Beach Trail, numerous bikeways and pedestrian paths, and the historic El Camino Real corridor that connects many of

the City's activity areas, the NB/NECR area is a key multimodal transportation hub. There is a balance between automobile, bicycle and pedestrian mobility, and the area is well connected to adjacent neighborhoods.

The certified land use designation at the site is MU2 - Mixed Use - 2, with an Architectural-Visitor Serving Commercial District overlay (A-VSCD). The MU2 district allows visitor-serving uses, with residential uses allowed on upper floors. The architectural overlay is applied to signify a visually distinct district, characterized by two significant design orientations: traditional Spanish Colonial Revival architecture and small-scale businesses with walkable streets. The VSCD overlay signifies core commercial and mixed-use districts, with visitor serving uses along the sidewalks and throughout the area.

The project site includes two parcels (APNs 057-170-26 and 057-170-62) totaling 19,979 square feet. The site is located at the southeast corner of the intersection of North El Camino Real and Calle de los Molinos, and also has access from Los Obreros Lane (an alley). The subject site is approximately a half mile from North Beach beach. The City approved Conditional Use Permit 20-243 and Minor Cultural Heritage Permit 20-244 for the proposed development. In addition, the City approved the project in concept on 1/20/2021.

Uses in the general vicinity of the project site are a mix of visitor serving commercial such as restaurants, surf shops, bicycle sales, repair and rentals, and general commercial uses. Light industrial uses such as furniture and upholstery manufacturers and repair, auto sales and repair, auto body shops, and diesel engineer repair are located within the project vicinity, mostly inland of the site. Other light industrial uses inland of the site include a vehicle towing yard, and concrete construction yard where concrete materials and concrete trucks are stored about a half mile inland of the subject site.

The proposed development is within the City of San Clemente, an uncertified jurisdiction. The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988. In 2018, the Commission certified a comprehensive update LUPA for the LUP. However, the City does not have a certified Implementation Plan. Therefore, the standard of review for the project is the Chapter 3 policies of the Coastal Act. The certified Land Use Plan policies may be used as guidance.

## **B. Public Access - Parking**

Coastal Act Section 30210 states:

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.



Coastal Act Section 30252 states:

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 nonautomobile 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 such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

In addition, the City's certified Land Use Plan includes the following public access policies:

**PUB-11** Pier Bowl and North Beach. Enhance the Pier Bowl and North Beach areas to function as recreational, cultural and economic hubs. Maximize accessibility for residents, visitors and commuters, including train passengers, to create easy and natural transitions between the beach, beach trail and local businesses or cultural attractions.

**PUB-16** Bicycle Facilities. The City shall require that new or remodeled commercial, multi-family residential, and mixed-use development projects meet bicycle needs, including:

...

c. Safe, secure, attractive and convenient bicycle parking; ...

**PUB-18** Bicycle Parking. New development and Major Remodels shall provide convenient, secure, attractive and easy to use bicycle parking at public buildings, commercial areas, multi-family residential development projects, and at schools and parks and encourage (and require where applicable) other agencies to provide bicycle parking for rail transit and Park-n-Ride facilities.

**PUB-23** Parking Requirements. Continue to require new development and Major Remodels to provide off-street parking sufficient to serve the approved use in order to minimize impacts to public on-street and off-street parking available for coastal access. Continue to require properties with nonconforming parking to provide code-required off-street parking when new uses, structural alterations or additions result in increased parking demand. Prohibit modification or waiver of off-street parking requirements that are found to adversely impact public parking available for coastal access.

**PUB-28** Comprehensive Parking Strategies. Base parking decisions and related improvements in key visitor-serving commercial areas (e.g., North Beach, Del Mar/T-Zone, and Pier Bowl) on comprehensive parking and circulation strategies that enhance public access to the coast.

**PUP-31** Alley Access. Require alley access to parking areas for all new residential and commercial development in areas where alley access exists.

**PUB-37** Preserving Public Coastal Access. Review proposals for coastal land use changes and development to ensure they do not interfere with the public's right of access to the coast by ensuring that:

- a. Public transit needs are accommodated, as required by Orange County Transport Association;
- b. Commercial and visitor-serving commercial uses are located near housing to encourage walking and bicycling;
- c. Non-automobile mobility options are provided within new development;
- d. Adequate parking facilities, or a substitute means of serving the development with public transportation, is provided;
- e. Proposals are consistent with public safety and security needs;
- f. Proposals protect fragile coastal resources and effectively mitigate potential impacts;
- g. Public coastal access is provided on site in proportion to the impact resulting from the proposal, unless there is an adequate, convenient, and easily accessible alternative nearby;
- h. Gates, guardhouses, barriers, or other structures that would inhibit public access to and along the shoreline and to beaches, coastal parks, trails, or coastal bluffs are generally not permitted, with the exception of devices associated with safe access along and across the railroad;
- i. Existing public access is preserved and enhanced in perpetuity.

**PUB-40** New Development and Public Access. The location and amount of new development shall protect, maintain and enhance existing public access to the coast and, where applicable, create new public access 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 multi-modal facilities and access routes within and adjacent to the development where feasible, or off-site multi-modal facilities and access routes that serve the development if infeasible within or adjacent to the development;
- d. Providing adequate parking facilities or a substitute means of serving the development with public transportation or non-motorized transportation modes;
- e. Ensuring the potential for public transit for high intensity uses;

- f. Ensuring that the recreational needs of new residents will not overload nearby coastal recreation areas, by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.

**PUB-47** Maximizing Public Access and Recreation. Consistent with the LUP policies, provide maximum public access, which shall be conspicuously posted, and recreational opportunities for all the people from the nearest public roadway to the shoreline and along the shoreline consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

The City's certified Land Use Plan defines visitor serving land use as:

**“VISITOR SERVING LAND USE”** means visitor serving commercial and/or recreational land uses or facilities designed to enhance public opportunities for coastal recreation and generally includes but is not limited to beach areas, parks, hotels, motels, restaurants, music venues, entertainment attractions and specialty/artisan retail commercial uses.

Other LUP Policies regarding visitor serving uses and the North Beach planning area include:

**LU-50 Pier Bowl and North Beach.** Prioritize visitor-serving and recreational uses in areas designated mixed use in the Pier Bowl and North Beach areas.

**LU-71 Gateways.** Enhance and maintain attractive gateways and informational signage signifying arrival to the North Beach/North El Camino Real area at the following locations along North El Camino Real: 1) the northern entrance to North Beach, 2) the historic entryways to Max Berg Plaza Park at El Portal, and 3) the southern entryway to the area at Avenida Palizada.

**LU-76 North Beach.** Require initiatives, investments, and development approvals for the North Beach area to contribute to the City's vision of the area as a multi-modal, mixed-use entertainment and recreation district that emphasizes the pedestrian experience and preserves and enhances its key assets. These assets are views of the ocean, access to the beach, a rich inventory of historic resources, access to recreational opportunities and numerous shops and services for residents and visitors alike.

**LU-78 Design Treatment.** Require that new buildings and major building remodels in North Beach and on portions of El Camino Real utilize Spanish Colonial Revival architecture, per the Architectural Overlay District requirements. Coastal Act Section 30210 requires that public access be maximized and that new development maintain and enhance public access to the coast. This Coastal Act requirement is also re-imposed by LUP Policy PUB-47. In addition, Coastal Act Section

30252(4) requires that the location and amount of new development maintain and enhance public access to the coast by providing adequate parking facilities or providing substitute means of serving the development with public transportation. This Coastal Act requirement is re-imposed by LUP Policy PUB-40(d). The City's certified Land Use Plan (LUP) includes a number of policies (cited above) to protect public access by, among other things, the provision of adequate parking with new development, or providing substitute means of serving the development with public transportation or non-motorized transportation modes.

The subject site is located about 0.5 miles from North Beach beach, about a five-to-ten-minute walk. People surf and swim at North Beach, and though the beach has receded in recent years and is comprised generally more of cobbles than sand, it still can still accommodate beach chairs. It is also the location of the trailhead for the northern end of the San Clemente Pedestrian Beach Trail which extends downcoast along the beach past the pier and Pier Bowl areas, all the way to Calafia Beach Park about 2.5 miles south. One can extend the walk farther along the beach another mile or so at San Clemente State Beach, just down coast of Calafia Beach. North Beach is a popular embarkation point for the trail, with users parking in the North Beach parking area.

The North Beach/North El Camino Real area is recognized in the City's certified LUP as one of the City's gateways (LU-71). As a gateway, the LUP promotes visitor serving and recreational uses in the area. Other visitor amenities available in the North Beach area and project vicinity include restaurants, bicycle shops offering rental, sales, and repairs, and surf shops. A hotel is located directly across Calle de los Molinos from the subject site, and a second hotel is located just 0.33 miles up North El Camino Real from the subject site. During the summer months, the Market at North Beach, a summertime weekly farmer's market with arts and crafts vendors, food trucks, children's activities, and live music and art exhibits operates Wednesdays from 4 pm to 8 pm. The Market is located just inland of the beach and within walking distance (about 0.33 miles) from the subject site.

As indicated in the Coastal Act sections and LUP policies cited above, the provision of adequate parking to serve new development is considered an important means of promoting public coastal access and visitor serving uses. This is especially true for visitors traveling from inland locations to the beach area. The Commission typically imposes parking standards to assure adequate parking to serve the development is provided so as not to displace parking spaces available to the general public beach visitors. However, the Commission also recognizes that promoting alternate means of transportation and appropriate alternate methods of calculating parking demand may also offer an important way to support public access. However, typically, the amount of parking provided should be roughly similar to the number of parking spaces resulting from application the Commission's typical parking standards, unless other, significant measures to offset adverse impacts to public access are also included with a proposed development.

In this case, the number of parking spaces proposed (18 spaces without valet and 35 spaces with valet) is significantly less than the number of spaces resulting from application of the Commission's typical parking standards. For example, the parking ratio proposed by the applicants and approved by the City for restaurant use (applicable here to both the café and event venue uses) is one space per every five seats. The Commission's typically imposed parking ratio for restaurant use is one space for every 50 square feet of public service area. The parking ratio proposed by the applicants and approved by the City for the church use is 1 space per every four seats; whereas the Commission typically imposes a parking ratio of 1 space per every three seats or 1 space per 21 square feet of seating area. And, for office space, the parking ratio proposed by the applicants and approved by the City is 1 space for every 350 square feet. The Commission's typically imposed parking ratio for office space is one space for every 250 square feet. These parking ratio differences lead to significant differences in the number parking spaces proposed compared to the number that would be required if the Commission's typically imposed parking ratios were applied. ([Exhibit 7](#)).

Another significant difference in the method for determining the amount parking needed to serve the proposed development's demand is that, as proposed by the applicants and approved by the City, the project relies on restricting the capacity within a significant amount of otherwise available public service area. This is not an option considered under the Commission's typical methods for determining parking demand. Restricting otherwise available public service area within an approved development can be difficult to enforce and, once the public service area is approved, it is difficult to revise later. This different approach in determining parking demand also results in a lower number of parking spaces required than the Commission would typically require.

The total public service area available with the proposed development, both inside and outside, is 5,545 sq ft. This total figure includes the following public service areas:

**Interior Public Service Area:**

Private dining area: 462 sq ft  
Café Indoor area: 569 sq ft  
Bear Room: 2255 sq ft

**Exterior Public Service Area:**

Courtyard: 2259 sq ft

The above figures total 5,545 square feet. However, the number of parking spaces provided requires that significant amounts of available public service area be closed and made unavailable for use during each of the café, church and special event uses in order to meet the parking demand generated by those uses. The proposed project does include closing the required public service area in order to limit the parking demand to the number of parking spaces provided. This required closure of public service area was also recognized in the City's approval of the proposed project.

For the café use, of the 5,545 square feet of public service area, only 3,290 square feet of public service area may be used at one time (the 2,255 square foot Bear Room cannot be used for the café use), as can be seen on Plan Sheet A-2.2 ([Exhibit 3](#)) and on [Exhibit 8a](#). For the church use, the number of parking spaces provided requires that

the number of seats be limited to 80 seats. But church seating could be placed in the 2,259 square foot outdoor courtyard area and/or in the 2,255 square foot Bear Room. These areas, together and/or separately, could accommodate significantly more than the maximum of 80 seats, as can be seen on Plan Sheet A-2.2C ([Exhibit 3](#)). Likewise, the special event space is limited to 100 seats without valet parking, and 150 seats with valet parking. But the site can accommodate significantly more than 150 seats, as can be seen on Plan Sheets A-2.2A and A-2.2B ([Exhibit 3](#)) and on [Exhibit 8b](#).

Applying the City's parking ratios, the maximum number of parking spaces generated by the proposed project is 20 spaces for daytime uses (Saturday - 100 seats in café, office closed<sup>2</sup>), and 35 spaces for the evening event use (which requires on-site valet to create 35 spaces on-site). By applying the Commission's typical parking standards, the maximum number of parking spaces generated by the project is (based on restricting public service area as proposed):

Café: **68** spaces (1 space/50 sq. ft. x 3290 sq ft = 68 spaces; public service area including private dining area; café indoor area, and courtyard)

Church: **27** spaces (1 space/3 seats x 80 seats = 27) **OR**  
**216** spaces<sup>3</sup> (1 space/21 sq ft of seating area x 4514 sq ft = 216)

Events: **88** spaces (1 space/50 sq ft of public service area x 4514 sq ft = 91)

It is important to be clear that, other than office use during the weekday café use, the proposed uses will be staggered, with none of the proposed uses occurring concurrently. It is also important to note that as proposed the church use is limited to 80 seats, so using the Commission's typical parking standards, it is more likely the parking demand will be nearer 27 spaces for church use, than 216 spaces. Likewise, as proposed, public service area will be limited, and so the related parking demand would likewise be reduced. Nevertheless, with additional interior area available it can be tempting to expand into those areas if demand arises. Because it can be problematic to track and enforce use limitations within areas able to accommodate expansions after the project has been approved, the parking demand for the expanded public service area (café, events) and expanded seating area (church) have been included in this discussion, even though the areas are proposed to be limited.

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<sup>2</sup> On weekdays the daytime demand recognized by the City for 96 café seats and the office use is also 20 parking spaces. On Sunday, both the office and café are closed, and the City recognized parking demand for the church use remains 20 spaces).

<sup>3</sup> Although the applicants are not proposing to place seats within this entire area, the space is available. This is one of the questions raised by the proposed project's proposed number of parking spaces. In addition, this square footage does not include the 1031 sq ft area of the private dining and indoor café area.

Comparing the proposed parking demand ratios approved and applied by the City with the Coastal Commission's typically applied parking demand ratios results in significant discrepancies in the number of parking spaces required. Thus, determining the appropriate number of parking spaces needed to serve the proposed development, as necessary to avoid impacts to public coastal access, is complicated. The current proposal raises issues regarding the number of parking spaces required, based on both 1) which are the appropriate, applicable parking ratios to apply, and by 2) the extent of public service area that, although present and available, must be closed while other areas are open.

In response to potential concerns regarding how many parking spaces are required to serve the proposed development, the applicants have offered a number of reasons the proposed parking is not expected to interfere with public coastal access and other visitor serving amenities in the area. One factor supporting the number of parking spaces proposed are the findings of the City's North Beach Parking Studies (NBPS). The City of San Clemente has conducted two North Beach Parking Studies, one in 2016 and most recently in 2018. The subject site falls within the parking study boundary (it is Area 4a, [Exhibit 9](#)). According to the 2018 NBPS, the NBPS is intended "to assess whether the supply and management of parking supports General Plan goals for North Beach to be a visitor-serving coastal activity center."

The 2018 NBPS parking surveys were conducted on Wednesday August 15, Thursday August 16, Saturday August 18, and Sunday August 19 at 9 am, 11 am, 1 pm, 3 pm, 5 pm, 7 pm. and 9 pm each day. Overall peak occupancy was observed on Saturday August 18th at 9 am, with an occupancy rate of 43%. Public, on-street peak occupancy was observed on Saturday at 9 am with an occupancy rate of 50%. Public, off-street parking (in the lot between the beach and Calle Deshecha, Area 9a) peak occupancy was observed on Sunday at 1 pm with an occupancy rate of 52%. Regarding maximum effective parking occupancy effective capacity, the NBPS states:

"The parking industry regards an occupancy rate of 85% for on-street and 90% for offstreet parking as the maximum effective capacity (Walker Parking Consultants). This is because parking occupancy rates above this threshold start to impact traffic flow as drivers have to spend a greater amount of time trying to find a space to park."

Both the City's 2016 and 2018 NBPS have found that there is currently ample parking available in the project vicinity to meet the demand of visitors to both the beach and surrounding commercial development. In addition, the 2018 NBPS found:

"The North Beach area is a key multimodal transportation hub with access to the Metrolink rail station, the Beach Trail, numerous bikeways and pedestrian paths, and the historic El Camino Real corridor that connects many of the City's activity areas. There is a balance between automobile, bicycle and pedestrian mobility, and the area is well connected to adjacent neighborhoods."

The City's 2018 NBPS concludes:

"There is a parking surplus in North Beach. Peak parking demand occurred on Saturday at 9 a.m. at an occupancy rate of 43% (267 of 623 parking spaces available). At this time, the occupancy of on-street parking was observed at 50%, public off-street parking lots were at 43%, and private off-street lots were at 39%. These low occupancy rates indicate that there is sufficient parking in North Beach to meet current demand.

Parking demand is not evenly distributed. There are areas where higher occupancy counts were observed, while lower occupancy counts were seen in other areas, such as on-street parking for El Camino Real. Use of this parking area was below capacity most of the study. Increased occupancy was been observed around the Ole Hanson Beach Club and the former Ellie's Café.

Some noticeable variables are believed to affect the distribution and times for changes in occupancy rates such as the Trolley Ridership Program initiated after the previous study, additional parking provided at the Outlets, and unoccupied buildings in the North Beach Zone that that would increase parking demand if occupied. The reopening of the Ole Hanson Beach Club has contributed to increased parking occupancy in the North Beach area of Avenida Pico and Boca de la Playa during weddings and other special events that attract large groups of people not observed during the previous parking study.

Overall, North Beach is not significantly impacted by current parking demand and retains a parking surplus in many off-street parking sites, with no impacts to local street traffic based on the industry recognized maximum parking capacity. A large parking surplus is available throughout the day and night at peak occupancy. Based on the parking surplus observed, an immediate investment in expanding the parking supply or changing parking management strategies is not necessary."

The NBPS supports the applicants' assertions that it is unlikely beach-goers would park near the subject site when there are ample public spaces available nearer to the beach that seldom if ever exceed 50% occupancy. However, while the NBPS found that there is currently ample parking in the area, it also recognizes that that may change in future. The NBPS states:

"Unoccupied buildings in the study area result in lower parking demand in North Beach. This includes the Miramar Theatre at 1700 North El Camino Real (N. ECR), a historic structure known as the I Chabiri [sic] restaurant at 1814 N. ECR, and a building previously occupied by Kaylani Coffee at 1844 N. ECR. The Kaylani coffee and I Chabiri buildings are undergoing tenant improvements for new tenants. Entitlements at the Miramar Theatre site are approved for an adaptive reuse of the historic structure as a multi-use event center and restaurant including issuance of



several historic preservation property parking waivers. Similar waivers were issued for the reuse and remodel of the Casino site.

A focus of future parking studies should include the adequacy of parking management and parking availability at peak use when future occupancy of these buildings increase public parking demand in the North Beach area.”

And:

“While the North Beach zone maintains a parking surplus, parking demand is likely to increase in the future as businesses occupy vacant buildings and development is completed, including the Miramar Theatre, Phase 2 of the Outlets, and Sea Summit residential lots.”

City staff have indicated the timing for the next North Beach Parking Study is not yet scheduled, with earliest possible time being Summer 2022.

Another factor supporting the adequacy of the proposed number of parking spaces is the availability of alternate modes of transportation available to serve the subject site. These include use of regular and electric bicycles, the City’s free summer trolley, OCTA bus lines, and the nearby Metrolink station.

The City provides a free trolley that usually runs from Memorial Day weekend to the last Sunday in September,<sup>4</sup> offering free trolley service Monday to Friday from 12 pm to 10 pm, Saturday 10 am to 10 pm, and Sunday from 10 am to 8 pm. The trolley circulates in a loop between the Marblehead Coastal Outlets of San Clemente, El Camino Real, Downtown, and the Pier Bowl. There are trolley stops located on either side of North El Camino Real at Calle de los Molinos, adjacent to the subject site. A map showing locations of the trolley stops is attached as [Exhibit 10](#).

In addition to the City’s summer trolley, OCTA Routes 1 and 91 stop near the subject site. OCTA Route 1 runs along the coast between the cities of Long Beach and San Clemente. Route 91 runs between San Clemente and Laguna Hills. As well, the Metrolink station is within a ten-minute walk from the site. In addition, the proposed project will provide bicycle racks that will accommodate five bikes and will provide space for parking an additional two bicycles, including electric bikes that do not always fit in traditional bike racks.

In addition, the applicants have suggested that during the week, employees of the surrounding businesses can walk to the café, reducing parking demand. Likewise, it is possible that early morning surfers, other beach-goers, or San Clemente Beach Trail

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<sup>4</sup> Due to the Covid-19 pandemic, the City cancelled the 2020 Summer Trolley Season.

users, once parked in the vicinity of the beach could also walk to the café for breakfast or lunch, which would also lessen the parking demand (i.e., park once for two activities).

Moreover, pursuant to the proposed Transportation Demand Management Plan (TDMP), the applicants will actively promote guest stays at the hotel across the street in conjunction with special events held at the site. Event guests staying at the hotel would simply walk across the street to attend an event. There is also a second hotel about 0.33 miles southeast on North El Camino Real that, while not quite as convenient as directly across the street, is within reasonable walking distance to the site for special events. In addition, the proposed TDMP also includes promoting the use of ride shares, which would also reduce parking demand related to special events at the site. All of these above factors could contribute to a reduced parking demand at the subject site.

One way the Commission has promoted public access is by requiring that new development provide adequate parking to serve its needs so that parking that would otherwise be available to the general public (via on-street spaces and/or in public parking lots) is not usurped by the users of the private commercial development. The goal of providing adequate parking with new or intensified development is to assure that visitors who must travel from out of the area to get to the coast are not precluded from enjoying the beaches and coastal amenities due to lack of a place to park.

However, more recently, the city and the state have prioritized additional ways to promote public access and also help minimize energy consumption and vehicle miles traveled in individual cars. Methods include promoting public transit, bicycling, and walking. Policymakers must balance the requirements of ensuring adequate parking to serve an individual development with alternate methods of promoting public access. This is particularly true with regard to those visitors who currently have few alternatives to driving to the coast in vehicles, especially those coming from an hour or more drive inland, and perhaps those traveling with children or those with disabilities. For these and similar visitors, options other than private vehicle may not always be feasible. For these reasons the Commission recognizes the need to maintain the delicate balance of maintaining a sufficient supply of public parking while allowing new development, especially visitor serving development, to provide parking while also promoting alternate means of serving the development with alternate transportation.

In this case, the proposed development provides less parking than would typically be required by the Commission, but does meet the City's required parking standard (according to the City's approval of Conditional Use Permit 20-243). In addition, the project will promote use of bicycles and is accessible by public transit (summer trolley, OCTA, and Metrolink).

Means for increasing the number of parking spaces provided with the proposed development were considered. For example, closing off the driveway from El Camino Real was considered. This would have created new on-street parking spaces. However, closing off this driveway would not allow additional on-street parking because, due to an

existing left turn lane and related street median in El Camino Real, there would not be room on-street to accommodate existing lanes of travel and new on-street parking spaces ([Exhibit 13](#)).

The City's North Beach Parking Study has demonstrated that there are a significant number of public parking spaces with low occupancy rates even during the peak use summer period within the project vicinity; and that many of those spaces are closer to the beach than the subject site. Based on this it appears reasonable to accept the applicants' assertion that it is unlikely that beach goers would park in the immediate vicinity of the project site (i.e., Calle de los Molinos and North El Camino Real adjacent to the site). In addition, the applicants will provide bicycle parking on-site. And the site is located adjacent to stops for the City's free summer trolley, OCTA Routes 1 and 91, and the Metrolink station is within a 10-minute walk of the site, making access to the site via public transit viable. For special events with 101 to 150 guests, valet parking will be provided to accommodate 35 parking spaces on site. For these reasons it is reasonable to tentatively accept the proposed project's parking plan.

However, as is recognized in the City's North Beach Parking Study, currently unoccupied buildings in the parking study area contribute to the current lower parking occupancy. Parking demand and occupancy is likely to increase in the future as businesses occupy vacant buildings and development in the area is completed (such as, but not limited to, the Miramar theater). There is currently at least one other pending project in the area that proposes fewer parking spaces than what the Commission's typical parking standards would require (5-21-0129).<sup>5</sup> There may be other, similar projects in the area that are still in the planning stages.

It has long been the City's goal to revitalize the North Beach commercial area, and that goal is beginning to come to fruition. Part of the goal was to preserve historically significant structures. Two of the three most significant structures have been restored and are in use today: the Ole Hanson Beach Club and the Casino (5-01-135). Both operate as event venues, while the beach club also operates as one of the City's two aquatic centers, offering swim lessons, lap swimming, adult fitness, and youth courses. The third significant historic structure in North Beach, the Miramar Theater, was approved for renovation and use as a performance and event center and specialty restaurant (5-17-0539). As a means of preserving these historic structures and to contribute to the revitalization of the North Beach area, the projects were approved with

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<sup>5</sup> 5-21-0129 (Ross) is currently incomplete. It proposes a new single-family residence above an existing approximately 950 square foot commercial space. The project proposes two parking spaces for the new residence and no spaces for the commercial space. Application of the Commission's parking guidelines would result in a demand of 5 spaces (general retail parking ratio is 1 space/225 sq. ft.). Although fewer spaces in that case may be appropriate, the proposal, approved by the City without commercial parking because there was no parking requirement when the small commercial structure was constructed in the 1940s, would need to address parking for the commercial use in some way. The project represents a major remodel because the proposed residence would more than double the size of the structure.

parking waivers. The Casino was approved with 62 parking waivers, the Miramar was approved with 92 parking waivers. The Ole Hanson Beach Club, which is also a City aquatics center, uses the surrounding public parking spaces.

In conjunction with approval of these historic renovations, the City and the applicant entered into Historic Property Preservation Parking Waiver Incentive Agreements (HPPPWIA). Pursuant to the HPPPWIAs, the applicant agreed to rehabilitate and maintain the historic structure, and the City agreed, as an incentive for the historic preservation, to provide additional parking spaces in the North Beach area when future parking surveys reveal those parking spaces are needed. The City has conducted the parking surveys in 2016 and 2018. The timing of the next parking survey is not known at this time, but the City estimates the earliest would be the summer of 2022. The parking surveys so far reveal that abundant parking remains available in the area (as described earlier).

The parking waiver incentives appear to have been an effective tool in preserving historic structures and revitalizing the area. However, it remains important to track the actual parking usage in the area, and, specifically the effectiveness of the proposed parking at the subject site. It is important to recognize the point at which abundant parking is no longer readily available.

In addition, while it seems reasonable at this time to accept the parking ratios applied by the City, rather than the Commission's typically applied parking ratios, which are stricter, a stricter parking standard may be appropriate and needed to protect public access. Similarly, if it proves difficult to keep public service areas closed during hours of operation, that too may need to be re-visited. The Commission is accepting the parking as proposed at this time, but in order to assure that the project will not result in adverse impacts to public access over the expected life of the project, **Special Condition No. 1** is imposed which limits approval of the proposed uses to a three-year term. If at the end of the three-year term the applicants wish to continue operation of the uses, an amendment request may be submitted to extend the expiration date imposed by the three-year term limit. If the amendment request includes sufficient evidence to demonstrate that adequate parking is provided such that no impacts to public access occur, the Commission will consider the amendment request.

Evidence to be included with a future amendment request must include, but is not limited to, results of a Parking Monitoring Plan. The amendment request must also identify additional parking measures as necessary to address any recognized parking shortfalls. This might include the provision of off-site valet parking and/or off-site employee parking. Such off-site parking location(s) must be off-street, non-public parking spaces. Other possible measures to address adverse impacts to public access due to project parking shortfalls to be included with an amendment request include: annual contributions to the City of San Clemente to be used to promote multi-modal access to the North Beach/North El Camino Real commercial area; and, creation of new public parking spaces within the general project vicinity within the coastal zone. Other measures may also be considered.

**Special Condition No. 2** imposes a requirement for applicants to submit and implement a Parking Monitoring Plan prior to issuance of the CDP. In the event the applicants wish to extend the approved uses beyond the three-year time limit, the required Parking Monitoring Plan will be needed to understand how the proposed parking is working and where shortfalls may be occurring. The required Parking Monitoring Plan will contain information and monitoring results in a form that provides analysis and conclusions on 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 would need to include, but is not necessarily limited to:

- documenting how many on-site spaces are occupied throughout the business hours for each use;
- documenting how many public on-street parking spaces are occupied on Calle de los Molinos throughout the business hours for each use;
- documenting how customers for each use arrive to the establishment, and if by private auto, where they have parked, and, for customers who arrive by private auto, noting to the extent feasible, whether any other activities were included with their single parking incident (e.g., visiting a neighboring business, visiting North Beach beach, travel on the trolley or Metrolink, etc.);
- documenting when special events patrons have stayed at nearby hotels and walked to the event;
- available information regarding factors such as weather, water quality, surf conditions, etc. that may affect visitation patterns;
- special events including dates and time periods that such events occurred.

The goal of the Parking Monitoring Plan is to document whether impacts have occurred to public coastal access and other visitor amenities in the North Beach area generally due to the proposed development's parking plan. The PMP should identify the causes of any impacts, so that means to rectify the situation may be considered and pursued.

As described above, the applicants have submitted a Transportation Demand Management Plan that will help reduce potential adverse impacts to public access due to project parking. However, there are additional measures that could be implemented with development that would further decrease potential parking impacts. These include an employee education program to inform employees of public transit options, ridesharing, and bicycle infrastructure nearby with the aim of reducing the need for on-site employee parking; and 100% reimbursement of all employees for public transportation fares incurred due to travel to and from work. In order to assure that potential impacts from project parking are decreased, **Special Condition No. 3** requires the applicants to submit and implement a revised TDMP that includes, at a minimum, the measures proposed, as well as these additional measures.

Also as described above, the project as proposed would limit the proposed uses by the number of seats and/or the public service area. These proposed use limitations are necessary for project parking demand to be met by the number of parking spaces provided on-site. In order to assure that these use limitations are carried out as proposed by the applicants, **Special Condition No. 4** requires that the project be carried out as proposed by the applicants and imposes the use limitations as a condition of approval of the project. In addition, the project proposes to raise the height of the single-story portion of the existing structure to 24 feet above grade, with no increase in internal floor area. A 24' high structure could accommodate two interior floor levels. The applicants have indicated that the increase in height is intended to create a higher ceiling for a better interior aesthetic, with no intent to include a second floor. If additional interior second floor area were created within the heightened structure, that would also increase the project's parking demand. In order to assure the parking demand is not increased without commensurate increase in parking spaces, and as proposed by the applicants, **Special Condition No. 4** requires that the project be carried out as proposed by the applicants with no second story within the heightened structure.

As conditioned to limit approval of the proposed uses to three years with the possibility of an amendment to extend the time, to monitor the success of the proposed parking, to revise the proposed TDMP to include additional measures to reduce potential impacts from the project, and to limit the uses as proposed and refrain from installing a second story in the area of proposed roof height, the Commission finds the proposed development is consistent with the public access policies of the Coastal Act.

### **C. Historic Preservation**

Section 30253(e) of the Coastal Act states, in relevant part:

New development shall...

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

The certified San Clemente Land Use Plan includes the following policies regarding historic preservation:

**CUL-2 Historic Resources Community Appreciation.** Promote community appreciation for the unique history of the San Clemente area and community involvement in its retention and preservation.

**CUL-3 City Gateways.** Preserve and incorporate public views of historic resources in the design and construction of City Gateway improvements.

**CUL-4 Architectural, Historical, and Cultural Resource Preservation and Restoration.** Provide for the identification, preservation and restoration of the sites, structures, districts and cultural landscapes which have architectural, historical, and/or cultural significance.

**CUL-6 Planning.** Incorporate historic and cultural preservation as an integral part of planning, development and environmental review for new development and re-development, where appropriate.

**CUL-7 Process.** Maintain regulations, policies, and fees that support, encourage and ease the process for historic preservation, rehabilitation, restoration, and adaptive reuse.

**CUL-8 Adaptive Reuse.** Encourage adaptive reuse of historic resources to preserve them and prevent architecturally inappropriate changes, disrepair and demolition.

**CUL-9 Property Maintenance.** Require owners of historic resources to maintain their property in a manner which preserves the property's historic integrity.

**CUL-10 Historic Incentives.** 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, so long as adverse impact to public access and coastal resources are minimized.

**CUL-11 Flexible Development Standards.** Provide flexible development standards for historic resources, in the interests of maintaining the resources historic and architectural integrity, so long as adverse impact to public access and coastal resources are minimized.

**CUL-12 State and Federal Standards.** Ensure projects follow the Secretary of Interior Standards for the Treatment of Historic Properties and standards and guidelines as prescribed by the State Office of Historic Preservation for any State or Federally listed historic resources or properties eligible for historic listing.

**CUL-14 Historic Resource Mitigation Requirement.** Avoid significant, adverse impacts to onsite and nearby historic resources as part of the coastal development permit process. If impacts to historic resources are unavoidable, appropriate mitigation shall be required.

**CUL-15 Architectural Overlay District.** Require that new buildings and major remodels in the Del Mar/T-Zone, North Beach, and Pier Bowl areas, and on portions of El Camino Real designated with an Architectural Overlay District on Figures 2-1 (A-G) utilize Spanish Colonial Revival architecture.

**CUL-16 Architectural Quality.** Ensure that the City's architecture in key community and tourist/visitor-serving areas maintain a high quality of design consistent with the City's history.

The City's certified LUP defines Historic Resource as follows:

**“HISTORIC RESOURCE”** means any object, building, structure, site, area, place, record, or manuscript which is at least 50 years old and is historically or archeologically significant, or which is significant in the architectural, engineering, scientific, economic, agriculture, educational, social, political, military, or cultural history of the City of San Clemente and/or California and/or the United States.

Coastal Act Section 30253(e) encourages the protection of special communities and neighborhoods with unique characteristics that are popular destination points, such as the North Beach area where the project is located. The City's certified LUP also includes a number of policies (cited above) to promote preservation of historic resources.

In 2006 the subject structure was determined to be eligible as a contributor to a potential National Register Historic District for its association with the Ole Hanson/Spanish Village by the Sea period of development, and thus is automatically listed in the California Register of Historical Resources (Historical Assessment, prepared by GPA, 12/18/2020). The original building is on the City's local register of historic properties.

The original building was constructed in 1928. Based on the Historic Assessment prepared for the project (GPA Consulting, 12/18/2020), it was determined that only the original two-story portion of the structure, built in 1928, constitutes a historic building. The single-story portion of the building was added in 1946 and expanded in 2006 and 2012,<sup>6</sup> all outside of the period of significance determined for the historic district, which is 1925-1936. The site is currently vacant and most recently supported an art supply and framing store for sixteen years (2003 – 2016). Prior to the art store, the building was occupied by different uses, including a funeral parlor in the 1990s and the Big Bear Café in the 1930s.

The Historical Assessment finds:

“The property at 1531-1533 N. El Camino Real contributes to a historic district significant for its association with the Ole Hanson/Spanish Village by the Sea period of development as an excellent example of early development along El Camino Real in the Spanish-Colonial Revival style. As such, those distinctive features, spaces, and materials that are key to conveying its original design and historic use are character-defining. The period of significance is 1925-1936, the period of significance determined for the historic district.”

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<sup>6</sup> A 1,300 square foot, one-story addition was approved in 2006 (5-06-144, Herdell). In 2012, a 491 square foot, one-story addition was approved (5-12-039-X, San Clemente Arts).



The City's certified LUP includes a number of policies that promote historic preservation, encourage adaptive reuse of historic resources, and preservation of historic integrity. In order to achieve these goals, the LUP includes policies that require alterations to historic resources must follow the Secretary of Interior Standards for the Treatment of Historic Properties, provide incentives to historic resource owners to conserve historic integrity, and provide flexible development standards for historic resources that are maintained. In addition, Coastal Act Section 30253(e) requires protection of unique characteristics of special communities and neighborhoods, which includes historic resources.

The GPA Historical Assessment describes the Standards as follows:

“The Standards are a series of best practices issued by the National Park Service for maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations to historic properties. The Standards are accompanied by Guidelines for four types of treatments for historic properties: Preservation, Rehabilitation, Restoration, and Reconstruction.”

Regarding the proposed development, the Historical Assessment concludes:

“Based on the review of the current plans, the Project complies with the Standards for Rehabilitation.”

The proposed development will renovate the historic structure for adaptive re-use, maintaining its character defining features by retaining the Spanish Colonial Revival architectural style of the Ole Hanson/Spanish Village by the Sea from the period of significance (1925 – 1936). Specific character-defining historic features to be maintained include the pair of large divided-light fixed windows set in arched openings that front on El Camino Real, the exterior staircase with a solid stucco balustrade at the side elevation, the smooth stucco exterior walls, and the low-pitch side-gable roof clad with clay tiles. The Historic Assessment found that the proposed project complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties, as required by LUP Policy CUL-12.

However, a letter of objection regarding the proposed project has been received ([Exhibit 15](#)). The letter raises concerns that the proposed up to 7' high courtyard wall will obscure views of the historic exterior staircase and the historic structure generally. In addition, the objection raises concerns with a 7' wall adjacent to the sidewalk. The letter indicates a wall of this height adjacent to the sidewalk is not pedestrian friendly, in an area that should be. Instead, the author suggests installation of a low garden wall. However, the staircase and building from the side are not visible now due to dense vegetation. As described above, the proposed project will preserve the historic features of the structure. As described below, doors within the wall will be open during the day time, creating an open feeling adjacent to the sidewalk along most of the wall.

The proposed courtyard wall will include sliding Spanish wooden pocket doors. The proposed rustic wood doors will be dark brown with decorative clavos<sup>7</sup> and hinges, with decorative wrought iron. These doors will be placed within the wall on either side of the corner of the wall, near the driveway entrance from El Camino Real. The doors will meet at the corner, creating a single open expanse across at the courtyard corner, approximately 21 feet along the west side of the wall and approximately 14 feet along the south side of the wall. Decorative wrought iron will extend across the wall in the area of the wooden pocket doors. When the sliding doors are open, the decorative wrought iron will remain across the opening. ([Exhibit 14](#)).

The length of the courtyard wall along the North El Camino Real frontage is approximately 28 feet (a portion jogs in at the entrance). Of that 28 feet, 21 feet will allow views in when the sliding door is open. The entire length of the North El Camino Real frontage property line is approximately 195 feet long.

The style of the Spanish wooden pocket doors and decorative wrought iron is intended to evoke the Spanish Village by the Sea style of architecture promoted by the City's LUP policies. Typically, the pocket doors will be open during the café use, which occurs during the day time, and closed during the event space use, which will occur in the evening. The applicants have indicated a preference to keep the sliding doors open during the café use to enhance the outdoor dining ambiance and views.

The Historic Consultant (GPA Consulting) found that the proposed courtyard wall would not obscure, damage, or destroy character-defining features of the historic building, such as the exterior staircase, and that the proposed wall would not obscure the primary building elevation facing El Camino Real, and that the side elevation (facing the parking lot) would only be partly obscured by the wall. In any case, the side elevation is already partly obscured due to dense vegetation on the site. Finally, the sliding doors within the wall are placed to allow for views of the historic building when they are open.

The proposed courtyard wall is consistent with the historic style encouraged by the LUP (Spanish Village by the Sea), will not interfere with the character defining features of the historic structure, and will continue to allow views of the historic structure when the sliding doors are open (which is expected to be most daytime hours). For these reasons, the proposed courtyard wall does not raise issues regarding the project's consistency with the LUP's historic preservation policies. In any case, the Coastal Act protects views to and along the coast and scenic coastal areas. The proposed project will not interfere with any public views to and along the coast or scenic areas. Views of historic structures are not addressed in the Chapter 3 policies of the Coastal Act, which is the standard of review in this case.

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<sup>7</sup> Clavos are decorative, Spanish style nails.

The proposed project will retain the structure's historical elements, preserving the property's historic significance. The alterations proposed to the historic structure are consistent with the guidance for projects involving historic properties and historic preservation contained in the City's certified LUP policies. Thus, the project as conditioned is consistent with the LUP policies promoting and encouraging preservation of historic structures and with Coastal Act Section 30253(e), which requires protection of unique characteristics of special communities and neighborhoods, which include historic resources.

## D. 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 long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and 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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed development has the potential for the construction-related discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into the street or storm drain and ultimately into coastal waters could result in an adverse effect on the marine environment. The proposed development includes directing site drainage to vegetated areas and to an open bottom drain inlet. These measures will allow for site drainage to be infiltrated on site, or for drainage that does ultimately leave the site to be filtered prior to leaving the site. **Special Condition No. 5** is imposed to assure that the drainage plan is carried out as proposed.

To further assure protection of water quality, the Commission imposes **Special Condition No. 6**, which identifies construction-related measures to be incorporated into the project during construction including, but not limited to, appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters.

The restaurant will serve residents and visitors in the area and has potential to create pollution in the form of trash and debris from single use plastic foodware and packaging which could enter coastal waters near the subject site. Thus, **Special Condition No. 7** requires the applicant to participate in a marine debris reduction program to reduce waste and single-use plastic foodware and packaging on-site and for takeout orders. By incorporating these water quality protection measures into the proposed development, as conditioned, the project minimizes the effect of construction and post-construction activities on the marine environment. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

## **F. Local Coastal Program (LCP)**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit for development in an area with no certified Local Coastal Program (“LCP”) only if the project will not prejudice the ability of the local government having jurisdiction to prepare an LCP that conforms with Chapter 3 policies of the Coastal Act. The Commission certified the Land Use Plan (LUP) for the City of San Clemente on May 11, 1988. On August 2, 2019, a comprehensive update to the City’s LUP was effectively certified by the Coastal Commission. The City is currently also working on submittal of an Implementation Plan to complete the LCP; however, at this time the City has no certified LCP.

As conditioned, the proposed development is consistent with the policies contained in the certified Land Use Plan regarding public access and historic preservation and with the public access, special communities, and water quality policies in Chapter 3 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).

## **G. California Environmental Quality Act (CEQA)**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, 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 that would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of San Clemente is the lead agency responsible for certifying that the proposed project is in conformance with CEQA. The City determined that in accordance with CEQA, the project is Categorical Exempt from Provisions of CEQA, citing CEQA

Guidelines sections 15301 and 15303 (existing facilities and conversion of small structures, respectively). However, Section 13096(a) of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, is consistent with any applicable requirements of CEQA.

The proposed project has been conditioned to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, in the form of special conditions, require: 1) limiting the approved uses to a three-year term, which may be extended if the Commission approves an amendment to the CDP; 2) submittal and implementation of a Parking Monitoring Plan; 3) submittal and implementation of a revised Transportation Demand Management Plan; 4) conformance with the project as proposed; 5) conformance with the proposed drainage plan; 6) implementation of construction best management responsibilities, and 7) participation in a marine debris reduction program to reduce waste and single-use plastic foodware and packaging.

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect which the activity may 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 complies with the applicable requirements of the Coastal Act to conform to CEQA.

**APPENDIX A**

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**SUBSTANTIVE FILE DOCUMENTS**

1. City of San Clemente certified Local Coastal Program Land Use Plan.
2. Coastal Development Permit Application File 5-21-0128 (Publik House).
3. Publik House Memoranda Historical Assessment, GPA, 12/18/2020.
4. City of San Clemente 2018 North Beach Parking Study.