

RESOLUTION NO. PC 24-013

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 23-084/ CONDITIONAL USE PERMIT 23-085/ DISCRETIONARY ENCROACHMENT PERMIT 24-108, SEA CLIFF BOUTIQUE MOTEL AND RESTAURANT, TO DEVELOP AN ELEVEN-UNIT BOUTIQUE MOTEL AND A RESTAURANT WITH 25 OUTDOOR SEATS; TO REHABILITATE THE EXISTING HISTORIC FOUR-LEVEL RESIDENCE AND PORTIONS OF THE GARDEN, INCLUDING THE FOUNTAINS, THE RUNNEL AND LOWER TERRACE PATIO; AND TO LEGALIZE THE HISTORIC RESIDENCE'S EXISTING ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY, AT A HISTORIC PROPERTY LOCATED AT 402 PASADENA COURT WITHIN THE PIER BOWL, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO STATE CEQA GUIDELINES SECTION 15301 (CLASS 1: EXISTING FACILITIES), SECTION 15331 (CLASS 31: HISTORICAL RESOURCE RESTORATION/ REHABILITATION) AND SECTION 15332 (CLASS 32: IN-FILL DEVELOPMENT PROJECTS)

WHEREAS, on March 6, 2023, an application was submitted by Larry Dunwald, 402 Pasadena Court, San Clemente, CA 92672, for Cultural Heritage Permit (CHP) 23-084/ Conditional Use Permit (CUP) 23-085/ Discretionary Encroachment Permit (DEP) 24-108, and deemed complete on May 8, 2024, which is; a request to request to consider an eleven-unit boutique motel and a restaurant with 25 outdoor seats at a historic property located at 402 Pasadena Court within the Pier Bowl. The project preserves the existing historic four-level residence and, rehabilitates portions of the garden, including the fountains, the runnel and lower terrace patio. Two new buildings are proposed on the southern portion of the property and a new garage is provided with access from Avenida Victoria. Additionally, an Encroachment Permit is required to legalize the historic residence's existing encroachment into the public right-of-way. A sidewalk easement is also required for portions of the sidewalk that encroach into the subject private property. The site is in Coastal Recreation Commercial 1 Zone and Architectural-Visitor Serving Commercial District Overlay Zone within the Pier Bowl Specific Plan, and in the Coastal Zone (CRC1-A-VSCD-CZ). The site's legal description is N TR 785 BLK 1 LOT 61 TR 785 LOTS 61/62 BLK 1 and N TR 785 BLK 1 LOT 60, Assessor's Parcel Number 692-031-04 and 692-031-05; and

WHEREAS, on June 5, 2024, the Planning Commission held a public hearing on the project and continued the public hearing to the July 17, 2024 regular Planning Commission meeting. However, the Planning Commission meeting scheduled for July 17, 2024 was cancelled, and so the continued public hearing occurred at a special Planning Commission on July 24, 2024; and

WHEREAS, the Planning Division has completed an initial environmental assessment of the above matter in accordance with the California Environmental Quality Act (CEQA) and recommends that the Planning Commission determine that the project is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities) and Section 15331 (Class 31: Historical Resource Restoration/ Rehabilitation) and Section 15332 (Class 32: In-Fill Development Projects). This is recommended because the project involves a new motel and restaurant, in an urbanized area, to be supported by an existing building and new development consistent with the City's General Plan, Zoning Ordinance, and the Secretary of the Interior's Standards for Rehabilitation; and

WHEREAS, on March 9, 2023 and February 15, 2024, the City's Development Management Team (DMT) reviewed the proposed project and determined it complies with the General Plan, Zoning Ordinance, and other applicable City ordinances and codes; and

WHEREAS, on June 28, 2023, and August 23, 2023, the City's Cultural Heritage Subcommittee (CHSC) considered the project and supports it as proposed with a peer review of the Historical Resource Technical Report; and

WHEREAS, on June 5, 2024 and July 24, 2024, the Planning Commission of the City of San Clemente held a duly noticed public hearings on the subject application, and considered written and oral comments, and facts and evidence presented by the applicant, City staff, and other interested parties.

NOW, THEREFORE, the Planning Commission of the City of San Clemente does hereby find, determine, and resolve as follows:

Section 1. Incorporation of Recitals.

The Planning Commission hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the Planning Commission as fully set forth in this resolution.

Section 2. CEQA Findings.

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Planning Commission, and the facts outlined below, the Planning Commission hereby finds and determines that the proposed project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities), Section 15331 (Class 31: Historical Resource Restoration/ Rehabilitation) and Section 15332 (Class 32: In-Fill Development Projects).

The Class 1 exemption specifically exempts from further CEQA review the operation, repair, maintenance, and minor repair of existing public or private structures, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Here, the proposed project is a new motel and restaurant, which includes

an adaptive reuse of the existing three-story building from a multi-family residence to a motel. The repurposed building does not require significant changes to the building that jeopardize the building's historical integrity. Thus, the project qualifies for the Class 1 exemption.

The Class 31 exemption Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. Here, the proposed project is consistent with the Secretary of Interior's Standards for Rehabilitation as outlined in the project's Historic Resources Technical Report (HRTR). Additionally, conditions of approval have been added which ensure the project remains in compliance with the standards during construction.

The Class 32 exemption specifically exempts from further CEQA review projects characterized as in-fill development meeting each of the following conditions. First, the project must be consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. Here, the general plan designation is Coastal Recreation Commercial and Architectural, Coastal Zone, and Pedestrian Overlay Districts (CRC-A-CZ-P), and the project is consistent with all relevant general policies, including LU-12.02-Infill Development, which states "*We accommodate development that is compatible with coastal-oriented and community-serving commercial uses (including overnight accommodations), mixed residential and commercial uses, residential uses, and public recreational uses whose function or scale are compatible with the area's recreational character*"; and HP-2.05-State and Federal Standards, which states "*We 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 listed historic resources or properties eligible for historic listing.*" Further, the zoning designation of the project site is Coastal Recreation Commercial 1 Zone and Architectural-Visitor Serving Commercial District Overlay Zone within the Pier Bowl Specific Plan, and in the Coastal Zone (CRC1-A-VSCD-CZ), and the project will be consistent with all zoning regulations, including setbacks, height, design, etc. Second, the proposed development must occur within city limits, on a project site of no more than five acres, and be substantially surrounded by urban uses. Here, the project is located within the city's limits, is on a project site of only .42 acres, and is substantially surrounded by urban uses, including multi-family residences to the north, a motel (Beachcomber Inn) to the west, multi-family residences to the south, and single- and multi-family residences to the east. Third, the project site must have no value as habitat for endangered, rare, or threatened species. Here, the project site currently consists of a three-story building with a deteriorated garden with minimal landscaping, a historic fountain with a runnel and flanking stairs, and a terrace patio, currently occupied by residents, therefore, has no habitat value. Fourth, approval of the project must not result in any significant effects relating to traffic, noise, air quality, or water quality. These potential effects were analyzed during the amendment to the Pier Bowl Specific Plan in 2019, and under the EIR addendum for the amendment, which added development and uses, involving the subject project site, consistent with what was evaluated in the General Plan Program EIR. The specific plan changes were necessary

for consistency with goals, policies, land uses, and standards adopted in updates of the City's General Plan and Coastal Land Use Plan. The City conducted an environmental review in conformance with CEQA and the State CEQA Guidelines and determined the Pier Bowl Specific Plan amendment did not cause new significant environmental effects or substantially increase environmental effects previously studied and mitigated within the previously certified EIR. Finally, the project site must be adequately served by all required utilities and public services. Here, the project site is served by SDG&E (gas and electricity), CR&R (trash), Municipal Water District of Orange County (water), and the City's sewer system. Thus, the project qualifies for the Class 32 exemption.

Section 3. Cultural Heritage Permit Findings

With respect to Cultural Heritage Permit (CHP) 23-084, the Planning Commission finds as follows:

A. The proposed project is consistent with the General Plan, in that:

1. The project consists of Spanish Colonial Revival architecture, landscaping, and site design, in line with the architectural style that highlights the character of the City's early development as the "Spanish Village-by-the-Sea", which includes the Pier Bowl. Additionally, the project includes the preservation of the existing three-story building, and construction of two detached buildings at two stories high, on a property that faces a residential and commercial neighborhood, each with buildings ranging from one to four stories high. Building mass has been reduced by placing the two detached two-story buildings at the rear of the property, which helps maintain a pedestrian scale from both streets the project site fronts – Pasadena Court and Avenida Victoria, consistent with General Plan Policy LU-2.01-Quality, which states *"We require that new development protect community character by providing architecture, landscaping and urban design of equal or greater quality than surrounding development, and by respecting the architectural character and scale of adjacent buildings"*;
2. The project has been designed and conditioned to reduce impacts on neighboring residential properties, by incorporating the following: 1) the required trash enclosure is proposed at the ground level of the existing building off Avenida Victoria to reduce negative noise and odor impacts; 2) all required parking is provided on site; 3) the main entrance to the project site is off Avenida Victoria, limiting traffic in the residential area on Pasadena Court; and 4) the two new detached buildings, and rehabilitation of the terrace patio, fountain, stairs, and runnel, maintain an appropriate spatial relationship between project elements themselves and neighboring buildings which maintains adequate light exposure, consistent with General Plan Policy, LU-2.03-Neighborhood Compatibility, which states *"We require that commercial projects abutting residential neighborhoods be designed and operated to protect residents from the effects of noise, light, odors, vibration, traffic, parking and other operational impacts."*

3. The project is sensitive to and preserves the respective ocean view identified in policy documents where the project has the possibility to have a negative impact on, consistent with General Plan Policy LU-12.01-Views/Scenic Corridors, which states *"We preserve public view corridors consistent with the Urban Design Element. Ocean views are among the most valued assets in the Pier Bowl and Pier area. New development should take advantage of, and not detract from, these important view corridors."*
4. The project consists of visitor-serving uses such as a motel and public restaurant, designed to offer visitors opportunities for enjoyment of the historical site and other nearby coastal resources, such as the ocean and pier, consistent with General Plan Policy LU-12.02- Infill Development, which states *"We accommodate development that is compatible with coastal-oriented and community-serving commercial uses (including overnight accommodations), mixed residential and commercial uses, residential uses, and public recreational uses whose function or scale are compatible with the area's recreational character.";*
5. The project includes the preservation of the existing three-story building, and construction of two detached buildings at two stories high, on a property that faces a residential and commercial neighborhood, each with buildings ranging from one to four stories high. Building mass has been reduced by placing the two detached two-story buildings at the rear of the property with a compatible setback from the adjacent residential development, consistent with General Plan Policy UD-5.10-Scale and Massing, which states *"We require that the scale and massing of development be compatible with its surroundings and with the General Plan, applicable specific plan and or area plan.";*
6. The City's Landscape Consultant approved a preliminary landscape plan for the project, that must be implemented during the construction phase as a condition of approval, consistent with General Plan Policy UD-5.19-Landscaping Plans, which states, *"We require that development projects subject to discretionary review submit and implement a landscaping and irrigation plan."*
7. The project repurposes the site from a residential use to a motel and restaurant. The existing three-story building will be converted from a residential use to a motel use, and will accommodate three lodging units. The project also consists of restoration and rehabilitation work on the existing building, fountain, stairs, and runnel, and terrace patio using documentary evidence, in compliance with the Secretary of the Interior's Standards, consistent with General Plan Policy HP-2.04-Adaptive Reuse, which states *"We encourage adaptive reuse of historic resources to preserve them and prevent architecturally inappropriate changes, disrepair and demolition."* The project is consistent with the Mello Act and Housing Accountability Act relating to the conversion of residential units to visitor serving accommodations as the existing units are not rent-protected or otherwise "protected units" under

California Government Code sections 66300.5 and 66300.6. The project is also not a housing project, and it is a "coastal-related" use. Therefore, replacement housing units are not required.

8. The project was analyzed against the Secretary of the Interior's Standards (Standards) for Rehabilitation, and it was determined that the proposed work is in line with the Standards, as demonstrated in the project's Historic Resources Technical Report, consistent with General Plan Policy HP-2.05-State and Federal Standards, which states "*We 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 listed historic resources or properties eligible for historic listing.*";
9. Within the project site, the existing building and the two detached buildings are separated and surrounded by pedestrian pathways, garden features, and patio amenities that promote pedestrian movement. The project also connects pedestrians, via stairways, with Avenida Victoria, a street with sidewalks and which has been identified as a bike route by the Bicycle and Pedestrian Master Plan, consistent with General Plan Policy M-2.50-Pedestrian Connectivity, which states, "*We require development projects and site plans to be designed to encourage pedestrian connectivity among buildings within a site, while linking buildings to the public bicycle and pedestrian network.*";
10. The project offers a public view deck at the north end of the property which will be accessible via a new stairway with access points from Pasadena Court and Avenida Victoria. Additionally, the project will also construct a sidewalk which connects Pasadena Court and Avenida Victoria, consistent with General Plan Policy BPR-6.04-Interconnected Neighborhoods, which states, "*Neighborhoods should be interconnected with safe, well-designed and maintained walking and biking trails, sidewalks, consistent with the City's Bicycle and Pedestrian Master Plan*"; and
11. The project was reviewed by the Cultural Heritage Subcommittee (CHSC) on two occasions. The review of the project by the CHSC resulted in reduced building mass, preservation of the respective public view corridor, and a simplified site design that is more sensitive to the historic open space and consists of more landscaping, making the project more compatible with adjacent development, consistent with General Plan Policy C-3.04-Development Review, which states, "*We review and require changes to development proposals, as needed, to minimize obstructions of designated significant public views and designated scenic view corridors, and to ensure public and private development projects in the Coastal Zone are of high-quality materials and designed to be attractive and aesthetically compatible with adjacent structures, site improvements, utilities and landscape features, as further described in the Urban Design Element.*"

- B. The proposed project complies with zoning regulations, in that:
1. The project requires 17 parking spaces, and the project provides 17 parking spaces on site and therefore is in compliance with parking requirements;
 2. The project remains below the height of the existing building;
 3. The proposed buildings and structures meet setbacks;
 4. The project proposes a FAR of .59, where 1.50 is the maximum; and
 5. The project proposes a lot coverage of 64% where 90% is the maximum
- C. The proposed development will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity, in that:
1. The project is proposed entirely within the property, with the exception of the existing minor encroachments of the historic home, and the public view pavement and stairs that slightly encroach into the public right-of-way which requires a Discretionary Encroachment Permit;
 2. All required parking for the project is provided on site;
 3. The trash enclosure is fully enclosed and serviced from Avenida Victoria;
 4. Pedestrian connectivity in the neighborhood is improved with the construction of a sidewalk that connects Avenida Victoria and Pasadena Court;
 5. Public access to the historic site is provided through the motel, restaurant, and public view deck;
 6. The proposed uses are compatible with the General Plan and Coastal Land Use Plan as visitor-serving uses;
 7. Per Condition of Approval No. 4.23, the applicant shall submit, and must obtain approval from the Public Works Director, City Planner, and Building Official, a Construction Management Plan which addresses shoring plans; slope movement and vibration monitoring, to include, but not limited to, inclinometers; and a drainage management system; and
 8. Per Condition of Approval No. 7.4, Signage within the garage shall be posted to address the following: the assignment of parking spaces – two for employees (tandem parking), 11 for motel guests (one per unit), and four for visitors; prohibit vehicles from backing out of the garage onto the street; and inform the public that the garage is for private parking for customers to on-site uses.

- D. The proposed project is in character and compatible with the properties in the neighborhood, in that:
1. The project consists of Spanish Colonial Revival architecture, landscaping, and site design, consistent with the architectural style that highlights the character of the City's early development as the "Spanish Village-by-the-Sea", which includes the Pier Bowl. Additionally, the project includes the preservation of the existing three-story building, and construction of two detached buildings at two stories high, on a property that faces a residential and commercial neighborhood, each with buildings ranging from one to four stories high. Building mass has been reduced by placing the two detached two-story buildings at the rear of the property, which helps maintain a pedestrian scale from both streets the project site fronts – Pasadena Court and Avenida Victoria; and
 2. The proposed motel and restaurant contribute to the mix of services within the Pier Bowl, including other restaurants and overnight accommodations, and supporting uses such as ice cream and retail shops.
- E. The proposed project is in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and City's Design Guidelines to substantially further the City's goals of historic preservation, in that:
1. The Historic Resources Technical Report for the project provided a thorough analysis on the Secretary of the Interior's Standards for Rehabilitation, and concluded that the project is consistent with standards 1-10;
 2. The Secretary of the Interior's Standards Compliance Review Memorandum dated July 17, 2024, supports the removal and reconstruction of the fountain, in order to expand the garage and provide all parking within the garage, and preserve the existing low stucco wall adjacent to Pasadena Court;
 3. The project consists of two detached buildings at the rear of the property that are lower in height than existing building, resulting in the development following the natural topography. The project is also sensitive to and preserves the respective ocean view identified in policy documents where the project has the possibility to have a negative impact on, consistent with Pier Bowl Design Guideline Section 302 – Grading. D-Scenic Views from Public View Corridors, which states, "*Building pads should be designed and sited in a manner that compliments the natural topography and does not interrupt the view of the ocean from public view corridors.*";
 4. The project follows basic principles of Spanish Colonial Revival outdoor spaces, or courtyards, that allow guests to enjoy the site and geographical setting. The site's original topography is reflected in the rehabilitation of the stairs, runnel, and fountain, along with the two new detached buildings with a lower building height than the existing building. Spaces throughout the common areas of the site offer inland views where the topography of the

site and vicinity is realized. The fountain remains as a focal point in the courtyard with the stairs and runnel providing a defined path to and from the fountain. The project facilitates enjoyment of the climate through the common, open and uncovered, areas, private patios and decks provided at lodging units, and the outdoor seating with an open wooden trellis. Additionally, ocean and pier views are seen throughout the site, consistent with Pier Bowl Design Guideline Section 303-2. Relation to Site, which states, *"the site design of the project should relate to the building size, bulk, and scale. How the building is placed on the site, street configurations, and pedestrian spaces should reflect the traditional form of the project's architecture. Many historic buildings, such as the Casa Romantica, have been situated to take advantage of the area's topography, climate, and views."*;

5. The project has two street frontages – Pasadena Court and Avenida Victoria. The primary entrance to the proposed development is from Avenida Victoria, limiting traffic in the residential area on Pasadena Court. All of the parking spaces for the development are off Avenida Victoria and in the ground level parking garage, partially screened by white stucco architecture, consistent with Pier Bowl Design Guideline Section 303-4. Parking and Service Areas, which states, *"parking and service areas can often diminish the pedestrian environment, so these areas should be screened from the primary streetscape where feasible."*;
6. The uses and functions of the proposed project are spread out throughout the site into separate buildings and spaces. The two-story detached buildings have articulation that help break up mass through the use of varied architectural elements such as different roof styles, a chimney, vertically oriented windows and doors, balconies, patios, wrought iron features, and outdoor light fixtures. Surrounding landscaping also further reduces apparent mass, consistent with Pier Bowl Design Guideline Section 305-C.2-Break-Up Mass into Smaller Units, which states, *"the building volume or mass should be broken up into smaller units to better relate to the physical scale of the Pier Bowl area. "Box-like" building forms are discouraged. The use of architectural features can serve to help break up unacceptable mass and bulk. One method of breaking up mass and to provide visual interest is to vary rooflines or provide a combination of gabled, hipped, and shed roofs. This can also be accomplished by using a combination of vertical and horizontal elements, e.g. pilasters, columns, exterior stairways, towers, etc."*;
7. The proposed development provides adequate spacing between buildings and structures, and avoids dark alleys or corridors. Additionally, the project proposes compliant and compatible setbacks to the property line, consistent with Pier Bowl Design Guideline 305-C.5-Increase Structure Spacing for Increased Height, which states, *"usable human scale spaces are encouraged between structures where narrow corridors are created. The space between structures should increase as the building height increases. Crowding or overwhelming neighboring buildings should be avoided."*;

8. The project demonstrates consistency with architectural guidelines outlined in the Henry Lenny Design Guidelines, related to, but not limited to, scale and mass, roofing, walls, architectural accessories, lighting, and landscape; and
 9. The project site's historical integrity includes the Spanish Colonial Revival architectural style seen on the existing building and other outdoor elements/structures. The proposed development is in line with the Spanish Colonial Revival architectural style. However, it is proposed in a manner that differs from the original building, and does not replicate the original building, through the application of modern elements such as the roof, stucco, windows, decorative tiles, and window and door openings. The two detached buildings are smaller in size, and lower in height than the existing building, which keeps the two detached buildings as secondary buildings. Additionally, another significant feature of the site's integrity is the fountain, stairs, and runnel. The development was purposely designed to accommodate the rehabilitation of the fountain, stairs, and runnel that will remain as a focal point in the common courtyard, consistent with Design Guideline IV.E.1., which states, "*new developments which are built on designated historic sites or additions to older buildings of substantial historic character should be respectful of the historic building or site. While not mimicking the older structure, the development should consider the compatibility of size, form, scale, materials, details, textures, colors, and landscape features.*";
- F. The proposed project preserves to the extent feasible the character defining features, in that:
1. The project repurposes the site from a residential use to a motel and restaurant. The existing three-story building will be converted from a residential use to a motel use, and will accommodate three lodging units. The project also consists of restoration and rehabilitation work on the existing building, fountain, stairs, and runnel, and terrace patio using documentary evidence, in compliance with the Secretary of the Interior's Standards.
- G. The proposed project complies with the purpose and intent of the Architectural Overlay District, in that:
1. The project consists of Spanish Colonial Revival architecture, landscaping, and site design, in line with the architectural style that highlights the character of the City's early development as the "Spanish Village-by-the-Sea", which includes the Pier Bowl;
 2. The project includes the preservation of the existing three-story building, and construction of two detached buildings at two stories high, on a property that faces a residential and commercial neighborhood, each with buildings ranging from one to four stories high. Building mass has been reduced by placing the two detached two-story buildings at the rear of the property, which helps maintain a pedestrian scale from both streets the project site fronts – Pasadena Court and Avenida Victoria;

3. The project includes the preservation of the existing three-story building, and construction of two detached buildings at two stories high, on a property that faces a residential and commercial neighborhood, each with buildings ranging from one to four stories high. Building mass has been reduced by placing the two detached two-story buildings at the rear of the property with a compatible setback from the adjacent residential development;
 4. Within the project site, the existing building and the two detached buildings are separated and surrounded by pedestrian pathways, garden features, and patio amenities that promote pedestrian movement. The project also connects pedestrians, via stairways, with Avenida Victoria, a street with sidewalks and which has been identified as a bike route by the Bicycle and Pedestrian Master Plan;
 5. The project follows basic principles of Spanish Colonial Revival outdoor spaces, or courtyards, that allow guests to enjoy the site and geographical setting. The site's original topography is reflected in the rehabilitation of the stairs, runnel, and fountain, along with the two new detached buildings with a lower building height than the existing building. Spaces throughout the common areas of the site offer inland views where the topography of the site and vicinity is realized. The fountain remains a focal point in the courtyard with the stairs and runnel providing a defined path to and from the fountain. The project facilitates enjoyment of the climate through the common, open and uncovered, areas, private patios and decks provided at lodging units, and the outdoor seating with an open wooden trellis. Additionally, ocean and pier views are seen throughout the site; and
 6. The project site's historical integrity includes the Spanish Colonial Revival architectural style seen on the existing building and other outdoor elements/structures. The proposed development is in line with the Spanish Colonial Revival architectural style. However, it is proposed in a manner that differs from the original building, and does not replicate the original building, through the application of modern elements such as the roof, stucco, windows, decorative tiles, and window and door openings. The two detached buildings are smaller in size, and lower in height than the existing building, which keeps the two detached buildings as secondary buildings. Additionally, another significant feature of the site's integrity is the fountain, stairs, and runnel. The development was purposely designed to accommodate the rehabilitation of the fountain, stairs, and runnel that will remain as a focal point in the common courtyard.
- H. The proposed project/use preserves and strengthens the pedestrian-orientation of the district and/or San Clemente's historic identity as a Spanish village, in that:
1. The project consists of Spanish Colonial Revival architecture, landscaping, and site design, in line with the architectural style that highlights the character

of the City's early development as the "Spanish Village-by-the-Sea", which includes the Pier Bowl;

2. The project includes the preservation of the existing three-story building, and construction of two detached buildings at two stories high, on a property that faces a residential and commercial neighborhood, each with buildings ranging from one to four stories high. Building mass has been reduced by placing the two detached two-story buildings at the rear of the property, which helps maintain a pedestrian scale from both streets the project site fronts – Pasadena Court and Avenida Victoria;
3. Within the project site, the existing building and the two detached buildings are separated and surrounded by pedestrian pathways, garden features, and patio amenities that promote pedestrian movement. The project also connects pedestrians, via stairways, with Avenida Victoria, a street with sidewalks and which has been identified as a bike route by the Bicycle and Pedestrian Master Plan; and
4. The project site's historical integrity includes the Spanish Colonial Revival architectural style seen on the existing building and other outdoor elements/structures. The proposed development is in line with the Spanish Colonial Revival architectural style. However, it is proposed in a manner that differs from the original building, and does not replicate the original building, through the application of modern elements such as the roof, stucco, windows, decorative tiles, and window and door openings. The two detached buildings are smaller in size, and lower in height than the existing building, which keeps the two detached buildings as secondary buildings. Additionally, another significant feature of the site's integrity is the fountain, stairs, and runnel. The development was purposely designed to accommodate the rehabilitation of the fountain, stairs, and runnel that will remain as a focal point in the common courtyard.

Section 4. Conditional Use Permit Findings

With respect to Conditional Use Permit (CUP) 23-085, the Planning Commission finds as follows:

- A. The proposed use is permitted within the subject zone pursuant to the approval of a Conditional Use Permit and complies with all applicable provisions of this title, the San Clemente General Plan and the purpose and intent of the zone in which the use is being proposed, in that:
 1. The project consists of Spanish Colonial Revival architecture, landscaping, and site design, in line with the architectural style that highlights the character of the City's early development as the "Spanish Village-by-the-Sea", which includes the Pier Bowl. Additionally, the project includes the preservation of the existing three-story building, and construction of two detached buildings at two stories high, on a property that faces a residential and commercial

neighborhood, each with buildings ranging from one to four stories high. Building mass has been reduced by placing the two detached two-story buildings at the rear of the property, which helps maintain a pedestrian scale from both streets the project site fronts – Pasadena Court and Avenida Victoria, consistent with General Plan Policy LU-2.01-Quality, which states *“We require that new development protect community character by providing architecture, landscaping and urban design of equal or greater quality than surrounding development, and by respecting the architectural character and scale of adjacent buildings”*;

2. The project has been designed and conditioned to reduce impacts on neighboring residential properties, by incorporating the following: 1) the required trash enclosure is proposed at the ground level of the existing building off Avenida Victoria to reduce negative noise and odor impacts; 2) all required parking is provided on site; 3) the main entrance to the project site is off Avenida Victoria, limiting traffic in the residential area on Pasadena Court; and 4) the two new detached buildings, rehabilitation of the fountain, stairs, and runnel, and rehabilitation of the terrace patio maintain an appropriate spatial relationship between project elements themselves and neighboring buildings which maintains adequate light exposure, consistent with General Plan Policy, LU-2.03-Neighborhood Compatibility, which states *“We require that commercial projects abutting residential neighborhoods be designed and operated to protect residents from the effects of noise, light, odors, vibration, traffic, parking and other operational impacts.”*
3. The project is sensitive to and preserves the respective ocean view identified in policy documents where the project has the possibility to have a negative impact on, consistent with General Plan Policy LU-12.01-Views/Scenic Corridors, which states *“We preserve public view corridors consistent with the Urban Design Element. Ocean views are among the most valued assets in the Pier Bowl and Pier area. New development should take advantage of, and not detract from, these important view corridors.”*
4. The project consists of visitor-serving uses such as a motel and public restaurant, designed to offer visitors opportunities for enjoyment of the historical site and other nearby coastal resources, such as the ocean and pier, consistent with General Plan Policy LU-12.02- Infill Development, which states *“We accommodate development that is compatible with coastal-oriented and community-serving commercial uses (including overnight accommodations), mixed residential and commercial uses, residential uses, and public recreational uses whose function or scale are compatible with the area’s recreational character.”*;
5. The project includes the preservation of the existing three-story building, and construction of two detached buildings at two stories high, on a property that faces a residential and commercial neighborhood, each with buildings ranging from one to four stories high. Building mass has been reduced by placing the two detached two-story buildings at the rear of the property with

a compatible setback from the adjacent residential development, consistent with General Plan Policy UD-5.10-Scale and Massing, which states *"We require that the scale and massing of development be compatible with its surroundings and with the General Plan, applicable specific plan and or area plan."*;

6. The City's Landscape Consultant approved a preliminary landscape plan for the project, that must be implemented during the construction phase as a condition of approval, consistent with General Plan Policy UD-5.19-Landscaping Plans, which states, *"We require that development projects subject to discretionary review submit and implement a landscaping and irrigation plan."*
7. The project repurposes the site from a residential use to a motel and restaurant. The existing three-story building will be converted from a residential use to a motel use, and will accommodate three lodging units. The project also consists of restoration and rehabilitation work on the existing building, fountain, stairs, and runnel, and terrace patio using documentary evidence, in compliance with the Secretary of the Interior's Standards, consistent with General Plan Policy HP-2.04-Adaptive Reuse, which states *"We encourage adaptive reuse of historic resources to preserve them and prevent architecturally inappropriate changes, disrepair and demolition."* The project is consistent with the Mello Act and Housing Accountability Act relating to the conversion of residential units to visitor serving accommodations as the existing units are not rent-protected or otherwise "protected units" under California Government Code sections 66300.5 and 66300.6. The project is also not a housing project, and it is a "coastal-related" use. Therefore, replacement housing units are not required.
8. The project was analyzed against the Secretary of the Interior's Standards (Standards) for Rehabilitation, and it was determined that the proposed work is in line with the Standards, as demonstrated in the project's Historic Resources Technical Report, consistent with General Plan Policy HP-2.05-State and Federal Standards, which states *"We 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 listed historic resources or properties eligible for historic listing."*;
9. Within the project site, the existing building and the two detached buildings are separated and surrounded by pedestrian pathways, garden features, and patio amenities that promote pedestrian movement. The project also connects pedestrians, via stairways, with Avenida Victoria, a street with sidewalks and which has been identified as a bike route by the Bicycle and Pedestrian Master Plan, consistent with General Plan Policy M-2.50-Pedestrian Connectivity, which states, *"We require development projects and site plans to be designed to encourage pedestrian connectivity among buildings within a site, while linking buildings to the public bicycle and pedestrian network."*;

10. The project offers a public view deck at the north end of the property which will be accessible via a new stairway with access points from Pasadena Court and Avenida Victoria. Additionally, the project will also construct a sidewalk which connects Pasadena Court and Avenida Victoria, consistent with General Plan Policy BPR-6.04-Interconnected Neighborhoods, which states, *"Neighborhoods should be interconnected with safe, well-designed and maintained walking and biking trails, sidewalks, consistent with the City's Bicycle and Pedestrian Master Plan"*; and
11. The project was reviewed by the Cultural Heritage Subcommittee (CHSC) on two occasions. The review of the project by the CHSC resulted in reduced building mass, preservation of the respective public view corridor, and a simplified site design that is more sensitive to the historic open space and consists of more landscaping, making the project more compatible with adjacent development, consistent with General Plan Policy C-3.04-Development Review, which states, *"We review and require changes to development proposals, as needed, to minimize obstructions of designated significant public views and designated scenic view corridors, and to ensure public and private development projects in the Coastal Zone are of high-quality materials and designed to be attractive and aesthetically compatible with adjacent structures, site improvements, utilities and landscape features, as further described in the Urban Design Element."*

B. The site is suitable for the type and intensity of use that is proposed, in that:

1. The project requires 17 parking spaces, and the project provides 17 parking spaces on site and therefore is in compliance with parking requirements;
2. The project remains below the height of the existing building;
3. The proposed buildings and structures meet setbacks;
4. The project proposes a FAR of .59, where 1.50 is the maximum;
5. The project proposes a lot coverage of 64% where 90% is the maximum;
6. The project is proposed entirely within the property, with the exception of the existing minor encroachments of the historic home, and the public view pavement and stairs that slightly encroach into the public right-of-way which requires a Discretionary Encroachment Permit;
7. All required parking for the project is provided on site; and
8. The trash enclosure is fully enclosed and serviced from Avenida Victoria.

C. The proposed use will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity, in that:

1. The project is proposed entirely within the property, with the exception of the existing minor encroachments of the historic home, and the public view pavement and stairs that slightly encroach into the public right-of-way which requires a Discretionary Encroachment Permit;
2. All required parking for the project is provided on site;
3. The trash enclosure is fully enclosed and serviced from Avenida Victoria;
4. Pedestrian connectivity in the neighborhood is improved with the construction of a sidewalk that connects Avenida Victoria and Pasadena Court;
5. Public access to the historic site is provided through the motel, restaurant, and public view deck;
6. The proposed uses are compatible with the General Plan and Coastal Land Use Plan as visitor-serving uses;
7. Per Condition of Approval (CoA) No. 7.8, all special events, such as, but not limited to, weddings and banquets, are not permitted under Conditional Use Permit 23-085. Special events on the subject site shall be limited to no more than 12 annually, and shall require approval of a Temporary Use Permit (TUP), with the special conditions of approval noted in CoA No. 7.8.; and
8. Per Condition of Approval No. 7.4, Signage within the garage shall be posted to address the following: the assignment of parking spaces – two for employees (tandem parking), 11 for motel guests (one per unit), and four for visitors; prohibit vehicles from backing out of the garage onto the street; and inform the public that the garage is for private parking for customers to on-site uses.

D. The proposed use will not negatively impact surrounding land uses, in that:

1. The project consists of Spanish Colonial Revival architecture, landscaping, and site design, consistent with the architectural style that highlights the character of the City's early development as the "Spanish Village-by-the-Sea", which includes the Pier Bowl. Additionally, the project includes the preservation of the existing three-story building, and construction of two detached buildings at two stories high, on a property that faces a residential and commercial neighborhood, each with buildings ranging from one to four stories high. Building mass has been reduced by placing the two detached two-story buildings at the rear of the property, which helps maintain a pedestrian scale from both streets the project site fronts – Pasadena Court and Avenida Victoria; and


2. The proposed motel and restaurant contribute to the mix of services within the Pier Bowl, including other restaurants and overnight accommodations, and supporting uses such as ice cream and retail shops.
 3. The project is proposed entirely within the property, with the exception of the existing minor encroachments of the historic home, and the public view pavement and stairs that slightly encroach into the public right-of-way which requires a Discretionary Encroachment Permit;
 4. All required parking for the project is provided on site;
 5. The trash enclosure is fully enclosed and serviced from Avenida Victoria;
 6. Pedestrian connectivity in the neighborhood is improved with the construction of a sidewalk that connects Avenida Victoria and Pasadena Court;
 7. Public access to the historic site is provided through the motel, restaurant, and public view deck;
 8. The proposed uses are compatible with the General Plan and Coastal Land Use Plan as visitor-serving uses;
 9. Per Condition of Approval (CoA) No. 7.8, all special events, such as, but not limited to, weddings and banquets, are not permitted under Conditional Use Permit 23-085. Special events on the subject site shall be limited to no more than 12 annually, and shall require approval of a Temporary Use Permit (TUP), with the special conditions of approval noted in CoA No. 7.8; and
 10. Per Condition of Approval No. 7.4, Signage within the garage shall be posted to address the following: the assignment of parking spaces – two for employees (tandem parking), 11 for motel guests (one per unit), and four for visitors; prohibit vehicles from backing out of the garage onto the street; and inform the public that the garage is for private parking for customers to on-site uses.
- E. Current market conditions make it reasonably necessary to allow the proposed use in the historic structure, in that:
1. Staff supports the economic analysis provided by the applicant which concludes that the current permitted uses are not economically feasible, and that the proposed use is economically feasible and provides an adequate budget capacity for the rehabilitation and continued preservation of the historic building, including other significant features such as the fountain and runnel with flanking stairs.

Section 5. Planning Commission Approval

Based on the foregoing recitals and findings, and the written and oral comments,

facts, and evidence presented, the City of San Clemente Planning Commission approves Cultural Heritage Permit 23-084/ Conditional Use Permit 23-085/ Discretionary Encroachment Permit 24-108, Sea Cliff Boutique Motel and Restaurant, subject to the Conditions of Approval set forth in Exhibit A, which is fully incorporated herein.

PASSED AND ADOPTED at a regular meeting of the City of San Clemente Planning Commission on July 24, 2024.



Cameron Cosgrove, Chair

CERTIFICATION:

I HEREBY CERTIFY this Resolution was adopted at a regular meeting of the City of San Clemente Planning Commission on July 24, 2024, carried by the following roll call vote:

AYES: COMMISSIONERS: Prescott-Loeffler, McKhann, Camp, Cosgrove, Crandell

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS: Davis, McCaughan



Jonathan Lightfoot, Secretary of the Planning Commission

CONDITIONS OF APPROVAL
SEA CLIFF BOUTIQUE MOTEL AND RESTAURANT
CULTURAL HERITAGE PERMIT 23-084/ CONDITIONAL USE PERMIT 23-085/
DISCRETIONARY ENCROACHMENT PERMIT 24-108

1.0 GENERAL CONDITIONS OF APPROVAL

- | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 1.1 | Within 30 days of receipt of the signed conditions of approval, the applicant shall submit to the City Planner a signed acknowledgement concurring with all conditions of approval on a form to be provided by the City, unless an extension is granted by the City Planner. | Planning |
| 1.2 | The applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of San Clemente and its officers, employees, and agents from and against any claim, action, proceeding, fines, damages, expenses, and attorneys' fees, against the City, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City concerning this project, including but not limited to any approval or condition of approval of the City Council, Planning Commission, or City Planner, Zoning Administrator, or City employees or environmental finding. Applicant shall pay all costs upon request by the City. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter at the applicant's expense. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter at the applicant's cost. If the applicant fails to so defend the matter, the City shall have the right, at its own option, to do so and, if it does, the applicant shall promptly pay the City's full cost of the defense. | Planning |
| 1.3 | Use and development of this property shall be in substantial conformance with the approved plans, material boards and other applicable information submitted with this application, and with these conditions of approval. Any modifications to the project shall be reviewed by the City Planner in accordance with Zoning Ordinance Section 17.12.180. | Planning |
| 1.4 | The applicant shall comply with all applicable current and future provisions of the San Clemente Municipal Code, adopted ordinances, and state laws. | All |
| 1.5 | Use of the subject property shall conform to all occupancy requirements, including posting of signs related to the maximum occupancy limitations. | Code
Comp |

1.6 Cultural Heritage Permit 23-084/Conditional Use Permit 23-085/Discretionary Encroachment Permit 24-108 shall be deemed to have expired if within three years of approval the project is not commenced, or the project permitted by the approved application has lapsed, as defined by Zoning Ordinance Section 17.12.150. Planning

1.7 Within five business days of project approval, the applicant shall submit to the Planning Division a check made payable to the Orange County Clerk-Recorder in the amount of \$50 for filing the CEQA Notice. Planning

3.0 PRIOR TO ISSUANCE OF GRADING PERMITS

3.1 The working drawings shall include within the first four pages a list of all conditions of approval included in this resolution. Planning

3.2 The City Engineer shall determine that development of the site shall conform to general recommendations presented in the geotechnical studies, including specifications for site preparation, landslide treatment, treatment of cut and fill, slope stability, soils engineering, and surface and subsurface drainage, and recommendations for further study. (SCMC Chapter 15.36) Public Works

3.5 The applicant shall submit, and must obtain approval from the City Engineer, a precise grading plan as required by the City Grading Manual and Ordinance. (SCMC Chapter 15.36) Public Works

Addressing and Street Names

3.8 The applicant shall submit, and must obtain approval from the City Planner, a plan depicting all street names and addresses for all of the buildings and facilities within the project. Planning
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Financial Security

3.9 The applicant shall provide separate improvement surety, bonds, or irrevocable letters of credit, as determined by the City Engineer, for 100% of each estimated improvement cost, as prepared by a registered civil engineer as approved by City Engineer, for the following applicable items: grading improvements; frontage improvements; sidewalks; sewer lines; water lines; onsite storm drains; and erosion control. In addition, the owner shall provide separate labor and material surety for 100% of the above estimated improvement costs, as determined by the City Engineer or designee. (SCMC Chapter 15.36) Public Works

Improvements

- 3.10 The applicant shall submit, and must obtain approval from the City Engineer, frontage improvement plans. The applicant shall be responsible for the construction of all required frontage improvements as approved by the City Engineer including but not limited to the following:
- Public Works
- A. Sidewalk, including construction of compliant sidewalk around drive approach or other obstructions to meet current City standards (2% cross fall) when adequate right-of-way exists. The street right-of-way along the Pasadena Court property frontage varies greatly, therefore a sidewalk easement is anticipated to be required to be granted to the City in order to obtain a 4-foot-wide sidewalk around the existing utilities. Said sidewalk easement shall be submitted to, and approved by, the City Engineer.
 - B. Compliant concrete curb and gutter shall be constructed where deemed necessary by the City Engineer (SCMC Chapter 15.36 and Sections 12.08.010, and 12.24.050)

Noise

- 3.11 The applicant shall demonstrate to the satisfaction of the City Engineer that the following standards shall be satisfied:
- Public Works
- A. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with operating and maintained mufflers.
 - B. All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
 - C. Stockpiling and/or vehicle-storage areas shall be located as far as practicable and out of view from dwellings.
- The City of San Clemente Noise Ordinance, limiting the hours of construction to between 7:00 a.m. and 6:00 p.m., shall be enforced. (SCMC Chapter 15.36)

National Pollutant Discharge Elimination System

- 3.12 The applicant shall demonstrate to the satisfaction of the City Engineer or designee that the project meets all requirements of the San Diego Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Permit, and Federal, State, County and City guidelines and regulations, in order to control pollutant run-off. (SCMC Chapter 13.40)
- Public Works

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| 3.13 The applicant shall demonstrate to the City Engineer that the required NPDES permits have been obtained. (SCMC Chapter 13.40) | Public Works |
| 3.14 The applicant shall submit, and must obtain approval from the City Engineer, a project binder containing the following documents:
A. If the project is greater than 1 acre, a Notice of Intent (NOI) for coverage under the General Construction Storm Water Permit must be filed with the State Water Resources Control Board (refer to https://www.waterboards.ca.gov/water_issues/programs/storm_water/construction.html) and a copy of the NOI, a WDID number and a copy of the Storm Water Pollution Prevention Plan (SWPPP) must be filed with the City;
B. If the site is determined to be a "Priority Project" (as defined by the San Diego Regional Water Quality Control Board Municipal Separate Storm Sewer Systems Permit – refer to the following web address at https://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/), a final Water Quality Management Plan (WQMP) must be recorded with the Orange County Recorder's Office and filed with the City; and
C. If a site is determined to be a "Non-Priority Project," a final Non-Priority Project Checklist must be filed with the City.
(SCMC Chapter 15.36) | Public Works |
| 3.15 Unless approved otherwise by the City Engineer, the developer shall provide evidence of consent from any easement holders for development within easement areas. (SCMC Chapter 15.36) | Public Works
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| 3.16 The developer shall acknowledge in writing that the development is subject to all State water quality and storm drain discharge permit regulations. This may include, but is not limited to, elimination of discharges such as subdrain and other non-storm related discharge. Project designs revisions may be required for compliance with such applicable regulations. (SCMC Chapter 15.36) | Public Works
** |
| 3.17 Unless approved otherwise by the City Engineer, the developer shall be responsible for raising all utilities to match finish grade where necessary in order to construct new full height curb and gutter along the frontage(s). The curb height along Pasadena Court shall be reconstructed to a maximum height of six inches. | Public Works
** |
| 3.18 Prior to permit issuance, the project shall submit for an Administrative Encroachment Permit/Agreement to the satisfaction of the City Engineer for private encroachments into the public right of way, including but not limited to, the existing elements of the | Public Works
** |

historic building that appear to slightly cross over the property line. All cost associated with processing the Administrative Encroachment Permit/Agreement shall be paid by the project owner. The Permit/Agreement shall be recorded prior to the final inspection and/or Certificate of Occupancy. (SCMC Chapter 12.20)

- 3.19 Prior to permit issuance, the project shall submit for a Public Access Easement/Agreement to the satisfaction of the City Attorney for the public's use of the viewing deck area, pathway, and stairs located near the street intersection of Pasadena Court and Avenida Victoria. Unless, approved otherwise by the City Attorney and City Engineer, the property owner shall be responsible for all maintenance and cost of such improvements. All cost associated with processing the Public Access Easement/Agreement shall be paid by the project owner. The Easement/Agreement shall be recorded prior to the final inspection and/or Certificate of Occupancy. (SCMC Chapter 12.20) Public Works
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- 3.20 The applicant/owner shall install a trench drain adjacent to the retaining wall along Avenida Victoria north of the historic residence garages for the purpose of conveying water from existing subdrains to the street and shall also replace any displaced parking meters along Avenida Victoria at their own expense and to the standards and satisfaction of the City Engineer. Public Works
Planning
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- 4.0 PRIOR TO ISSUANCE OF BUILDING PERMITS**
- 4.1 The working drawings shall include within the first four pages a list of all conditions of approval included in this resolution. Planning
- Coastal Commission Approval**
- 4.4 The applicant shall demonstrate to the City Planner that the project has secured approval from the California Coastal Commission. Planning
- Landscape Plans**
- 4.5 The applicant shall submit, and must obtain approval from the City's Consulting Landscape Architect, a detailed landscape and irrigation plan incorporating drought tolerant plants, prepared by a registered landscape architect, and in compliance with all pertinent requirements. The landscape plan shall (SCMC Section 17.68.020) Planning
- Noise**
- 4.6 Prior to the issuance of building permits for each structure or tenant improvement, other than a parking structure, the applicant shall Planning

submit, and must obtain approval from the City Planner, a final acoustical report. The report shall demonstrate that the development will be sound attenuated against present and projected noise levels including stationary, roadway, aircraft, helicopter, and railroad noise to meet City interior and exterior noise standards. The report shall be accompanied by a list identifying the sheet(s) of the building plans that include required sound attenuation measures.

Utilities

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| 4.10 | If the project pertains to a Food Service Establishment (FSE), the applicant shall submit, and must obtain approval from the Utilities Director, plans depicting the Fats, Oils, and Greases (FOG) controls, with the plans and design approved by the Orange County Health Care Agency. | Utilities |
| 4.11 | The applicant shall submit, and must obtain approval from the City Engineer, plans depicting the installation of an approved double-detector check backflow assembly on any/all fire lines above ground and as near to the point of connection to the potable water system as practical, given functional and aesthetic considerations. An isolation valve shall be installed on any/all fire lines at the point of connection to the water main. (SCMC Section 13.04.350) | Public Works |
| 4.12 | The applicant shall submit, and must obtain approval from the City Engineer, plans depicting the installation of an approved reduced pressure principal backflow assembly on any/all potable water systems, and any/all irrigation systems, above ground, directly after each water meter as practical, and at a minimum height of 12" from the bottom of each assembly to ground level. (SCMC Section 13.04.350) | Public Works |
| 4.13 | The project applicant shall identify and implement protective measures for the historic building prior to construction. Consistent with National Park Service guidance for protecting historical resources during nearby construction, these measures include: | Planning
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| | <ul style="list-style-type: none">• Thorough documentation of existing conditions, including, at a minimum, photographs of each elevation and detailed photographs of cracks, settling, or other fragile areas keyed to an elevation plan.• Installing vibration monitors prior to demolition and construction to measure vibrations and ensure it remains at acceptable levels. Stop construction in the immediate vicinity if vibration levels exceed acceptable levels and change the construction method, as necessary, to minimize damage to the building.• Installing crack monitors over any visible cracks. Stop | |

construction if visible cracks increase in size during construction. Assess the source of damage to the building and change the construction method, as necessary, to minimize damage to the exterior of the building.

- Installing high-visibility barrier fencing or marking flags around historic features and fabric to be protected in place.
- Consulting with a structural engineer to ensure the building is properly supported during construction and stabilization of the terraced site, such as with temporary shoring.

4.14 The project applicant should identify and implement a temporary removal and reinstallation plan for the runnel and fountain that clearly identifies:

Planning
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- The features to be temporarily removed and reinstalled.
- The proposed methods of documenting, disassembling, and transporting to storage location.
- The proposed storage location for the temporarily removed features.
- The proposed methods of reinstalling the features in their original locations.

4.15 The project applicant should prepare a Construction Monitoring Plan that identifies specific milestones at which an architectural historian or historic architect meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61) with 5 years of demonstrated experience conducting construction monitoring would visit the site and observe and document the condition of the historical resource. The construction monitoring would ensure that inadvertent damage to historic features is avoided or minimized and that the work is carried out as proposed. The qualified preservation professional conducting the monitoring could provide preservation treatment consultation to address any unanticipated issues that may arise and ensure that the project is completed in conformance with the Standards. Construction monitoring milestones may include:

Planning
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- Pre-Construction
- Post-Demolition of accessory features to be removed
- During Construction (50% and 90%)
- After Construction

4.16 An architectural historian or historic architect meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61) with 5 years of demonstrated experience should review the project plans at design progress milestones to ensure that any potential revisions to the project as proposed continue to comply with the Standards. Project plan review milestones may

Planning
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include:

- 50% completion
- 90% completion
- 100% completion

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| 4.17 | If character-defining features proposed to be retained and repaired are discovered to be deteriorated beyond repair, or are inadvertently damaged during construction, the applicant must notify the City and discuss replacement options, which should be in-kind using existing features as documentary evidence. | Planning
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| 4.18 | Should chemical or physical treatments become necessary, they should be undertaken using the gentlest means possible. The gentlest means possible should be determined using test patches in inconspicuous areas. No treatments that cause damage to historic materials should be used. | Planning
** |
| 4.19 | If any archeological resources are discovered during construction, work should be stopped, and the City should be notified. A qualified archeologist should investigate the situation and determine the best means for protection and preservation before construction continues. | Planning
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| 4.20 | The applicant shall pay any outstanding balance for City reviews, such as the WQMP review, and any other deposit account expenses related to this project. | Planning
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| 4.21 | Corner guards shall be added on construction plans around the garage openings used for the trash enclosure. | CR&R
Planning
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| 4.22 | The applicant shall submit, and must obtain approval from the City Planner and Building Official, a photometric plan confirming compliance with the Lighting Ordinance and Building Code lighting requirements, to prevent light spillage unto the public right-of-way. The photometric plan shall be completed for the outdoor spaces of the project, and the garage. | Planning
Commission
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| 4.23 | The applicant shall submit, and must obtain approval from the Public Works Director, City Planner, and Building Official, a Construction Management Plan which addresses the following: | Planning
Commission
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| | <ul style="list-style-type: none">• Shoring plans;• Slope movement and vibration monitoring, to include, but not limited to, inclinometers;• Drainage management system | |

5.0 PRIOR TO FINAL INSPECTION

Engineering

5.1 Prior to acceptance of improvements by the City Engineer, the owner shall submit "as-built" plans prepared by a registered civil engineer for streets, traffic signals, street lights, sewer, water, storm drains, street signs, striping, traffic markings, painted curbs and all other required improvements. (SCMC Chapter 16.28) Public Works

5.4 The applicant shall demonstrate to the satisfaction of the City Engineer and City Maintenance Manager that all street improvements have been completed and accepted and that any damage to new or existing street right-of-way during construction has been repaired/replaced. (SCMC Title 12) Public Works

Landscaping

5.5 The applicant shall submit, and must obtain approval from the City Planner, a letter from a registered landscape architect confirming that landscaping and irrigation have been installed in accordance with the approved plans. Planning

Lighting

5.7 The applicant shall submit, and must obtain approval from the City Planner, a letter from the preparer of the lighting plans confirming that all lighting has been installed in accordance with the approved plans, and that the lighting conforms to all standards set forth in the Municipal Code. Planning

Surveys

5.8 Prior to approval to pour foundations, the applicant shall submit, and must obtain approvals from the City Planner and Building Official, a survey prepared by a registered civil engineer that is licensed to do surveying or a land surveyor confirming that the building foundations conform to the required setbacks as set forth on the approved plans. Planning Building

5.9 Prior to approval of the framing inspection, the applicant shall submit, and must obtain approvals from the City Planner and Building Official, a survey prepared by a registered civil engineer that is licensed to do surveying or a land surveyor confirming that the height of all structures conforms to the dimensions set forth on the approved plans. Planning Building

Architecture

- 5.10 All exterior details and materials shall be approved by the Planning Division prior to installation. Planning
- 5.11 Two-piece clay tile roofing shall be used with booster tiles on the edges and ridges and random mortar packing. The mortar shall be packed on 100 percent of the tiles in the first two rows of tiles and along any rake and ridgeline, and shall be packed on 25 percent of the tiles on the remaining field. Mortar packing shall serve as bird stops at the roof edges. The volume of mortar pack to achieve the appropriate thickness shall be equivalent to a 6-inch diameter sphere of mortar applied to each tile. Planning
- 5.12 Stucco walls shall consist of 'steel, hand trowel' (no machine application), smooth Mission finish and slight undulations (applied during brown coat) and bull-nosed corners and edges, including archways (applied during lathe), with no control/expansion joints. Planning
- 5.13 Prior to final inspection and/or Certificate of Occupancy, the parcels shall be formally merged or approved for a Lot Line Adjustment to the satisfaction of the City Building Official, City Planner, and City Engineer. Public Works
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- 5.14 5.14: The applicant/owner shall install signage in location(s) approved by the City that includes the following: (1) that there shall be public access to the viewing deck daily from 6:00 a.m. to 10:00 p.m. and to the restaurant patio during operating hours; (2) contact information for the owner's representative responsible for maintaining the access area and to whom complaints can be directed; and (3) that misuse of the area is enforceable by the Orange County Sheriff's Department and the City and subject to citation. The owner shall obtain written approval of the design, verbiage and location(s) of the signage from the City prior to installation. The owner shall execute such other and further documentation as may be required by the Orange County Sheriff's Department or the City to allow enforcement with respect to misuse use of the area, including but not limited to under San Clemente Municipal Code Titles 8, 9, and 17. Planning
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- 6.0 PRIOR TO RELEASE OF FINANCIAL SECURITY**
- 6.1 All catch basins and/or storm drain inlets shall be stenciled/marked on either the top of the curb or the curb face adjacent to the inlet "NO DUMPING - DRAINS TO OCEAN." All catch basins shall have filter basket inserts that capture litter and debris down to 5 mm in size. (SCMC Chapter 13.34) Utilities

6.7 The waste debris enclosure shall be of appropriate size to accommodate bins for recyclable materials, organic waste (food and landscape trimmings) and trash. For residential projects, all waste bins must be substantially hidden from view from any public street or alley. (SCMC Chapter 8.28) Utilities

6.8 All water and sewer systems, e.g. pump stations, generators, reservoirs, PRV's, etc., shall be fully tested, in the presence of a representative of the Utilities Department, to verify system performance in accordance with design specifications. (SCMC Section 13.24.120) Utilities

6.9 The applicant shall submit, and must obtain approvals from the City Engineer and City Planner, an agreement which designates responsibility for maintenance and irrigation of parkway trees, shrubs and ground cover within the public right-of-way. The City or designee shall be responsible for maintaining all medians within the public right-of-way, and shall prune and keep disease-free all parkway trees within the public right-of-way. The owner or designee, or the homeowners' association or designee, shall be responsible for watering all parkway trees, shrubs and ground cover within the public right-of-way, and shall trim and otherwise maintain parkway shrubs and ground cover. (Section 12.24 of the SCMC) Public Works Planning

7.0 OPERATIONAL CONDITIONS OF APPROVAL

Business License

7.1 A City Discharge Permit must be obtained prior to issuance of a business license or any discharge to the City sanitary sewer system. (SCMC Chapter 13.24) Utilities

7.2 If the project pertains to commercial, industrial or manufacturing use that may discharge high-strength commercial sewage to the City sanitary sewage system, between five hundred one (501) and nine hundred (900) milligrams of BOD per liter, the applicant shall submit, and must obtain approval from the Utilities Manager, plans that have been approved by the South Orange County Wastewater Authority (SOCWA) Pretreatment Inspector. Upon approval of design a City Discharge Permit must be obtained prior to issuance of a business license or any discharge to the City sanitary sewer system. (SCMC Chapter 13.24) Utilities

Storm Drain Markers

7.3 The storm drain markers required pursuant to Condition 6.1 shall Public

- be maintained in good condition by the applicant. Works
- 7.4 Signage within the garage shall be posted to address the following: Planning
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- The assignment of parking spaces – two for employees (tandem parking), 11 for motel guests (one per unit), and four for visitors.
 - Prohibit vehicles from backing out of the garage onto the street.
 - Inform the public that the garage is for private parking for customers to on-site uses.
- 7.5 At a minimum, public access to the public view deck on the northeast end of the property shall be maintained from 6:00 a.m. to 10:00 p.m. Planning
**
- 7.6 The Applicant (including any property owners and managers, and their designees) shall ensure that discharge of washwater and other pollutants are prohibited from entering the storm drain system. Applicant must prevent pollutants (e.g. sediment, trash, food waste etc.) and any washwater used during cleanup from entering the storm drain system. (SCMC Chapter 15.36) Public
Works
- 7.7 A garage door or gate shall be required at the entry to the subterranean garage and shall be open from 7 am – 10 pm. Hours may be modified by the City Planner, in concurrence with the City Engineer. Public
Works
**
- 7.8 Amplified sound and special events, such as, but not limited to, weddings and banquets, are not permitted under Conditional Use Permit 23-085. Special events on the subject site shall be limited to no more than 12 annually, and shall require approval of a Temporary Use Permit (TUP), with the following special conditions of approval: Planning
Commission
**
- Provide notice of the approved TUP to neighbors within 300 feet from the property, two weeks in advance of the scheduled event. The notice shall provide a point of contact to address issues raised during events;
 - The total guest count for special events shall be limited to 100 guests, or the patio area occupancy limit, whichever is more restrictive;
 - Amplified sound and live entertainment shall be limited to no more than two hours per event, and the hours of 9:00 a.m. through 10:00 p.m.
 - Any lighting equipment shall be reviewed by the City Planner, or designee, for compliance with lighting standards.

7.9 The property shall be readdressed to Avenida Victoria. The applicant shall submit an address exhibit to the Planning Division demonstrating information such as, but not limited to:

Planning
**

- A title block with the property's address and APN
- Property lines
- Street and sidewalk
- Entrances to the site
- Entrances to each building
- Walkways and driveways

7.10 Commercial deliveries shall be taken from the driveway or garage along the Avenida Victoria frontage.

Planning
Commission
**

7.11 The pool and spa shall close at 10:00 p.m. daily.

Planning
Commission
**

* Denotes a modified Standard Condition of Approval

** Denotes a project-specific Condition of Approval

Please complete this form and return it to:
City of San Clemente
Planning Division
910 Calle Negocio, Suite 100
San Clemente, CA 92673

APPLICANT CONSENT TO CONDITIONS OF APPROVAL

RE: Project Number: CHP23-084/CUP23-085
Project Name: Sea Cliff Boutique Motel and
Restaurant
Project Address 402 PASADENA CT

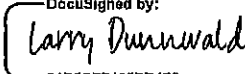
To the City of San Clemente Planning Division:

In reference to the following standard condition of approval:

Prior to issuance of building permits/final map approval/start of use/construction that does not require a building permit, the owner or designee shall submit written consent to all of these imposed conditions to the Community Development Director or designee. The owner or designee understands that the resolution will be of no force or effect, nor shall permits be issued, unless such written consent is submitted to the City.

I, Larry Dunnwald (owner/designee)
of 402- 404 Pasadena Court, San Clemente CA 92672 (address)

hereby agree to the imposed conditions set forth by the above referenced resolution.

DocuSigned by:

61B5CFB105BB472...

Signature

7/30/2024

Date