



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: November 20, 2013

PLANNER: Cliff Jones, Associate Planner

SUBJECT: Conditional Use Permit 13-177, Cultural Heritage Permit 13-178, Nomad's Surf Lodge, a request to consider a hotel use and exterior changes to the building located at 101 Avenida Serra. The project is located within the Mixed Use Zoning District, and within the Architectural Overlay (MU3-A).

REQUIRED FINDINGS

To approve the proposed project, the following findings must be made. The draft Resolution, provided as Attachment 1, and analysis section of this report provide an assessment of the project's compliance with these findings.

Cultural Heritage Permit, Section 17.16.100: to allow a minor remodel within the Architectural Overlay.

- a. The architectural treatment of the project complies with the San Clemente General Plan.
- b. The architectural treatment of the project complies with any applicable specific plan and this title in areas including, but not limited to, height, setback color, etc.
- c. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines.
- d. The general appearance of the proposal is in keeping with the character of the neighborhood.
- e. The proposal is not detrimental to the orderly and harmonious development of the City.
- f. For new structures and remodels in the Architectural Overlay District, one of the following findings shall be made:
 - i. The proposed project/use preserves and strengthens the pedestrian-orientation of the district and/or San Clemente's historic identity as a Spanish village; or
 - ii. The proposed project/use is a minor remodel and it is not practical or desirable, in this particular case, to attempt conversion to a pedestrian-orientation and/or Spanish Colonial Revival style. The proposed changes, however, improve the quality and architectural integrity of the proposed project.
- g. For projects reviewed because they are in the Architectural Overlay District, the following finding shall be made: the proposed project complies with the purpose and intent of the Architectural Overlay District.

Conditional Use Permit, Section 17.16.060: to allow a hotel use in the Mixed Use Zone.

- a. The proposed use is permitted within the subject zone pursuant to the approval of a Conditional Use Permit and complies with all the 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.
- b. The site is suitable for the type and intensity of use that is proposed.
- 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.
- d. The proposed use will not negatively impact surrounding land uses.

BACKGROUND

The applicant proposes interior and exterior improvements to convert the vacant 3,368 square foot tenant space to a six-unit hotel. The space was previously utilized for medical office as a substance abuse treatment facility from 1995 to 2010. The space has remained vacant for the past three years.

Project Description

The site is 8,000 square feet with a 7,200 square foot building located at 101 Avenida Serra in the Mixed Use Zone, MU3-A. The property slopes up from Avenida Serra towards the back of the property. The building is two-story and is simple architectural form typical of buildings built in the 1950's. Nomad's Canteen restaurant operates on the upper floor, accessed Avenida Cabrillo, and the hotel use is proposed on the lower floor, accessed from Avenida Serra. The proposed operator/owner of the hotel is the owner of Nomad's Canteen on the floor above. The restaurant use is part of the hotel operations and a proposed condition of approval would require the owner/operator of the hotel and restaurant to be the same to help ensure compatibility. A detailed description of hotel operations is provided in Attachment 3. Surrounding land uses include retail, office, restaurant, and residential uses.

A Cultural Heritage Permit is required because the project includes exterior modifications to a non-residential structure located within the Architectural Overlay. Hotels require approval of a Conditional Use Permit within the Mixed Use Zone. The project is located outside the Coastal Zone so no Coastal Development Permit is required.

Development Management Team

The City's Development Management Team (DMT) reviewed the applicant's request, determined it meets requirements, and recommends Conditions of Approval to ensure code compliance. The recommended conditions are shown on Attachment 1, Exhibit 1.

Noticing

Public notices were distributed and posted per City and State requirements. No public comments have been received to date.

PROJECT DESCRIPTION

The interior improvements would convert the vacant 3,368 square foot tenant space to a six-unit hotel and one on-site managers unit. Nomad's restaurant on the floor above is proposed as part of the hotel operations. Meals for hotel patrons are to be provided upstairs within the restaurant. An on-site managers unit is provided to ensure hotel patrons' needs are met. The hotel intends on having a shuttle service as part of the business plan to pick up hotel patrons from the train station, airports, and other locations. The shuttle is also intended to be used to transport patrons to and from the beach. Exterior improvements are described in detail within the architecture section below.

Development Standards

No expansion of the building footprint or height is proposed. The building is legal non-conforming because an insufficient number of parking spaces. Ten parking spaces are provided for the building and current parking standards require 18 spaces; nine spaces for Nomad's restaurant and nine spaces for the hotel use.¹ The Zoning Ordinance permits a change of use provided the new use requires the same number or fewer parking spaces as the prior use.² The reason for this parking grandfather provision is to allow uses to change in older Downtown buildings, many of which were constructed with little or no parking prior to the City's first parking ordinance of 1956. Without it, changes in use would be required to provide parking which in most cases is infeasible and vacancies would proliferate in the Downtown. Because the suite has been vacant for over a year, the number of parking spaces allotted to the suite is based upon the use that generates the least parking demand, which in the MU3 Zone is retail. The retail parking requirement for the suite is nine spaces ($3,368/400 = 9$ spaces). Since the hotel use requires nine spaces, the same number as a retail use, the project complies with the parking requirements of the Zoning Ordinance.

¹ Zoning Ordinance Section 17.64, Parking, requires nine parking spaces for Nomad's restaurant (45 seats/ 1 spacer per 5 seats = 9 spaces). The hotel use requires nine spaces (One space per unit, two spaces per manager's unit, and one employee space per every ten rooms = 9 spaces).

² Zoning Ordinance Section 17.72.060 Nonconforming Use Restrictions(C)(2) states "A permitted use may be changed to another permitted use. If the required number of parking spaces is not provided, the proposed use shall have the same number or greater parking spaces than the existing use, or sufficient parking spaces shall be added for the new use to meet Zoning Ordinance requirements." In instances where it has been over a year since a suite has been occupied and the required number of parking spaces is not provided, the number of parking spaces allotted to the suite is based upon the use that generates the least parking demand.

Although the parking meets the Zoning Ordinance standards for parking the project includes parking management strategies to mitigate potential parking conflicts, including shuttle service, as detailed in Attachment 4. Staff analysis of parking management strategies is provided within the Analysis section below.

Parking Survey

Staff reviewed the T-Zone parking counts conducted during July of 2013, peak summer parking demand, and the subject 10 space lot was found to be heavily utilized during the evening hours, which reflects the peak demand for Nomad’s restaurant. The parking occupancy for the lot is summarized in Table 2 below.

Table 2 – Parking Lot Occupancy

<i>Weekday Occupancies</i>							<i>Weekend Occupancies</i>						
<i>Wednesday, July 24, 2013</i>							<i>Saturday, July 27, 2013</i>						
9 am	11 am	1 pm	3 pm	5 pm	7 pm	9 pm	9 am	11 am	1 pm	3 pm	5 pm	7 pm	9 pm
0	1	3	5	4	8	5	0	4	6	7	5	10	8
<i>Thursday, July 25, 2013</i>							<i>Sunday, July 28, 2013</i>						
9 am	11 am	1 pm	3 pm	5 pm	7 pm	9 pm	9 am	11 am	1 pm	3 pm	5 pm	7 pm	9 pm
0	2	6	6	6	7	10	5	6	3	5	4	5	1

Yellow highlight indicate times that lot occupancy exceeds 70%.

Based upon the parking counts, there is potential for parking conflict between the restaurant and hotel use in the evening hours if hotel patrons drive to the site. The applicant indicates that many of their hotel patrons will be out of country/state travelers that will rely on the shuttle service for transportation to and from airports, train station, beach, and other locations. Staff has added a condition of approval requiring shuttle service as part of the hotel operations. To assure that hotel patron cars are not parked in the lot all day, staff has added a condition requiring the parking lot be restricted to three hour parking between the hours of 8am to 8 pm.

Architecture

The project site is located in the Architectural Overlay, which specifies Spanish Colonial Revival architectural style. The Zoning Ordinance acknowledges that with minor changes it may not always be practical to convert a non-Spanish Colonial Revival design building into a true Spanish Colonial Revival building. The proposed exterior improvements are minor and a full conversion to Spanish Colonial Revival style would require a major renovation. The upgrades proposed incorporate traditional materials that improve the buildings compatibility with the Architectural Overlay.

The design utilizes materials called out in the Design Guidelines including smooth white stucco wall, canvas awnings, wrought-iron lighting, and wrought iron on the decks. A

white stucco cornice detail is proposed along the front façade and ceramic tile surround is proposed at the entry. Aluminum sliders on first floor are to be refinished with a black metalized finish and wood windows are proposed on the second floor finished in a dark brown. Decks on Avenida Serra will enhance the pedestrian environment of the Architectural and Pedestrian Overlay.

PROJECT ANALYSIS

Cultural Heritage Permit

The proposed project meets the CHP finding for consistency with the Design Guidelines as summarized in Table 3 below.

Table 3 – Project Evaluation

Design Guideline	Project Consistency
Building and site design should follow basic principles of Spanish Colonial Revival (SCR) architecture (Design Guidelines II.C.2)	Consistent. Proposed architectural details (materials and colors) generally follow SCR style.
Incorporate defined outdoor spaces, including courtyards, patios, plazas and courtyards (Design Guidelines II.C.3)	Consistent. Outdoor decks are being created fronting Avenida Serra to increase pedestrian interaction along the street frontage.

The architectural treatment of the project complies with the San Clemente General Plan, Zoning Ordinance, and City Design Guidelines. The Spanish Colonial Revival design elements respect San Clemente’s Spanish heritage, the SCR architectural style, and historic resources of the Downtown. The appearance of the project is in keeping with the character of the neighborhood and the development will be an enhancement to the area over the existing mix of buildings and architectural styles.

The proposal is not detrimental to the orderly and harmonious development of the City as occupancy of the tenant space will eliminate visual blight within the Downtown resulting from the long-term vacancy of the space.

Conditional Use Permit

The project requires a CUP to ensure the proposed use is compatible with surrounding properties. The surrounding neighborhood has a mix of office, retail, and residential uses. There are a limited number of lodging uses within the Mixed Use Zone that have proven to be compatible within the Zone. Hotel uses add vibrancy to the Downtown as patrons often shop or visit many Downtown uses. Furthermore, Code Compliance staff indicates they do not receive complaints related to hotel operations and hotel patrons in

the Downtown. To ensure conflicts do not arise between the on-site restaurant and hotel use, the project is conditioned to ensure the owner/operator of the hotel and restaurant are the same. This will ensure that the restaurant does not generate noise levels that impact hotel patrons.

The owner/operator can also ensure that on-site parking is effectively managed. The hotel use meets required parking standards but parking conflicts could occur, most likely in the evening hours, because the lot has insufficient parking. To reduce the potential for parking conflict, parking management strategies have been applied: 1) common employees are to be utilized for the hotel and restaurant operations to reduce parking demand; 2) shuttle service is provided, as conditioned, so that hotel patrons do not need cars; and 3) to assure that hotel patron cars are not parked in the lot all day, staff has added a condition requiring the parking lot be restricted to three hour parking between 8am and 8pm. These parking strategies will effectively reduce potential parking conflicts but will not eliminate them. Parking conflicts are likely no matter what the use is in the vacant suite since the project has nonconforming parking. The addition of parking spaces is not physically possible on the site and the Zoning Ordinance does not require it. Staff suggested the applicant consider off-site or shared parking to reduce potential packing conflicts in the evening hours but the applicant indicates their operating budget cannot accommodate this nor does the Zoning Ordinance require it.

Staff is supportive of the hotel use and believes it would be compatible with surrounding properties for the following reasons: 1) hotel uses have proven to be compatible within the Downtown; 2) there is a shortage of hotel rooms near the coast; 3) the project meets Zoning Ordinance requirements including parking, 4) a parking conflict is likely no matter what use occupies the building since the project has an insufficient number of spaces; and 5) the space had remained vacant since 2010 without interest from retail tenants who could locate within the space without CUP approval.

Design Review Subcommittee (DRSC)

DRSC review of the project was required to ensure development in the Architectural Overlay is compatible and harmonious with the surrounding neighborhood, and uphold the Design Guidelines. Table 4 summarizes DRSC concerns and how they were addressed:

Table 4 - DRSC concerns and project modifications

<i>DRSC Concerns</i>	<i>Project modifications</i>
Traditional wrought-iron lighting should be considered along front of building to illuminate the decks.	Modified as requested. Traditional wrought-iron lighting provided.
Glazed pots should be considered on decks, consistent with Spanish Colonial Revival style.	Modifications not made. Applicant requests to keep decks clear of landscaped pots.

DRSC Concerns	Project modifications
Cornice detail should be considered at front of the building.	Modified as requested. Cornice detail provided.
Awnings should be considered.	Modified as requested. Awning provided over first floor decks and entry.
Ceramic tile should be considered at front entry to add color and richness.	Modified as requested. Ceramic tile proposed around front entry.
Solid wrought-iron rail should be considered on decks as opposed to wood.	Modified as requested. Solid wrought-iron railing provided.
DRSC disagreed with staff’s recommendation of adding a smooth stucco finish on the side of the building, applied to the block wall surface, because of the added cost and difficulty of applying stucco.	No Modifications Necessary.

GENERAL PLAN CONSISTENCY

Table 5 summarizes how the proposed use is consistent with adopted policies outlined in the City of San Clemente General Plan.

Table 5 - General Plan Consistency

Policies and Objectives	Consistency Finding
Accommodate the development of a mix of residential and commercial uses in areas designated as “MU”. City of San Clemente General Plan Commercial and Mixed Use Land Use Policies (Land Use Policy IV.A.3.1.3.4)	Consistent. The project provides an additional lodging opportunity within Downtown.
Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing land uses and development in accordance with this [Land Use] Element and the Urban Design Element. City of San Clemente General Plan Commercial and Mixed Use Land Use Policies (Land Use Policy IV.A.3.1.3.6)	Consistent. The project is designed with Spanish Colonial Revival architectural elements, consistent with the character of the Downtown Architectural Overlay as prescribed within the Land Use and Urban Design Element.

Policies and Objectives	Consistency Finding
<p>Preserve and where appropriate, improve the Del Mar/T-Zone so that it serves as the symbolic , functional, historic and physical center of the City; emphasizing its use as a pedestrian-oriented commercial and residential “village” providing for the needs of residents and visitors. Proposed City of San Clemente Centennial General Plan, Land Use (Land Use Goal, Del Mar/T-Zone Focus Area Goal)</p>	<p>Consistent. The project provides an additional lodging opportunity within Downtown.</p>
<p>In City Council decisions, initiatives, investments, and development approvals, we give equal priority to programs and projects that promote consistent year-round overnight tourism, as well as to programs and projects that promote seasonal or day-trip tourism. Proposed City of San Clemente Centennial General Plan, Economic Development Policy (Economic Development Policy ED-3.02 Year-round Tourism)</p>	<p>Consistent. The project provides year-round tourism lodging.</p>
<p>Create and maintain outstanding public access and recreational and visitor-serving opportunities in the Coastal Zone, consistent with effective resource conservation practices and the protection of private property rights. Proposed City of San Clemente Centennial General Plan, Coastal Zone Goal</p>	<p>Consistent. The project is located approximately 350 feet of the Coastal Zone. Although not required to comply, the project complies with this goal as it provides visitor-serving lodging and access to the coast.</p>
<p>We recognize the value of our beaches, surfing and the surfing industry to the City’s heritage and economy. We encourage the preservation and growth of this aspect of the City’s cultural and economic fabric. Proposed City of San Clemente Centennial General Plan, Economic Development Policy (Economic Development Policy ED-3.04 Surfing Heritage)</p>	<p>Consistent. The hotel use caters to the surf industry and would help grow the economy of the local surfing industry.</p>

ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA):

The Planning Division processed and completed an initial environmental assessment for this project in accordance with the California Environmental Quality Act (CEQA). The Planning Division has determined the project is categorically exempt from CEQA as a

Class 3 exemption pursuant to CEQA Guidelines Section 15303, because the project consists of the conversion of an existing structure from one use to another.

CALIFORNIA COASTAL COMMISSION REVIEW

The project is located outside of the Coastal Zone and consequently, no Coastal Development Permit is required.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff and recommend approval of the proposed project.

This action would allow the owner to operate the proposed use subject to the Conditions of Approval.

2. The Planning Commission can, at its discretion, add, modify or delete provisions of the proposed project or conditions.

The Planning Commission could determine that additional architectural features or site enhancements are necessary to make the project compatible with the Downtown Architectural Overlay and the required findings for a Cultural Heritage Permit. The Planning Commission could determine that additional or modified conditions of approval are needed for the hotel use.

3. The Planning Commission can recommend denial of the proposed project.

This action would result in the denial of the project and the applicant would not be able to move forward with the project. The applicant could appeal to the City Council.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approve CUP 13-177 / CHP 13-178, Nomad's Surf Lodge, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution
2. Location Map
3. Description of Hotel Operations
4. Description of Nomad's Parking Management
5. Design Review Subcommittee Meeting Minutes of August 14, 2013 (excerpted)
6. Design Review Subcommittee Meeting Minutes of September 25, 2013 (excerpted)
Plans

RESOLUTION NO. PC 13-043

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE
PERMIT 13-177 / CULTURAL HERITAGE PERMIT 13-178, NOMAD'S
SURF LODGE, A REQUEST TO ALLOW A HOTEL USE AND
EXTERIOR CHANGES TO THE BUILDING LOCATED AT 101 AVENIDA
SERRA**

WHEREAS, on May 6, 2013 an application was submitted, and on October 28, 2013 completed, by Jeffrey Johnson, 946 Calle Amanacer #C, San Clemente CA 92673, for Conditional use Permit (CUP) 13-177 / Cultural Heritage Permit 13-178, to allow a hotel use and exterior changes to the building located at 101 Avenida Serra, located within the Mixed Use Zoning District, and within the Architectural Overlay (MU3-A), the legal description being Lot 6 of Block 4, Tract 779, and Assessor's Parcel Number 058-073-19; and

WHEREAS, the City's Development Management Team reviewed the application for compliance with the General Plan, Zoning Ordinance, and other applicable requirements; and

WHEREAS, the Planning Division processed and completed an initial environmental assessment for this project in accordance with the California Environmental Quality Act (CEQA). The Planning Division has recommended the Planning Commission determine that the project is categorically exempt from CEQA as a Class 3 exemption pursuant to CEQA Guidelines Section 15303, because the project involves the conversion of an existing structure from one use to another; and

WHEREAS, on November 20, 2013, the Planning Commission held a duly noticed public hearing on the subject application and considered evidence presented by City staff, the applicant, and other interested parties.

NOW, THEREFORE, the Planning Commission of the City of San Clemente hereby resolves as follows:

Section 1: The Planning Commission finds that the project is categorically exempt from the California Environmental Quality Act (CEQA) as a Class 3 exemption pursuant to CEQA Guidelines Section 15303, because the project involves the conversion of an existing structure from one use to another.

Section 2: With respect to Conditional Use Permit 13-177, 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 the 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 this business will promote the high

quality nature of the Mixed Use Zone and provide additional lodging opportunities within the Downtown.

- B. The site is suitable for the type and intensity of use that is proposed, in that the parking requirements are satisfied, shuttle service is provided as a condition of approval to minimize parking impacts, and the existing building does not need to be expanded to accommodate the proposed use.
- 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 lodging operations have been found to be compatible within the Mixed Use Zone and the project is conditioned to meet building code requirements.
- D. The proposed use will not negatively impact surrounding land uses in that the site has adequate parking for the use, shuttle service is provided as a condition of approval to minimize parking impacts, and the project provides an on-site manager to manage any conflicts that could arise from the operations.

Section 3: With respect to Cultural Heritage Permit 13-178, the Planning Commission finds as follows:

- A. The architectural treatment of the project complies with the San Clemente General Plan in that the proposed materials and design will be consistent with the neighborhood.
- B. The architectural treatment of the project complies with the Zoning Ordinance and architectural guidelines in the City's Design Guidelines, in that the project demonstrates sensitivity to the neighborhood by maintaining the structure's context within the Architectural Overlay.
- C. The general appearance of the project is consistent with the surrounding neighborhood in that the mid-century building is typical of downtown buildings and the exterior improvements are consistent with the Spanish Colonial Revival architectural style prescribed in the Architectural Overlay.
- D. The project is not detrimental to the orderly and harmonious development of the City in that the project is a minor modification to an existing building that remains consistent with the surrounding neighborhood and meets required Building, Safety and Fire codes.
- E. The proposed project is a minor remodel and it is not practical to attempt conversion to Spanish Colonial Revival style, and that the exterior improvements are consistent with the Spanish Colonial Revival architectural style prescribed in the Architectural Overlay.

- F. The proposed project/use preserves and strengthens the pedestrian-orientation of the downtown in that decks are proposed along Avenida Serra to increase pedestrian interaction between the hotel use and pedestrians.
- G. The proposed project complies with the purpose and intent of the Architectural Overlay in that the exterior changes improve the architectural quality of the building, are Spanish Colonial Revival elements, and include outdoor decks.

Section 4: The Planning Commission hereby approves Conditional Use Permit 13-177 / Cultural Heritage Permit 13-178, Nomad’s Surf Lodge, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of San Clemente on November 20, 2013.

_____ Chair

TO WIT:

I **HEREBY CERTIFY** that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of San Clemente on November 20, 2013, and carried by the following roll call vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

 Secretary of the Planning Commission

EXHIBIT 1**CONDITIONS OF APPROVAL***

Conditional Use Permit 13-177 / Cultural Heritage Permit 13-178
Nomad's Surf Lodge

GENERAL CONDITIONS**Planning Division**

1. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City of San Clemente and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the "Indemnitees") from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either (i) the City's approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act ("CEQA"), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an "Action") within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City's full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City. *[Citation – City Attorney Legal Directive]* (PIng.)_____
2. Thirty (30) days after project approval, the owner or designee shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)_____
3. Conditional Use Permit 13-177 / Cultural Heritage Permit 13-178 shall become null and void if the use is not commenced within three (3) years from the date of

the approval thereof. The use shall be deemed to have commenced on the date the use becomes legally operational, including issuance of a Certificate of Occupancy from the City of San Clemente. *[Citation - Section 17.12.150.A.1 of the SCMC]* (PIng.)_____

A use shall be deemed to have lapsed, and Conditional Use Permit 13-177 / Cultural Heritage Permit 13-178 shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the California Building Code, as amended. *[Citation - Section 17.12.150.C.1 of the SCMC]* (PIng.)_____

4. The owner or designee shall have the right to request an extension of Conditional Use Permit 13-177 / Cultural Heritage Permit 13-178 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall be subject to review and approval by the final decision making authority that ultimately approved or conditionally approved the original application. *[Citation - Section 17.12.160 of the SCMC]* (PIng.)_____
5. Prior to the issuance of building permits, the owner or designee shall include within the first four pages of the working drawings a list of all conditions of approval imposed by the final approval for the project. *[Citation – City Quality Insurance Program]* (PIng.)_____(Bldg.)_____
6. Prior to the issuance of a certificate of occupancy, the project shall be developed in conformance with the site plan, floor plans, elevations, details, and any other applicable submittals approved by the Planning Commission on November 20, 2013, subject to the Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, details, or other approved submittal shall require that the owner or designee submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Zoning Administrator. *[Citation - Section 17.12.180 of the SCMC]* (PIng.)_____

7. Prior to issuance of building permits, the owner or designee shall submit for review and obtain approval of the City Planner or designee for plans indicating the following: ■■ (PIng.)_____
 - A. Stucco wall, facing Avenida Serra, with a '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. *[Citation – City of San Clemente Design Guidelines, November 1991]*

- B. Cornice detail.
 - C. Solid wrought-iron railing.
 - D. Decorative awnings with wrought-iron supports.
 - E. Solid wrought-iron lighting.
 - F. Decorative tile.
8. Landscaping shall be installed along frontage to soften view of the project. ■■ (PIng./BP&R)_____
9. Signage is not part of this review. Any signage for this proposed development shall require the owner or designee to submit for review and obtain approval of a Sign Permit or Master Sign Program in accordance with the City's Sign Ordinance. *[Citation - Section 17.16.240.D& 17.16.250.D of the SCMC]*
(PIng.)_____
10. The restaurant on the floor above shall be part of the hotel operations. ■■ PIng _____
11. An on-site manager shall be provided within the hotel operations. A managers unit shall be provided within the hotel space. ■■ PIng _____
12. The hotel operation shall provide shuttle service. Shuttle service shall provide hotel patrons transportation to and from the train station, airports, beach, and other locations of interest. ■■ PIng _____
13. To prevent hotel patron cars from parking in the lot all day, the parking lot shall be restricted to three hour parking between the hours of 8am to 8 pm. ■■ PIng _____

Building Division

14. A separate Building Permit is required. Plans to construct new building, add or alter the existing building configuration, change in use, add or alter structural, mechanical, electrical or plumbing features of the project must be reviewed and approved through a separate building plan check / permit process. (Bldg.)_____ *[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]*
15. Prior to issuance of building permits, applicant shall secure all utility agencies approvals for the proposed project. (Bldg.)_____ *[S.C.M.C – Title 15 Building Construction]*
16. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to, the

Zoning Ordinance, Grading Code, Security Ordinance, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 of the California Code of Regulations as adopted by the City including, but not limited to the California Administrative, Building, Electrical, Plumbing, Mechanical, Energy, Green, and Fire Codes. (Bldg.)_____

[S.C.M.C – Title 8 – Chapter 8.16 – Fire Code, Title 15 Building and Construction Chapters 15.08, 15.12, 15.16, 15.20, 15.21, Title 16 Subdivisions, Title 17 Zoning]

17. Prior to the issuance of building permits, the owner or designee shall submit plans that identify the intended use of each building or portion of building and obtain approval of the Building Official. (Bldg.)_____

[S.C.M.C – Title 15 – Chapter 15.08]
18. Prior to the issuance of building permits, the owner or designee shall pay all applicable development fees in effect at the time, which may include, but are not limited to, Regional Circulation Financing and Phasing Program (RCFPP), park acquisition and development, water and sewer connection, drainage, Public Facility Construction, transportation corridor, Avenida La Pata Supplemental Road Fee and school fees, etc. (Bldg.)_____

[S.C.M.C. – Title 15 Building and Construction, Chapters 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]
19. Sprinkler protection shall be provided throughout the entire building when the floor area of an alteration within any two-year period exceeds 75% of area of the existing structure and the alteration includes structural modifications other than seismic upgrade. (Bldg.)_____

[S.C.M.C – Title 8 – Chapter 8.16- Fire Code]
20. If the project involves remodeling, alteration, or addition to the existing main building exceeding 50% of the existing building floor area, under ground utilities are required. Overhead wiring shall not be installed outside on private property. (Bldg.)_____

[S.C.M.C – Title 15 – Chapter 15.12-Electrical Code]

Engineering Division

21. Prior to issuance of any permits, if applicable, the owner or designee shall submit for review and shall obtain the approval of the City Engineer or designee for frontage improvement plans, including but not limited to the following provisions: [Citation – Section 15.36, 12.08.010, and 12.24.050 of the SCMC] ■

(Eng.)_____

 - A. Per City Municipal Code Section 12.08.010 (A), when the property owner is granted building permit with cost valuations that exceed \$50,000, the owner or designee shall construct sidewalk along the property frontage.

- B. The owner, applicant, or designee shall close the existing unused drive approach and replace with full height curb, gutter, and sidewalk that meet current City sidewalk standards.
- C. An Engineering Department Encroachment Permit shall in place prior to the commencement of any work in the public right-of-way.

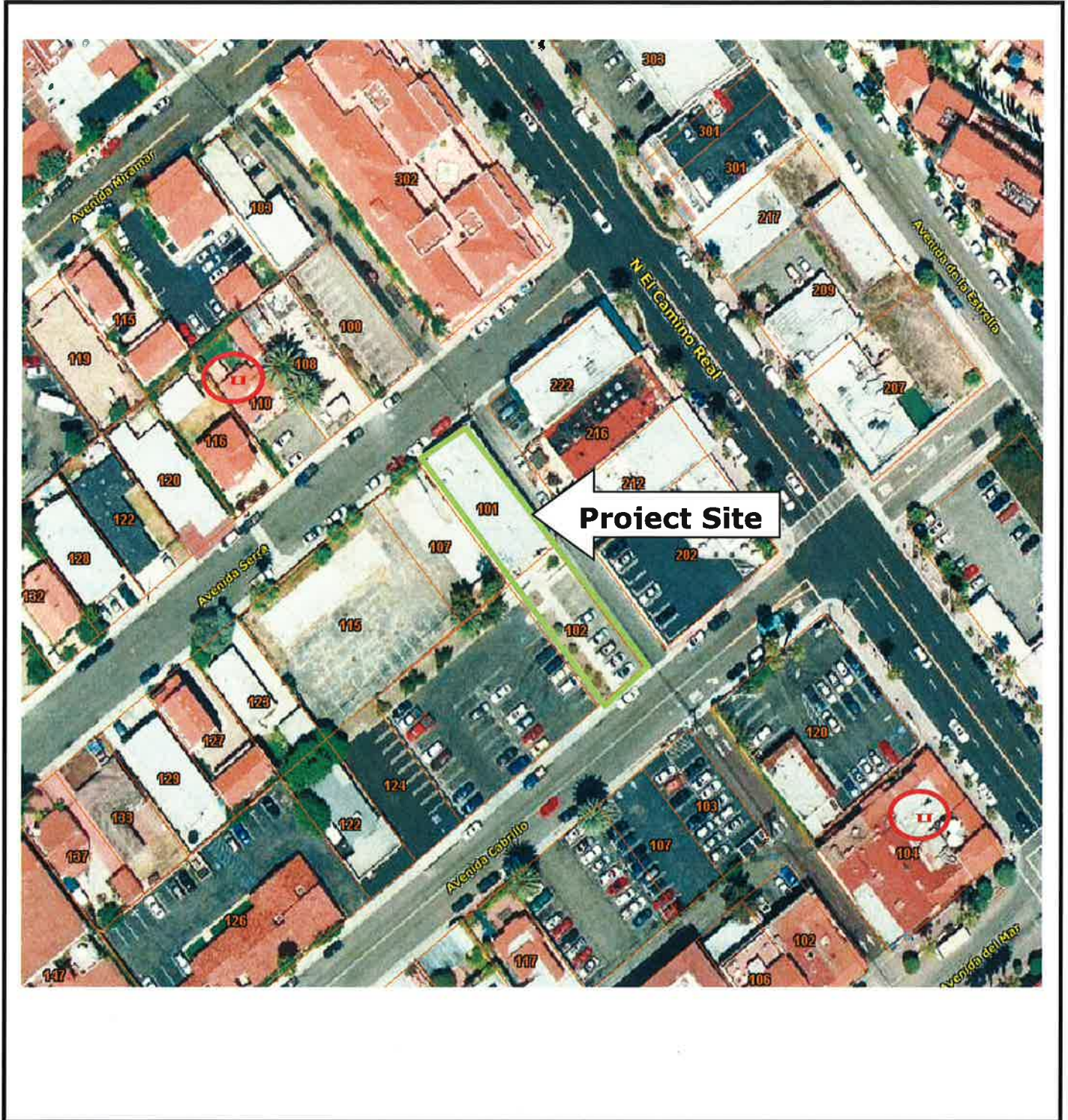
* All Conditions of Approval are standard, unless indicated as follows:

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



LOCATION MAP

CUP 13-177 / CHP 13-178, Nomad's Surf Lodge
101 Avenida Serra



Nomads Canteen LLC.
Nomads Lodge
101 Avenida Serra (ground floor)
Jeff Gourley cell 321-482-8261

The Vision for Nomads Surf School and Lodge

The plan is simple: Offer an all-inclusive place for surfers from around the world to gather and increase their surfing abilities while enjoying the “surf vibe” that is so strong here in San Clemente.

Everyone from professional surf teams and their coaches, to the travelling surf family will love the Nomads concept---*Check in* and let us handle the rest; transportation, equipment, food, photography, performance surf school, basic lessons. *Check out* a better surfer.

San Clemente has something way better than Disneyland, We have Trestles!!!

Surfers are a unique breed that thrives on individuality, but love being part of the “surf community”. Surfers seek out locations across the globe that appeal to this sense of community, they don’t want to visit the Hilton nor Disney; they want their experiences to be as mind stretching, meaningful and as real as possible. The focus now is on inclusiveness rather than exclusiveness – being “part of” rather than “apart from” the surrounding region. Climate, natural beauty (especially proximity to water), the vibrancy of the local culture and the honoring of local customs have once again become key factors in deciding where to travel. San Clemente has a long history revolving around our most precious asset---our beaches and surf.

The Lodge

A 6 room lodge specifically designed for surf teams, travelling surfers, and families. The booking will be done in advance (no walk-up lodging). Packages will range from beginning surf lessons on the beach to expert instruction for the pro surfer aboard one of our boats or ski’s. Meal packages from Nomads Canteen (located above the lodge) will be offered as an option. The Nomads staff will pick up the clients at the train station and provide all transportation during the clients stay.

Surf Academy

NOMADS training program is designed to help aspiring professional surfers acquire the skills necessary to compete with top-level athletes.



We provide a Three-Target training program featuring Coaching, Photography and Videography. We simulate the experience of a professional surfer's training and surf routine, then supplement each session with photo and video review. The program is tailored to each surfer's unique needs, skill level, and career aspiration, be it competitive or otherwise.



Positive Impact on the Community

Creation of new jobs.

Beautification of an older building--Nomads will give the community a place to be proud of.

Reinforcing the themes of culture and community to our youth and illustrating these themes of "Southern California History" to the traveler will insure that our rich surf heritage is passed along for generations.

Increased Tourism--The target demographic at Nomads will be the surf traveler. We plan on bringing hundreds of new tourists to the area---a benefit to all that live and work in San Clemente.

Environmental education and awareness are a part of our everyday life at Nomads, and we will teach those that visit us the importance of protecting our environment.

Driving new surf industry events to our community and beaches as well as providing much needed services to our existing local surf industry.

Date: 8/1/13

TO: City of San Clemente

RE: Nomads Canteen LLC.

Surf Hotel Parking

101 Avenida Serra (ground floor)

From: Jeff Gourley cell 321-482-8261

The project meets the parking requirement per the code, but I would like to address our plan to avoid parking impact even further:

1. Nomads intends on having a van and driver as part of the business plan. The van will be used to pick up customers from the train station, airports, and other locations. This van will also be used to transport customers to and from the surf destinations. This combined with the fact that meals will be provided upstairs at Nomads Canteen (as part of the package) will mitigate the need for our patrons to have a rental car.
2. Common employees for both locations means there will not be an increase in employee parking—our same employees will run the Hotel and are already parking in the local area.
3. Improvement of the sidewalk on Serra will encourage parking for two additional spaces. The current sidewalk has drive entrances that discourage parking. These spaces will also provide overnight parking. The “Work Force Housing” project will also increase the amount of street parking near our property line—by closing the drive. The sum/total effect will be 3 additional spaces.
4. Overnight parking will be allowed in the 10 restaurant spaces. Our existing parking lot has spaces available during the later evening hours when our Hotel guest will be returning from the beach.

If this building were to be used for retail the parking impact on the community would be far greater than the proposed hotel use (especially given the points listed above). Furthermore, the history of this location indicates that there are few uses that have a good chance at success.

evaluate other designs that would not have as much of a visual impact on the aesthetics of the railing and balcony.

3. Subcommittee members Kaupp and Darden believed that the new access points and added windows to the lobby created a negative impact to the historic structure. Their concern is that the addition of doors changes the elevation significantly from its original design. The DRSC requested that the side windows, proposed for safety to the first aid room and the office next to the lobby, be redesigned to be more compatible with the elevation. They requested that alternatives in the design of the windows and the location of the doors be evaluated to reduce the impacts to the elevation. Subcommittee member Crandell believed that the proposed modification was acceptable because the benefits and needs for the proposed design outweighed the impacts to the historic structure. Understanding that modifications they have an impact on the historic structure are sometimes necessary for modern needs and function.

The Design Review Subcommittee supported the proposed improvements that restored original features or replaced non-original elements like roof tile and pavers with materials that are consistent with the original materials used.

San Clemente Historical Society President, Larry Culbertson's, comments was:

1. Would like to see the shade canopy added to second level deck and the trellis converted back to its original design as recommended by the DRSC.
2. The doors should not be added under the arch to the pool. The desire to create a sense of arrival is not a legitimate request to allow for this type of modification and impact to the historic structure.
3. The addition of the doors will create a free flow and access to the pool and for safety purposes, the access should be controlled.
4. The non-original picture window should not justify the addition of more windows on the north elevation under the arch.

Member of the Historical Society, Mary Ann Comes, agreed with Larry Culbertson's comments and stated that the double doors alter the historic character defining window feature under the arch.

B. Conditional Use Permit 13-177/Cultural Heritage Permit 13-178, Nomad's Surf Lodge (Jones)

A request to consider allowing a hotel use and exterior improvements to an existing commercial building located at 101 Avenida Serra.

Subcommittee Member Michael Kaupp recused himself stating that he owned property within 500 feet of the subject application.

Associate Planner Cliff Jones summarized the staff report.

The Subcommittee agreed with the following staff recommendations:

1. Addition of traditional wrought-iron lighting on front of building to illuminate the decks.
2. Addition of glazed pots on decks, consistent with Spanish Colonial Revival style.
3. Addition of cornice detail to the front of the building.
4. Addition of awnings over second story windows.
5. Addition of Catalina style ceramic tile over front entry to add color and richness.
6. Signage should be traditional in appearance consisting of sand blasted wood, hand painted signage with goose neck lighting, or pinned metal letters.

DRSC disagreed with staff's recommendation of adding a smooth stucco finish on the side of the building, applied to the block wall surface, because of the added cost and difficulty of applying stucco.

DRSC recommended that the decks be finished with solid wrought-iron rail as opposed to wood.

The applicant, Jeff Gourley, indicated he was comfortable with wrought-iron and indicated it would cost less than wood.

Subcommittee member Darden indicated that if awnings are placed over the second floor windows the placement of them is important and staff should provide examples of good awning placement to the applicant for reference.

Mr. Gourley suggested that eyebrows could be added over the second floor windows as an alternative to awnings.

The DRSC questioned what the eyebrows would look like and indicated they would like to see an elevation of this.

Subcommittee member Darden questioned staff's recommendation of adding a trellis feature over the front first floor decks saying it may not look appropriate. Subcommittee member Crandell was comfortable with the addition of a trellis feature and suggested that it may reduce visual mass of the building. Mr. Crandell suggested vines could be grown on the trellis

and as an alternative the trellis feature could be built over the front entry as opposed to over the decks.

Mr. Gourley offered to design a few elevations for DRSC consideration.

San Clemente Historical Society President, Larry Culbertson expressed support for the exterior improvements.

The DRSC indicated the applicant was on the right track and staff could email the alternative elevations to the DRSC for their comments so that the applicant did not have to return to the DRSC for a second review.

3. NEW BUSINESS

The DRSC asked staff if progress has been made on the development of guidelines for murals.

The Subcommittee suggested that perhaps a mural guideline discussion could be added to a future Planning Commission Study Session and Design Review Subcommittee meeting, and staff could investigate how other communities handle processing/guidelines for murals.

Mr. Jones indicated that he would check with the City Planner to see when the item could be scheduled for future discussion.

4. ORAL AND WRITTEN COMMUNICATIONS

None.

4. ADJOURNMENT

Adjourn to the Regular Meeting of the Design Review Subcommittee to be held August 28, 2013 at 10:00 a.m. in Conference Room A, Community Development Department, 910 Calle Negocio, Suite 100, San Clemente, CA 92673.

Respectfully submitted,

Michael Kaupp, Chair

Attest:

Cliff Jones

of the Planning Commission and the staff report would contain written findings for the Planning Commission's consideration.

Associate Planner John Ciampa stated that the site is a corner lot with a large public right-of-way so it is unlikely there would be an impact to adjacent property owners.

The DRSC discussed options and locations for where the spa wall/fence could be located to reduce the amount of visible wall/fence, which is required to be five feet tall to accommodate Building Code safety requirements.

The DRSC agreed to review the recommended modifications via email to reduce the review time for the project. The DRSC was in support of the proposed amendment but did raise some concern about the Minor Exception Permit.

3. NEW BUSINESS

None

4. OLD BUSINESS

A. Discussion: Conditional Use Permit 13-177/Cultural Heritage Permit 13-178, Nomad's Surf Lodge (Jones)

A request to consider allowing a hotel use and exterior improvements to an existing commercial building located at 101 Avenida Serra.

Subcommittee Member Michael Kaupp recused himself stating he owns property within 500 feet of the subject application.

Associate Planner Cliff Jones led the discussion and presented two differing elevations reflecting previous DRSC comments about the project. The Subcommittee agreed that they liked the elevation with awnings on the lower level and suggested the project meets City Design Guidelines. Subcommittee Member Crandell indicated he felt that the elevation with the trellis detail also met City Design Guidelines. DRSC recommended the project move forward to Planning Commission for review.

5. ADJOURNMENT

Adjourn to the Regular Meeting of the Design Review Subcommittee to be held October 9, 2013 at 10:00 a.m. in Conference Room A, Community Development Department, 910 Calle Negocio, Suite 100, San Clemente, CA 92673.