

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR
ZONING ADMINISTRATOR MEETING
February 18, 2015**

Staff Present: Jim Pechous, Adam Atamian, Sean Nicholas, Aeryn Donnelly and Denise Gee

2. MINUTES

Minutes of the Zoning Administrator meeting of February 4, 2015 received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARINGS

A. 218 Avenida Del Mar – Minor Cultural Heritage Permit 14-480 – Selma’s Patio Doors (Atamian) (continued from 02-04-15)

A request to consider the replacement of windows with sliding glass doors within the courtyard of the commercial building located at 218 Avenida Del Mar. The project is located within the Mixed Use zoning district, and within the Architectural and Central Business Overlays (MU3-CB-A). The legal description is Lot 32, Block 16 of Tract 779, Assessor’s Parcel Number 058-11-32.

Associate Planner Adam Atamian summarized the staff report. Mr. Atamian advised that the item was first heard at the Zoning Administrator meeting of February 4, 2015. Inasmuch as the applicant was not present, questions arose as to the hours of operation and the hours the sliding doors would be open.

Mr. Atamian advised that staff has researched the concerns of the Zoning Administrator. He stated that the hours of operation will be 11:00 a.m. to 10:00 p.m. The sliding doors would not be open beyond 10:00 p.m. It was also noted there is no live entertainment approved for the restaurant and it is not part of the request. Mr. Atamian advised that a condition of approval has been added that will require the doors close at 10 p.m.

Mr. Atamian advised that there are other establishments with sliding doors in the vicinity; Nick’s located on Del Mar has a similar setup. Their hours of operation are until midnight and there is no condition of approval that requires the sliding glass doors be closed prior to the restaurant closure.

Staff is supportive of the request. The project is not anticipated to have any negative noise impact on the surrounding areas. The doors are Spanish Colonial Revival in style and when reviewed by the Design Review Subcommittee, they supported the project as the open doors would increase the pedestrian orientation of the area. Staff has not received any public comments to date.

Mike Phillips, the applicant, was present. He advised he has been here seven years and is excited to move ahead. He indicated the open doors would be a nice addition to the street, offer more exposure and a better experience for the customers.

There were no members of the public present to address this item.

Mr. Pechous stated that the applicant was unable to attend the previous meeting. The concerns were the hours of operation relative to other businesses and noise impacts as a result of open doors. The information provided reveals that the impact is less than other restaurants in the area. This is a nice addition to the downtown and will provide good pedestrian orientation. Mr. Pechous advised the applicant of the 10-day appeal period and that the City Council could potentially call up the item when they review the meeting minutes.

Action: The Zoning Administrator approved Minor Cultural Heritage Permit 14-480, Selma's Patio Doors, subject to Resolution ZA 15-008 with attached Conditions of Approval.

ACTION SUBJECT TO APPEAL TO OR CALL-UP BY CITY COUNCIL

B. 163 West Mariposa – Minor Architectural Permit 14-379 – Nielsen Residence (Atamian)

A request to consider a 140 square foot addition to a nonconforming triplex multi-family structure that proposes to continue a nonconforming three-foot side yard setback a distance of seven feet, the project is located at 163 West Mariposa, in the Residential Medium (RM) zoning district. The legal description is Lot 47, of Block 15, of Tract 793, Assessor's Parcel Number 058-131-33.

Associate Planner Adam Atamian stated that staff recommended the item be tabled.

The applicant was not present. There were no members of the public present to address this item.

Action: The Zoning Administrator tabled Minor Architectural Permit 14-379, Nielsen Residence to the Zoning Administrator meeting of March 3, 2015.

C. 647 Camino De Los Mares, Suite 101 – Minor Conditional Use Permit 14-333 – Full Moon Sushi (Atamian)

A request to consider the sale and on-site in-door consumption of beer and wine at a new restaurant, and a shared parking agreement among all businesses within commercial center located at 647 Camino De Los Mares, Suite 101, within the Community Commercial (CC2) zoning district. The legal description is a portion of Parcel 4, of Parcel Map 170-24, Assessor's Parcel Number 675-071-30.

Associate Planner Adam Atamian summarized the staff report. The restaurant would occupy two suites; one was a former business and the other is vacant. This location would be the 4th in Orange County.

Mr. Atamian advised there will be no outdoor seating and no live entertainment. The request is to provide beer and wine service between 11:30 a.m. and 9:00 p.m., seven days per week. The commercial center is located in a rather insulated location away from residences, the nearest being 450 feet away. The applicant is also applying for a type 41 license from the Alcoholic Beverage Control Board to allow the sale of beer and wine. There is one other location in the subject commercial center that serves a full range of alcohol, and three others in the neighboring theatre center. All of these other businesses are permitted to serve alcohol later than what the applicant is proposing.

Regarding the shared parking, the site is part of a four property-wide reciprocal parking agreement originally established to allow the movie theater's nighttime parking. Based on the mix of uses and the Zoning Ordinance, the businesses that are there require more parking than what is on-site. However, the applicants and property owners provided a parking analysis which revealed that the actual usage of parking based on the businesses that are there is much less than the Zoning Ordinance requires. Mr. Atamian advised that there are 27 tenant suites that have varying peak hours and types of usage. The site has 139 parking spaces and by the code, they are about 26 spaces short.

The applicant is not proposing changing anything about the reciprocal parking agreement. The applicant wants to show that at their property location during the day, there is more parking available than what the Zoning Ordinance requires for their business. This is necessary for the restaurant because they are taking over two suites that require less parking and in order for a restaurant to move in, they would either need to

add additional parking, which is not possible, or show there is available parking for their use.

The shared parking analysis showed that during the day, which is the only time of concern, the average amount of available parking spaces is 56. At peak usage, the shared parking analysis shows that there are down to six spaces available. The parking analysis took into account the vacant suites and included the amount of parking required by the Zoning Ordinance for those uses.

Mr. Pechous asked confirmed that the parking analysis took into consideration vacant suites, such that if a vacant suite required six parking spaces, those six spaces were subtracted from the actual available parking. Mr. Atamian advised that on the day that they showed there were six spaces available, there were actually 36 spaces available but the study was required to include the number of spaces required by the Zoning Ordinance into the vacant spaces.

Mr. Pechous asked about the length and days of the survey. Mr. Atamian advised that the survey was eight weeks long, as required by the code. For the first month, day and night hours were included. After the first month, staff was OK with the study taking place only during the daytime hours, as the survey easily demonstrated that nighttime parking was not impacted.

Based on the survey, Mr. Pechous asked which days the peak occurred where only six spaces were available. Mr. Atamian advised it was at 12:30 p.m. on Wednesday, October 8. Mr. Pechous asked how many spaces this particular use needs. Mr. Atamian advised twelve spaces would be required. Mr. Pechous asked that during the eight-week period, how many times was it reported that there were less than 12 spaces. Mr. Atamian advised that there were two days; one showed 6 spaces and one showed 11 and that everything else was 20 spaces or more. Mr. Atamian stated that the 12 parking spaces required for the sushi restaurant were subtracted from the tallies of available parking, so that the 6 spaces reflect what would be left if the commercial center was at full occupancy.

Mr. Pechous advised that typically parking studies are done for one week and show the trend, stating that typical peak days are Thursday and Saturday. Mr. Pechous also stated that typically sushi restaurants are crowded at night. It is rare that this type of restaurant is as crowded during the lunch hour. Mr. Pechous wouldn't expect peak to be lunchtime and will ask the applicant on the experiences of their other restaurants.

Mr. Atamian stated that prior to the use of shared parking being initiated, the owners would have to provide a shared parking agreement would be

reviewed by the City Attorney for the life of the project. That is included as a condition of approval #8.

Staff is supportive of this project as it complies with the required findings to allow the sale indoor and on-site consumption of beer and wine. The site should not have any impacts to the neighboring businesses. The proposal has been conditioned with standards related to responsible employee training, best management practices and will not be detrimental to public health.

Mr. Atamian stated that given the specific conditions of this site and the adjacent area, the shared parking arrangement will not result in inadequate parking for site nor will it conflict with the reciprocal parking agreement among the three other properties. As far as the eight week study, Mr. Atamian said that it is required by the code and staff felt it especially important because of the reciprocal parking agreement and the nature of the area, it was critical to demonstrate what the actual usage was over a longer period than one week.

Applicants Jason Sekine and Kiyoshi Naito were present. Mr. Sekine is glad that the owner wants to expand his restaurant in Orange County. Mr. Naito has three restaurants, with San Clemente being the fourth. Mr. Pechous asked about volume of service at lunch vs. dinner. Mr. Naito advised he would be open all day long. He advised that the ratio is about 40% lunch and 60% dinner. Mr. Sekine advised that there would be more walk-in business during lunch due to the location. Mr. Pechous agreed that this location, being near medical offices and the hospital, would get a lot of walk-in business during the day.

There were no members of the public present to address this item.

Mr. Pechous advised he is not concerned about the beer and wine service. There are other similar uses in the area that have operated for a long time without any law or code enforcement problems.

The bigger concern is to make sure there will be adequate parking. Based on the survey, there is absolutely no problem at night as the survey shows there is more than enough parking to accommodate the new use. Sushi restaurants in South Orange County prime activity is at night. Peak lunch time patrons would not be as great and it is reasonable to assume at least some of the patrons would be walk-in from the nearby offices and businesses. Mr. Pechous, for these reasons, is confident that the traffic generation would be lower during lunch. There are 30 empty spaces accounted for because of the vacant offices and even in a worse case scenario, there should always be plenty of parking. Mr. Pechous advised the applicant there is a 10-day appeal period.

Action: The Zoning Administrator approved Minor Conditional Use Permit 14-333, Full Moon Sushi, subject to Resolution ZA 15-010 with attached Conditions of Approval.

ACTION SUBJECT TO APPEAL TO OR CALL-UP BY CITY COUNCIL

D. T-Street and Boca Beach Restrooms – Minor Architectural Permit 15-021 – T-Street and Boca Beach Restroom Improvements (Nicholas)

A request to consider exterior improvements to the existing beach restrooms located at the T-Street beach access adjacent to the snack shop near the pedestrian overpass over the train tracks and the restroom known as Boca adjacent to the beach access at Boca Del Canon in southwest San Clemente. There will be no expansion of the existing footprints. The restrooms are located on the public beach, the legal description being Lot O, of Block 20, of Tract 822 for both locations. The Assessor's Parcel Number for the T-Street Restroom is 692-321-02, and the Assessor's Parcel Number for the Boca Restroom is 692-331-01.

Associate Planner Sean Nicholas and Park Planner Aeryn Donnelly were present and summarized the staff report.

The project is a refurbishing of the existing restrooms including accessibility upgrades. No expansion is proposed. The City has been working with a design professional to develop plans. Based on the fact that there is no expansion, staff did not originally recommend any exterior modifications other than general clean-up.

Mr. Nicholas advised that in early January 2015, the project was presented to the Beaches, Park and Recreation Commission. At that time, they did recommend a Spanish alternative be developed and was the recommendation to City Council for the exterior finish. At the end of January, the project was also presented to the Design Review Subcommittee which stated if cost was no issue, the Spanish design for the restroom is desired as it furthers strengthens the community's Spanish Village by the Sea rather than restrooms that looked like they could be located on a state beach. The DRSC understood that budgetary constraints may exist and that ultimately felt the City Council should decide what is feasible. Overall, staff, BP&R Commission and the DRSC recommend internal improvements as priorities. The BP&R Commission and DRSC feel the Spanish architecture would be better for continuing the community's goals and character, but understood there might be financial constraints to meeting those goals. Staff recommends approval for the restroom improvements.

Ms. Donnelly asked if we would not be making a recommendation for one design over another. Mr. Pechous stated that we present this project with options to the City Council for their consideration. The recommendation is to move forward with interior improvements and the exterior improvements being at Council discretion.

Action: The Zoning Administrator approved Minor Architectural Permit 15-021 – T-Street and Boca Beach Restroom Improvements, subject to Resolution ZA 15-011 with attached Conditions of Approval.

ACTION SUBJECT TO APPEAL TO OR CALL-UP BY CITY COUNCIL

5. NEW BUSINESS

None

6. OLD BUSINESS

None

ADJOURNMENT

The meeting adjourned at 3:30 p.m. to the Adjourned Regular Zoning Administrator meeting to be held on March 3, 2015 at 3:00 p.m., at the Community Development Department, Conference Room A, located at 910 Calle Negocio, Suite 100, San Clemente, California.

Respectfully submitted,

SAN CLEMENTE ZONING ADMINISTRATOR



Jim Pechous