

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING
OF THE ZONING ADMINISTRATOR
OCTOBER 7, 2021
Teleconference Only via
www.san-clemente.org/live**

1. CALL TO ORDER

Zoning Administrator Gallardo-Daly called the Regular Meeting of the City of San Clemente Zoning Administrator to order on October 7, 2021 at 3:00 p.m. The meeting was offered teleconference only due to the COVID-19 Pandemic, and available to the public via live stream from the City's YouTube Channel.

Staff Present: *Cecilia Gallardo-Daly, Zoning Administrator
 *David Carrillo, Assistant Planner

 *Participated in meeting via teleconference

2. MINUTES

- A. The minutes of the Zoning Administrator meeting of September 23, 2021 were received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARING

- A. **1014 South El Camino Real – Minor Conditional Use Permit 21-006 – Buona Forchetta Shared Parking Agreement and Beer and Wine Service** (Carrillo)

A request to establish a shared parking agreement at a mixed use development, located at 1014 S. El Camino Real, to support a restaurant with 32 indoor seats. The request also includes the on-site sale and consumption of beer and wine, indoors and outdoors, for the restaurant.

David Carrillo, Assistant Planner, summarized the staff report.

ZA Gallardo-Daly asked staff to confirm the 1) total number of parking spaces required for the restaurant, 2) total number of parking spaces for residential use, and 3) if the guest parking spaces may be utilized for shared parking.

Staff confirmed the restaurant has 5 parking spaces available where 8 spaces are required. The residential use has a total of 18 allotted spaces, 14 spaces for

residential units and 4 guest spaces which can be utilized for shared use per the Code parking requirements.

Nick Buchanan, applicant, narrated a PowerPoint presentation and provided history and insight to the proposed project and what it means for the City. Mr. Buchanan was available to answer any questions as well as Liz Fleming, Overland Traffic Consultants, Inc.

ZA Gallardo-Daly asked the traffic consultant to clarify the peak parking demand on the weekend as indicated on page 5 of the parking study dated 7/20/2021.

Liz Fleming, Overland Traffic Consultants, Inc., stated the 2nd sentence on Item 2 of page 5 should read weekend.

ZA Gallardo-Daly asked the applicant 1) if all the commercial office tenant spaces were occupied, 2) what type of businesses are present, and 3) projected opening date if the proposed project is approved.

Nick Buchanan confirmed the commercial office spaces are occupied with a gelato shop, investment banker, real estate attorney, and real estate professional. If the project is approved, he plans to begin project immediately to open after the holidays.

ZA Gallardo-Daly opened the public hearing.

City staff read public comments into the record which are on file with the Community Development Department.

Anonymous, email received 10/4/2021.

Dave and Valerie Vick, email received 10/4/2021.

Kathryn Masters, email received 10/4/2021.

Eileen Kawas, email received 10/5/2021.

Anonymous, email received 10/5/2021.

Malvina King, email received 10/5/2021.

Emilie Matthews, email received 10/5/2021.

Jim Regan, email received 10/5/2021.

Darlyn Regan, email received 10/5/2021.

Sandra Maring, email received 10/4/2021.

Erin and Jeffrey Regan, email received 10/5/2021.

Joyce Kelley, email received 10/6/2021.

John Kelley, email received 10/6/2021.

Jim Green, email received 10/5/2021.

Dan Hensley, email received 10/4/2021.

Gilmer Family, email received 10/5/2021.

Brady Johnson, email received 10/6/2021.

Bill Prestridge, email received 6/12/2021.

Catherine Gerard, email received 10/6/2021.

Zachary Gilmer, email received 10/5/2021.

Eric Speron, email received 10/6/2021

In addition to the above public comments, City staff received a petition with 56 signatures opposing the shared parking agreement.

ZA Gallardo-Daly closed the public hearing.

ZA Gallardo-Daly asked Liz Fleming, Overland Traffic Consultants, when the parking demand counts were studied, were both parking garage gates opened or closed?

Nick Buchanan stated the lower parking garage gate was closed and the upper parking garage gate was opened. Additionally, the upper garage gate is not open at all times.

ZA Gallardo-Daly stated she reviewed the staff report, findings, plans, and conditions of approval.

ZA Gallardo-Daly stated that public comments expressing concern or opposition to the shared parking request are related to the increase of restaurant seating without additional parking being provided, and the closed alley garage, which makes that parking inaccessible to customers of the development.

ZA Gallardo-Daly explained that shared parking is the use of parking spaces for more than one land use rather than providing code required parking for each use. The City of San Clemente Municipal Code section 17.64.120 allows for projects with multiple uses whose activities are not normally conducted during the same hours, or when hours of peak parking vary, to share parking.

ZA Gallardo-Daly stated that the applicant submitted a parking demand study to determine the amount of parking needed to accommodate the peak parking demand for the various uses currently and proposed in the project.

ZA Gallardo-Daly stated that the results of the shared parking study show that there is a peak demand of 31 vehicles at 2 PM on a weekday in August, and a peak demand of 28 vehicles at 7 PM on the weekend in August. The conclusions of the shared parking demand analysis state that there will be no overflow of vehicle parking demand with the proposed addition of a new restaurant. The parking study provided an analysis assuming full occupancy of the mixed-use development. The parking study found that, even with the development fully tenanted, there is surplus parking available at peak use through utilization of shared parking.

ZA Gallardo-Daly stated that the City's Traffic Engineer reviewed and is in agreement with the parking demand study provided.

ZA Gallardo-Daly stated that she can accept the results of the parking study.

ZA Gallardo-Daly stated that in regard to Condition 7.20, which would require tenants to leave the building by 5:30 PM, there are current lease in place with no restrictions on their hours of operation, as stated by the applicant. As these leases are legally binding, the property owner would be unable now to impose those restrictions. Adding these restrictions to new tenants would be difficult to enforce in order to meet this condition. What if a tenant needed to work late to meet a deadline or meet with a client?

ZA Gallardo-Daly stated that the varied uses on site provide for an opportunity for shared parking and that the project meets the required findings for approval because:

- The provided parking study demonstrates that the shared parking arrangement will not result in inadequate parking for the site.
- Businesses in the mixed-use development have offset operating hours and peak parking demand. For instance, the offices, general close by 5 PM, which allows for additional available parking for the restaurant at dinner hours between 5-10 PM.

- The data in the parking study provided demonstrates that variation of use types and their peak hours allows the existing parking lot to accommodate the proposed intensification.
- The request is consistent with previously approved shared parking strategies for commercial developments.

ZA Gallardo-Daly stated that it is important to ensure that the parking spaces on the lower level are accessible. Five out of the 19 parking spaces on the lower level are being counted toward the shared parking utilization and have to be available, accessible and open to any customers or visitors to the building. ZA Gallardo-Daly stated that closed gates means customers are going to be looking for parking off-site. Parking must be provided on-site, in compliance with the parking study.

In order to address concerns raised about the impact of the shared parking on the Santiago residential street, ZA Gallardo-Daly requested an 18-month check-in to evaluate the impacts of the shared parking. This will include a parking demand analysis when the restaurant is up and running to provide information on how the shared parking is working and determine any off-site impacts.

ZA Gallardo-Daly approved Minor Conditional Use Permit 21-006 based on the following findings: The proposed use is permitted within the subject zone pursuant to the approval of a Minor 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. The proposed on-site sale of beer and wine for indoor and outdoor consumption is ancillary to a restaurant use and is permitted in the Mixed Use 3.2 subject to a minor conditional use permit. The project supports the General Plan Economic Development Policy ED-2.03. Shared parking is recognized in Municipal Code Section 17.64.120 as a method to meet parking requirements for mixed-use developments. The varied peak times of uses on site allow for the shared parking arrangement to support all uses on site, including the restaurant with 32 indoor seats. The site is suitable for the type and intensity of use that is proposed. The subject suite will maintain a commercial use and contribute to the mixed-use development on site. The proposed use will not be detrimental to the public health safety, or welfare, or materially injurious to properties and improvements in the vicinity. The restaurant seating increase will not result in inadequate parking in that the current uses and new restaurant are not anticipated to generate more parking than what is provided based on parking counts and ULI parking ratio standards. The City's Code Compliance Division, The Orange County Sheriff's Department, and California Department of Alcoholic Beverage Control do not have concerns with the indoor and outdoor beer and wine service. The proposed use is conditioned to ensure the use complies with all applicable codes, and incorporates best management practices, including a requirement for restaurant employees to receive Alcoholic Beverage Service Training. The applicant is required to obtain a building permit for any interior tenant improvements to

ensure the work is completed appropriately. The conditions of approval limit the operating hours of the commercial uses to ensure overlapping operating times of the businesses do not create parking deficiencies on site. The number of parking spaces required for the site, in accordance with Section 17.64.050(B), Number of Parking Spaces Required, is provided through the shared parking arrangement, based on varied hours of operation and/or combinations of peak and off-peak uses.

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities).

Action: The Zoning Administrator approved and adopted Resolution ZA 21-025, Minor Conditional Use Permit 21-006, Buona Forchetta Shared Parking Agreement and Beer and Wine Service, subject to the Conditions of Approval with the following modifications:

- Removal of Condition No. 50 of Resolution No. 15-52, per Zoning Administrator authority granted by Condition No. 38 of Resolution No. 15-52.
- Removal of Condition No. 7.20 which states, “The commercial uses located building’s floors above the street level shall cease operations no later than 5:30P.M. daily to ensure that overlapping commercial uses do not create a parking demand which exceeds the amount of parking provided on site.”
- Addition of Conditions of Approval that address the following:
 - Evaluation of the feasibility to add directional signage on site to direct customers to available parking spaces.
 - Evaluation of the feasibility to add a red curb between the parking garage access on Avenida Santiago and the alley.
 - Maintain alley parking garage gate open during business hours to provide access to shared parking spaces for business customers.
 - 18 months from the approval date, the Zoning Administrator shall evaluate the impacts of shared parking, including parking demand when the restaurant is operating.

5. NEW BUSINESS

None

6. OLD BUSINESS

None

7. **ADJOURNMENT**

The meeting adjourned at 4:19 p.m. to the Regular Meeting of the Zoning Administrator, which will be held Thursday, October 21, 2021 at 3:00 p.m. at City Hall, First Floor Community Room, located at 910 Calle Negocio, San Clemente, California.

Respectfully submitted,

SAN CLEMENTE ZONING ADMINISTRATOR

Cecilia Gallardo-Daly, Zoning Administrator

DRAFT