

**CALIFORNIA COASTAL COMMISSION**

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 Staff: ALK/LB  
 Staff Report: November 18, 1999  
 Hearing Date: December 7-10, 1999  
 Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-99-335  
**APPLICANT:** San Clemente Property, LLC  
**AGENT:** None  
**PROJECT LOCATION:** 204 Avenida Del Mar, San Clemente,  
 Orange County

**PROJECT DESCRIPTION:** Exterior/interior remodel and reuse of existing vacant 16,387 square foot commercial structure in the San Clemente downtown area. Renovation will result in the development of a 14,801 square foot mixed-use project, comprised of three (3) restaurants, four (4) retail spaces and three (3) residential units. Twenty-five (25) on-site parking spaces will be retained as they currently exist in a covered garage and outdoor lot. No additional parking will be provided. No grading is proposed. The project also includes a resubdivision assembling five existing lots into one 20,936 square foot lot.

**PROJECT SPECIFICS:**

Lot Area:	20,936 sq. ft.
Building Area:	14,801 sq. ft.
Building Coverage:	13,660 sq. ft.
Pavement Coverage:	6,606 sq. ft.
Landscape Coverage:	670 sq. ft.
Parking Spaces:	25
Land Use Designation:	MU 3-CB-A
Ht above final grade:	44 feet

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends the Commission **approve** the proposed development with special conditions regarding designation of residential tenant parking spaces, restriction of allowable outdoor dining seats, and notification of coastal development permit requirements for any change in intensity of use of the site. The major issue raised by the proposed mixed-use development is the adequacy of parking. Twenty-five (25) parking spaces are provided on-site and 49 parking spaces are required by current City of San Clemente parking standards, resulting in a deficiency of 16 spaces. The deficiency is met through a "grandfathering" of existing parking space non-conformity and the granting of City parking waivers.

**LOCAL APPROVALS RECEIVED:** Approval in concept from the Department of Community Development of the City of San Clemente, Approval of Conditional Use Permit 99-69/Cultural Heritage Permit 99-77 from the Planning Commission of the City of San Clemente

**SUBSTANTIVE FILE DOCUMENTS:** City of San Clemente Certified Land Use Plan, City of San Clemente Parking Needs Assessment Study

**LIST OF EXHIBITS**

1. Vicinity Map
2. Assessor's Parcel Map
3. Site Plan/Parking Plan
4. Floor Plans
5. Coastal Access Map
6. City of San Clemente Staff Report
7. City of San Clemente Municipal Code Table 17.28.205B  
(Parking Requirements for Outdoor Dining Area)

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**STAFF RECOMMENDATION:**

Staff recommends that the Commission APPROVE the permit application with special conditions.

**MOTION:**

*I move that the Commission approve CDP No. 5-99-335 pursuant to the staff recommendation.*

Staff recommends a YES vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

**RESOLUTION:**

**I. Approval with Conditions**

The Commission hereby **grants** a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

**II. Standard Conditions**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**III. Special Conditions**

1. Residential Tenant Parking

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a revised parking plan for the Plaza Del Mar development.

1. The parking plan shall demonstrate that six (6) parking spaces (2 parking spaces per residential unit) will be designated on-site, either in the covered garage or outdoor lot, for exclusive use by tenants of the 3 residential units at all times.
2. The parking plan shall include, at a minimum, the following components:

- (a) A signage plan, depicting the design (e.g., dimensions, etc.) of the posted “resident only” parking signs.
  - (b) A site plan of covered garage and outdoor parking lot, depicting the locations where residential parking signs will be installed.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Outdoor Dining

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, revised floor plans for the three (3) restaurants within the Plaza Del Mar development.
- 1. The floor plans shall demonstrate that no more than 16 seats and 4 tables will exist at a single restaurant outdoor dining area.
  - 2. The floor plans shall include, at a minimum, the following components:
    - (a) A plan view drawing of all outdoor dining facilities, depicting the approximate placement of all seats and tables.
    - (b) A statistical summary table of outdoor dining facilities, outlining the total number of seats and tables at each restaurant site.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Future Improvement/Parking

This coastal development permit 5-99-335 is only for the development, located at 204 Avenida Del Mar, in the City of San Clemente, County of Orange, as expressly described and conditioned herein. Any future improvements or development as defined in Section 30106 of the Coastal Act, including an increase in square footage or any other change in the intensity of use of the property, shall require an amendment to this permit or a new coastal development permit from the Coastal Commission or its successor agency.

**IV. Findings and Declarations**

The Commission hereby finds and declares:

**A. Project Description and Location**

The applicant is proposing a major exterior/interior remodel and reuse of an existing 16,387 square foot commercial building. The proposed development, known as the Plaza Del Mar, will be located within the shell of the currently vacant Cornet building at 204 Avenida Del Mar in the downtown area of the City of San Clemente. The renovation will result in the development of a 14,801 square foot mixed-use project, comprised of three (3) restaurants, four (4) retail spaces and three (3) residential units. Twenty-five (25) on-site parking spaces will be retained as they currently exist in a covered garage and outdoor lot. No additional parking will be provided. No grading is proposed. The project also includes a resubdivision assembling five existing lots into one 20,936 square foot lot.

The following table summarizes land uses, lease space area, and potential seating capacities associated with the proposed project.

<b>TABLE 1 PLAZA DEL MAR PROJECT SPECIFICS</b>		
<b>LEASE SPACE</b>	<b>PROPOSED USE</b>	<b>LEASE SPACE SQUARE FOOTAGE/SEATING CAPACITY</b>
A	Coffee House	1,416 (20 indoor, 8 outdoor)
B	Retail	1006
C	Retail	2136
D	Restaurant	1,906 (50 indoor, 8 outdoor)
E	Retail	264
F	Retail	711
G	Restaurant	3,832 (85 indoor, 24 outdoor)
H	Residential	1,238
J	Residential	1,164
K	Residential	1,128
<b>TOTAL</b>		<b>14,801 (155 indoor, 40 outdoor)</b>

The development fronts the northwest corner of the intersection of Avenida Del Mar and North Ola Vista in the downtown area of the City of San Clemente (see Exhibits 1 and 2). The lot extends the length of North Ola Vista to Avenida Cabrillo. Adjacent to the site on the south are professional offices and commercial development. To the north is commercial development. To the west is residential development. To the east is commercial development.

The site is located approximately one mile from the beach. The nearest coastal access is available via pedestrian walkways at either Linda Lane City Park or the San Clemente Municipal Pier area.

**B. Development**

**1. Coastal Act Policies**

As defined by Section 30106 of the Coastal Act, "development" means change in the density or intensity of use of land or construction, reconstruction, demolition, or alteration of the size of any structure. The proposed project involves a change in land use from a strictly commercial retail use to a mix of retail, restaurant and residential uses. Also, the proposed development will decrease the square footage of the existing structure from 16,387 square feet to 14,801 square feet. Therefore, due to the proposed change in intensity of use and the alteration of structure size, the current renovation project is considered development by Commission standards.

The Coastal Act provides that development should maintain and enhance public access to the coast and encourages the provision of lower cost visitor and recreational facilities.

Section 30252 of the Coastal Act requires that new development should maintain and enhance public access to the coast. It states, in relevant part:

*The location and amount of new development should maintain and enhance public access to the coast by...(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.*

Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities be protected, encouraged and where feasible, provided. It states:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

**2. Land Use Plan Policies**

Sections VI.2, VI.3 and VII(d) of the City of San Clemente Certified Land Use Plan (LUP) contain policies regarding development within Downtown San Clemente and public access to the shoreline. However, until such time as the City's Implementation Plan (IP) is approved and the Local Coastal Program (LCP) has been certified by the Commission, the Chapter Three policies of the Coastal Act are applied as the standard of review.

Chapter 3, Section F of the LUP discusses special districts within San Clemente, including the downtown area. The City's LUP envisions Downtown as follows:

*Downtown San Clemente, which functions as the symbolic “core” of the City, will continue to emphasize its pedestrian and “village” character. Community and visitor serving uses, with residential units on the upper stories, are encouraged. Architecture is required to be Spanish Colonial Revival, and site design will emphasize buildings along street frontages that incorporate courtyards, arcades, streetscape, and similar designs to encourage pedestrian activity.*

Policies for Downtown San Clemente are contained in Sections VI.1 through VI.4 of the LUP.

Policy VI.2 states:

*Accommodate the development of community and visitor serving commercial uses, including retail, financial, household supply and furnishings, eating and drinking establishments, food sales, drug stores, personal and business services, professional offices, art and cultural facilities, overnight accommodations, public facilities, and similar uses.*

Policy VI.3 states:

*Accommodate the development of residential uses on the second floor or higher of structures containing commercial uses and or parking on the lower floor.*

Mirroring Section 30252 of the Coastal Act, Section VII(d) states, in relevant part:

*The location and amount of new development should maintain and enhance public access to the coast by...(d) providing adequate parking facilities or a substitute means of serving the development with public transportation.*

### **3. City Required Parking**

The proposed development involves the renovation of a one-story, 44' high, 16,372 square foot commercial structure with 25 parking spaces. Twenty (20) parking spaces exist in a covered garage beneath the structure and 5 exist in an adjacent outdoor lot (part of the subject site). After renovation, the structure will be a 14,801 square foot mixed use development with the same number of parking spaces.

The issues of concern to the Commission triggered by development at this location include potential adverse impacts on parking resulting in impaired access to the coast, and provision of lower cost visitor-serving development. Since parking is considered the most significant issue raised by the proposed project, this section outlines parking requirements used by the City of San Clemente to evaluate the proposed development.

The existing commercial structure is non-conforming with regard to parking. By current City parking standards, the existing commercial development at the subject site would require 41 parking spaces. Twenty-five (25) parking spaces currently exist on-site.

Since the proposed project is a remodel of an existing structure, the deficit of 16 parking spaces will be "grandfathered."

The proposed mixed use development will require 49 parking spaces, thereby resulting in a net increase of 8 required parking spaces based on the assumption that 41 parking spaces currently exist at the project site. The applicant proposes to satisfy the project's 8 space parking requirement through the City's Downtown Parking Waiver Program (discussed in following section). The City of San Clemente granted the project a 10 space waiver on August 17, 1999. The City has also approved an outdoor dining permit for 24 outdoor restaurant seats which waives the 5 parking spaces that would otherwise be required for the proposed restaurant uses. This outdoor dining permit is for the 24 outdoor seats in excess of the 16 outdoor seats allowed to exist with no associated parking. (Establishments are allowed up to 16 outdoor seats with no parking spaces.) By City standards, no parking spaces are required for the 40 outdoor seats.

To reiterate, the proposed project would be required to provide 49 parking spaces under current City parking standards. However, 16 spaces have been "grandfathered," 10 required parking spaces have been waived by the City of San Clemente through their Downtown Parking Waiver Program, and no parking spaces are required for outdoor dining. Therefore, the 25 parking spaces provided at the project site satisfy the City's parking requirements. The following table illustrates the parking provided as determined by the City's current parking standards.

Existing On-site	25
Grandfathered	16
Downtown Parking Waiver Program	10
<b>TOTAL</b>	<b>51*</b>
<i>*Note: 49 parking spaces required by current City of San Clemente parking standards</i>	

**a. Parking Analysis**

Public access to the coast can be adversely impacted by new development if adequate parking spaces are not provided. Patrons of the new development will compete with beach-goers for public parking spaces. However, in this case, the project is located approximately one mile from the coast. Parking in the project area is not utilized for beach parking.

The proposed mixed use development will contain four (4) retail establishments, three (3) restaurants (including 1 coffee house) and three (3) two-story residential units. The applicant is providing a total of 25 parking spaces—20 spaces in a covered lot beneath the main floor of the structure and 5 at an outdoor lot adjacent to the structure. The on-site parking will not be managed with a payment system. The parking lot will be posted as "Parking for Patrons of Plaza Del Mar Only." The applicant will also designate one



(1) disabled space in front of the building entrance on Avenida Del Mar. Due to the slope of the existing ramps from the parking areas, a disabled space could not be accommodated on-site. The City has accepted the on-street disabled parking space as adequately serving the ADA requirement. The applicant has proposed that three (3) parking spaces in the covered garage be designated as residential “tenant only” parking. However, a condition has been imposed which requires all 6 parking spaces required for residential tenant parking (2 per unit, excluding guest parking) to be designated on-site for exclusive use by residents. The “tenant only” spaces may either be located in the covered garage or outdoor lot. This ensures that residents are not competing with patrons of the retail or restaurant uses at Plaza Del Mar for what should be their guaranteed parking allotment. Approximately 5 additional parking spaces may also be made available in the adjacent professional office building lot to the south, but no shared parking agreement has been reached.

In 1995, the City conducted a Downtown Parking Study as part of the *City of San Clemente Parking Needs Assessment* prepared by IBI Group. The report concluded that a surplus of parking opportunities exists in the downtown area and “up to 200,000 sq. ft. of new development in the downtown area could be accommodated without the need for additional parking.” The City used this information to determine that 180 excess parking spaces currently exist in the downtown area and initiated a parking waiver program for downtown business development.

In 1996, the City incorporated the Downtown Parking Waiver Program into the San Clemente Zoning Ordinance (SCZO) update and has also included the program in their recent Implementation Plan (IP) submittal to the Coastal Commission. The program allows for the waiver of parking requirements for downtown business expansion (i.e. additions, changes in use). The proposed remodel/change in use requires 8 additional parking spaces based on the current requirements of the zoning ordinance. Since no new on-site parking will be provided as part of the proposed project and no space exists for the provision of new parking, the applicant requested an 8-space waiver from the City under their Downtown Parking Waiver Program (to be discussed later in the Parking Analysis).

On-street and off-street public parking exists throughout the project area. There are no parking meters within the downtown area. All of the 660 on-street parking spaces are unmetered and restricted to two (2) hours. The 185 off-street public spaces, provided on City-managed lots, are also unmetered and restricted to two (2) hours.<sup>1</sup>

The City of San Clemente’s parking standard for mixed use developments is based on the type of uses proposed and the location of the proposed project. The City standard for retail within the MU 3 zone is 1 parking space for each 400 square feet of gross floor area. Within all other zoning designations, the City standard for retail is 1 parking space for each 300 square feet of gross floor area. (The subject site is located within the MU 3 zone.) According to this standard, the applicant would have to provide 11 parking spaces for 4,117 square feet of retail uses. The City standard for restaurants is 1 space

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<sup>1</sup> *City of San Clemente Parking Needs Assessment, 1995.*

for each 5 seats. However, the City does not require additional parking for outdoor dining (see discussion of Outdoor Dining Parking Waiver below). According to this standard, the applicant would have to provide 31 spaces for 155 indoor restaurant seats. The City standard for residential units is 2.33 spaces for each unit (2 per unit plus .33 for guest parking). According to this standard, the applicant would have to provide 7 parking spaces for 3 residential units.

Utilizing the City's parking standards, the applicant must provide a total of 49 parking spaces. However, as will be explained in the subsequent section, the City has reduced the amount of parking spaces required at this site by granting special parking waivers and taking into consideration the existing parking deficiency at the project site.

As discussed in the City of San Clemente Staff Report for the proposed project, the structure is currently non-conforming with regard to parking. The Cornet building, which was constructed under 1955 parking standards, provides an inadequate amount of parking based on current parking standards. The SCZO acknowledges these non-conforming situations and recognizes the need to promote downtown and El Camino Real business development and expansion opportunities. SCZO Section 17.40.040 (Mixed Use zone development standards) states that "The number of off-street parking spaces which shall be provided for an alteration of use or addition of square footage shall be the net increase in parking spaces required for the project as a result of the alteration or addition of square footage."

In the case of the proposed Plaza Del Mar project, the net increase in required parking is a total of 8 spaces (see table below). The required parking is the difference between the existing parking requirement and the proposed project's required parking. Pursuant to non-conforming use provisions in the SCZO, it is not necessary that the currently required number of parking spaces be provided on-site when a site is to be renovated. Therefore, a deficiency of 16 parking spaces will be "grandfathered." The City of San Clemente staff prepared the following table to demonstrate how the proposed project's required parking was determined.

<b>TABLE 3</b>							
<b>PARKING SPACES REQUIRED AT SUBJECT SITE</b>							
<b>EXISTING PROJECT</b>				<b>PROPOSED PROJECT</b>			
<b>Use</b>	<b>Qualifier</b>	<b>Parking Standard</b>	<b>Parking Required</b>	<b>Use</b>	<b>Qualifier</b>	<b>Parking Standard</b>	<b>Parking Required</b>
Retail	16,387 sq. ft.	1/400 sq. ft.	41	Retail	4,117 sq. ft.	1/400 sq. ft.	11
				Restaurant	155 seats	1/5 seats	31
				Residential	3 units		7
<b>TOTAL</b>			<b>41</b>				<b>49</b>

The applicant intends to satisfy the project's 8 space parking deficiency through the City's Downtown Parking Waiver Program. Prior to the granting of a parking waiver, the City must first make a finding that there is adequate parking available in the project vicinity. City staff visited the project site during different hours on weekdays to observe parking demand and identify potential off-site parking opportunities. Although parking on Avenida Del Mar was close to maximum capacity during the peak hour (weekdays at lunch) parking was available on other adjoining streets and in nearby parking lots. City staff determined that adequate public parking opportunities exist in proximity to the site. Coastal Commission staff also visited the site on two occasions and observed sufficient parking availability during the midday hours.

The second finding required by the City prior to issuance of a parking waiver is the determination that the City has not granted more than 180 parking waivers (the parking surplus identified in the Downtown Area Parking Study) since implementation of the program. City staff determined that a total of ten (10) waivers have been granted since 1996. The projects that have received waivers are listed on the following page.

<b>TABLE 4</b>			
<b>PARKING WAIVERS GRANTED TO DATE</b>			
Application No.	Business/Bldg. Name	Address	Parking Spaces Waived
	Shore House Restaurant	210-205 Avenida Del Mar	5
	Burridge Building	118-124 S. El Camino Real	2
	Tina & Vince's Restaurant	221 Avenida Del Mar	1
	K & S Cleaners	114 South El Camino Real	2
<b>TOTAL</b>			<b>10</b>

On August 17, 1999, the City of San Clemente Planning Commission approved a 10-space parking waiver under the City's Downtown Parking Waiver Program (the maximum number that can be granted to a single project). With the approval of the current project, a total of 20 parking waivers will have been granted under this program. One hundred sixty (160) parking waivers will remain.

The City Planning Commission granted 2 more waivers than had been originally requested by the applicant (10 rather than 8). According to a Senior Planner at the City of San Clemente, this was done to allow for a potential increase in restaurant square footage. The plans submitted for Commission review do not show that additional square footage has been added to the restaurant areas (see Table 1 for square footage of each lease space). The applicant has indicated that the configuration of internal lease spaces may change slightly during the tenant improvement period, but overall square footage will not exceed 14,801. The 10-space parking waiver will fulfill the site's current 8-space deficiency and allow for a slight increase in square footage. A condition has been imposed which requires the applicant to seek a permit amendment if an addition of square footage or intensification of use is proposed.

The City of San Clemente also granted a separate parking waiver for outdoor dining at the subject site. The SCZO promotes outdoor dining by allowing outdoor seating without requiring additional on-site parking. Outdoor dining permits on private property involving up to 16 seats can be approved by City staff or the City Zoning Administrator. Requests for outdoor dining permits on private property involving more than 16 seats, including requests for a waiver of the associated parking, require approval by the Planning Commission.

According to the City's interpretation of the SCZO, projects with 16 or fewer outdoor dining seats may be approved with no on-site parking requirement. Therefore, the first 16 outdoor dining seats (of the 40 total), or 3 parking spaces, at the proposed Plaza Del Mar development were considered "exempt" from the requirement for additional parking. The parking requirement for the remaining 24 outdoor seats, or 4 parking spaces, was satisfied by an outdoor dining permit with parking waiver approved by the City Planning Commission on August 17, 1999.

However, under the Commission's suggested modifications to the City's previously submitted IP, the number of outdoor dining seats that could receive a waiver of associated parking was limited to 16. As modified, Section 17.28.205 (formerly Section 15.120 (E) Outdoor Seating on Private Property for Restaurants) reads, in pertinent part:

**1. A. Purpose and Intent**

*While it is the intent of this title to require that businesses be conducted completely within an enclosed building, the City of San Clemente recognizes the need to allow certain facilities which help achieve the goals of the City's General Plan. Outdoor dining areas, when accompanying indoor restaurants, are just such facilities; they enhance the village/pedestrian atmosphere of an area. In recognition of this, it is the purpose of this section to provide for the outdoor dining facilities on private property which add to pedestrian ambiance, while mitigating potential visual impacts, traffic congestion, accessibility, and noise impacts. This section also aims to integrate such activities into the appropriate zones with the least impact to the surrounding community.*

*This section applies to outdoor dining facilities on private property. For provisions for outdoor dining facilities on public property, or sidewalk café permits, please refer to Section F ~~17.28.206~~, Outdoor Dining Areas on Public Property, Permanent and Accessory, of this title. No more than a combined total of 16 seats and four tables are allowable under the private and public outdoor dining ordinances.*

**2. B. Applicability**

*This section shall apply only to outdoor dining facilities on private property which have not been approved by the City of San Clemente as of February 7, 1997. Within the appealable areas, the Pier Bowl and the North Beach specific plan*

areas, restaurants with more than 3,000 square feet of gross floor area must provide parking spaces, in accordance with the parking requirements for indoor restaurant seating, for all outdoor dining seating. No more than a combined total of 16 seats and four tables are allowable under the private and public outdoor dining ordinances.

In support of these modifications, the Commission found that the Outdoor Dining on Public Property ordinance could involve expanding seating on private property areas fronting public property (sidewalks or alleys if there is room and no adverse impacts to pedestrian circulation) or outdoor dining in restaurant interior areas, such as courtyards. In the IP submittal, it was not clear if a restaurateur would be allowed 16 seats for outdoor dining on public property and 16 seats for outdoor dining on private property, for a total of 32 seats and 8 tables per restaurant. The Commission findings note that this is a substantial number of seats to provide without parking. Therefore, one suggested modification clarifies that a total of 16 seats and four tables is allowed for any combination of outdoor public and private seating. Another suggested modification clarifies that the outdoor dining ordinance does not apply to restaurants over 3,000 gross square feet in certain areas. The effects of the outdoor dining ordinance (public and private) operate citywide.

These suggested modifications were not incorporated into the City's zoning ordinance approved by the City Council on May 19, 1999. Currently, there is no limit to the number of outdoor seats that can receive a waiver of required parking. When questioned about the interpretation of the outdoor dining ordinance, an Associate Planner at the City of San Clemente indicated that Section 17.28.205 of the City's ordinance allows up to 16 outdoor seats to be "freebees," with no associated parking required (see Exhibit 7). The planner explained that all outdoor seats "over and above" 16 require the provision of the appropriate number of parking spaces, or may receive an outdoor dining permit with a waiver of the associated parking. Using this interpretation, there is no limit to the number of outdoor seats that are eligible for parking waivers under the City's existing Outdoor Dining Ordinance. In addition, there is no process in place for recording the number of 16-seat "freebees" or "over and above" (greater than 16 seats) parking waivers that have been issued for outdoor dining. A "freebee" would be an exemption from coastal development permit requirements. However, such an exemption was not included in Section 7.050 (Exemptions for Existing Development) of the City's Implementation Plan submittal or the Commission's suggested modifications. It is not the Commission's intent to allow this 16-seat parking space exemption for outdoor dining; otherwise it would have been included in Section 7.050 as modified. Because the Outdoor Dining Ordinance is applicable citywide, its continued use may have cumulative adverse impacts on parking, thereby affecting coastal access.

Without the 24-seat outdoor parking waiver and 16-seat parking "exemption," the applicant would be required to provide a total of 39 parking spaces for restaurant uses. With the waiver and the "exemption," the applicant may provide only 31 parking spaces, a reduction of 8 parking spaces.

A condition is being required which limits the total number of outdoor dining seats that may receive parking waivers at the subject site. In keeping with the suggested modification to the IP, no more than 16 seats and 4 tables will be allowed to receive parking waivers for each restaurant. The plans currently show two of the restaurants providing 8 outdoor seats and the third restaurant providing 24 outdoor seats, for a total of 40 seats. The plans must be revised so that no one restaurant has more than 16 outdoor seats if no parking spaces are being provided for that outdoor seating. This condition is consistent with the intent of the IP suggested modifications and takes into account the fact that the project involves a resubdivision assembling five existing lots into one larger lot. If the applicant had proposed 5 restaurants (one on each existing lot), up to 16 outdoor seats on each lot would have been eligible for a waiver of the required parking.

As discussed previously, the City of San Clemente has recently submitted for certification a revised Implementation Plan (IP) to support their certified Land Use Plan (LUP). The proposed IP allows the City to waive the parking space requirements for a maximum of 180 parking spaces in the Downtown Parking Study Area. Each parking waiver is equal to one parking space. After the City has issued a total of 180 parking waivers (180 parking spaces) in the downtown area, the City may apply for a Local Coastal Program Amendment for extension of the parking waiver program.

By acquiring the appropriate parking waivers, the applicant meets the City of San Clemente's parking standards. However, because the site is underparked, it is probable that persons visiting the Plaza Del Mar mixed use development will park on the street and in nearby lots when on-site parking is full. It is believed that visitors to the Plaza Del Mar site will be able to utilize the excess parking supply identified in the Downtown Parking Study. Also, residents in surrounding neighborhoods may choose to walk to the project site, thereby lessening the potential parking demand. Customers of the mixed use development may also visit more than one use, further reducing the parking demand. Therefore, no significant parking impacts are anticipated.

The site was previously developed with a commercial establishment and is located within a primarily commercial area. The question of concern is whether this development would adversely impact beach parking. Due to the significant distance to the beach (one mile away) and the 2-hour parking time limit in the downtown area, parking in the project area is not utilized for beach parking.

In addition, the applicant has indicated that peak parking periods for the uses proposed for Plaza Del Mar are in the evenings, after most of the other uses within the project area are closed. This demonstrates an opportunity for shared use parking, where the various land uses have different peak parking times and the existing parking supply is sufficient to serve both day and evening activities.

Therefore, Commission staff finds that the proposed development contains adequate parking and will not have any adverse impacts on beach parking and is consistent with Section 30252 of the Coastal Act and Section VII.1(d) of the City of San Clemente LUP.

**b. Coastal Access**

The proposed development is located on the northwest corner of North Ola Vista and Avenida Del Mar in the City of San Clemente downtown area. The project site is located approximately one mile from the coast. The site is separated from the ocean by multiple blocks of commercial development, the Community Center, residential development and the OCTA railroad tracks. The nearest primary coastal access points are located at Linda Lane City Park and the San Clemente Municipal Pier (see Exhibit 5). Linda Lane City Park can be accessed via Avenida Cabrillo located directly northwest of the subject site. San Clemente Municipal Pier can be accessed via Avenida Del Mar located directly southeast of the subject site. Each of these primary coastal access points provides public parking and a foot path to the beach. There are 135 off-street parking spaces available at Linda Lane and 133 off-street/102 on-street (235 total) at the Municipal Pier. The closest secondary coastal access point is provided via a stairway at Corto Lane. There are 5 on-street parking spaces available at Corto Lane. It is unlikely beach-goers would choose to park in the downtown area when visiting the coast due to the availability of public parking at each of the aforementioned access points, the distance to the beach and the 2-hour parking limitation in the Downtown area. In addition, the project provides commercial facilities within and adjoining residential development to minimize use of coastal roads, thereby increasing coastal access.

Therefore, Commission staff finds that the proposed development provides adequate coastal access and is consistent with Sections 30250 and 30252 of the Coastal Act and Section VII.1(d) of the City of San Clemente LUP.

**c. Lower Cost Visitor-Serving Commercial Development**

The proposed Plaza Del Mar building is located in the downtown area of the City of San Clemente. The project is located approximately one mile from the coast. There is commercial development to the south, east and north. Residential development exists to the west. The renovated structure will be a two-story mixed use project. The proposed project provides commercial development that will serve the surrounding community as well as visitors. Four (4) retail establishments and three (3) restaurants are included as part of the proposed project. These uses are expected to attract residents and visitors to the Plaza Del Mar development. The existing commercial structure is currently vacant, therefore the proposed project will increase commercial activity in the area. In addition, the applicant proposes to provide live outdoor entertainment in the pedestrian plaza area. The plaza will be open to the public, providing a low cost visitor-serving opportunity.

Therefore, the Commission finds that the development does not pose any adverse impacts to lower cost visitor and recreational facilities and is consistent with Section 30213 of the Coastal Act and Sections VI.2 and VI.3 of the City of San Clemente LUP.

**C. Local Coastal Program**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The City has recently submitted the revised IP for Commission review. The proposed development is consistent with the policies contained in the certified Land Use Plan. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for San Clemente that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

**D. Consistency with the California Environmental Quality Act (CEQA)**

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been found to be consistent with the new development and visitor-serving policies of the Coastal Act. No special conditions, or mitigation measures, are required. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



CAPISTRANO BEACH DANA POINT

PACIFIC

OCEAN

COASTAL COMMISSION

EXHIBIT # 1  
PAGE 1 OF 1

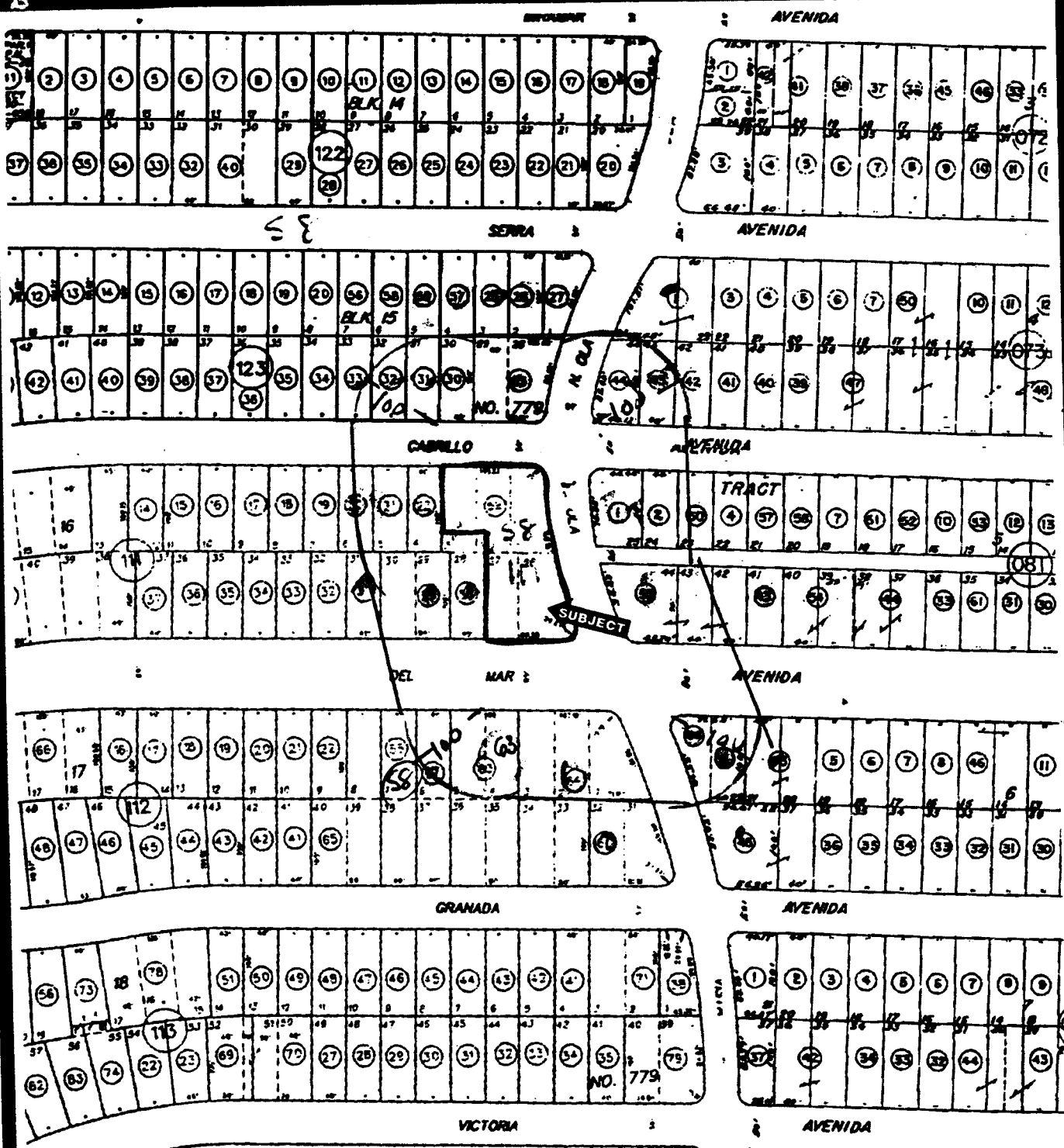
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- 1 OCEAN DR
  - 2 PACIFIC DR
  - 3 SURF DR
  - 4 SANDY DR
  - 5 BREAKER DR
  - 6 BEACH DR
  - 7 EBB TIDE DR
  - 8 SEA WEEZE DR
  - 9 DOLPHIN DR

SUBJECT SITE  
204 AVE. DEL MAR  
SAN CLEMENTE  
(ORANGE COUNTY)

- 1 CORONADO LR
- 2 S ALAMEDA LR
- 3 SANTA ANA LR
- 4 CAPISTRANO LR
- 5 CORONA LR

MUNICIPAL PIER

1 AVE PRINCESA



10

23-19 TO 25 INC.  
269-09

NOTE - ASSESSOR'S BLOCK &  
PARCEL NUMBER  
SHOWN IN CIRCLES

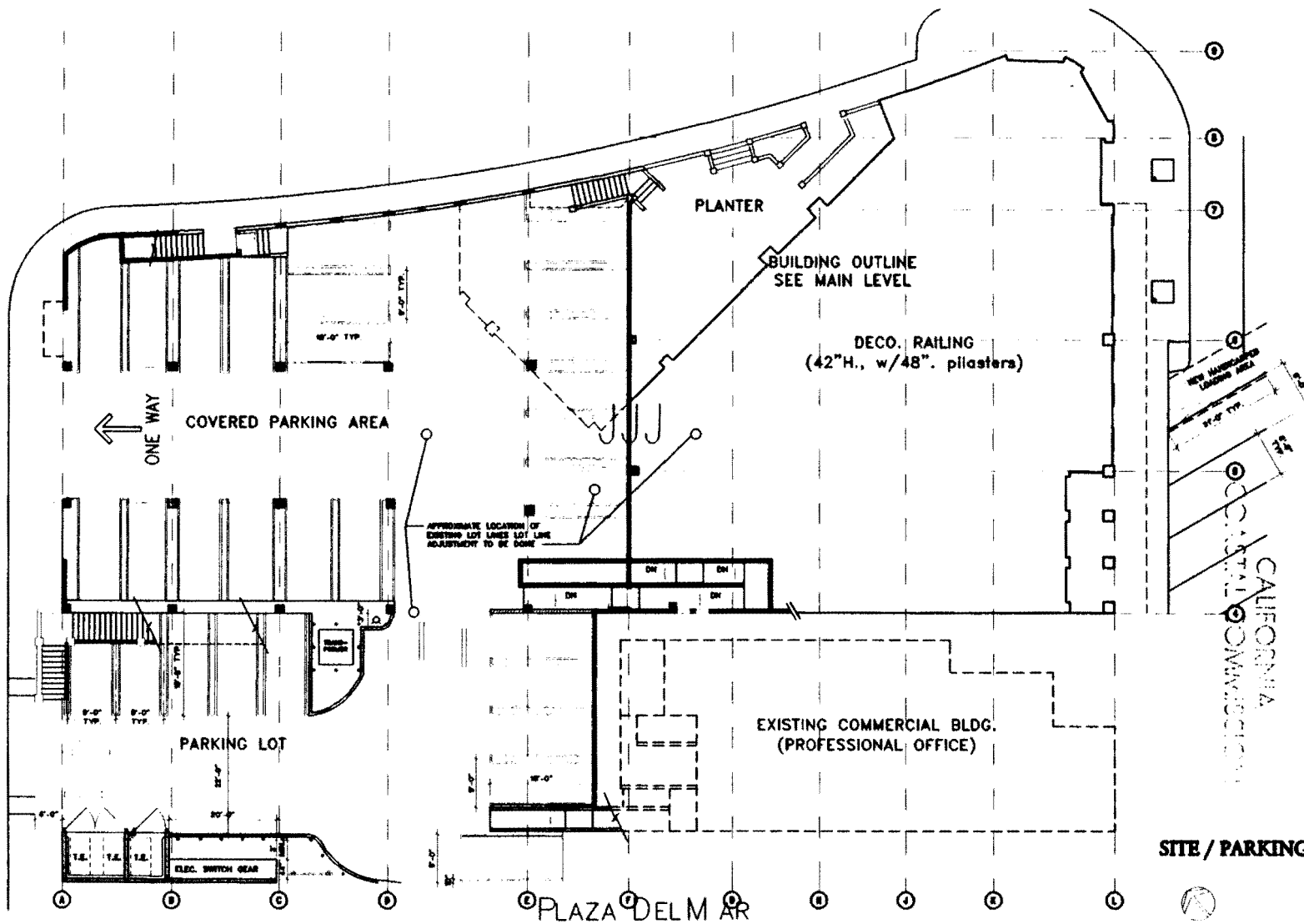
ASSESSOR'S MAP  
BOOK 58 PAGE 11  
COUNTY OF ORANGE

09  
TR. NO. 779 M.M.

COASTAL COMMISSION

EXHIBIT # 2  
PAGE 1 OF 1

**Ownership Map**



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 COASTAL COMMISSION

**SITE / PARKING PLAN**

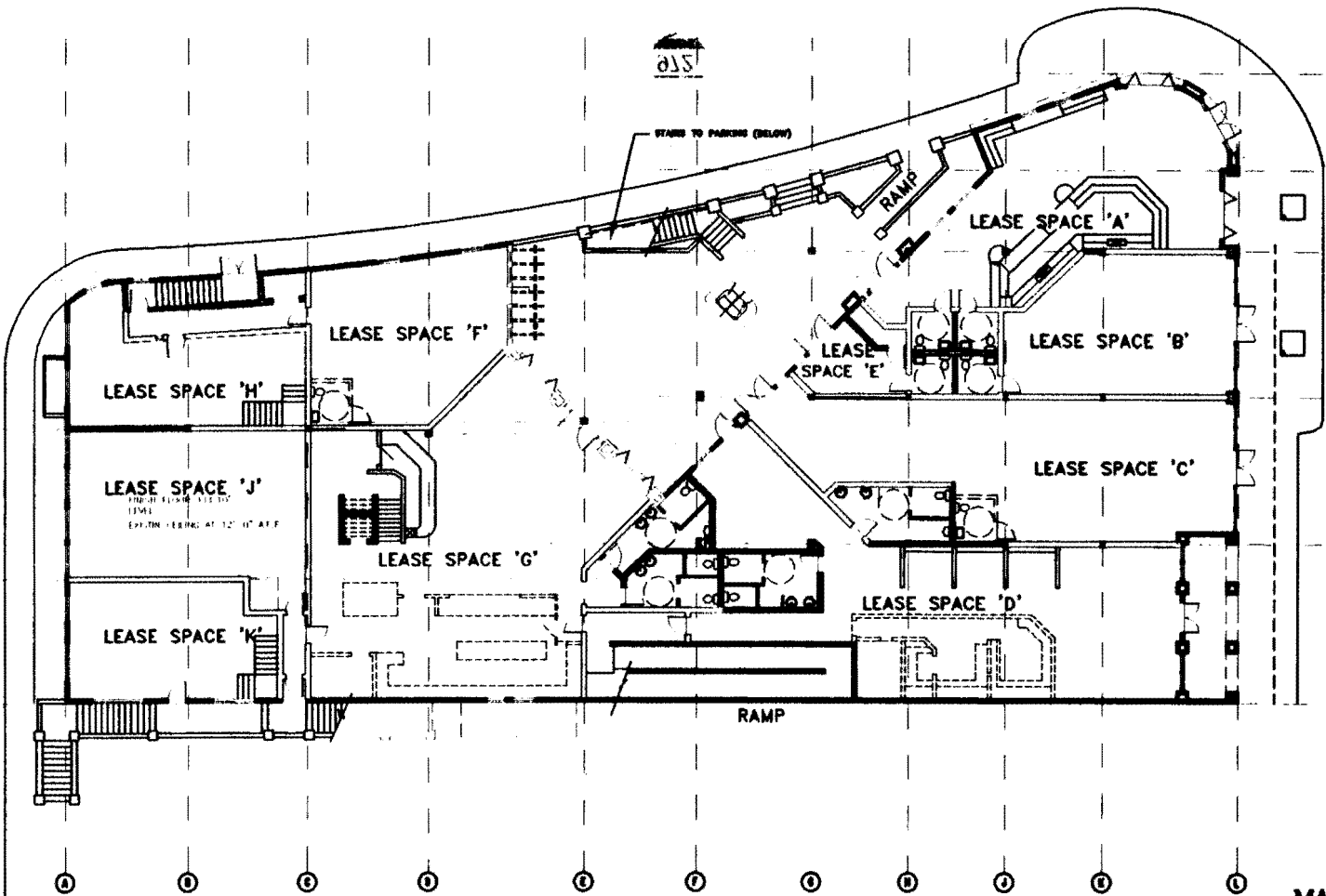
**COASTAL COMMISSION**

EXHIBIT # 3  
 PAGE 1 OF 1



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MAIN PLAN

PLAZA DEL MAR

COASTAL COMMISSION

EXHIBIT # 4  
PAGE 1 OF 2

**BICKEL UNDERWOOD**  
 A CALIFORNIA CORPORATION  
 JAMES BICKEL JR., ARCHITECT  
 3600 Birchline Drive, Suite 220, Newport Beach, CA 92660  
 949.757-0411 FAX 949.757-0511

RETAIL COMMERCIAL BUILDING RENOVATION  
 204 Avenida Del Mar, San Clemente, CA  
 Mr. Jack Pautsch, Sycamore Property, LLC  
 Corona del Mar, CA

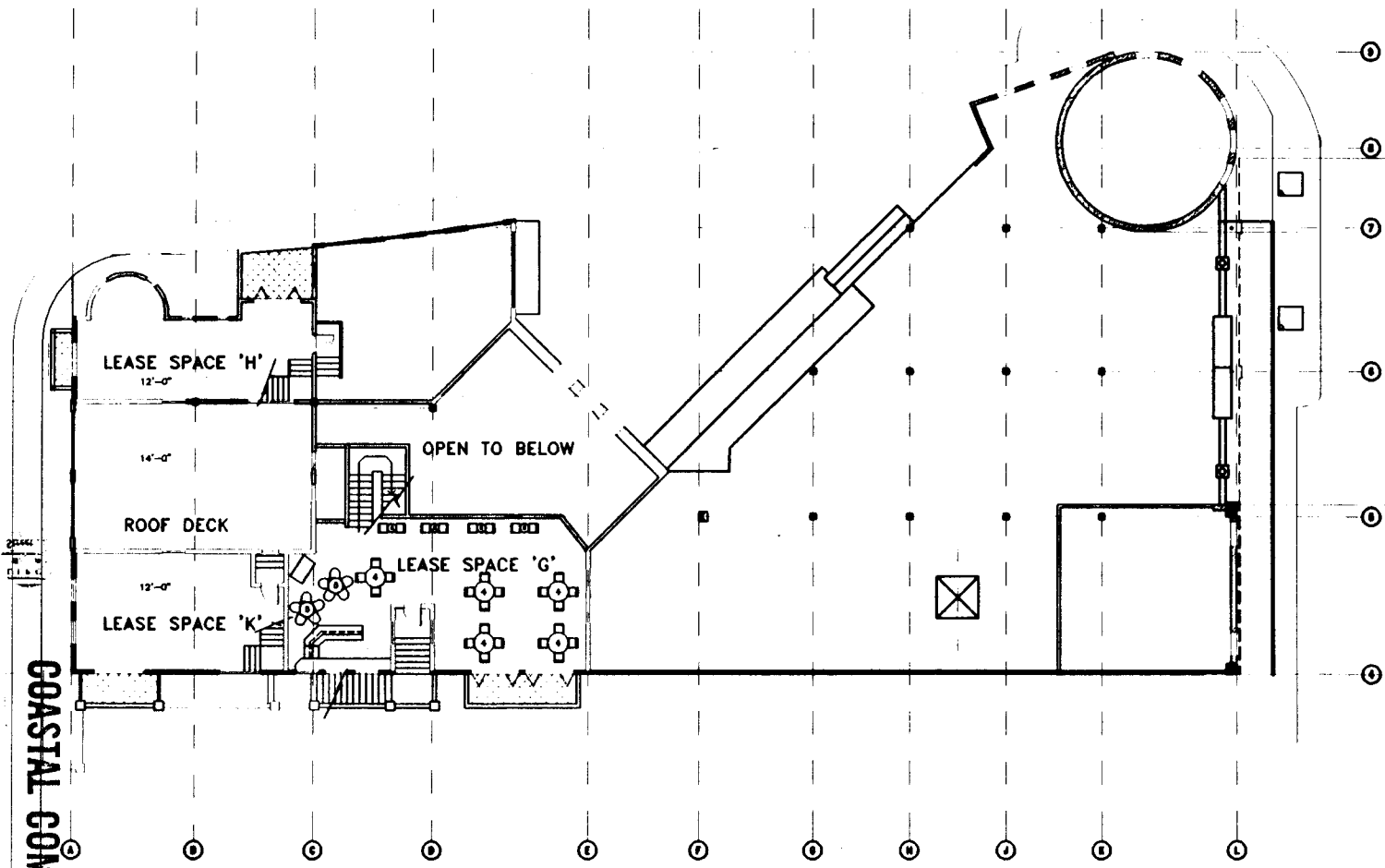


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UPPER PLAN

PLAZA DEL MAR



COASTAL COMMISSION

EXHIBIT # 4  
PAGE 2 OF 2

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RETAIL COMMERCIAL BUILDING RENOVATION  
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Mr. Jack Pautsch San Clemente Property, LLC  
Corona del Mar, CA



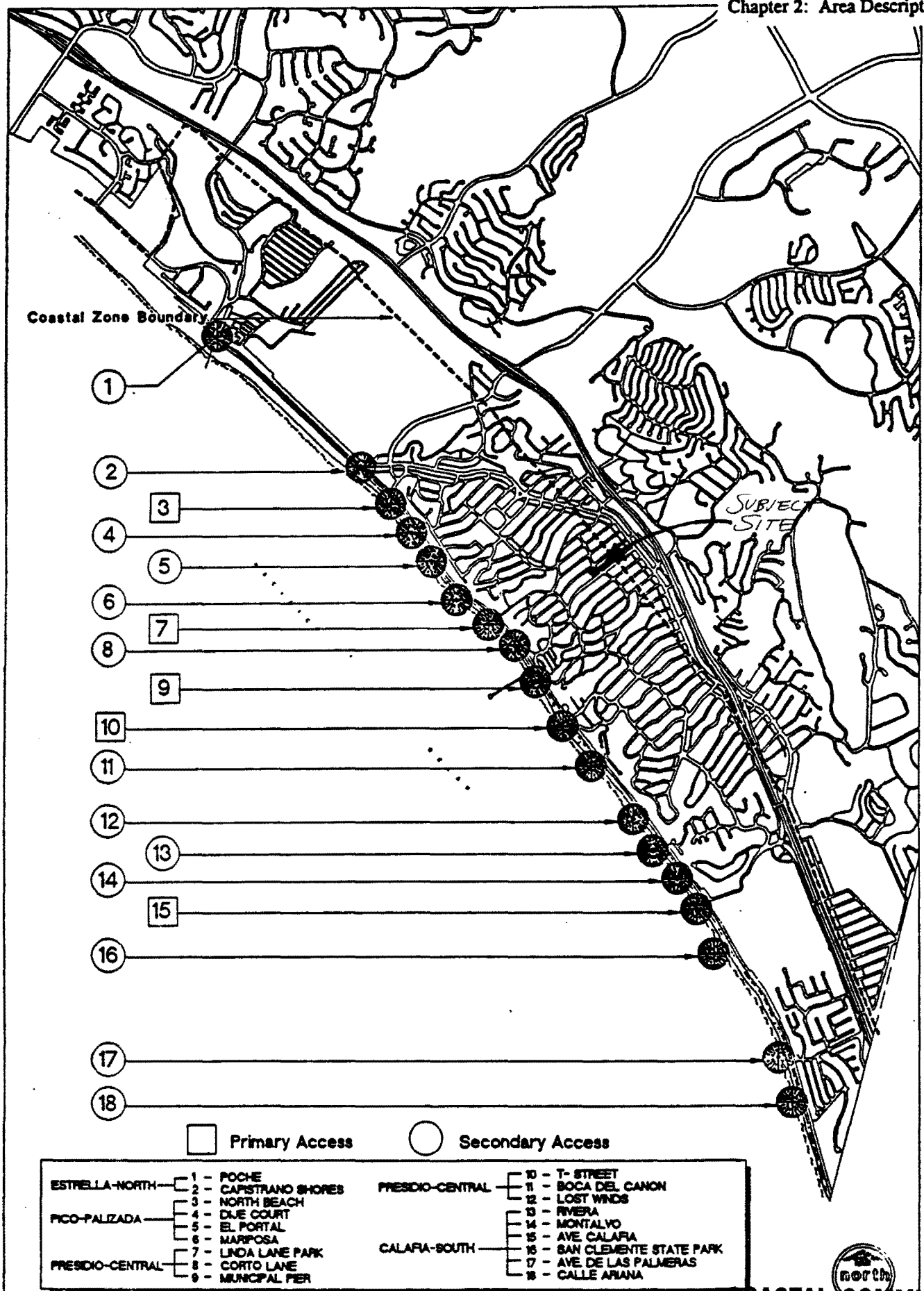


FIGURE 2-5

COASTAL COMMISSION

**CITY OF SAN CLEMENTE  
COASTAL ACCESS POINTS**

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COASTAL COMMISSION

SEP 24 1999

EXHIBIT # 6 AGENDA ITEM: 9-A

PAGE 1 OF 13 MEETING DATE: 8/17/99

TO: CALIFORNIA  
COASTAL COMMISSION  
PLANNING COMMISSION

FROM: Jason Martin, Associate Planner/Teri Delcamp, Senior Planner *TD*.

SUBJECT: Conditional Use Permit (CUP) 99-69/Cultural Heritage Permit (CHP) 99-70, Plaza Del Mar, a request to allow an interior and exterior remodel and a change of use from commercial to commercial/restaurant/residential at the former Cornet store; a parking waiver for eight parking spaces under the City's Downtown Parking Waiver Program; an outdoor dining permit and waiver of parking; and to allow the on-site sale and consumption of alcoholic beverage service and live entertainment on property located in proximity to designated historic structures and within the Architectural Overlay Zone at 204 Avenida Del Mar, the legal description being Lots 1-3, 26 and 27 of Tract 779.

### ISSUE

Should the Planning Commission approve a request for a major remodel and change of use, parking waivers, on-site sale and consumption of alcoholic beverages, and live entertainment for Plaza Del Mar at 204 Avenida Del Mar.

### ENVIRONMENTAL REVIEW

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 1 exemption because the project involves a minor alteration to an existing building/use. The project essentially is cosmetic and the change in use is negligible. Further, the remodel will result in the decrease of approximately 1,500 square feet of building area.

### BACKGROUND

On May 5, 1999, Jack Pautsch submitted an application package which proposes the reuse/remodel of the existing, currently vacant, Cornet building located at 204 Avenida Del Mar. The site is located in the heart of the City's historic downtown on the prominent northwest corner lot at the intersection of Avenida Del Mar and North Ola Vista. The site is considered strategic to downtown revitalization. The former Cornet store, which specialized in a wide variety of small and convenience retail items, closed in December, 1996. Since that time, Economic Development and Planning staff have been working with varied interests in finding new tenants for reuse of this building. Mr. Pautsch has been involved in discussions to varying degrees for nearly the entire time. The outcome is a submittal for a true residential/commercial mixed use project.

The subject site is located in the Mixed Use, Central Business District Architectural Overlay (MU 3-CB-A) zoning district, which is the City's historic downtown. Because of the site's location within an A-overlay zone and its close proximity to designated historic buildings, special attention has been given to the design of this project under the CHP process. Additional discretionary actions are required for the project's requests for the change of uses, residential and non-residential uses on the same level, parking waivers as provided under the City's Downtown Parking Waiver program, an additional parking waiver for a 24-seat outdoor dining area, proposed on-site sale and consumption of alcoholic beverages and indoor/outdoor live entertainment.

The request was considered by the Design Review Sub-Committee (DRSC) on June 10 and July 15, 1999 and by the City's Development Management Team (DMT) on June 17 and July 22, 1999. Issues identified during the design and development review process are outlined in the Analysis section of this report. The required public hearing notice to adjacent property owners was conducted. Additional notice was mailed to business owners within a 300 foot radius of the site. To date, one item of correspondence has been received from the public, which is discussed later in this report. Any correspondence received after the report distribution will be distributed to the Planning Commission at the meeting on August 17, 1999.

## ANALYSIS

### **Project Description**

The project involves a major exterior/interior remodel, and re-use, of the vacant Cornet building located in the downtown. The project is technically a remodel since the majority of the existing building shell is being retained. The existing building is 16,387 square feet in area. The 25 on-site parking spaces, parking area drive aisles, drive approaches, and other project related site improvements are generally being retained as they currently exist. Some degree of realignment, replacement, and modifications to the existing parking and circulation will occur as part of the project.

The proposed project is 14,801 square feet, representing a net decrease of 1,586 square feet in building area. The project has been designed to accommodate a mix of commercial and residential uses, which is allowable in the subject zoning district and considered highly desirable in the downtown. Three market-rate rental residential dwelling units are proposed at the rear of the project over the parking area, along Avenida Cabrillo. Multi-tenant commercial space, including restaurant, retail and office, is proposed for the remainder of the building. A 2,734 square foot, outdoor pedestrian plaza area is proposed toward the center of the project, along N. Ola Vista. A smaller, 168 square foot outdoor area is proposed along Avenida Del Mar. The table below summarizes uses, areas, and potential seating capacities associated with the proposed project.



**Plaza Del Mar**  
**Proposed Lease Space Areas/Uses**

EXHIBIT # 6  
PAGE 3 OF 13

Lease Space	Proposed Use	Lease Space Square Footage/ (Seating Capacity)
A	Coffee House	1,416 (20 indoor, 8 outdoor)
B	Retail	1,006
C	Retail	2,136
D	Restaurant	1,906 (50 indoor, 8 outdoor)
E	Retail	264
F	Retail	711
G	Restaurant	3,832 (85 indoor, 24 outdoor)
H	Residential	1,238
J	Residential	1,164
K	Residential	1,128

The existing building was built in 1955 and is a relatively simple design, constructed of concrete block and exhibiting the architectural style typical of that era. The exterior remodel is proposed in the Spanish Colonial Revival style as required in the downtown A-overlay district for major remodels. More detailed discussion on architectural issues is contained in the DRSC subsection of this report.

Two project components requested by the applicant cannot be supported by staff. These are a request to have an existing public parking space on N. Ola Vista designated specifically as a valet parking space for the restaurant, and a request for a kiosk/cart in the plaza area associated with a restaurant or general retail use. Staff cannot support the loss of a public parking space for the benefit of a private party, and is concerned about the precedent such an action could set. The kiosk/cart use is not allowed within the MU 3-CB-A zoning district. Uses must occur within an enclosed building, except for outdoor sales/display ancillary to primary, indoor uses that are specifically listed in the SCZO including art galleries, nurseries and florists. If a future tenant with one of the applicable primary uses desires to pursue the request for outdoor display, then approval could be granted by the City Zoning Administrator through a Minor CUP.

*Downtown Parking Waiver Program and Parking Waiver for Outdoor Dining*

The proposed project is accompanied by a request for a CUP which has several components. One component involves a request for an 8-space parking waiver under the City's Downtown Parking Waiver Program, pursuant to SCZO Section 17.64.125. Another component involves an additional, and separate, request for an outdoor dining permit with a parking waiver for 24 seats in accordance with SCZO Section 17.28.205.

As a result of the Downtown Parking Study conducted in 1995, the City recognized that a surplus of parking opportunities exists in the downtown area, and in 1996 incorporated

the Downtown Parking Waiver Program into the SCZO update. The Program provides for the waiver of parking requirements for downtown businesses in certain qualifying cases involving new development or business expansion (i.e. additions, changes in use). The proposed remodel/change in use, under the requirements of the SCZO, would require eight additional parking spaces. No new on-site parking is proposed as part of this project as there is no space available on-site, and no opportunities for shared parking arrangements. The applicant is requesting a waiver for eight parking spaces. Any request for a waiver of over six spaces requires approval by the Planning Commission.

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PAGE # 13  
Qualifying cases

The SCZO promotes outdoor dining, whether in new commercial centers or in the downtown area, by allowing outdoor seating without providing additional on-site parking. Outdoor dining permits on private property, generally involving up to 16 seats, can be approved by staff or the City Zoning Administrator. Requests for outdoor dining permits on private property involving more than 16 seats, including requests for a waiver of the associated parking, require approval by the Planning Commission. More detailed discussion on parking and the requested parking waivers is contained in the Parking subsection of this report.

#### *Residential and Commercial Uses on the Same Floor*

The SCZO allows for mixed use projects to have residential and commercial uses on the same floor subject to a CUP. The proposed commercial uses on the second floor adjacent to the residential units are offices. Staff's position is that there are no potential negative impacts on the residential units from the proposed offices. Therefore, staff supports the requested CUP for this aspect of the project with a condition requiring 50 percent of the required residential parking to be designated in the covered parking area.

#### *On-Site Sale and Consumption of Alcoholic Beverages and Live Entertainment*

The final component of the CUP request involves a request for alcoholic beverage service and live entertainment. The applicant is requesting approval to serve a full range of alcoholic beverages, and that service be allowed indoors and in outdoor dining areas. All alcoholic beverage service would be in conjunction with restaurant uses. The applicant has also requested the ability to feature live entertainment at the site. According to the applicant, the type of entertainment featured would be soft dinner music such as classical guitar and piano, etc., but could be amplified. The proposed location of the outdoor entertainment is in the interior corner of the large pedestrian plaza. More discussion of these requests is included later in this report.

#### **Development Management Team (DMT)**

The DMT has reviewed the project on two occasions and considered the identified issues extensively. It has been acknowledged that the project is a remodel, as opposed to a new development, and that full compliance with all development standards is difficult to achieve. The SCZO also acknowledges the difficulties and constraints associated with full

compliance for remodel projects, especially in the downtown area, and contains special provisions which allow for flexibility in meeting standards (i.e. the Downtown Parking Waiver Program and nonconforming provisions). Staff has sought, however, to gain full compliance wherever feasible. The project complies with the 45 foot height limit for mixed use projects; the overall maximum, and minimum commercial, floor area ratio (FAR) standards; lot coverage; and building setback standards for the MU 3 zone. The project issues identified by the DMT are outlined as follows:

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PAGE 2 OF 13

*Parking Requirements and Parking Waivers*

The building is currently considered non-conforming with regard to parking. The building, which was constructed under 1955 parking standards, provides an inadequate amount of parking based on the current parking space requirements. The SCZO acknowledges these non-conforming situations and recognizes the need to promote downtown and El Camino Real business development and expansion opportunities. SCZO Section 17.40.040 (Mixed Use zone development standards) states that "The number of off-street parking spaces which shall be provided for an alteration of use or addition of square footage shall be the net increase in parking spaces required for the project as a result of the alteration or addition of square footage."

In the case of the Plaza Del Mar project, the net increase in required parking is a total of eight spaces. The table below helps to demonstrate how the project's required parking was determined. The required parking is the difference between the existing parking requirement (regardless if it is provided on-site, pursuant to non-conforming use provisions in the SCZO), and the proposed project's required parking.

**Plaza Del Mar Parking Calculations and Requirements**

Existing Project				Proposed Project			
Use	Qualifier	Parking Standard	Parking Required	Use	Qualifier	Parking Standard	Parking Required
Retail	16,387 sqft	1/400 sqft	41	Retail	4,117 sqft	1/400 sqft	11
				Restaurant	155 seats	1/5seats	31
				Residential	3 units	2.33/unit	7
<b>TOTAL</b>			<b>41</b>				<b>49</b>

The applicant is proposing to satisfy the project's eight space parking requirement through the City's Downtown Parking Waiver Program. In order to grant the waiver, a number of findings need to be made. One is with respect to the availability of public parking in the vicinity of the proposed project. Staff visited the project site during different hours on weekdays to observe parking demand and identify potential off-site parking opportunities. Although parking on Avenida Del Mar was close to maximum

capacity during the peak hour (weekdays at lunch), parking was ~~available~~ on other adjoining streets and in nearby parking lots. Staff's position is that adequate public parking opportunities exist in proximity to the site. PAGE 6 OF 13

An additional finding needs to be made that the City has not granted more than 180 parking waivers (the parking space surplus identified in the Downtown Area Parking Study) since implementation of the program. A total of 10 waivers have been granted since 1996. They are listed as follows:

Case Number	Business/Building Name	Address	Spaces Waived
MCUP 97-88	Shore House Restaurant	201 - 205 Avenida Del Mar	5
MEP 98-07	Burridge Building	118 - 124 S. El Camino Real	2
MCUP 98-36	Tina & Vince's Restaurant	221 Avenida Del Mar	1
CHP 99-15	K & S Cleaners	114 South El Camino Real	2

#### *Americans With Disabilities Act (ADA) Compliance*

The project will fully comply with interior building ADA standards such as corridor widths, bathrooms, and hardware etc. The project would, however, have difficulty in meeting the ADA parking requirement on-site. For example, existing ramps from the on-site parking area are too steep to meet ADA standards. Building and Traffic Engineering division staff have met with the applicant to discuss alternative means of complying with the ADA requirements. Staff indicated that the City could accept an off-site disabled parking space in a public parking area if it were directly in front of the building's main entrance on Avenida Del Mar. The site plan shows the proposed disabled parking space immediately in front of the building on Avenida Del Mar.

#### *Internal Circulation*

The circulation within the parking area includes access over the adjoining property in order to provide adequate drive aisle widths. The encroaching access area is shown hatched on the site plan. The Engineering Division also required the re-striping of the adjacent parking spaces to widen the drive aisle. Staff is proposing a condition of approval to require the applicant to enter into an agreement with the adjacent property owner to allow circulation access over the hatched area. According to the applicant, the adjacent property owner accesses his parking spaces through the subject property. It is, therefore, possible that a reciprocal access easement agreement may be executed between the two parties.

Because the condition requiring the agreement involves a private third party, staff has indicated to Mr. Pautsch that a letter from the adjacent property owner is necessary for staff to recommend approval based on the proposed condition. To date, Mr. Pautsch obtained verbal agreement from the adjacent property owner but a letter has not yet been

provided. Staff will continue to work with the applicant to obtain that letter before the Planning Commission meeting.

EXHIBIT # 6PAGE 7 OF 13

### *Structural Overhang*

The existing building has a structural overhang that encroaches into the public right-of-way on Avenida Del Mar. The SCZO does not allow structural overhangs into the public right-of-way, but does allow certain types of projections such as awnings. The submitted plans indicate that a roof overhang element is proposed along Avenida Del Mar, which proposes to maintain a reduced version of the existing encroachment.

Staff's position has been that since the existing non-conforming overhang will be removed during construction of the project, a new non-conforming structural encroachment should not be established. Discussions have questioned whether the proposed roof overhang is, in fact, an awning. In accordance with the SCZO, awnings may encroach up to four feet into the right-of-way. Staff concurs that the element may be able to be defined as an awning if it is modified such that it meets the definition of an "awning" provided in the Uniform Building Code (see excerpt in Attachment B defining "awnings"). Further, the element needs to be modified to comply with the maximum awning projection of four feet as identified in the SCZO. Conditions of approval have been developed and are recommended accordingly.

### *Landscaping and Urban Open Area*

The MU 3 zoning district standards identify minimum requirements for on-site landscaping and urban open areas. Landscape and urban open area requirements are tied together in the MU 3 zone to promote creation of landscaped plaza areas. The urban open area requirement (i.e. outdoor dining areas, seating areas, plazas etc.) is 20 percent of the net area of the site if it is provided at street level, or 30 percent of the net area of the site if the area is provided on multi-levels of the project. Based on the lot area of the site, a minimum urban open area totaling 4,186 square feet would be required at street level. Neither requirement can be met with the project as currently designed. For example, the applicant is proposing two street level urban open areas which total 2,734 square feet (a 168 square foot patio on Avenida Del Mar, and the 2,566 square foot patio on Ola Vista). Staff calculations done towards the 30 percent multilevel method reveal similar results. However, given that the project is a remodel, staff could accept a lesser amount of urban open area in this case.

The submitted landscape plans indicate minimal landscaping in the proposed plaza and patio areas. More landscaping in these areas should be provided. Staff also has concerns regarding the project's compliance with the tree planting requirement for the site. The SCZO requires one 15 gallon tree per 25 lineal feet of street frontage. The site has street frontage on three sides and a total combined street frontage of 460 feet. Per the SCZO a total of 19 trees would need to be installed on the site. Landscape areas, including those in the parking area, are shown on the submitted landscape plan and indicate 13 trees. The

City's Landscape Architect has also commented that specimen trees should be provided throughout the project.

EXHIBIT # 6  
PAGE 8 OF 13

It is also important to note that the landscape plan is inconsistent with the site plan. Some proposed landscape areas cannot be installed. Ultimately, it is difficult to determine the extent to which the project complies with landscaping requirements. Staff is requiring a detailed landscape plan prior to the issuance of any building permit. Special attention should be given to ensure the type of landscape installed is consistent with the Spanish Colonial Revival style and pedestrian character of the downtown (i.e. shade trees, palms, flowering vines planter boxes pots etc.)

Given the building is existing non-conforming with respect to landscaping (as there is very minimal landscaping existing on-site), staff proposes that the project be conditioned to provide as much landscaping as is feasible to try to attain closer compliance with the 20 percent or 30 percent, as applicable, urban open area requirement.

#### *Alcoholic Beverage Service and Live Entertainment*

The service of alcoholic beverages and live entertainment outdoors at the site possesses the potential to adversely impact residential uses proposed on-site and those in close proximity to the site. Given the proposed uses that would benefit from the alcohol request are restaurants, staff supports the request in general. Although live entertainment outdoors is not a necessary adjunct to restaurant uses, the request is logical and supportable given the size of the plaza off Ola Vista. Provided conditions of approval are imposed to mitigate any impacts, staff also supports the live entertainment request.

Correspondence received from a neighboring property owner is in opposition to both the alcohol and live entertainment requests. The letter is attached in Attachment C, and raises issues of potential impacts on the neighboring area as well as on the proposed residential units associated with this project.

To help mitigate potential impacts of these uses, staff recommends that conditions of approval be applied to the project which have been applied to similar projects in the past. These conditions require that there be no alcoholic beverage service in outdoor areas after 10:00 PM, that restaurant employees receive responsible alcoholic beverage service training and that all ABC clearances be obtained prior to commencing the on-site sale and consumption of alcoholic beverages. Indoor live entertainment would be allowed until 12:00 midnight only if all exterior windows and doors are closed after 10:00 PM.

Staff has also formulated a condition that allows outdoor live entertainment activities to occur only between 6:00 PM and 10:00 PM on Thursdays and Fridays, between 12:00 noon and 10:00 PM on Saturdays, and between 12:00 noon and 4:00 PM on Sundays. This is the best method to mitigate impacts on adjoining residential uses in the area. If, in the future, the tenants with live entertainment find this situation unworkable, they may apply for an amendment to the CUP. At that time, potential impacts of the expanded

hours of operation would be assessed based on the implementation of the approved CUP under the proposed conditions. It is also unlikely that any residents will occupy the proposed three units if they are uncomfortable with the live entertainment uses occurring in the patio area below. EXHIBIT # 13

### Design Review Sub-Committee (DRSC)

A high level of attention to design detail has been focused on this project given the site's prominent location in the downtown, that it is in close proximity to designated historic buildings, and that this remodel will set the standard for future downtown remodel projects. The project was reviewed by the DRSC on two occasions. At the initial meeting, the DRSC commended the applicant and their design team on the outstanding effort to transform the building. They made comments and gave direction they felt would bring the project into closer compliance with the City's Design Guidelines and the Spanish Colonial Revival style. The DRSC indicated that they would need to see the project again before the Planning Commission public hearing.

Revised project elevations were considered by the DRSC on July 15, 1999, when it was noted that the architectural team had changed. The DRSC expressed concerns that the revised elevations in some areas were unclear and lacked graphic consistency and that they needed additional improvement. The comments and major issues identified at the meeting included:

- The DRSC reiterated previously stated concerns that the tower element at the corner of Avenida Del Mar and North Ola Vista should be a true vaulted space. The applicant indicated that it may be possible but it depends on costs.
- The DRSC still felt that the design of the architectural element adjacent to, and overlooking, the plaza, which would be very visible to Avenida Del Mar, needed more work. They considered re-worked sketches that were provided by the applicant. The DRSC requested that a full front elevation of the final design should be submitted.
- The Avenida Del Mar storefronts were discussed extensively. The applicant has indicated their desire to have minimal bulkheads, no paned windows and the existing recess for the storefront windows. It was suggested that the Avenida Del Mar elevation be revised to accurately reflect the sloping grade. Staff stated that storefronts should have substantial bulkheads and paned windows to be consistent with the City's Design Guidelines.

Generally, the DRSC felt that the design should be made simpler to be more consistent with the Spanish Colonial Revival style. At the conclusion of the meeting, the DRSC stated that they had given adequate direction and that they did not need to see the project again.

Revised plans were submitted. Staff still had concerns regarding ~~the~~ <sup>12</sup> ~~elements~~ <sup>13</sup> and lack of consistency in the drawings. Staff believes that project costs could be reduced with simpler Spanish Colonial Revival styling that would be more consistent with the Design Guidelines for the downtown. Staff suggested to the applicant the idea of having Santa Barbara-based architect, Henry Lenny, who has a good understanding of Spanish Colonial Revival Style, review and revise the architectural elevations. The applicant responded that, if the design retained the basic spaces and forms, he would be amenable to the effort.

Revised elevation drawings for the Avenida Del Mar and Ola Vista building sides were generated by Mr. Lenny's firm. These drawings are included with this report in a color xerox format and blueprints, in addition to the blueprint plans provided by the applicant. Staff's assessment of Mr. Lenny's drawings is that, although there are flourishes where the San Clemente style is typically simpler, the overall appearance and individual details are more consistent with the City's design goals and Guidelines.

Mr. Lenny's elevations were provided to the applicant for review and comment. The project architecture firm, Bickel Underwood, has provided a response letter that addresses their concerns as well as Mr. Pautsch's regarding the elevations (which are referred to as the Burkis elevations). The letter is attached in Attachment D. Many of the items in the letter are minor and can be addressed by staff through substantial conformance findings during the plan check process. These minor items are bullets 4, 6, 7, 8, 11, 12, and 13. The rest of the bulleted items either warrant some discussion or are not supported by staff.

Bullet 1: Bulkheads. Applicant retains position that 12 inch bulkheads be provided, given the slope of Del Mar results in the retail unit closest to the intersection of Ola Vista being below the street grade. Because the applicant has indicated that the restaurant units will all have bi-fold doors at the front, the only units the bulkhead requirement would affect are the retail units. Staff maintains the position that these storefront windows should have a minimum 24 inch high bulkhead.

Bullet 2: Optional trellis at plaza. The Lenny elevations show small awnings adjacent to the large pedestrian plaza. The applicant has dashed in an optional trellis element over the plaza pending their continuing investigations into the amount of sun in the plaza and the numbers and locations of trees that can be planted there. They are also debating between allowing multiple umbrellas in the plaza area or installing the trellis. Staff would prefer well-maintained umbrellas to accent the plaza, landscaping and architecture rather than a trellis that could hide or compete with the architecture. However, staff could accept a trellis designed appropriately to complement the building elevations.

Bullet 3: Delete recessed element on the bell tower adjacent to the large plaza. The applicant has indicated in the past that this particular element is partly intended to provide a sign area high enough to be visible from Avenida Del Mar. The DRSC accepted the concept of the sign area but had objected to earlier iterations of the applicant's drawings



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which had included a larger bell tower. Therefore, staff's position is that the DRSC would support the elimination of the opening and the hanging "star" on this element. Staff concurs that a simpler wall above the three windows to allow an appropriately designed sign is acceptable.

**Bullet 5:** Wall and roof overhang design to the far left of the Avenida Del Mar elevation. The applicant's elevations show a scooped design just under the eaves. Mr. Lenny's elevations eliminated this detail. While staff concurs that drainage may be an issue, staff does not support the scooped element. A guttering system would be a better alternative to address the drainage situation without affecting the architectural integrity of the remodel.

**Bullets 9 and 10:** Reduce the number of columns on the retail storefront and keep the depth between the storefront and columns as proposed on the applicant's elevations. The applicant's design shows one column between the two retail suites in the middle of the Avenida Del Mar elevation, whereas Mr. Lenny's drawings show five columns. To keep the proportion and grace of the design, staff's assessment is that perhaps the columns could be reduced to three rather than five. With regard to the amount of recess, the applicant's plans show the column depth at about one foot while Mr. Lenny's drawings seem to show a deeper recess. Staff feels that the one foot depth is adequate.

**Bullet 14:** Left-hand columns in line with rest of building. Staff does not believe Mr. Lenny's intent was to project into the right-of-way, and so concurs with the applicant.

**Bullet 15:** Make flower boxes or decorative headers optional. This refers to the treatments shown above the awnings on the circular element at the corner of Avenida Del Mar and Ola Vista. Staff's position is that the details of the design should be handled by staff through substantial conformance findings, along with the final design of the cornice under the roof of this tower.

The last remaining architectural items relate to the depth of the window recesses and true divided light windows. Previously submitted elevations showed the storefront windows with deeper recesses. The recently revised plans show the applicant's intent to maintain the existing depth by placing new windows in the existing frames. Staff maintains the position that windows should be recessed between four and eight inches, and that true divided light paned windows and doors should be provided. Conditions are proposed accordingly.

Staff anticipates receiving drawings from Mr. Lenny for the other two building elevations before the meeting. However, staff's position is that the elements, combination of forms and treatments shown on the two submitted Lenny elevations are sufficient to guide the applicant's efforts in developing working drawings for the other two elevations. Because of the applicant's desire and efforts to achieve a Spanish Colonial Revival design for the existing mass of a 1950s style building, staff's position is that the project will not negatively impact adjacent historic structures.

**SUMMARY AND CONCLUSION**EXHIBIT # 6PAGE 12 OF 13

Staff's position is that a project at this location is vital to downtown revitalization. The proposed project achieves the City's goals for true residential and commercial mixed use and will provide additional restaurant uses which will help make the downtown more vibrant. Taking the proposed elevations in conjunction with Mr. Lenny's elevation drawings indicates that the project will achieve an exemplary architectural remodel. The project is a vast architectural undertaking that staff and the DRSC believe will significantly upgrade this area of the downtown. Only ten downtown parking waivers have been issued in the area so far, so there is ample opportunity under the adopted Downtown Parking Waiver Program for the City to issue eight more waivers for this project. As conditioned, the project complies with the majority of the standards and guidelines that are in effect in this district, and eliminates many other areas of existing non-conformity.

In conclusion, staff believes that the project, as conditioned, meets all the required findings for the Cultural Heritage and Conditional Use Permits. The design of the project with the architectural features proposed, as supplemented by the recommended conditions of approval, will result in an improved business facade that complements the pedestrian orientation and promotes the Spanish Colonial Revival architectural goals for downtown.

**ALTERNATIVES/IMPLICATIONS OF ALTERNATIVES**

1. The Planning Commission can concur with staff and conditionally approve CUP 99-69/CHP 99-70.

This action will result in a major remodel and occupancy of the vacant Cornet store once Coastal Commission approval is obtained.

2. The Planning Commission, at its discretion, can recommend additions, or modifications to the request.

This action would result in any revisions being incorporated accordingly.

3. The Planning Commission can deny CUP 99-69/CHP 99-70 based on the necessary findings.

This action could result in the applicant not being able to develop the project as proposed or in having to complete a major re-design of the project to try to obtain a future approval. A denial will also likely result in the applicant appealing the Planning Commission's decision to the City Council.

**RECOMMENDATION**

EXHIBIT # 6

PAGE 13 OF 13

Staff recommends that the Planning Commission approve CUP 99-69/CHP 99-70 to allow a major remodel and change of use, parking waivers, on-site sale and consumption of alcoholic beverages, and live entertainment for Plaza Del Mar at 204 Avenida Del Mar, subject to the attached Resolution and Conditions of Approval.

*Attachments:*

- A. Resolution
- B. UBC "Awning" Definition
- C. Letter in Opposition
- D. Bickel Underwood Letter
- E. Location Map

Plans

Table 17.28.205B

EXHIBIT # 7

Parking Requirements for Outdoor Dining Areas PAGE 1 OF 1

Restaurant Size	Parking Requirements for Outdoor Dining Area		
(Number of Indoor Seats)	Number of Outdoor Seats	Parking Requirements	
Restaurants with 0 to 31 Indoor Seats	0 to 8	0 parking spaces required	Exception  Within the Pier Bowl Specific Plan, the North Beach Specific Plan, and all appealable areas of the Coastal Zone, restaurant with more than 3,000 square feet of gross floor area must provide parking spaces in accordance with the parking requirements for indoor restaurant seating for all outdoor dining seating.
	More than 8	For more than 8 outdoor seats, refer to the parking requirements for indoor restaurant seating or subsection D6b, below, regarding waivers	
Restaurants with 32 or more Indoor Seats	0 to 16	0 parking spaces required	
	More than 16	For more than 16 outdoor seats, refer to the parking requirements for indoor restaurant seating or subsection D6b, below, regarding waivers	

- b. The above parking requirements for outdoor dining facilities may be modified or waived by the approval body required to review other aspects of the outdoor dining facility, in accordance with Table 17.28.205A (private property) or 17.28.206A (public property), Review Requirements for Outdoor Dining Areas, if all of the following findings can be made in addition to the general findings required for the appropriate permits:
  - i. Public parking is available in close proximity to the restaurant;
  - ii. Given the specific conditions of the site and the adjacent area, the waiver or modification of requirements will not result in inadequate parking; and
  - iii. If the outdoor dining is located within the Downtown Parking Study Area, the findings required in Section 17.64.125A4, Findings (For Waivers of Parking Requirements for Outdoor Dining, Additions, and New Structures), of this title.
  
- 7. Property Owner Agreement. The property owner shall provide written consent for the outdoor dining facilities.