

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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RECORD PACKET COPY**W 7d**

Filed:	August 6, 2004
49 th Day:	September 24, 2004
180 th Day:	February 2, 2005
Time Extension to:	July 31, 2005
Staff:	DL-SD
Staff Report:	February 24, 2005
Hearing Date:	March 16-18, 2005
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-03-529

APPLICANT: Yuji Enterprise Inc.

AGENT: George Falcone

PROJECT LOCATION: 1814 North El Camino Read, San Clemente, Orange County

PROJECT DESCRIPTION: Add 49 new outdoor seats at existing restaurant for evening seating (5 pm to 9 pm) without providing any additional onsite parking spaces.

PROJECT SPECIFICS:

Lot Area:	11,482 sq. ft.
Building Area:	2,730 sq. ft.
Building Coverage:	6,000 sq. ft.
Pavement Coverage:	4,882 sq. ft.
Landscape Coverage:	600 sq. ft.
Parking Spaces:	13
Land Use Designation:	C-2 General Commercial/MU-3-p-a
Ht. above final grade:	10 feet

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing to add 49 new outdoor seats to an existing restaurant, without adding any new parking. Staff recommends the Commission **APPROVE** the proposed development, with conditions. The project was originally scheduled to be heard by the Commission at the December 2004 hearing, with a staff recommendation of denial. The existing restaurant is currently deficient 17 spaces, and the proposed project would increase the deficiency by another 13 spaces. The site is within easy walking distance of the beach, and the applicant was previously proposing to use the additional seating during the day, which would have conflicted with peak beach use times. As revised, the additional seating would only be available during evening hours. Sufficient parking is available during the proposed evening operating hours in adjacent on-street and nearby public (paid) beach and commuter parking to support the

proposed use. Thus, the project is not expected to have any significant adverse impact on the ability of the public to access the shoreline and nearby recreational facilities.

LOCAL APPROVALS RECEIVED:

Approval of Conditional Use Permit 01-190 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 and *Ichibiri Japanese Steak House Parking Analysis* prepared by IBI Group dated January 2003.

LIST OF EXHIBITS:

1. Vicinity Map
 2. Assessor's Parcel Map
 3. Coastal Access Map
 4. Project Plans
 5. City of San Clemente Staff Report
 6. Staff Comment Letter on 1995 Parking Study
-

STAFF RECOMMENDATION:

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

MOTION:

I move that the Commission approve CDP No. 5-03-529 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 **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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. Hours of Operation

The outdoor seating approved herein may be only be utilized for patron seating between the hours of 5 pm to 11 pm daily.

The permittees shall undertake development in accordance with the approved hours of operation. Any proposed changes to the approved hours of operation shall be reported to the Executive Director. No changes to the approved hours of operation program shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Future Improvement

This coastal development permit (5-03-529) is only for the development, located at 1814 North El Camino Real, 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, but not limited to, an increase in square footage, an expansion of hours or days of operation, or any other change in the intensity or 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 LOCATION AND DESCRIPTION

The project site is located at 1814 North El Camino Real within the general commercial zone of the North Beach area of the City of San Clemente, Orange County (Exhibits 1 and 2). The site is located one block, approximately 150 feet, inland of the beach. The nearest coastal access is available via an at-grade railroad crossing at North Beach (Exhibit 3). The site is bounded by North El Camino Real to the north and by Calle Dechecha on the south. Surrounding development includes a small commercial business located on the lot directly adjacent to and east of the site, and the lot to the west is vacant. The Ole Hanson Beach Club (community center and swimming pool) public parking lot is located to the east of the subject site, and the Ole Hanson Beach Club to the southwest, and the Metrolink Station to the south.

The proposed project involves the addition of 49 seats to an existing 2,730 sq.ft. restaurant. The new seating will be located on an existing 1,000 sq.ft. outdoor patio located on the south side of the property. No physical expansion of the restaurant building is proposed, other than the addition of a new wood trellis and canvas cover over the outdoor patio. No increase in impervious surfaces will result.

The restaurant currently operates on Monday-Friday 11:30 am to 2:00 pm and 5:30 pm to 10:30 pm, Saturday 5:30 pm to 10:30 pm and Sunday 5:00 pm to 9:30 pm. As originally proposed, the outdoor seating would have been available at any time when the restaurant was open. In response to a staff recommendation of denial, the applicant has revised the project to propose using the outdoor seating only during the hours of 5:00 to 11:00 pm daily (which is later than the restaurant is currently opened, to accommodate potential future revisions in operation hours).

B. COASTAL ACCESS

1. Coastal Act Policies

With some exceptions not relevant here, the Coastal Act requires any person wishing to undertake "development" in the coastal zone to obtain a coastal development permit. As defined by Section 30106 of the Coastal Act, "development" includes, among other things, any "change in the density or intensity of use of land" and any construction, reconstruction, demolition, or alteration of the size of any structure. Although the building itself will remain the same size, the addition of new seating is a change in the intensity use, and thus, is considered development under the Coastal Act.

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 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

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/Zoning Code

Chapter 3 (Goals and Policies) of the City of San Clemente Certified Land Use Plan (LUP) contains policies regarding development within the North Beach area 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 3 policies of the Coastal Act are applied as the standard of review and the LUP will be used as guidance.

Chapter 3, Section F of the LUP discusses special districts within San Clemente, including the North Beach area. The City's LUP describes future plans for North Beach as follows:

The Plan provides for the revitalization of North Beach into a community and visitor serving, mixed use, high activity center of the City. This revitalization is intended to capitalize on the areas adjacent to the beachfront, to emphasize the historic structures including the Ole Hanson Beach Club, Miramar Theatre, and Sebastian's.

Retail shops, gift stores, restaurants, hotels/motels, entertainment and residential units above lower level commercial will be accommodated to establish a pedestrian oriented environment. Opportunities for additional coastal related uses, a new train station and/or multi-modal transportation center are allowed within this area. Extensive streetscape amenities are to be incorporated to provide linkages among individually developed sites and to create a unique identity for the district.

Parking in North Beach is discussed in Chapter 2 (Area Description) as follows:

An off-street parking lot with metered parking, as well as on-street metered and non-metered spaces are available at North Beach. There are approximately 350 parking spaces available at this location, consisting of 250 metered off-street and 100 metered on-street spaces.

North Beach is the location of the City's Metrolink train station. The Metrolink station shares 150 parking spaces with beach and recreational parking. Approximately 100 spaces are reserved for recreational and beach parking only.

Policies for North Beach San Clemente are contained in Sections VI.8 through VI.11 of the LUP. These policies encourage pedestrian oriented, mixed-use development.

Policy VI.8 states:

Accommodate neighborhood community and visitor serving commercial, mixed use residential and commercial, and parking uses by establishing land uses as "MU 3-p-A", "MU 2-p-A" and "P-A."

Mirroring Section 30252 of the Coastal Act, Section VII (d) of the LUP 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.

Policy XII.5 of the Historic Resource Policies Section states:

Provide incentives to private owners of historic structures to maintain and/or enhance their properties in a manner that will conserve the integrity of such resources in the best possible condition.

The City's Zoning Code Section 17.64.125, which has not been certified by the Commission, allows for a waiver of parking requirements for Historic Nonresidential and Mixed-Use Structures as long the following findings can be made:

1. The structure is listed on the City's Designated Historic Structures List, and
2. Public parking is available in close proximity to the structure; and
3. The parking required by the zone and/or district in which the property is located cannot be provided without altering or modifying the historic structure in a manner which is incompatible with the historic structure's original architectural style and character; and

4. The modification of the parking requirements will not be detrimental to the health, safety and general welfare of either the people residing in the area or the general public.

3. Public Access and Recreation

The existing commercial historic structure is non-conforming with regard to parking. The existing restaurant, which was constructed in 1941, currently has a maximum of 119 seats and 13 parking spaces. Because there is no Specific Plan covering the City's North Beach area, projects in this area, including the subject site, are covered under the City's previous 1986 zoning code, which requires that restaurants provide 1 parking space per 4 seats. Thus, the site is currently deficient by 17 spaces. The restaurant was deemed a legal nonconforming use with regard to parking in 1982 by the City.

Adding another 49 seats for use during the evening hours (5 pm to 11 pm) would create a total deficiency of 30 spaces during that time. The City approved the applicant's proposal through Conditional Use Permit, allowing a reduction in required parking for historic preservation purposes. The City's permit does not limit use of the seats to evening hours.

The City's certified Land Use Plan contains a policy encouraging private owners of historic structures to maintain and/or enhance their properties in a manner that will conserve the integrity of such resources in the best possible condition. Accordingly, as noted above, the City's Zoning Ordinance contains a provision for the modification of parking requirements for commercial historic structures subject to specific findings. As discussed in the City staff report (Exhibit 5), the findings must conclude *"that to provide the required parking would be incompatible with the historic building's original architectural style and character; that there is available public parking in close proximity; and that the modification will not result in negative health, safety and welfare impacts."*

In their evaluation of the proposed project, the City determined that additional parking could not be accommodated on-site without damaging the historic character of the site (i.e. through the removal of buildings or landscape/hardscape features). In addition, it was determined by the City analysis that adequate public parking exists in close proximity to the subject site at the Ole Hanson Beach Club across the street and along the surrounding streets. The City ultimately found that the project meets their criteria for the modification of parking requirements for commercial historic structures. That is, that there is public parking available in close proximity to the site. However, these criteria do not include an assessment of whether allowing new private development that relies on that public parking would adversely impact public access.

Site Specific 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. In this case, the project is located only one block (approximately 150 feet) from the coast. As such, parking in the project area may be utilized for beach parking.

There are approximately 40 on-street, parking spaces along the streets surrounding the project site, all but 5 of which are metered. Other public parking in the vicinity includes the nearby Ole Hanson Beach Club parking lot, and the public lot on Avenida Estacion, which have a combined total of 253 metered, off-street parking spaces. Of these 253 spaces, 147 spaces are set aside for use by Metrolink commuters between 4:30 AM and 6:00 PM on weekdays. After 9:00 AM, spaces that are not utilized by commuters become available to all users. An additional 99 spaces within these parking lots are identified specifically as beach parking from 9:00AM to 6:00PM. After 6:00PM, all parking is free.

To evaluate the parking impacts of the proposed restaurant expansion, the applicant submitted a parking analysis for the proposed project prepared by the IBI Group dated January 2003. This report examines the existing parking supply, the project parking requirements, the current and future demand in North Beach and presents conclusions related to the parking needs of the project relative to the available parking in the area. The examination was prepared using City of San Clemente parking code requirements, the parking utilization field inventory from the *San Clemente Parking Needs Assessment* for North Beach, and a field visit on November 19, 2002.

The parking analysis notes that in 1995, the City conducted a North Beach Parking Study as part of the *City of San Clemente Parking Needs Assessment* prepared by the IBI Group. An inventory of parking spaces in North Beach indicated that 860 spaces were available for non-residential uses. The study found at that time that during the peak recorded period (2:00 pm), only 396 spaces were utilized, leaving 464 parking spaces available. Looking specifically at the on-street parking spaces adjacent to the subject site, there were 28 metered on-street parking spaces available out of 40 at 2:00 pm.

The 1995 Parking Needs Assessment also looked at future growth in the North Beach area. Assuming built-out of non-residential space per the City's approved General Plan/LUP, increased demand for beach parking, and increased Metrolink ridership, projected demand for parking in the year 2005 would be 815 spaces, or 45 less than the 860 available.

The January 2003 parking analysis notes that no significant development has occurred in the area since the 1995 Parking Needs Assessment Study was conducted, and thus, available parking is likely to be more similar to the 1995 surplus, than the projected 2005 numbers. The 2003 study surveyed the subject site at 12:00 pm on Tuesday, November 19, 2002, and found that of the 253 public parking spaces at the Ole Hanson Beach Club and on Avenida Estacion, 68 spaces were occupied, leaving approximately 185 spaces available. The study notes also that at this time, approximately 34 for the 40 on-street spaces adjacent to the project site were available.

Thus, the study concludes that there appears to be adequate parking available to meet current and future demand for commercial, commuter, and beach parking. Within 300 feet of the subject site, there are 40 on-site parking spaces, and 106 off-site spaces in

the nearby public parking lots (253 spaces total, less the 147 reserved for commuters). The 2003 study also notes that Metrolink ridership has been far less than anticipated, and thus, even at buildout at the 2005 projections, more than 45 surplus parking spaces will likely continue to be available at the commuter parking lots. Thus, there is evidence that at this time, there is available parking to serve a variety of needs in the vicinity of the subject site.

Nevertheless, the Commission is concerned that were the restaurant expansion to occur during peak beach use times, conflicts between the demand for public beach parking and the demand for parking for the proposed private commercial use would arise. Public beach parking spaces are at a premium in the City, and this is only expected to be more so in the future as the area develops and population increases. For instance, the Commission recently approved the Marblehead project (Coastal Development Permit 5-03-013) which includes several hundred new residences and more than 600,000 square feet of commercial development upon the 250 acres of vacant land located across the street from the project site and North Beach. This development will bring new residents and visitors that will increase use of the public beaches at North Beach and demand for public parking. Significant growth further inland in Orange County is expected to occur within the next few years, including Rancho Mission Viejo with 14,000 new residential units, that does not appear to have been anticipated in the parking studies. Furthermore, the parking survey for the proposed project was done in late fall, which may have resulted in an undercount of the beach parking demand.

The restaurant is not currently open for lunch on weekends, when beach use is at its highest. However, the City did not place any restrictions on the project's operating hours in its approval of the CUP, and thus, there is a potential that the restaurant could expand operating hours into the weekend, creating even more conflict with public beach users.

The Commission has interpreted Section 30252 as a requirement that new development provide parking to meet its anticipated parking demand and has generally not allowed new development to utilize existing on-street public parking or off-street public parking lots in vicinity. New development must provide parking on-site, off-site on property owned by the applicant or at an off-site location where the applicant provides evidence that the spaces are not already encumbered and that he has permission of the owner of the off-site parking for the use of the needed parking spaces. Excess public parking spaces, especially parking that is in close proximity to the beach, should be reserved for public beach access purposes.

However, the Commission has allowed private businesses within certain communities, and under certain circumstances, to use the public parking supply to support new development. For example, in Huntington Beach in the downtown master parking plan area, and the Third Street Promenade commercial area of the City of Santa Monica, the Commission has reviewed and agreed with a comprehensive parking analysis for the community and the amount of new development to be allowed is tied to the analysis and

there is periodic monitoring to assure that the amount of new development does not exceed the parking availability and that there is no adverse impact to public access.

In the case of the subject North Beach area of San Clemente, the Commission has not agreed with the findings of the 1995 North Beach Parking Study cited herein. Rather, staff has previously expressed concerns about allowing new commercial development in the North Beach area without new parking, and noted that the 1995 Parking Needs Assessment Study did not include an analysis of how waiving parking requirements would affect beach parking (see Exhibit #6).

Thus, in San Clemente, the Commission has only permitted the shared use of public parking facilities where it is clear that the project's demand for parking is limited to locations and time periods where no conflict with public beach use will occur. In August 2001, the Commission approved a parking waiver somewhat similar to the subject project for a structure across the street from the subject site (CDP #5-01-135 (Lee)). That project involved conversion of a former dinner theater (commonly known as Sebastian's) to a museum/science center (the CHI Science Center), which provided 25 fewer parking spaces than normally required under City codes. In that particular case, converting the existing structure to a museum resulted in a requirement for far fewer parking spaces than the previous dinner theater use, which was deficient 90 parking spaces.

The peak parking periods for the CHI Science Center are in the evenings during lectures and events, after the peak beach use period has ended. Thus, the museum presented an opportunity for shared use parking, where the various land uses in the area, including the commuter lot, commercial uses, and beach parking, have different peak parking times, ensuring that the existing parking supply is sufficient to serve both day and evening activities. That project was specifically conditioned to prohibit high intensity uses, such as lectures, in the daytime hours during the peak summer months, when beach use is likely to be at its highest and beachgoers could end up competing with patrons of the CHI Center for parking.

In March 2004, the Commission approved additional seating for an existing concession stand at the foot of the San Clemente Municipal Pier for restaurant use during evening hours only (CDP #5-04-24). In that case, the Commission determined that although the new restaurant would create a demand for parking that did not previously exist, the evening operation also presented 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. Because the restaurant operated in off-peak hours, the Commission found that there would not be an adverse impact on public access resulting from the proposed evening operation.

Similarly, the proposed project would allow use of the outdoor seating only during evening hours. Outside of daytime hours, the surrounding streets and the adjacent beach/commuter lots will be able to accommodate the increased demand for parking resulting from the project without affecting beach access. Special Condition 1 limits the hours of operation for the outdoor seating to 5 pm to 11 pm, as proposed. Special

Condition 2 informs the applicant that any future improvements to the restaurants, such as an increase in square footage or an expansion of the hours or days of operation, require an amendment to this permit. Thus, no adverse impacts to public access or recreation will result from the proposed project.

The proposed restaurant is a visitor-serving commercial use, which is a priority use under the Coastal Act. The proposed project will allow the continued use of a historic structure, without adversely impacting the supply of public parking. Therefore, the Commission finds that the development, as conditioned, does not pose any significant adverse impacts to public access and recreation and is consistent with Section 30213 of the Coastal Act.

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 re-submitted on June 3, 1999, but withdrew the submittal on October 5, 2000.

The proposed development is consistent with the public access and recreation policies contained in the certified Land Use Plan. Moreover, as discussed herein, the development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Thus, the Commission finds that approval of the proposed development would 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)

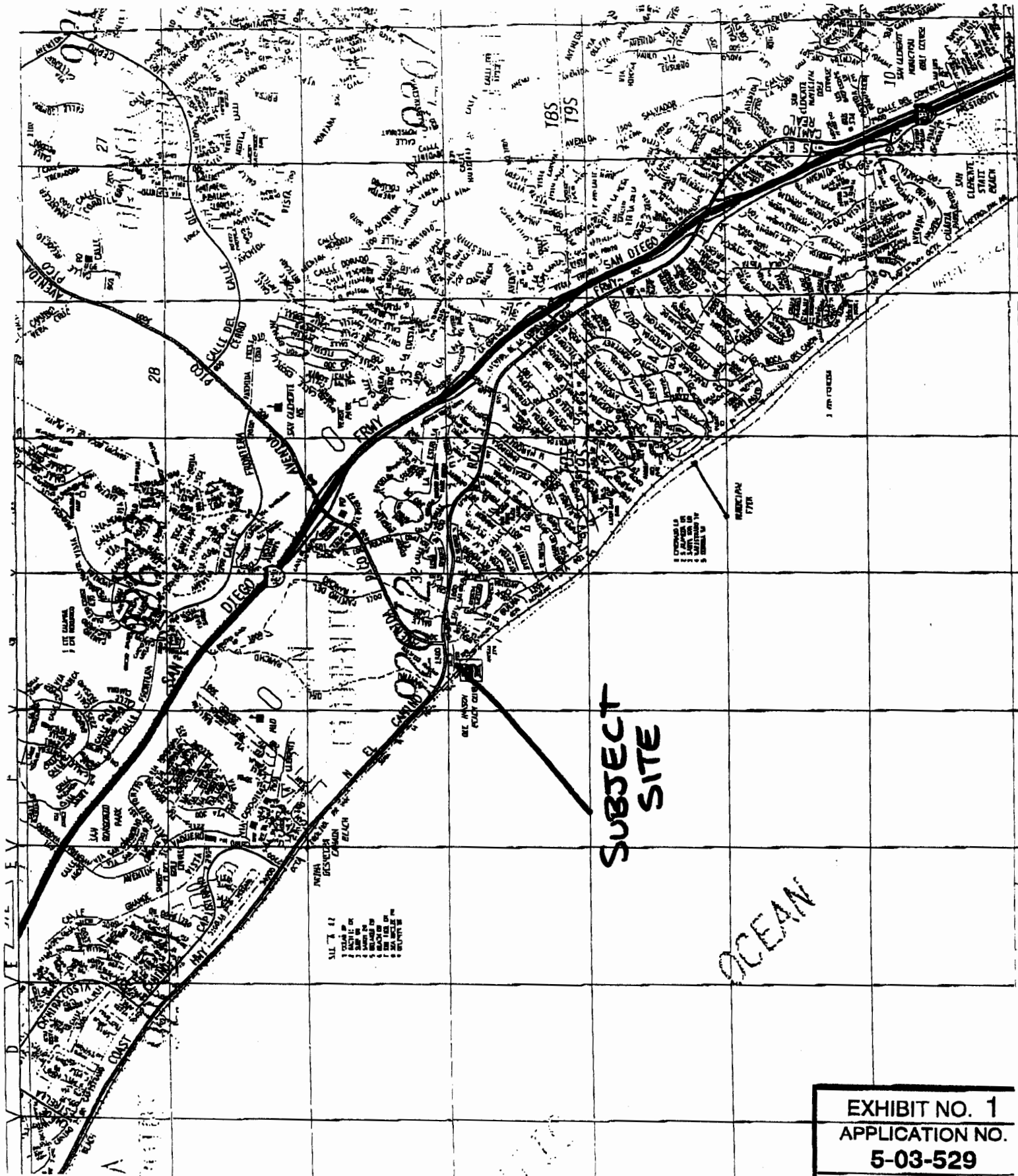
Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental 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 public access policies of the Coastal Act. Mitigation measures, in the form of special conditions, are imposed which require 1) limits on the hours of operation; and 2) future improvements return to the Commission for review. No further alternatives, or mitigation measures, beyond

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those imposed by this permit amendment, would substantially lessen any significant adverse impacts which the development would have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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SUBJECT SITE

OCEAN

EXHIBIT NO. 1
APPLICATION NO.
5-03-529
 Vicinity Map

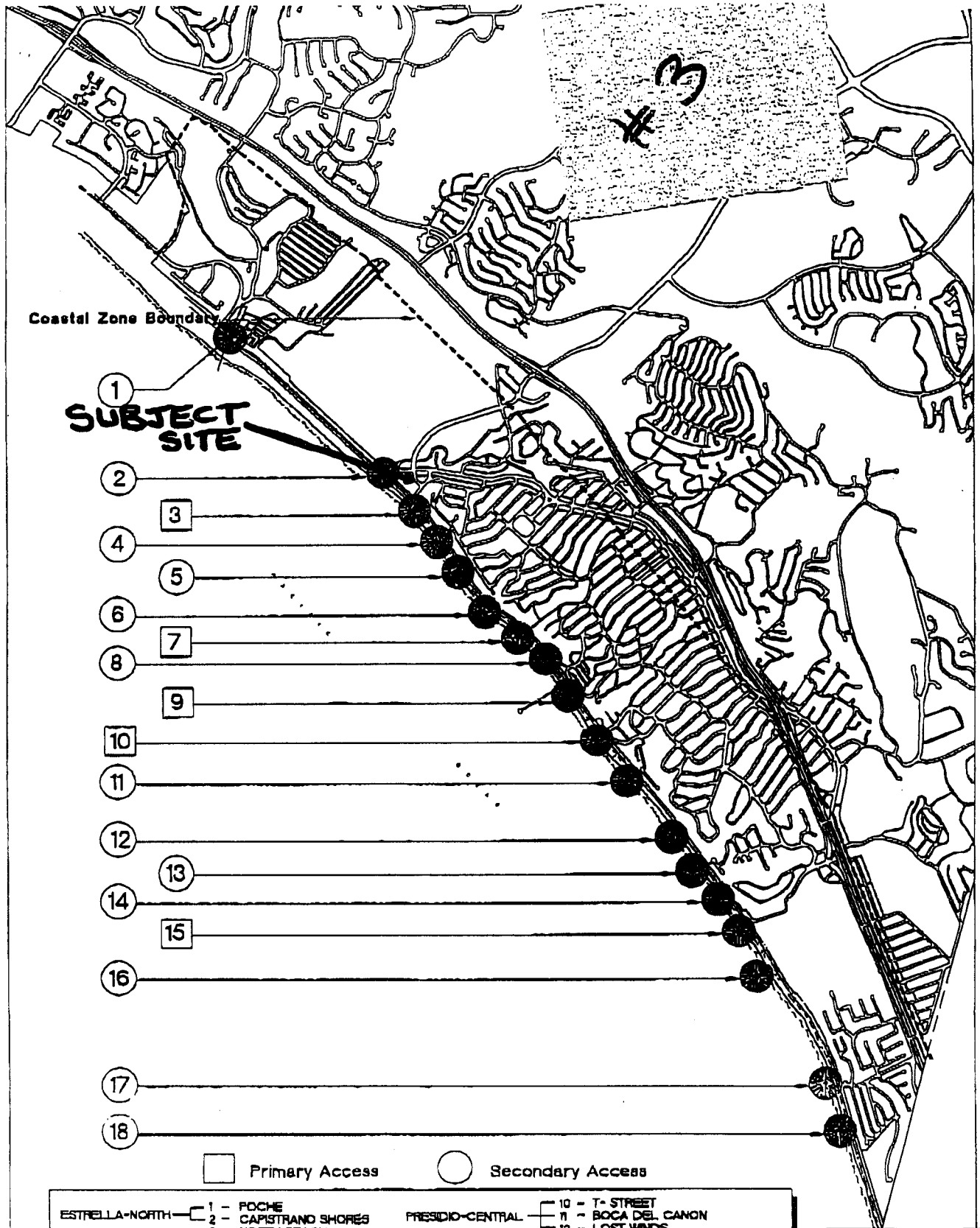


FIGURE 2-5

CITY OF SAN CLEMENTE COASTAL ACCESS POINTS



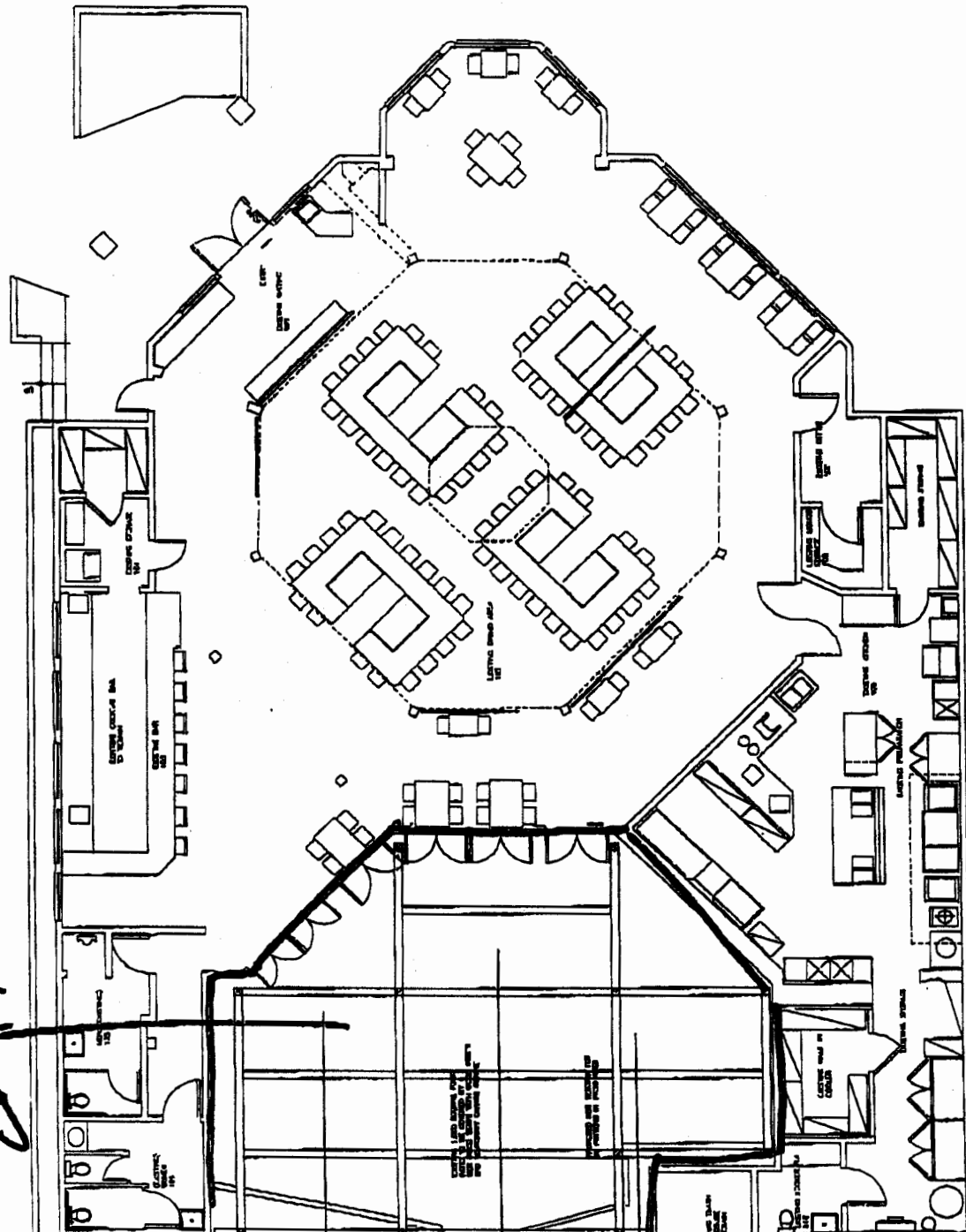
EXHIBIT NO. 3
APPLICATION NO.
5-03-529
Coastal Access Map

KIMB FALCON ARCHITECTS
1000 S. G ST. SUITE 100
SAN ANTONIO, TX 78205
TEL: 214.521.1979
FAX: 214.521.1978

FOR REVIEW ONLY
NOT TO BE USED FOR
CONSTRUCTION

DATE: 11/18/04

FLOOR PLAN



Proposed
Outdoor
Seating

EXHIBIT NO. 4
APPLICATION NO.
5-03-529
Project Plans

AGENDA ITEM: 9-D
MEETING DATE: 2/5/02

*Is this property
a historic site?*

TO: PLANNING COMMISSION

FROM: Larry Longenecker, Associate Planner

SUBJECT: Conditional Use Permit (CUP) 01-190, Ichibiri Restaurant, a request for a waiver of 13 on-site parking spaces required in conjunction with the addition of 49 outdoor seats at Ichibiri Restaurant, an historic commercial structure, located at 1814 North El Camino Real, the legal description being a portion of Block 5 of Tract 821.

ISSUE

13+1HC

Should the Planning Commission approve a waiver of 13 on-site parking spaces required for the addition of 49 outdoor seats at an historic commercial structure.

ENVIRONMENTAL REVIEW


The Planning Division completed an initial environmental assessment for the above referenced matter in accordance with the California Environmental Quality Act (CEQA). The Planning Division has determined the project is categorically exempt from CEQA as a Class 3 exemption, pursuant to CEQA Guidelines Section 15303, because the project involves a negligible expansion beyond the existing use.

COASTAL PROCESSING

The subject property is located within the Coastal Zone. The property does not meet the geographic area criteria of Categorical Exclusion Order No. E-82-1 issued by the California Coastal Commission to the City of San Clemente. Therefore, the project is subject to the permit requirements of the California Coastal Act of 1976.

BACKGROUND

On November 11, 2001, George Falcone submitted a CUP application on behalf of Yuji Yamada, owner of Ichibiri Restaurant, which requests a waiver of 13 parking spaces required for the addition of 49 outdoor seats at an existing patio. The subject property is located at 1814 North El Camino Real, in the North Beach Study Area, within the General Commercial (C-2) zone and the Coastal Zone. Until a Specific Plan is developed for North Beach, the property in that area is subject to the 1993 General Plan and the 1986 Zoning Ordinance.

EXHIBIT NO. 5
APPLICATION NO. 5-03-529
City of San Clemente Staff Report
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CUP 01-190, Ichibiri Restaurant**Page 2**

The primary structure on the subject property was originally constructed in 1941 and is currently on the City's list of designated historic commercial structures. In November of 1982, in conjunction with a proposed interior modification for a new restaurant, the City deemed the subject site a legal nonconforming use with regard to parking, noting that the restaurant, with 14 on-site parking spaces, was allowed to have a maximum 119 seats. The building file for the subject property further notes that outdoor dining was prohibited at an existing patio, due to the nonconformance of the property. In August of 1991, the current owner of the subject property opened Ichibiri restaurant and continued to accommodate a maximum of 119 seats. In January of 1992, the City Council amended Section 5.41 of the 1986 Zoning Ordinance (Ordinance No. 1070) allowing the Planning Commission to modify or waive the parking requirements for commercial structures that are on the City's list of designated historic structures, through the approval of a CUP.

Currently, Ichibiri restaurant continues to operate with a maximum of 119 seats. Outdoor seating continues to be prohibited at the existing patio located at the rear of the property. In order to allow seating at that patio, the applicant now requests a waiver of 13 on-site parking spaces, as provided for in the 1986 Zoning Ordinance.

The City's Development Management Team (DMT) initially considered the proposal on December 20, 2001. The required public noticing has been conducted in compliance with local and State law. As of the writing of this report, staff has not received any comments concerning this request.

ANALYSIS***Project Description***

The current request is to allow the waiver of 13 on-site parking spaces required with the addition of 49 outdoor seats. The seating will occur at an existing patio (see photo at right) located at the rear of the historic commercial structure, directly adjacent to Calle Desecha and the Ole Hanson Beach Club public parking lot. The applicant indicates the additional seating is requested in order to provide patrons the opportunity to enjoy an outdoor dining experience, including ocean views, and to provide a usable space for banquet-style seating.



View of patio from Calle Desecha

CUP 01-190, Ichibirí Resaurant

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The existing 2,730 square foot dining area, including an existing bar, accommodates 119 indoor seats. The existing 1,000 square foot patio is proposed to accommodate 49 outdoor seats for a total of 168 seats. No building modifications are proposed with this application.

Conditional Use Permit/Findings

The CUP application is required per Section 5.41 of the 1986 Zoning Ordinance in order to allow a modification or waiver of the parking requirements for designated historic commercial structures. Prior to approval of the CUP, however, the Planning Commission must make the following three required findings:

- 1) The required on-site parking cannot be provided without altering the historic structure in a manner which is incompatible with the structure's original architectural style and character-

The subject property cannot accommodate the additional required on-site parking spaces without eliminating a significant portion of the historic structure, rendering the structure incompatible with its original style and character.

- 2) There is available public parking in close proximity to the historical structure-

Public parking is available on one-side of Calle Desecha, onto which the south side of the subject property fronts. Those metered spaces are free to all users during weekdays, in an effort to facilitate commercial activity in the North Beach area. Thus a shared parking scenario is created whereby parking spaces can be utilized by beach-goers on the weekends and by people wanting to shop or eat in the North Beach area on weekdays.

Additionally, the Ole Hanson Beach Club public parking lot is located directly to the north and west of the subject site, with 252 public parking spaces. These metered spaces do not require payment after 6 p.m. This shared parking situation allows parking spaces to be used by people visiting the beach or the Ole Hanson Beach Club during the day, and by people wanting to shop and dine in the North Beach area at night. Peak hours of operation for the restaurant are after 6 p.m.; therefore, customers visiting the subject site during dinner hours do not have to pay to use the public parking lot.

In addition to the shared public parking scenario described above, there is also the potential for a joint use parking situation. Joint use parking occurs when a user parks one time and completes multiple functions in an area. For instance, visitors

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to the beach may also dine at the Ichibiri restaurant or people dining at the restaurant may also shop in the North Beach area.

- 3) The modification of the parking requirements will not be detrimental to the health, safety and general welfare of either the people residing in the area or the general public-

Public parking is available directly adjacent to the project site to mitigate any potential traffic and parking impacts, as well as potential pedestrian circulation impacts associated with the waiver of 13 on-site parking spaces. Further, there is currently adequate public parking to both support the restaurant use and also to provide adequate beach parking within the North Beach Study Area. Also, the increased seating will be located at an existing outdoor patio area; no physical expansion of the restaurant is proposed.

General Plan and Coastal Element Consistency

The subject site is classified as a Mixed Use (MU3-p-A) land use designation in the City's General Plan. The goal of this designation with regard to land use is similar to that of the downtown MU-3 zone. In accordance with the City's Land Use and Coastal Element, North Beach is envisioned as a community- and visitor-serving, pedestrian-oriented "hub" of activity. Staff's position is that facilitating the provision of outdoor dining contributes to the village/pedestrian ambiance of the City in accordance with these Elements of the General Plan. Further, the parking waiver utilizes shared/public parking facilities, which is encouraged within the North Beach Study Area.

The parking waiver is also consistent with the Natural and Historic/Cultural Resources Element and Coastal Element of the General Plan in that parking waivers provide an incentive to private owners of historic resources to maintain their properties in a manner that will conserve the integrity of such resources.

Development Management Team Review

The Development Management Team (DMT) reviewed the waiver request to determine if the proposal complies with the General Plan, Zoning Ordinance and other applicable City ordinances and codes. The primary issue raised by staff through the DMT process concerned exiting issues from the patio. The original request by the applicant was for 65 seats, which would have required a waiver of 17 on-site parking spaces. For more than 49 seats, however, a second source of direct egress from the patio would be required per the Uniform Building Code (UBC). Subsequent to the DMT comments, the applicant revised his request to reflect the maximum 49 seats allowed by the UBC for patios with only one source of direct egress, thus lowering the waiver request from 17 to 13 on-site

CUP 01-190, Ichibiri Restaurant

parking spaces. As conditioned, the Engineering and Building Division support the request.

CONCLUSION

The Ichibiri Restaurant is a successful business in the North Beach area and the current proposal will further enhance the viability of the establishment. The proposal is consistent with the policies and objectives of the City's General Plan. The request meets the findings required for approval of a CUP in accordance with the 1986 Zoning Ordinance. Appropriate Conditions of Approval are recommended for the project to mitigate any potential for adverse impacts. Consequently, staff supports the request subject to conditions of approval.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff and approve CUP 01-190.

This action would approve the waiver of 13 on-site parking spaces and allow the applicant to add 49 outdoor seats at an existing patio, subject to conditions of approval.

2. The Planning Commission can, at its discretion, add, modify or delete provisions of this request.

This action would result in any revisions being incorporated accordingly.

3. The Planning Commission can deny CUP 01-190.

This action would result in the applicant not being able add 49 outdoor seats at an existing patio, and could result in an appeal to the City Council.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approve Conditional Use Permit 01-190, Ichibiri Restaurant, a request for a waiver of 13 parking spaces required in conjunction with the addition of 49 outdoor seats at an existing patio in an historic commercial structure located at 1814 North El Camino Real, subject to the attached Resolution and Conditions of Approval.

Attachments:

- A. Resolution
- B. Location Map
Plans

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RMR

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
 245 W. BROADWAY, STE. 380
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 LONG BEACH, CA 90802-4416
 (310) 590-5071



January 12, 1996

James Barnes
 City Planner
 City of San Clemente
 910 Calle Negocio, Suite 100
 San Clemente, CA 92673

Re: City of San Clemente Parking Needs Assessment

Dear Jim:

Thank you for sending us a copy of the parking study prepared for the City by IBI Group in July 1995. As you know, historically we have had concerns about approving new development particularly in the Pier Bowl because of potential conflicts which new development create for peak summer beach parking. However, we have also raised the issue of parking for proposed development projects in the North Beach area.

The parking study you sent us analyzes parking in three areas: downtown, the Pier Bowl and North Beach. Staff has reviewed the needs assessment and has several comments on the parking study.

The study arrived at a figure of 1.53 spaces per 1,000 square feet of non-residential development in the North Beach and Pier Bowl areas. To get this 1.53 figure the preparers took the highest parking utilization for the downtown area (39% of 2,345 spaces or 914 spaces) and divided it by the total downtown non-residential square footage. 914 divided by 597,400 s.f. and multiplied by 1,000 equals 1.53. This figure of 1.53 was then used to compute existing and future commercial parking demand in the Pier Bowl and North Beach areas.

We question whether this 1.53 figure would accurately assess the parking demand in the Pier Bowl and North Beach areas for two reasons. First, there is little existing commercial/retail in either area. Second, we speculate that people utilizing the commercial establishments in the beach areas would be more likely to spend a longer period of time there--i.e., go for a beach walk, go out on the pier, etc.--than in the downtown area. Therefore, we speculate that there would be less parking space turn over in the Pier Bowl and North Beach areas than there would be in the downtown area. Please address these questions concerning the computation of existing and future commercial parking demand in the two critical beach areas.

In addition, staff was able to figure out how the preparers computed beach parking demand in the Pier Bowl but was unable to apply the same analysis for the North Beach area. Please supply the equation used to derive existing and future beach parking demand in the North Beach area.

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City of San Clemente
Parking Needs Assessment

We have some general observations regarding parking in the Pier Bowl and North Beach area. Apparently there is an excess of parking in the downtown area and so we are not concerned about the parking situation there. Our primary concern has always been with beach access and the availability of parking for beachgoers.

The parking study analysis concludes that there will be a future parking surplus of 797 spaces in the downtown area, a parking surplus of 45 in the North Beach area, and a parking deficit of 229 in the Pier Bowl area. In the Pier Bowl there is an existing demand of 410 spaces and an existing supply of 554 spaces, for a surplus of 144 spaces.

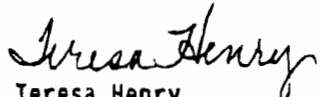
The parking study recommends that parking requirements be waived in the downtown and North Beach area for 200,000 and 125,000 square feet of non-residential development, respectively. We believe there is a potential equity problem in the North Beach area resulting from waiving parking requirements for 125,000 square feet of development and then requiring parking for subsequent development. How does the City propose to deal with this issue?

In addition, there is the potential problem of commercial patrons competing with beach-goers for parking as more and more commercial development is permitted without provision of additional parking spaces. How would the City mitigate these potential impacts? There are measures the City could take to encourage patrons to park near commercial areas and reduce potential conflicts with beach parking. One such measure would be to make parking near commercial areas shorter term and less expensive than longer-term, more expensive beach parking.

In the Pier Bowl area even if the existing parking standards are lowered to allow for shared use, there is still a parking problem. As was stated in the study "In the Pier Bowl area there are limited opportunities to provide new public parking facilities due to land availability constraints. Accordingly, all new parking should be provided on-site." However, given the small lot sizes in the Pier Bowl area it is unclear how future commercial development, for example restaurants, will be able to provide adequate on-site parking. The parking assessment discusses some recommendations to minimize parking impacts in the beach areas. Among the recommendations of the parking study are improved vehicular and pedestrian signage, construction of a beachwalk, a summertime shuttle connecting all three parking study areas, and reducing the parking requirements for commercial use in areas where there is shared use. However, the parking assessment does not include an analysis of the impact implementation of any of these measures would have on beach parking, particularly in the Pier Bowl.

Thank you for taking the time, effort and expense to commission a comprehensive citywide parking study. We look forward to your response to the issues raised in this letter as well as reviewing any specific parking policies and standards which may be submitted with specific plans for the Pier Bowl and the North Beach area.

Sincerely yours,


Teresa Henry
Assistant District Director

cc: CD, SR, RMR, RR

COASTAL COMMISSION
5-03-529

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