



# Planning Commission

## 5716 East 2<sup>nd</sup> Street and 5790 East 2nd Street

**November 18, 2021**

Appeal of the Zoning Administrator's September 27, 2021 decision to approval of an Administrative Use Permit and Local Coastal Development Permit for off-site, joint-use parking to be provided for nine (9) parking stalls at 5790 East 2nd Street to serve a restaurant located at 5716 East 2nd Street in the CNP Zoning District. (District 3)

**Application No. 2110-01 (APL21-009) and 2106-01 (AUP21-026, SPR21-030, LCDP21-027)**



# VICINITY MAP



## Zoning:

- CNP

## General Plan (1989):

- LUD No. 8P (Pedestrian-Oriented Retail Strip District)

## LCP Area:

- Area E – Coastal Zone (City Jurisdiction)



Project site



Off-site, joint-use parking area

# BACKGROUND

- August 25, 2021 – SPR approved by Site Plan Review Committee
- September 27, 2021 – AUP and LCDP approved by Zoning Administrator
- October 4, 2021 – Third Party Appeal Filed

# EXISTING CONDITIONS

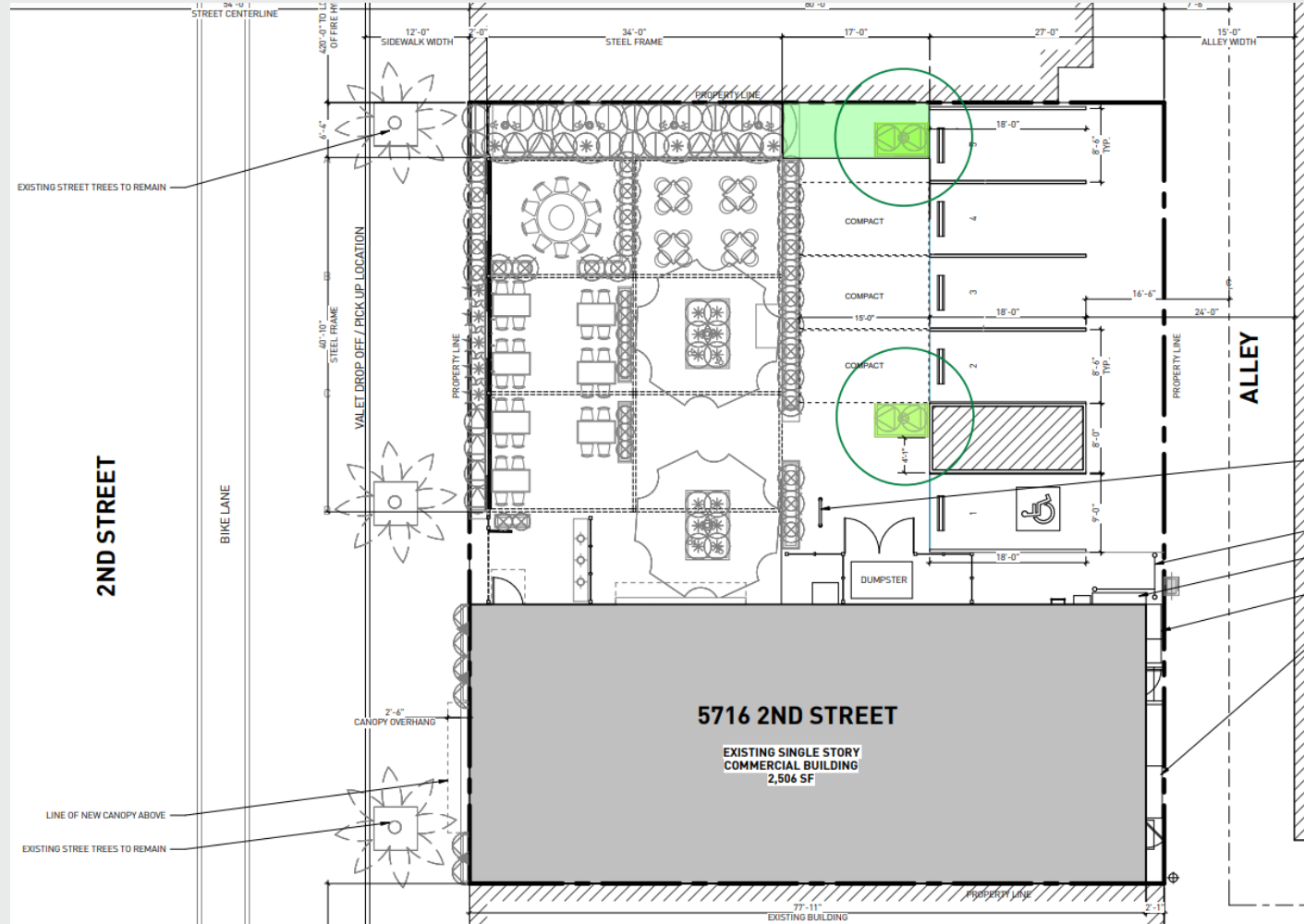




# PROJECT

- **Off-site, joint-use parking** to be provided for nine (9) parking stalls at 5790 East 2nd Street to serve a restaurant located at 5716 East 2nd Street in the CNP Zoning District.
- **Exterior remodel** of an existing restaurant building (subject property) at 5716 East 2nd Street to include a new entry, windows, doors, and canopy at the existing façade and the conversion of a portion of the existing parking lot to outdoor dining with a new steel patio structure, landscape and hardscape improvements, and perimeter gate enclosure. The remainder of the parking lot will receive a grind and overlay of asphalt paving. The existing curb cut for vehicle entry from 2nd Street will be demolished and a sidewalk with a full height curb constructed in its place. No new floor area would be added as part of the project.

# SITE PLAN



# OFF-SITE, JOINT-USE PARKING



- **Restaurant Use:** 5716 2<sup>nd</sup> Street
- **Off-Site, Joint-Use Parking:** 5720 2<sup>nd</sup> Street
  - The proposed offsite, joint-use parking would be located approximately 332 feet from the restaurant location.



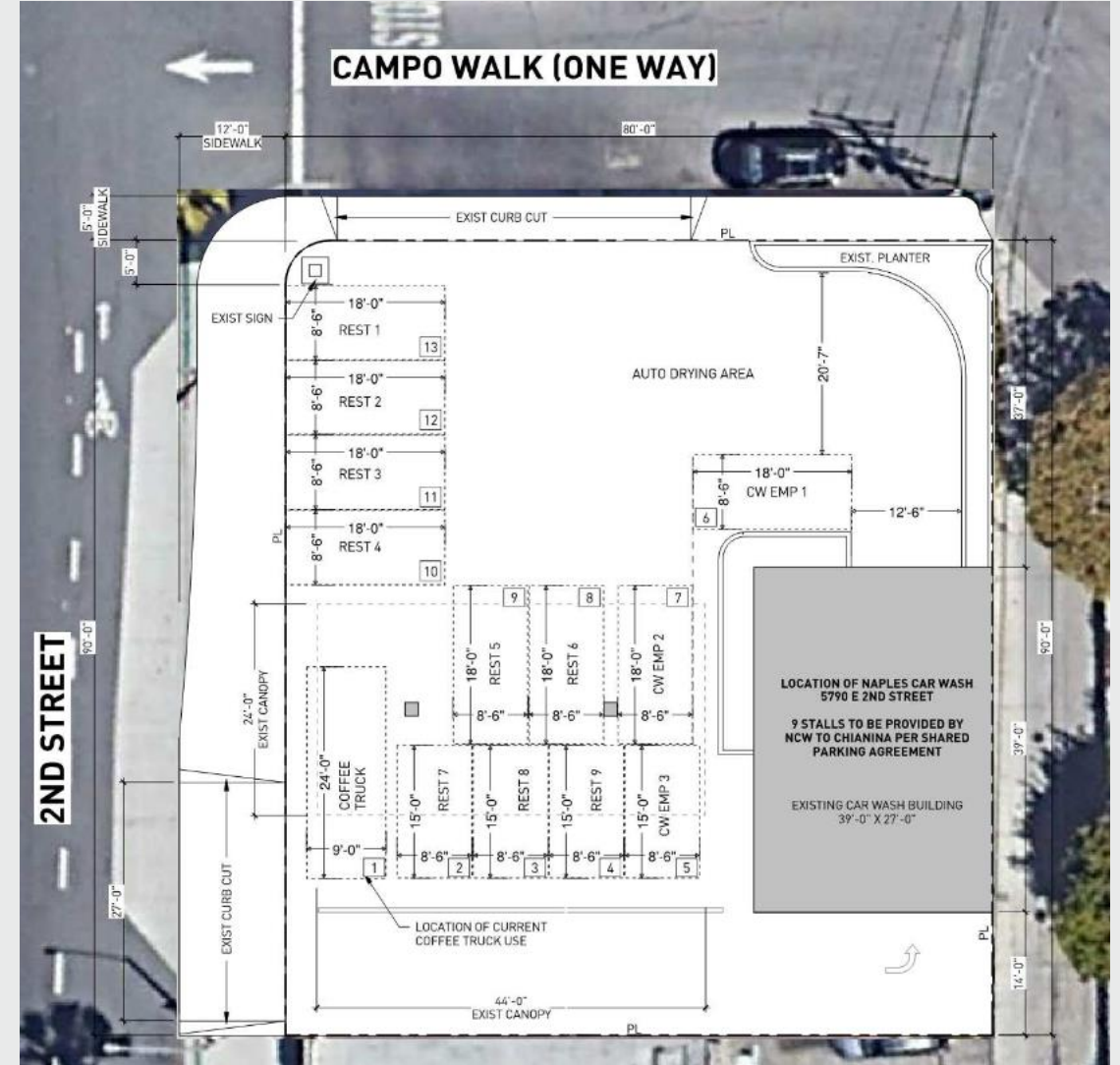
Project site



Off-site, joint-use parking area



## OFF-SITE, JOINT-USE PARKING (5790 EAST 2ND STREET)





# ELEVATIONS



# CONDITIONS OF APPROVAL

- Conditions of approval as follows:
  - Report back to ZA on an annual basis for first three (3) years of operation
  - Valet required during dinner hours
  - Signage and striping plan for parking areas
  - Transportation Demand Management (TDM) measures required
  - Prioritize employee parking on off-site area
  - Operable window on east elevation shall not be for counter service
  - Record conditions on property title
  - Best Management Practices (BMPs)
  - Compliance with Migratory Bird Treaty Act (MBTA)
  - Sea Level Rise Advisory



# REQUIRED FINDINGS (AUP)

- The approval is **consistent with and carries out** the general plan, any applicable specific plans such as the Local Coastal Program and all Zoning Regulations of the applicable district;
- The approval **will not be detrimental to the surrounding community** including public health, safety, general welfare, environmental quality or quality of life;
- The approval is in compliance with the **special conditions** for the use enumerated in chapter 21.52; and
- The related development approval, if applicable, is consistent with the **green building standards for public and private development**, as listed in Section 21.45.400.

# REQUIRED FINDINGS (LCDP)

- The proposed development **conforms to the certified local coastal program**, including but not limited to all requirements for replacement of low- and moderate-income housing; and
- The proposed development **conforms to the public access and recreation policies of Chapter 3 of the Coastal Act**.
- **For an application for a religious assembly use**, if an exception or waiver of LCP requirements is sought under Section 21.52.219.8.G, that the exception or waiver allows the minimum deviation from LCP requirements necessary to comply with RLUIPA, and that the decision maker has imposed all conditions necessary to comply with all provisions of the LCP, with the exception of the provision(s) for which implementation would violate RLUIPA.
- The proposed development is sited, **designed and managed to minimize the transport of pollutants by runoff into coastal waters and groundwater**, and to minimize increases in runoff volume and velocity from the site which may adversely impact coastal resources or coastal bluff stability. Best Management Practices shall be implemented, as applicable, including but not limited to applicable local, regional, state and federal water quality permits, standards and guidance provided in the LCP, best practices and other measures as may be recommended by the City Engineer.



# ZA PUBLIC COMMENTS

In response to required noticing, two (2) public comments were received in opposition to the proposed project.

Concerns include, but are not limited to, the following:

- Existing use of private parking lots for existing restaurants in the project vicinity due to lack of parking.
- Concerns related to street parking areas.

# APPEAL

- One (1) third party appeal was filed on October 4, 2021.
- The appellant provided both written and verbal comments at the Zoning Administrator hearing.
- The cited appeal notes:
  - “The project will exacerbate existing parking issues in the vicinity. Insufficient operating conditions of approval related to operation of the off site lot and valet parking.”



# PC PUBLIC COMMENTS

Two (2) public comments were received in response to the appeal notice.

- Noticing concerns and exacerbation of parking issues.
- Support for the expansion of outdoor dining and utilization of existing parking facilities.

# CEQA AND NOTICING

The project has been determined to be Categorical Exempt under:

- Section 15303 (New Construction or Conversion of Small Structures)
- Section 15304 (Minor Alterations to Land)

Noticing was completed in accordance with Section 21.21 of the Municipal Code.

- ZA notices mailed on August 20, 2021
- PC notices mailed on November 4, 2021



Thank you

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