

Attachment No. PC 3

July 25, 2024 Zoning Administrator
Minutes

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single-unit dwelling. The project also includes landscaping and hardscape. The project site is located in the R-1 Zoning and Coastal Zoning District. The project is compliant with all development standards including floor area limits, setbacks, heights, and off-street parking. The proposed design, bulk, and scale of developments are consistent with the existing neighborhood pattern of development.

Assistant Planner Orozco added that the finished floor elevation of the project is 13.31 feet (NAVD88), which complies with the minimum 9-foot elevation standard. A construction pollution prevention plan is provided. The project does not involve a change in land use, density or intensity that would result in an increased demand on public access and recreation opportunities. The project site does not currently provide public access. Vertical and lateral access to the bay is available adjacent to the Bayshore Community at the Balboa Bay Club, immediately north of the Bayshore Community. The project site is not located adjacent to a coastal view road, public viewpoint, public park, or beach as identified in the Coastal Land Use Plan. The project is categorically exempt from CEQA under Class 1.

Assistant Planner Orozco addressed minor edits to the draft resolution to provide consistency across square footages listed.

Staff recommends approval of the Coastal Development Permit with Conditions of Approval from the draft resolution and the proposed revisions to the resolution.

Applicant Shelley Starr, who is the property owner, stated that she had reviewed the draft resolution and agrees with all the required conditions.

Zoning Administrator Zdeba opened the public hearing. Seeing that no one from the public wished to comment, the public hearing was closed.

Action: Approved as amended

ITEM NO. 4 Five Crowns Limited Term Permit and Coastal Development Permit (PA2023-0202)
Site Location: 3801 East Coast Highway Council District 6

Liz Westmoreland, Senior Planner, on behalf of Melinda Whelan, Assistant Planner, stated the request is for a limited term permit and coastal development permit to allow the continued use of a temporary outdoor dining patio with live entertainment. The Limited Term Permit would allow the use of an expanded dining area and live entertainment and events within the area. Senior Planner Westmoreland stated that although private events are discussed in the resolution and staff report, the Limited Term Permit is required to specifically address the use of the outdoor dining area and live entertainment within that expanded patio area. Limited term permits have been in use for temporary outdoor dining since COVID-19 and the related emergency orders. This is consistent with other limited term permits in this respect. The limited term permit would authorize the use of the area for about five months and expire in December 2024. The applicant would be able to request an extension; however, it would have to be granted through the Zoning Administrator if approved today. If the applicant would like to maintain it on a permanent basis, an amendment to the Conditional Use Permit would need to be approved by the Planning Commission.

Two noise analyses were provided to support the request. The noise reports include design features that would reduce the noise levels to comply with City standards. The project has been conditioned to comply with the design features including the construction of a sound wall around the rear patio area. These design features are generally enforceable as conditions because it is clear whether the improvements are installed or not. If the sound levels were to exceed City standards, the limited term permit and coastal development permit would not supersede the noise ordinance which requires compliance with the City decibel standards.

There are facts and findings in the resolution related to the Limited Term Permit and Coastal Development Permit for a temporary use. The off-site parking lot is large enough to support a temporary increase in the area where the patrons are dining. Senior Planner Westmoreland addressed the unique features of the project and the substantial parking pool the property has in comparison to other properties in Corona del Mar. She also

addressed AB1217 which provides cities with flexibility to authorize outdoor uses without providing additional parking on site.

Several emails and a comment letter were received from a resident with concerns related to the project. The City also received one verbal comment from a resident related to parking, which was addressed earlier in the presentation. Senior Planner Westmoreland gave an overview of the comments received which included concerns related to errors in the staff report, noise, errors in the noise study, CEQA exemption, design features, operating without a permit, outdoor patio, and comments on trash and other nuisances. A memorandum was prepared by staff earlier in the week with conditions of approval that should be added to the resolution.

Zoning Administrator Zdeba opened the public hearing.

CEO and operator of Five Crowns, Ryan Wilson, described the family history of Five Crowns and emphasized the commitment of being good stewards to the neighborhood while making continued investments into the facilities.

Michael Torres, applicant's representative, stated that he had reviewed the draft resolution and agrees with all the required conditions.

Zoning Administrator Zdeba asked for clarification on the frequency of private events at the restaurant and the 150-200 private events and weddings per year listed on their website. Mr. Wilson clarified that the number included events that are interior to the restaurant and there will not be 200 additional events in this outdoor space. In response to an inquiry from Zoning Administrator Zdeba, Mr. Wilson and Mr. Torres agreed that large private events of 75 people or more would be capped at four per month.

Zoning Administrator Zdeba also asked about an online brochure advertising private events and capacity for each part of the restaurant, including a full buyout accommodating 200 people. He mentioned the published noise study which assumed 60 guests with amplified sound for the purposes of the study model and asked to clarify the amount of people to be accommodated in the outdoor space. Mr. Torres clarified that it would not be possible to accommodate that many people on the outdoor patio. Zoning Administrator Zdeba asked about the timeline for construction of the sound wall if approval is granted. Mr. Wilson stated they are ready to submit permitting and would begin construction around mid-October.

In response to a question from Zoning Administrator Zdeba about parking, Mr. Wilson stated that valet is always available at night. Daytime events are up to the host as to if they want to offer valet; however, he confirmed he recommends valet parking for larger events. In response to the Zoning Administrator's comment on the brochure about volume level management during an event, Mr. Wilson clarified that they have been monitoring the sound levels more closely due to a citation that was issued and vacated in September 2023. He also shared that they changed the location of the noise source.

Zoning Administrator Zdeba asked the applicant's noise study engineer about the concerns raised by public correspondence related to the noise study. Bryan Estrada, representative from RK Engineering Group, responded to the comment letter and the discrepancy in what a private event and wedding might generate in terms of noise. Mr. Estrada clarified that the focus on the study is to provide guidelines for the project to comply with noise standards. To comply with the guidelines of the noise study, the project would need to construct a property line wall, place speakers in certain locations, and limit noise on the patio to specified levels. By complying with the restrictions and guidelines of the noise study, the project would comply with the City's noise standards.

One member of the public, Ken Catanzarite, expressed concerns regarding the applicant's noise study and specifically how the study did not address the second and third floor of the adjacent property. He mentioned a continuance was requested for more time to meet with the applicant and review the materials. Mr. Catanzarite stated there is room for misconduct with the operator's amplification equipment. Mr. Catanzarite also opposed the CEQA exemption for the project. He stated that there are no other businesses in CDM with large events. He stated that the project did not address the 8:00 p.m. limitation from the City's ordinance for amplified sound. He requested that if the project is approved that the events should be limited to four days a month, amplified sound limited to 8:00 p.m., no parking on Hazel Drive, no events with more than 60 people, and continuous

monitoring. Mr. Catanzarite reiterated his concerns regarding impacts to neighbors and emphasized his requested continuance for 30-days.

A second member of the public, Joan Oldfield, spoke and stated opposition to the noise study for the project. She has concerns regarding the level of the music, congestion on Hazel Drive, capacity on the patio, and supported the previous speaker's requested continuance.

A third member of the public, Kim Catanzarite, spoke and described her tenant's concerns with noise at her property coming from the restaurant, especially due to the kids on the property.

Mr. Torres addressed the public comments. He mentioned that outreach was performed by Mr. Wilson to the Catanzarites and Mr. Wilson is sensitive to the concerns of the public comment speakers. He referenced the costs that will be required to implement the noise mitigation measures and emphasized the applicant is committed to being good neighbors. They are available to address concerns to the public after the public hearing. Mr. Torres clarifies that there is an exemption for the project from NBMC 10.32.060 (Subsection E) for the 8:00 p.m. closing time.

Mr. Estrada stated that the sound study conducted was consistent with the industry standards for evaluating exterior noise.

Mr. Torres reiterated that the applicant is open to limiting the large events to four large events per month for 75 or more people. The applicant intends to process the permit applications and is committed to complying to the City Municipal Code.

Zoning Administrator Zdeba closed the public hearing.

Zoning Administrator Zdeba asked Senior Planner Westmoreland to clarify the CEQA exemptions and the inter-department review process with the Fire Marshal and Building Division.

Zoning Administrator Zdeba addressed the unique aspects of the land use, challenges of commercial uses near residential areas especially in Corona del Mar, and the temporary basis of the Limited Term Permit which would allow the use for about 5 months. He also addressed that there is no guarantee of an extension and that it would be based on the applicant's operating behavior. He clarified that the 8:00 p.m. cutoff for amplified sound applies to special event permits and is not part of land use entitlements.

Zoning Administrator Zdeba stated his concerns regarding the timing of the additional noise analysis being released the week of the meeting. He stated that there needs to be more refined analysis and rebuttal of the peer review provided by the commenter. Due to the late correspondence by both the applicant and the public, Zoning Administrator Zdeba opted to continue the item to the August 15, 2024, Zoning Administrator meeting to give the applicant two weeks to address the concerns raised by the public and to come back with concrete figures on the number of events and people per month. He reiterated that the application is for a temporary use, and while he wants the business to be successful, it is important to maintain land use compatibility.

Action: Continued to the August 15, 2024, Zoning Administrator meeting.

V. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

VI. ADJOURNMENT

The hearing was adjourned at 10:51 a.m.

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