



STAFF REPORT
SAN CLEMENTE ZONING ADMINISTRATOR
Meeting Date: September 3, 2014

PLANNER: Sean Nicholas, Associate Planner *SN*

SUBJECT: **Special Activity Permit (SAP) 14-313, Casino Special Events,**
a request to allow fourteen (14) special activity events with amplified sound to occur between September 17, 2014 and December 31, 2014.

LOCATION: 140 West Avenida Pico

ZONING/GENERAL PLAN: Commercial (C-2)/Mixed-Use (MU3.1)

BACKGROUND:

- The subject site is a 32,000 s.f. lot with frontage on West Avenida Pico, Boca De La Playa, and Calle Deshecha. The property is improved with an 11,768 square foot historic structure, the Casino, constructed in 1937.
- LAB Holdings, LLC., the applicant, is proposing outdoor special events to be held between September 17, 2014 and December 31, 2014. The applicant has described these events as being miscellaneous, private gatherings and held at various times during normal, permitted business hours. The main component of the special events is the request for amplified sound within the outdoor walled patios. The applicant is requesting the same hours as previously approved, outside amplified sound until 11:00 pm.
- The Special Activities Permit is to allow outside in the walled patios amplified sound. The site is already approved for amplified sound indoors with alcohol service until 2:00 a.m. Similar to past Special Activity Permit approvals, a condition of approval has been added that requires all sound amplification be directed away from the adjacent residential areas.
- The applicant has specified an expected maximum attendance of any event to be 375. As a condition of approval, at no time can occupancy for the site be exceeded.
- The request requires Zoning Administrator approval because they are proposing more than one special activity event within 12 months as set forth in Municipal Code Section 17.16.155(B).
- The following conditions of approval have been drafted to mitigate potential impacts of the temporary activities:
 - All amplified sound shall be oriented towards the west (beach and commercial zones) and away from the adjacent residences.
 - When alcohol and/or amplified sound is associated with an outdoor event a minimum of one (1) security guard per 75 guests shall be required.
 - No setup for any special events shall occur before 8:00 a.m. any day of the week, and all outdoor special events must be concluded by 11:00 p.m.

If any outdoor area has an event past 10:00 pm, all clean up for that outdoor area must take place no earlier than 8:00 am the following day.

- No event shall be permitted to exceed the maximum occupancy at one time.
- Code Compliance shall be notified two (2) weeks prior to any event.
- Similar special events have been approved and held at the Casino in 2009, 2010, 2011, 2012, and 2013 involving outdoor amplified sound. The Casino management and staff were compliant with the conditions of approval for those events. No complaints were reported to the Orange County Sheriffs Department or Code Compliance, and both state they have no concerns about the proposed events.
- As of the date of the preparation of this report, staff has not received any correspondence associated with the project.

RECOMMENDATION

STAFF RECOMMENDS THAT the Zoning Administrator approve up to fifteen (15) special events associated with SAP 14-313, Casino Special Events, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution
Exhibit 1: Conditions of Approval
2. Vicinity Map
3. Letter from the Applicant

RESOLUTION NO. ZA 14-036

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SPECIAL ACTIVITIES PERMIT 14-313, THE CASINO SPECIAL EVENTS, TO CONDUCT FOURTEEN (14) EVENTS WITH OUTDOOR AMPLIFIED SOUND IN THE TWO OUTDOOR PATIO AREAS FOR THE CALENDAR YEAR 2014 LOCATED AT 140 WEST AVENIDA PICO

WHEREAS, on June 17, 2014, an application was submitted, and on August 12, 2014 deemed complete by Linda Sadeghi of the San Clemente Casino, 140 West Avenida Pico, San Clemente CA 92672, for a Special Activities Permit (SAP) to allow The Casino to conduct up to fourteen (14) special events with live entertainment and amplified sound located within the two (2) walled, outdoor patio areas during the calendar year 2014 located at 140 West Avenida Pico. The subject property is located within the Commercial (C-2) zoning district, with a legal description of Lot 23 of Tract 972; and

WHEREAS, the Planning Division has completed an initial environmental assessment of the above matter in accordance with the California Environmental Quality Act (CEQA) and recommends that the Zoning Administrator determine this project be categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301 and Section 15311(c) as a negligible temporary expansion of an existing use in that the activity would occur on private property and not affect surrounding uses; and

WHEREAS, the Planning Division has concluded that due to its scale, location, and nature, the subject request qualifies for a Special Activities Permit; and

WHEREAS, on September 3, 2014, the Zoning Administrator held a duly noticed public hearing and considered evidence presented by City staff, the applicant, and other interested parties.

NOW, THEREFORE, the Zoning Administrator of the City of San Clemente hereby resolves as follows:

Section 1: This project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301 and Section 15311(c) as a negligible temporary expansion of an existing use in that the activity would occur on private property and not affect surrounding uses.

Section 2: With respect to SAP 14-313, the Zoning Administrator finds as follows:

- A. The proposed use, including but not limited to amplified sound, is permitted within the subject zone pursuant to the approval of a Special Activities Permit and complies with all of the applicable provisions of the San Clemente Zoning Ordinance, San Clemente General Plan and the purpose

and intent of the zone in which the use is being proposed in that the special activities will not create environmental impacts that are inconsistent with the goals and policies of the San Clemente General Plan, since the use has been planned and conditioned appropriately to ensure noise levels are monitored and contained within exterior noise levels established in the City's Noise Ordinance; to protect the public health, safety, and welfare, and to be consistent with the Municipal Code.

B. The site is suitable for the type and intensity of use that is proposed and the proposed special activities do not have the potential to adversely impact surrounding properties, residents and businesses, in that:

1. the activities are conditioned appropriately to ensure noise levels are monitored and contained within exterior noise levels established in the City's Noise Ordinance; protects the public health, safety, and welfare; is consistent with the Municipal Code, and allows the City to revoke the SAP if the use proves to be incompatible with surrounding land uses or if conditions of approval aren't adequately enforced;
2. the live entertainment and amplified sound will be conducted within the outdoor walled patios, enclosed by stucco masonry walls to attenuate noise generated from the ancillary use and act as a buffer between the entertainment and the closest residential use located to the south of the building, approximately 95 feet away;
3. the Casino demonstrated event operations were in compliance with conditions of approval. The Casino staff previously cooperated with the City in this process to prove they could successfully operate events according to these conditions of approval. Police Services hasn't had an issue with reported noise disturbances associated with the Casino's events; and
4. the applicant has demonstrated cooperation in modifying operations as needed to ensure compliance with the Municipal Code.

C. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity in that:

1. the events have been conditioned appropriately to ensure noise levels are monitored and contained to within exterior noise levels established in the City's Noise Ordinance; protects the public health, safety, and welfare; is consistent with the Municipal Code, and allows the City to revoke the SAP if the use proves to be incompatible with surrounding land uses or if conditions of approval aren't adequately enforced;
2. the live entertainment and amplified sound will be conducted within the

outdoor walled patios, enclosed by stucco masonry walls to attenuate noise generated from the ancillary use and act as a buffer between the entertainment and the closest residential use located to the south of the building, approximately 95 feet away;

3. the Casino demonstrated event operations were in compliance with conditions of approval. The Casino staff previously cooperated with the City in this process to prove they could successfully operate events according to these conditions of approval. Police Services hasn't had an issue with reported noise disturbances associated with the Casino's events; and
 4. the applicant has demonstrated cooperation in modifying operations as needed to ensure compliance with the Municipal Code.
- D. The proposed use will not negatively impact the surrounding commercial land uses in that the proposed use is a permitted use subject to a Special Activities Permit within the Commercial (C-2) zoning district.

Section 3: The Zoning Administrator of the City of San Clemente hereby approves fourteen special events per Special Activities Permit 14-313, The Casino Special Events, subject to the above findings and the attached Conditions of Approval (Exhibit A).

PASSED AND ADOPTED at a regular meeting of the Zoning Administrator of the City of San Clemente on September 3, 2014.

SAN CLEMENTE ZONING ADMINISTRATOR

James Holloway, Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL*
SAP 14-313

- 1. The owner or designee shall develop the approved project in conformance with the floor plan and any other applicable submittals approved by the Zoning Administrator on September 3, 2014, subject to the Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, or other approved submittal shall require that the owner or designee submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Zoning Administrator.

(PIng.)_____

- 2. Special Activities Permit (SAP 14-313) shall remain in effect for the 2014 calendar year only. ■■ (PIng.)_____

- 3. No more than 15 events are permitted between September 17, 2014 and December 31, 2014. ■■ (PIng.)_____

- 4. If for any reason City Staff determines the special activity is not in compliance with the conditions of approval or intent of the Zoning Code related to Special Activities Permits, the permit may be revoked and/or sent to the Zoning Administrator for modification. Any request for additional hours and/or expansion of the activity must be approved by the Zoning Administrator as an amendment to SAP 14-313.

■■ (PIng.)_____

- 5. The owner shall have a manager on the premises at all times during the hours of operation when live entertainment and/or dancing are occurring. ■ (PIng.)_____

- 6. The property owner, applicant, or designee shall be responsible for immediately resolving any problems associated with the activity and/or issues of concern raised by neighbors. ■■(PIng.)_____

- 7. Prior to commencement of use or not more than thirty (30) days after project approval, the owner or designee shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. *[Citation – City Attorney Legal Directive]* (PIng.)_____

- 8. The activity may be closed down at the discretion of the Police Department if it becomes unreasonably loud or boisterous, and/or Fire Department due to overcrowding or other hazardous conditions. ■■(Fire)(Sheriff)_____

- 9. The applicant shall inspect the property and all surrounding properties following each event to ensure all debris is removed. ■ (Code Enforce.)(Sheriff)_____

10. An accessible aisle and exiting width that is a minimum of 44" shall be maintained around the location of the live entertainment at all times.
■■(Building)_____

11. The applicant shall notify the City of events at least fourteen calendar days before they are scheduled to occur, by sending an email to planning@san-clemente.org Or, City staff can be notified by calling (949) 361-6191.
■■(PIng.)_____ (CodeEnforce.)_____

12. The City of San Clemente passed Resolution No. 04-27 on April 20, 2004, prohibiting the use of food service items comprised of expandable polystyrene, commonly referred to by the trade name "Styrofoam". This applies to all rentals, special events, leases, or other functions associated with the City of San Clemente. This event fall into the category of requiring Special Event Permits and therefore are subject to the resolution.
 - A. The applicant is responsible for preventing the utilization and/or distribution of expandable polystyrene food service products, commonly referred to by the trade name "Styrofoam" by any attendee or vendor (caterer) at the event.

 - B. Failure to abide by this resolution will result in the immediate revocation of the current special event permit and the disapproval of future special event applications.
■■(Eng)(Code Enforce.)_____

13. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City of San Clemente and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the "Indemnitees") from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either (i) the City's approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act ("CEQA"), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an "Action") within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails

to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City's full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City. *[Citation – City Attorney Legal Directive]*

(PIng.)_____

14. Only bartenders and waitresses may sell alcoholic beverages. Roving promotional persons, engaged in the sale of liquor, will not be permitted during the events.

■■(Sheriff)_____

15. The applicant shall have security be on site at all times while events are conducted, stationed at the front door, rear door, and within the building and patios. A minimum of 1 security guard per 75 guests is required.

■■ (Sheriff)_____

16. The owner or designee shall be responsible for closing, and keeping shut, all exterior windows, doors, and skylights when live entertainment and/or dancing is being conducted indoors, with the exception of occasions the front door is used to enter-and-exit the building, after 10:00 pm.

■■(Sheriff) _____

17. All amplified sound shall be oriented towards the west (beach and commercial zones) and away from the adjacent residences.

■■ (PIng.)_____

18. No setup for any special events shall occur before 8:00 a.m. any day of the week, and all outdoor special events must be concluded by 11:00 p.m.

■■ (PIng.)_____

19. No event shall exceed the posted occupancy at any time.

■■ (PIng.)_____

20. Outdoor Special Activity Events which go beyond 10:00 p.m. in one of the courtyards shall complete clean up activities at or after 8:00 a.m. the next morning. The intent of this condition is to avoid excessive noise to be generated outdoors after 11:00 p.m. when an outdoor Special Activity Event ends.

■■ (PIng.)_____

21. "Temporary structures" are structures erected for a period of less than 180 days. Those erected for a longer period of time shall comply with the applicable sections of the California Building Code. (CBC 3103.1)

(Bldg.)_____

[S.C.M.C – Title 15 Building Construction]

- 22. Tents and other membrane structures erected for a period of less than 180 days shall comply with the California Fire Code. (CBC 3103.1)

(Bldg.)_____

[S.C.M.C – Title 15 Building Construction]

- 23. Temporary structures that cover an area in excess of 120 square feet, including connecting areas or spaces with a common means of egress or entrance which are used or intended to be used for the gathering together of 10 or more persons, shall not be erected, operated or maintained for any purpose without obtaining a Building Permit. (CBC 3103.2)

(Bldg.)_____

[S.C.M.C – Title 15 Building Construction]

- 24. A permit application and construction documents shall be submitted for each installation of a temporary structure. The construction documents shall include a site plan indicating the location of the temporary structure and information delineating the means of egress and the occupant load. (CBC 3103.2)

(Bldg.)_____

[S.C.M.C – Title 15 Building Construction]

- 25. Temporary structures shall be located in accordance with the requirements of CBC Table 602 based on the fire-resistance rating of the exterior walls for the proposed type of construction. (CBC 3103.3)

(Bldg.)_____

[S.C.M.C – Title 15 Building Construction]

- 26. Temporary structures shall conform to the means of egress requirements of CBC Chapter 10 and shall have a maximum exit access travel distance of 100 feet. (CBC 3103.4)

(Bldg.)_____

[S.C.M.C – Title 15 Building Construction]

- 27. Individual temporary tents associated with special event or special activity permits not exceeding 120 square feet are exempt from a building permit provided individual tents are separated by at least 12 feet or groupings of individual tents without the required separation do not exceed an aggregate area of 700 square feet.

(Bldg.)_____

[S.C.M.C – Title 15 Building Construction]

- 28. Temporary stages and platforms associated with special event or special activity permits not more than 30 inches above adjacent grade with an aggregate area not exceeding 120 square feet are exempt from a building permit, provided the stage does not contain any overhead structures.

(Bldg.)_____

[S.C.M.C – Title 15 Building Construction]

- * All Conditions of Approval are Standard, unless indicated as follows:
 - Denotes a modified Standard Condition of Approval
 - ■ Denotes a project-specific Condition of Approval

June 13, 2014

Amber Gregg
Planning Division
910 Calle Negocio, Ste. 100
San Clemente, CA 92673

Re: Application for a 2014 Special Activities Permit

Dear Amber:

As in years past, the Casino San Clemente hereby submits its Special Activities Permit application for the calendar year 2014. This application is made specifically to allow the amenity of outdoor amplification for musicians on (1) the enclosed backyard area known as the Rock Garden as well as (2) the enclosed front yard area known as the Patio of the Stars; currently not allowed under our CUP.

It is our understanding that up to 15 separate special events can be covered with this permit (upon approval) and we would be required to notify code enforcement 2 weeks in advance of those events.

Currently, there are no known specific uses for this permit and we submit our application only in anticipation of our future patrons requesting this amenity for their function. As you know, the Casino has historically been a place of music and celebration, and we want to accommodate our patrons in any way we can by being proactive in our request for this permission.

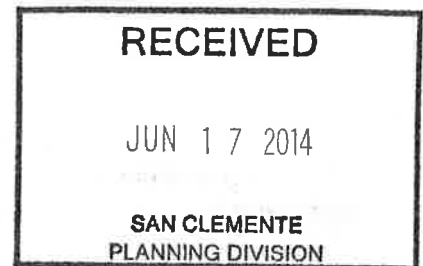
Should you have any questions, please contact us asap. Thank you!

Regards

Linda Sadeghi
linda@thelab.com



SAP 74-313



CASINO SAN CLEMENTE

INFO@THECASINOSANCLEMENTE.COM | 949-369-6600 | 140 W. AVENIDA PICO, SAN CLEMENTE, CA 92672

www.thecasinosanclemente.com

CITY OF SAN CLEMENTE



Planning Division
 910 Calle Negocio, Ste 100
 San Clemente, CA 92673
 (949)-361-6172
<http://ci.san-clemente.ca.us>

SPECIAL ACTIVITIES PERMIT

For City Staff Use Only

Case File#	Total Days Approved This Calendar Year:
Staff Review By:	Application Received by:
Date Received	Fee Amount:\$ Deposit Amount:\$

A Special Activity is defined as any activity on private property (commercial) which temporarily intensifies the impacts (i.e., parking, traffic, noise, light and glare, etc.) of an existing permitted use or which create a potential conflict among land uses. Normal sales or functions which are incidental to the existing permitted use (i.e., sales conducted within the structure of an existing retail use, live entertainment if currently permitted under a Conditional Use Permit, etc.) shall not be considered a Special Activity. Typical activities that would be considered a Special Activity within non-residential zones would include, but not be limited to, art shows, open house, grand openings, and activities providing shuttle or valet service. This permit **DOES NOT** allow the applicant or their agent to violate any City of San Clemente Municipal Code(s), Laws, and Regulations etc. Should any violations be discovered during the event, this permit can be **immediately** revoked, by the Orange County Sheriff's Department, Orange County Fire Authority or authorized City Official.

EVENT INFORMATION

Event Name: ANNUAL PERMIT FOR 15 EVENTS IN 2014			
Event Description (attach additional sheets if necessary): VARIOUS - TBA TO CODE ENFORCEMENT 2 WKS IN ADV			Business License No: 308271
Event Address/Location: 140 W. AVENIDA PICO (CASINO SAN CLEMENTE)			Expected Attendance: MAX 375
Event Date(s): 2014	Event Time(s): VARIOUS TBA	Set-up/Removal Date(s): TBA	<input checked="" type="checkbox"/> Profit <input checked="" type="checkbox"/> Non-Profit
Will you have a banner displayed at your event? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>N/A</i> If yes, obtain temporary banner permit, cost \$12			

SITE PLAN: Please submit a complete site plan with your application (a hand-drawn site plan is acceptable) Site Plan Attached: Yes No

PROPERTY OWNER INFORMATION	APPLICANT INFORMATION
Name SEBASTIAN'S AT NORTH BEACH, LLC	Name LINDA SADEGHI
Mailing Address 140 W. AVENIDA PICO	Mailing Address 709 RANDOLPH AVE.
City/State/Zip SAN CLEMENTE, CA 92672	City/State/Zip COSTA MESA, CA 92626
Phone 949 369 6600	Phone 714 966 6661 x224
Fax No. 714 966 1177	Fax No. 714 966 1177
E-Mail Address LINDA@THELAB.COM	E-Mail Address LINDA@THELAB.COM

SPECIAL ACTIVITY REQUIREMENTS

ACTIVITIES CHECKLIST (Please check all that apply to your event)

<input type="checkbox"/> Alcohol <input type="checkbox"/> Vendors (food/beverage) <input type="checkbox"/> Carnival Games <input type="checkbox"/> Vendors (retail sales) <input type="checkbox"/> Carnival Rides	<input checked="" type="checkbox"/> Concert <input checked="" type="checkbox"/> Dancing <input checked="" type="checkbox"/> Live Entertainment <input checked="" type="checkbox"/> Parking (off site) Valet or Shuttle <i>ALL POSSIBLE-TBA</i>	<input checked="" type="checkbox"/> Other, Please Explain: _____ <i>OUTSIDE MUSICAL ENTERTAINMENT WITH AMPLIFICATION</i>
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SUPPLIES/EQUIPMENT (Please check all that apply to your event)

<input type="checkbox"/> Banners/Signs <input type="checkbox"/> Bleachers <input type="checkbox"/> Inflatable bounce house <input type="checkbox"/> Lighting <input type="checkbox"/> Toilets (portable)	<input checked="" type="checkbox"/> Security <i>AS REQ'D</i> <input type="checkbox"/> Temporary Electrical <input type="checkbox"/> Temporary Fencing <input type="checkbox"/> Traffic control <input type="checkbox"/> Tents and/or canopies	<input type="checkbox"/> Other, Please Explain: _____
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PROPERTY OWNER'S AUTHORIZATION AND APPLICANT'S SIGNATURE

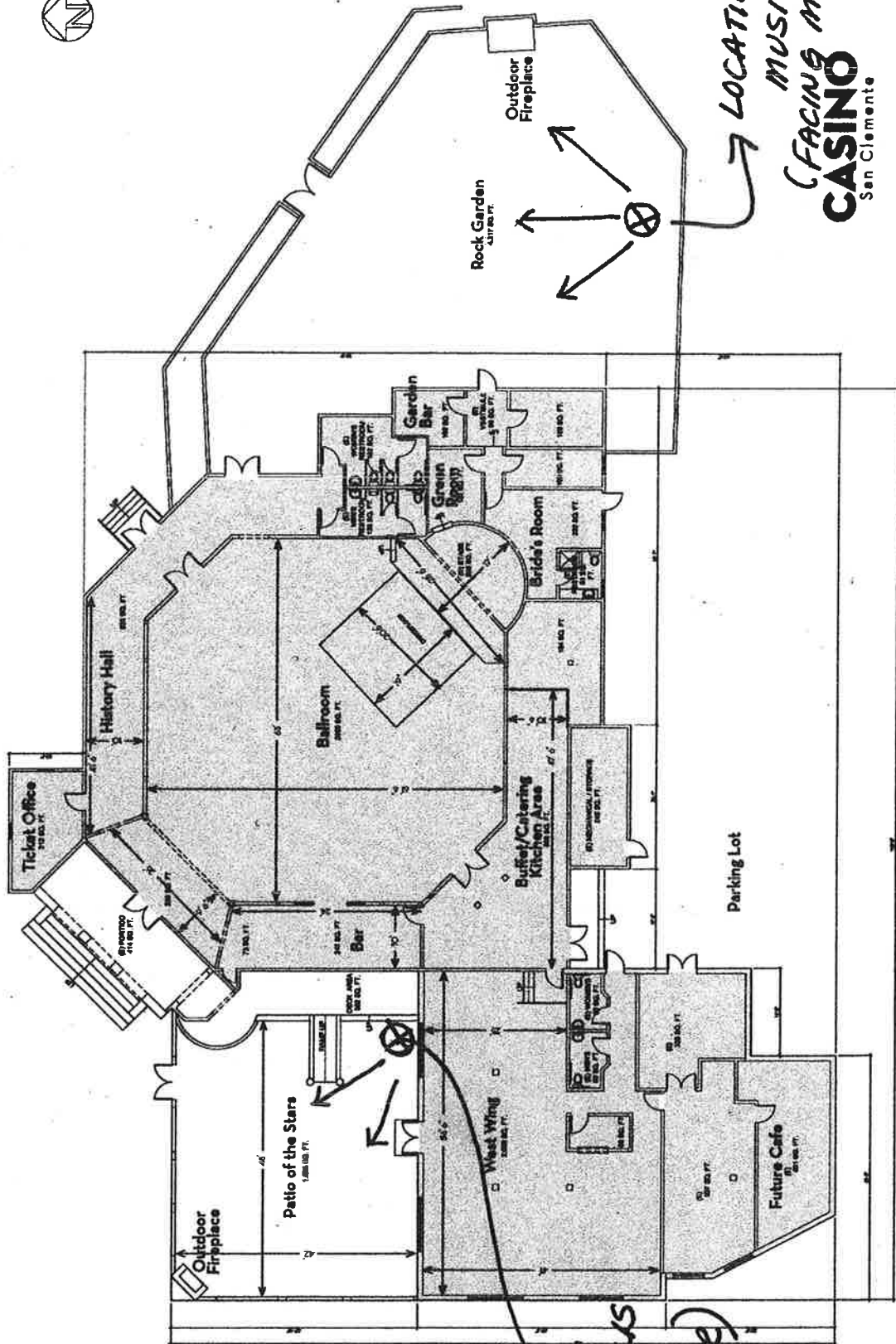
<i>[Signature]</i>	<i>6-13-14</i>	<i>SAME</i>	
Property Owner's Signature	Date	Applicant's Signature	Date

For City Staff Use Only

	<input type="checkbox"/> Approved <input type="checkbox"/> Approved Subject to Attached Conditions <input type="checkbox"/> Denied <input type="checkbox"/> Application Deemed Incomplete
City Staff Signature	Date
Title:	

Copies of approved permit sent to:

- City Code Enforcement Officer
- Orange County Sheriff Department
- Orange County Fire Authority
- Traffic Engineer
- Water Quality
- Orange County Health Care Agency



LOCATION OF
MUSICIANS
(FACING MIRAMAR)
CASINO
San Clemente

EXISTING FLOOR PLAN
DATE: 10/20/07

LOCATION OF
MUSICIANS
(FACING
PICO/ELCA)

ATTACHMENT TO SPECIAL ACTIVITIES PERMIT