

PLANNER:

Sean Nicholas, Associate Planner S

SUBJECT:

<u>Special Activity Permit (SAP) 16-101, 2016 Special Activities</u> <u>Permit for the Outlets at San Clemente</u>, a request for 14 special activity permits for the Outlets at San Clemente from May 4, 2016 to

December 31, 2015.

LOCATION:

101 West Avenida Vista Hermosa

ZONING/GENERAL PLAN:

Regional Commercial (RC1)/Marblehead Coastal

Specific Plan

BACKGROUND:

• The Marblehead Coastal Commercial site is over 36 acres, but this request only applies to the primary mall portion of the Outlets at San Clemente (Attachment 2).

- Craig Realty Group, the owner and applicant, is proposing outdoor and indoor special events to be held between May 4, 2016 and December 31, 2016. The applicant has provided descriptions for most of the events as Attachment 3.
- The Special Activities Permit (SAP) request is to allow amplified sound, alcohol, and other outdoor/indoor activities within the main mall portion of the Outlets at San Clemente.
- Last year was the grand opening of the facility, and due to circulation concerns
 that arose due to the number of attendees, staff has requested additional
 information from the applicant regarding exiting and occupancy. In particular, staff
 requested the applicant prepare an emergency plan. Should there be an issue at
 the site there would be a plan in place to get people to safety in an orderly manner.
- As was the requirement last year, staff is requiring a 3 week notification prior to any event to ensure compliance with the approved parameters.
- One of the conditions of approval is that no entire event can be permitted in the parking structure or the pad building site(s), though portions of an event may occur within the parking area, subject to appropriate traffic and circulation provisions.
- The SAP requires Zoning Administrator approval because the applicant is proposing more than one special activity event within 12 months as set forth in Municipal Code Section 17.16.155(B).
- The activities are to primarily occur within the interior of the main mall, and there
 are no residential areas directly adjacent to the facility. The nearest residence is
 located 480 feet away on the east side of I-5. No amplified sound components of
 any special event are permitted to be located in the parking area adjacent to the
 freeway.

- A condition of approval has been included requiring that at no time can occupancy for the outlet mall be exceeded.
- The following conditions of approval have been drafted to mitigate potential impacts of the temporary activities:
 - 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 with amplified sound 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.
 - Planning shall be notified three (3) weeks prior to any event.
- 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 fourteen (14) special events associated with SAP 16-101, 2016 SAP for Outlets at San Clemente, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution 16-014

Exhibit 1: Conditions of Approval

- 2. Vicinity Map
- 3. Information from the Applicant

RESOLUTION NO. ZA 16-014

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SPECIAL ACTIVITIES PERMIT 16-101, 2016 SPECIAL ACTIVITY PERMIT FOR THE OUTLETS AT SAN CLEMENTE, TO CONDUCT FOURTEEN (14) EVENTS FOR THE OUTLETS AT SAN CLEMENTE FOR THE CALENDAR YEAR 2016 LOCATED AT 101 WEST AVENIDA VISTA HERMOSA

WHEREAS, on March 15, 2016, an application was submitted, and deemed complete on April 7, 2016, by Craig Realty Group, 4100 MacArthur Blvd. Suite 100, Newport Beach, CA, 92660, to consider 14 special events for the Outlets at San Clemente. The Outlets at San Clemente is located at 101 West Avenida Vista Hermosa within the Regional Commercial (RC1) zoning designation of the Marblehead Coastal Specific Plan. The legal description is Lot 327, of Tract 8817, Assessor's Parcel Number 691-422-13; and

WHEREAS, on March 15, 2016, the City's Development Management Team reviewed the application for compliance with the General Plan, Zoning Ordinance, and other applicable requirements; 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 the project 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 approved use; and

WHEREAS, on April 20, 2016, 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:

<u>Section 1:</u> 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 approved use.

Section 2: With respect to SAP 16-101, the Zoning Administrator finds as follows:

A. The proposed use, including but not limited to amplified sound, alcohol, and expanded hours, 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, Specific Plan, and 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 related to commercial activities, since the special events will be planned and conditioned 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 to ensure: noise levels are monitored and contained within exterior noise levels established in the City's Noise Ordinance; protect the public health, safety, and welfare by complying with the health and safety codes; is consistent with the Municipal Code, and as condition, 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; and
 - 2. The live entertainment and amplified sound will be conducted within the outdoor interior walkway areas of the outlet mall which is predominantly enclosed by buildings, and the nearest residence is located 480 feet away on the east side of I-5.
- 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:
 - The activities are conditioned to ensure: noise levels are monitored and contained within exterior noise levels established in the City's Noise Ordinance; protect the public health, safety, and welfare by complying with health and safety codes; 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; and
 - 2. The live entertainment and amplified sound will be conducted within the outdoor interior walkway areas of the outlet mall which is predominantly enclosed by buildings, and the nearest residence is located 480 feet away on the east side of I-5.
- D. The proposed use will not negatively impact the surrounding commercial land uses in that the proposed use is a typical commercial activity that is a permitted use subject to a Special Activities Permit within the Regional Commercial (RC1) zoning district of the Marblehead Coastal Specific Plan which refers back to the Zoning Ordinance for approval requirements for this type of application.

<u>Section 3:</u> The Zoning Administrator of the City of San Clemente hereby approves fourteen (14) special events per Special Activities Permit 16-101, 2016 SAP for the Outlets at San Clemente, 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 April 20, 2016.

SAN CLEMENTE ZONING ADMINISTRATOR

James Pechous, Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL* SAP 16-101

	SAP 16-101
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 April 20, 2016, 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. (Plng.)
2,,	Special Activities Permit (SAP 16-101) shall remain in effect for the 2016 calendar year only. ■■ (Plng.)
3.	No more than 14 events are permitted between May 4, 2016 and December 31, 2016. No event can exceed site occupancy. [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 16-101.
5.	The owner shall have a manager on the premises at all times during the hours of operation when live entertainment and/or amplified sound is occurring. [Plng.]
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. ■■(Plng.)
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] (Plng.)
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

■■(Fire)(Sheriff)____

overcrowding or other hazardous conditions.

- 9. The applicant shall inspect the property and surrounding areas following each event to ensure all debris is removed. (Code Enforce.)(Sheriff)_____
- 10. The applicant shall notify the City, including but not limited too: the City Planning, Code Enforcement, and Beaches, Parks and Recreation staff, as necessary, of events at least 21 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.

■■ (Plng.)	(CodeEnforce.)
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- 11. 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. The events 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.

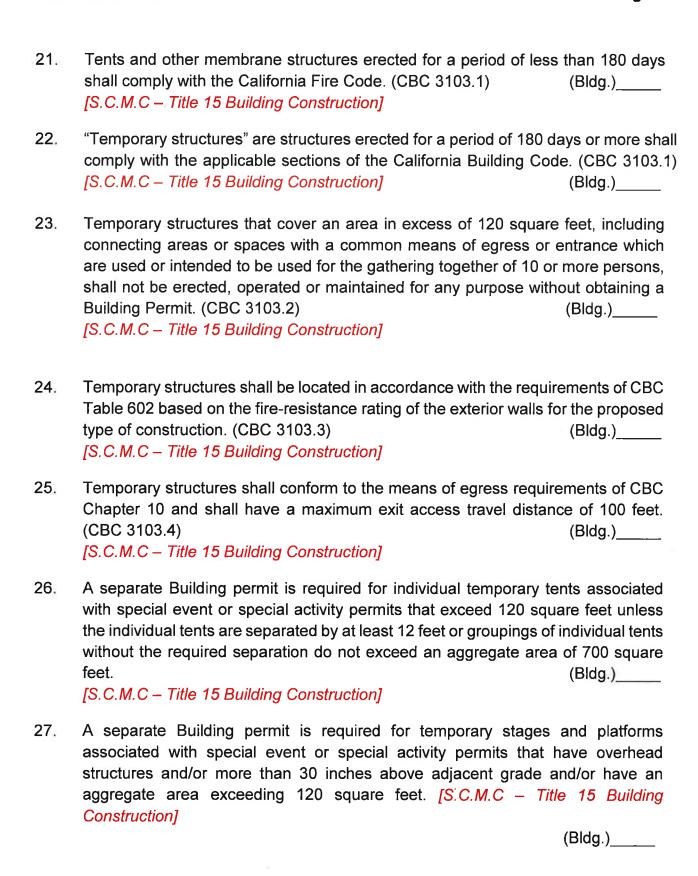
 ■■(Eng)(Code Enforce.)
- 12. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City 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]

	of the first sentence of this condition shall not apply to the extent the out of the willful misconduct or the sole active negligence of the C City Attorney Legal Directive]	ne claim arises
	City Attorney Legal Directives	(Plng.)
13.	Only bartenders and waitresses may sell/provide alcoholic bever promotional persons, engaged in the sale of liquor, will not be permit events.	
		(Sheriff)
14.	The applicant shall have security be on site at all times when alcohowith any special event and stationed at entry areas of the event space, building and outdoor areas as appropriate. A minimum of 1 security guests is required.	and within the
		Sheriff)
15.	No setup for any special events shall occur before 8:00 a.m. any da and all outdoor special events must be concluded by 11:00 p.m.	y of the week, (Plng.)
16.	No event shall exceed the occupancy at any time.	l (Plng.)
17.	Outdoor Special Activity Events which go beyond 10:00 p.m. is courtyards shall complete clean up activities at or after 8:00 a.m. the The intent of this condition is to avoid excessive noise to be generafter 11:00 p.m. when an outdoor Special Activity Event ends.	next morning.
		I (Plng.)
18.	When required by the Building Code or San Clemente Codes and separate building permit application and construction documents she for each installation of a temporary structure. The construction dinclude a site plan indicating the location of the temporary structure delineating the means of egress and the occupant load. (CBC 3103 [S.C.M.C – Title 15 Building Construction]	all be submitted locuments shall and information
19.	Exiting analysis and plans showing compliance with the Building submitted for all indoor and/or outdoor proposed special events. [S.C.M.C – Title 15 Building Construction]	Code shall be (Bldg.)

20. "Temporary structures" erected for a period of less than 180 days shall comply with the provisions of of CBC 3103.1 through 3103.4. (Bldg.)_______

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



28. The applicant shall submit individual Special Activity Permit requests, event descriptions, applicable plans, exiting information, emergency plans, and any other information determined necessary at least three (3) weeks prior to an event. Failure to do so may result in staff not having enough time to review and permit an individual event.

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



LOCATION MAP

SAP 15-270, 2015 SAP for Outlets at San Clemente 101 West Avenida Vista Hermosa

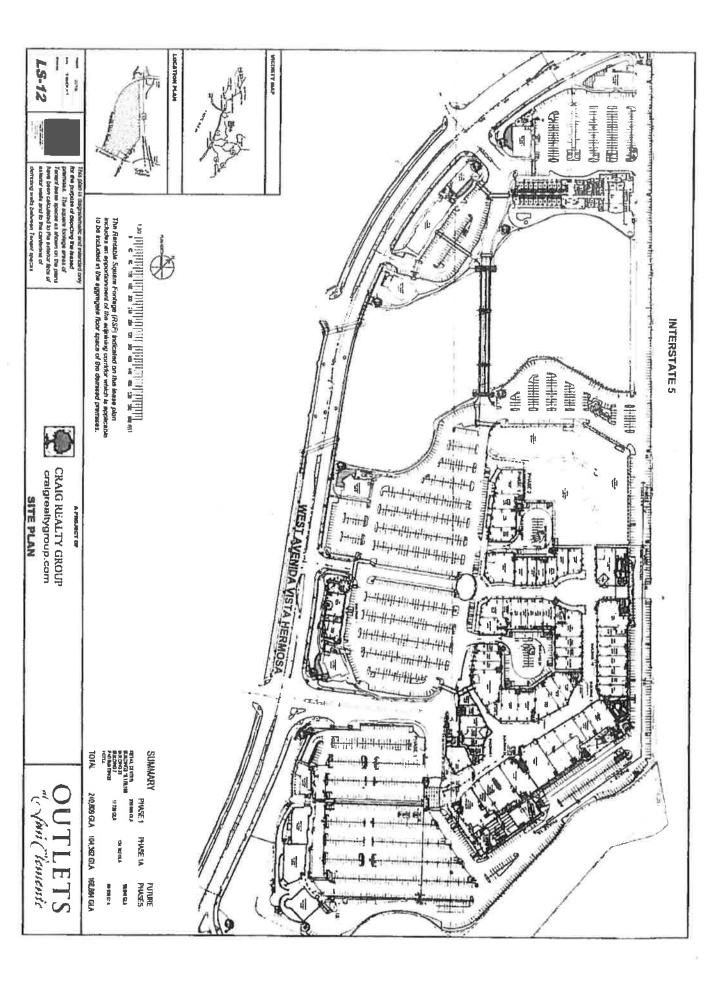


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CITY OF SAN CLEMENTE

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A Special Activity is defined as any ac	tivity on private property (com	mercial) which temporar	lly intensifies the impa	cts (i.e., parking, traffic,	
noise, light and glare, etc.) of an exist which are incidental to the existing pe	mitted use (i.e., sales conduc	ted within the structure	of an existing retail use	, live entertainment if	
currently permitted under a Condition considered a Special Activity within no activities providing shuttle or valet se	on-residential zones would inch	ide, but not be limited to	o, art shows, open hous	se, grand openings, and	
Municipal Code(s), Laws, and Regulati revoked, by the Orange County Sherii	ions etc. Should any violations	be discovered during the	e event, this permit can	be immediately	
	EVENT IN	FORMATION	nized City Official.		
Event Name: For Vanc	NS 2016 EV	ents			
Event Description (attach ad	ditional sheets if necess	sary):		Business License No:	
Vane	is. See Mo	mo		315886	
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Will you have a banner displayed at you	our event? Yes No	o If yes, obtain temp	orary banner permit, co	ost \$12	
SITE PLAN: Please submit a complete plan is acceptable)	site plan with your application	(a hand-drawn site	Site Plan Attached:		
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SDECTAL	ACTIVITY REQU	IDEMENTO		
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Alcohol	Concert	Other, Please Explain:		
Vendors (food/beverage) Carníval Games	Dancing			
	Live Entertainment			
Vendors (retail sales)	Parking (off site) Valet or Shuttle			
Carnival Rides	Snuttle			
Vories	Vanes			
SUPPLIES/EQUIPME	NT (Please check all th	nat apply to your event		
Banners/Signs	Security	Other, Please Explain:		
Bleachers	Temporary Electrical			
Inflatable bounce house	Temporary Fencing			
Lighting	Traffic control			
Tollets (portable)	Tents and/or canopies			
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Copies of approved permit sent to:				
City Code Enforcement Officer				
Orange County Sheriff Departme	nt			
Orange County Fire Authority				
Traffic Engineer				
Water Quality Orange County Health Care Ager				



Outlets at San Clemente Special Events Security Plan

Outlets at San Clemente have several special events throughout the year that partner with many organizations to provide enjoyable, safe, family entertainment. At all Outlet events security staff are present to ensure a safe, enjoyable experience. Outlets at San Clemente have an internal security department that is present 24 hours a day, 7 days a week. The department watches, witnesses and reports any problems or areas of concern. When assistance outside the scope of the security duties is requested the Orange County Sheriff's department or Orange County Fire Authority are called to provide advanced professional assistance. This includes but is not limited to any medical assistance needed, any large disturbances or crimes that are committed and anytime advanced assistance from police or fire is requested.

Outlets at San Clemente Security consist of 2 to 6 officers on each shift. There is a dispatch control center which monitors the properties 111 CCTV cameras and the phone. The dispatch center is manned at all times by at least one security officer. All other officers on duty are on either mobile patrol via goal carts or on foot patrol. They patrol throughout the property on a continuous basis. In case of any major incident Outlets at San Clemente protocol will be followed. That protocol is to notify OCSD and OCFA immediately. While they are en route to the location Outlets at San Clemente personnel if deemed necessary will direct employees and patrons to a designated evacuation zone. Once deputies and fire personnel arrive, they will assess the situation and take charge of the incident. Outlets of San Clemente Personnel will then take a secondary role and follow the directions of the Incident Command Officer from police services. Additional resources will be requested at the directive of the Incident Command Officer.

In addition to security officers the Outlets of San Clemente has managerial staff on premises every day. When management is not at the facility there is designated staff available via telephone at all times. Center Management's goal is to provide a safe and pleasant environment for all patrons and tenants and to be prepared for any situation that arises.



TO:

SEAN NICHOLAS, ASSOCIATE PLANNER, CITY OF SAN CLEMENTE

FROM:

SUSAN JENNRICH AND NICKY SEE

SUBJECT: 2016 SPECIAL ACTIVITIES PERMIT

DATE:

2/1/2016

Sean,

Thank you for your assistance with the Special Activities Permit application. Below please find a list of our tentative events for the 2016 calendar year.

Event:

Whip/Nae Nae Dance Battle - a Make-a-Wish fundraiser

Date:

Friday, February 19, 2016 4:00 - 6:00pm

Location:

Center Court

Event:

Easter Activities & Celebration - "Egg Hunt" and Easter Bunny

Appearance

Date:

Saturday, March 26, 2016 10:00am - 6:00pm

Location:

Center Court

Event:

Clnco de Mayo Celebration

Date:

Saturday, May 7, 2016

11:00am - 1:00pm

Location:

Court yards will have a variety of local entertainment

Event:

Military Appreciation Weekend

Date:

Friday, May 27 - Monday, May 30, 2016

All Day

Location:

Court yards will have a variety of local entertainment and promotions.

Military personnel will be offered use of our VIP Room

Event:

Summer Kick-off Celebration

Date:

Saturday, June 18, 2016 10:00am - 8:00pm

Location:

Court yards will have a variety of local entertainment

Event:

Back to School/End of Summer Bash

Date:

Friday, September 9, 2016 12:00 - 4:00pm

Location:

Court yards will have a variety of local entertainment and surf athlete

appearances

Event:

Shopping Extravaganza Charity event

Date:

Saturday, October 8, 2016 8:00am - 10:00pm

Location:

Center-wide shopping, lunch/activities in vacant suites

Event:

Halloween Spooktacular

Date:

Saturday, October 29, 2016 3:00 - 6:00pm

Location:

Center-wide activities including safe trick or treating and costume

contests

Event:

One Year Anniversary Celebration Weekend & 2nd Annual Tree Lightling

Concert

Date:

Location:

Saturday and Sunday, November 12 & 13, 2016 All Day Court yards will have a variety of local entertainment

Concert will take place in Center Court from 5-8:00pm

Event:

Moonlight Madness

Date:

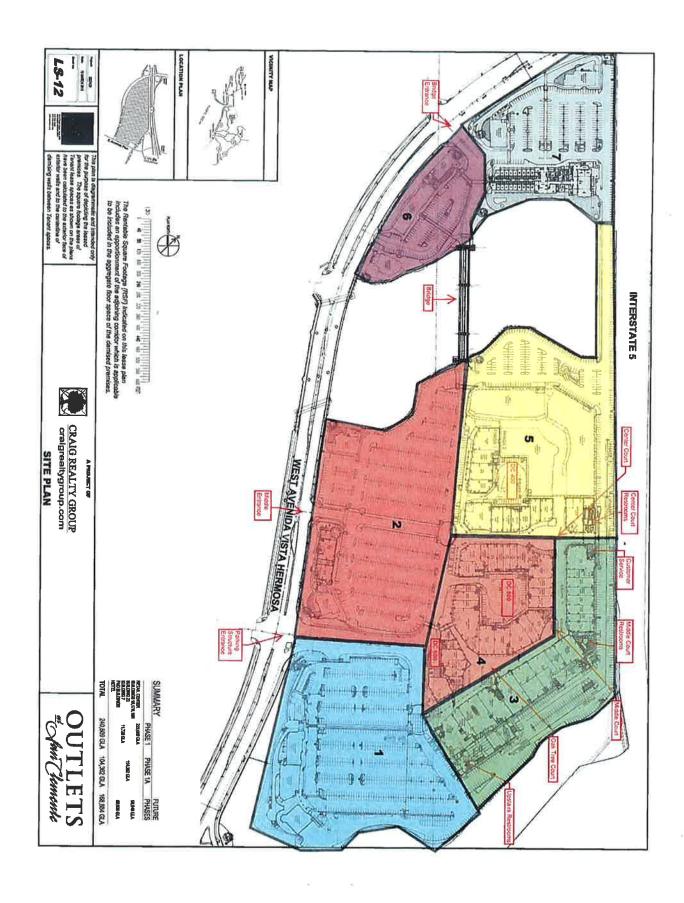
Thursday, November 24 to 25, 2016

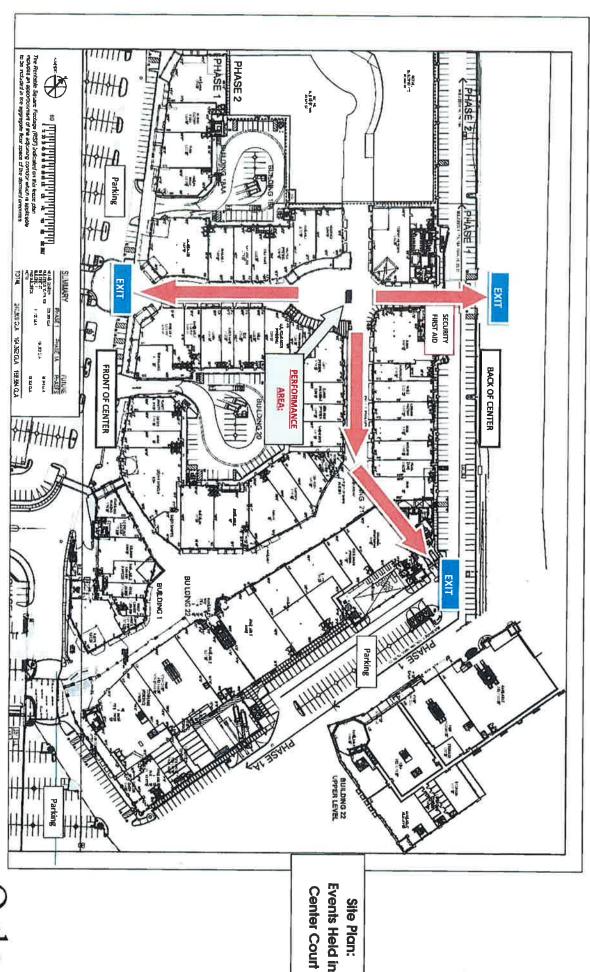
8:00pm (Thu) - 10:00pm (Fri)

Location:

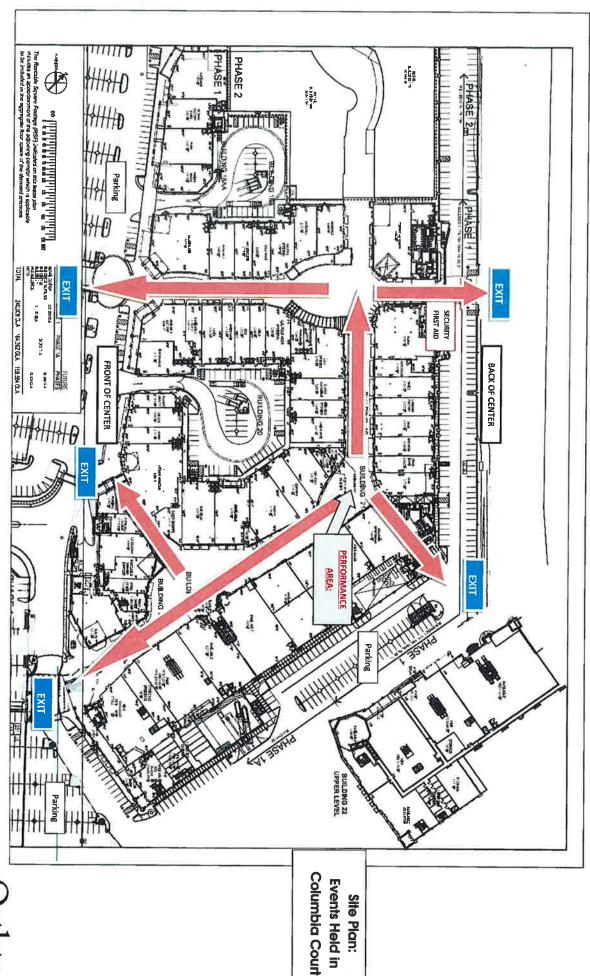
Center-wide shopping

Thank you again for your partnership and all of your assistance as we continue to grow. Please let us know if you need additional information or have any questions about any of the events listed above.

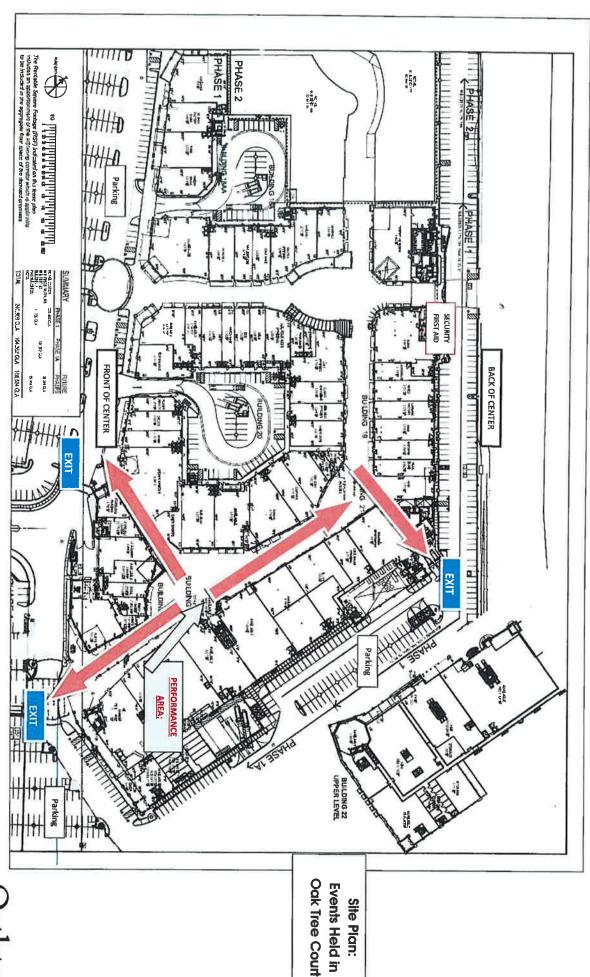












Site Plan:



