**AGENDA ITEM: 8-B** 



## STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: January 17, 2018

PLANNER:

Amy Vazquez, Contract Planner

SUBJECT: Conditional Use Permit No. 16-349, Outdoor Events at Outlets at San Clemente, to consider a request to permit outdoor events with the sale and consumption of alcoholic beverages at the Outlets at San Clemente proposed

at 101 West Avenida Vista Hermosa.

#### **REQUIRED FINDINGS**

Prior to approval of the proposed project, the following findings shall be made. The draft Resolution (Attachment No. 1) and analysis section of this report provide an assessment of the project's compliance with these findings.

#### Conditional Use Permit, Section 17.16.060

- a. The proposed use is permitted within the subject zone pursuant to the approval of a Conditional Use Permit and complies with all the applicable provisions of this title, the San Clemente General Plan and the purpose and intent of the zone in which the use is being proposed.
- b. The site is suitable for the type and intensity of use that is proposed.
- 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.
- d. The proposed use will not negatively impact surrounding land uses.

#### **BACKGROUND**

The Outlets at San Clemente are located on a 60.4 acre lot within the Regional Commercial zoning district of the Marblehead Coastal Specific Plan. The site is prominently situated west of Interstate 5 Freeway and north of Avenida Pico.

Per the Marblehead Coastal Specific Plan, the purpose and intent of Regional Commercial Standards are as follows:

The Regional Serving Commercial component to Marblehead Coastal is intended to provide a comprehensive menu of high quality goods and services for San Clemente's visitors. The Specific Plan creates this prime commercial site in order to build a meaningful tax base for the City, create a place for land uses that are

- appropriate for freeway accessibility, create needed commercial stability in the community, and establish an outstanding image for San Clemente and surrounding residential areas.
- The Marblehead Coastal Regional Commercial Center will comprise entertainment activities, outlet stores, general retail, specialty retail, potential lodging, and support retail all within a design and scale that supports San Clemente's "Village by the Sea" architectural theme.

There were several individual administrative Special Activities Permits (SAP's) issued in 2015 and 2016 for outdoor events. On April 5, 2017 the Zoning Administrator granted Special Activities Permit (SAP) No. 17-066 to allow 14 special activities to take place in 2017. This permit has expired. A representative from the Orange County Sherriff's Department has indicated that there were no calls for service for the events that have taken place over the past three years.

#### Development Management Team Meeting

The City's Development Management Team (DMT) reviewed the project on April 6, 2017, July 13, 2017, July 27, 2017 and December 20, 2017. The DMT supports the request with the proposed conditions of approval.

#### **Noticing**

Public notices were distributed and posted per City and State requirements. To date, staff has not received any comments.

#### PROJECT DESCRIPTION

The applicant is requesting a conditional use permit to allow outdoor events at the Outlets at San Clemente. This request is similar to the SAP's granted in 2015-2017, but provides more flexibility to allow a broader range of public, promotional and community events. There are three levels of outdoor events proposed. They are categorized as Lowers, Middles and Uppers Events. Lowers are smaller events and would include weekend entertainers, solo musicians and crafting projects for children. These events would take place the most often. Middles is a category of events that includes the Easter Celebration, Fiesta De Mayo, job fairs, fitness expo's, Moonlight Madness and the Menorah Lighting. The largest events that would take place are the Uppers. Examples of this type of event would be the Annual Tree Lighting, Shopping Extravaganza Fundraiser and Barks and Brews. These three categories of events would take place in the interior court yards of the outlets. In addition, the applicant is requesting approval of the ability to provide a venue for weddings and private events. This venue would be located on the lower lawn area to the southwest corner of the parking garage. The applicant provided a detailed project narrative and site plans that are provided as Attachment No. 3. This exhibit indicates the following:

- There are no exterior or interior changes to the buildings proposed with this request.
- Security, traffic plans and safety measures would be implemented with each event.

- All music and sound will adhere to the code and not exceed 55 dB and only be played between the hours of 9:00 a.m. to 10:00 p.m.
- Any vendors and/or musicians would obtain a City of San Clemente business license prior to conducting business on the premises.
- ID checking stations and maps indicating where alcoholic beverages is permitted would be provided when alcohol is available for purchase.
- The Director of Operations would work directly with the Orange County Sheriff's Department to prevent any traffic related issues during larger events.
- All food trucks would be parked at least six feet from any wall in an area that provides at least a 15 foot clearance for exiting purposes.
- All tables and staging would be located at least six feet from building walls and no more than nine people would be on stage at any given time.
- Any additional lighting used for events would be faced downward.
- All necessary building permits would be obtained for any event related structures.

#### **Parking**

For sites with a mix of uses, the total parking required shall be the sum of the requirements for each individual use. A total of 2,835 parking spaces are required and 3,339 spaces are provided for the entire site. Staff has inspected the property several times in the past few months and has observed that parking is drastically under utilized. Therefore, we believe that the parking provided is adequate to accommodate the proposed outdoor events. However, should parking become an issue in the future, Condition No. 46 requires that a Parking Management Plan be submitted and approved by the Community Development Director to ensure that parking would not negatively impact surrounding properties. Should implementation of the Parking Management Plan not mitigate the negative impact, the conditional use permit may be modified and/or revoked by the Planning Commission, as stipulated in Condition No. 7.

#### **ANALYSIS**

#### Conditional Use Permit

The applicant is requesting approval of outdoor events with the on premise sale and consumption of alcoholic beverages. The Zoning Code requires a conditional use permit in this zone to authorize this request in order to ensure compatibility with surrounding uses. An alcoholic beverage license would also be required from the California Department of Alcoholic Beverage Control (ABC).

The proposed project is consistent with the goals and objectives of the General Plan and the Specific Plan by contributing to the vitality of the Outlets of San Clemente as a regional center that provides residents, visitors and employees with a variety of employment, shopping and entertainment opportunities. The outdoor activities would bring the property into greater conformance with the Marblehead Coastal Specific Plan by creating an activated community gathering place that will contribute to economic success of the businesses, employment opportunities for event vendors and recreational space for the neighboring residents. Any negative impacts would be mitigated with the recommended conditions of

approval related to security, noise, parking, lighting, location of event structures and alcoholic beverages.

This location has been serving alcoholic beverages within the courtyards since 2016. A representative from the San Clemente division of the Orange County Sheriff's Department and the Code Compliance Division has indicated that there has been no significant activity related to the consumption of alcoholic beverages at this location. They have no concern with the consumption of alcoholic beverages during outdoor events. Based on these factors, staff believes that the proposed use would be compatible with the surrounding area and recommends approval of the conditional use permit.

#### **GENERAL PLAN CONSISTENCY**

The proposed Conditional Use Permit is consistent with the General Plan and the Marblehead Coastal Specific Plan as shown in Table No. 1.

Table No. 1 - General Plan and Specific Plan Consistency

Policies and Objectives	Consistency Finding
ED-2.03. Existing Businesses: "We give high priority to initiatives, investments, and the allocation of municipal resources that help businesses remain and prosper in San Clemente."	Consistent. The proposed outdoor events would attract members of the community to the Outlets at San Clemente which would attribute to the prosperity of the businesses.
LU-7.01. Commercial Areas: "We support the continuation and enhancement of commercial centers that meet the needs of community residents, are compatible with adjacent residential neighborhoods, and are well-maintained."	Consistent. Outdoor events would be a continuation of the enhancement of the regional commercial center by providing a gathering space for the community. As conditioned, the events would be compatible to the adjacent neighborhoods and the center would be well maintained.
MHCSP- Provide for regional shopping and local employment opportunities, visitor and community-serving commercial and recreational uses, a range of housing opportunities, preservation of habitat values and sensitive plants using a combination of on-site and off-site measures, and appropriate on-site open space.	Outdoor events would help to promote regional shopping opportunities while providing employment opportunities for event vendors and community-serving recreation.

#### **ENVIRONMENTAL REVIEW (CEQA):**

The Planning Division completed an initial environmental assessment of the project per the California Environmental Quality Act (CEQA). Staff recommends the Planning Commission

determine the project is Categorically Exempt from of the CEQA pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities). This is recommended because the project consists of outdoor activities in conjunction with an existing regional commercial development and no new construction is proposed.

#### **ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES**

1. The Planning Commission can concur with staff and approve CUP No. 16-349.

This action would allow the owner to operate the proposed use subject to the conditions of approval. The Commission can take this action if they determine that the request meets all required findings, as described in Attachment No. 1.

2. The Planning Commission can, at its discretion, add, modify or delete provisions of the proposed project or conditions.

This action would result in any modifications to the conditions of approval.

3. The Planning Commission can deny CUP No. 16-349.

This action would result in the proposed use not being allowed. The Commission should cite findings that cannot be met if a decision is made to deny the proposed use. This action is subject to appeal by the City Council.

#### STAFF'S RECOMMENDATION

Based on the information in the staff report and subject to the required Findings and Conditions of Approval, staff recommends that the Planning Commission:

- 1. Determine the project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Class No. 1(e) (Existing Facilities); and direct staff to file a Notice of Exemption.
- Approve Conditional Use Permit No. 16-349, Outlets at San Clemente Outdoor Events, to allow outdoor events with the sales and consumption of alcoholic beverages in the Regional Commercial zoning district of the Marblehead Coastal Specific Plan at 101 West Avenida Vista Hermosa, subject to the attached resolution and conditions of approval.

#### **Attachments:**

- Resolution No. PC 18-001
   Exhibit A Conditions of Approval
- 2. Location Map
- 3. Project Narrative and Site Plans

#### **RESOLUTION NO. PC 18-001**

# A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, APPROVING CONDITIONAL USE PERMIT 16-349, A REQUEST FOR OUTDOOR EVENTS WITH THE SALES AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE OUTLETS AT SAN CLEMENTE LOCATED AT 101 WEST AVENIDA VISTA HERMOSA

WHEREAS, on September 15, 2016, an application was submitted, and deemed complete on December 6, 2017, by Craig Realty Group, 101 West Avenida Vista Hermosa, San Clemente, CA 92672, a public hearing to consider a request for outdoor events with the sales and consumption of alcoholic beverages. The Outlets at San Clemente are 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, the Assessor's Parcel Number being 691-422-13; 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 Planning Commission determine the project categorically exempt from CEQA pursuant to Guidelines Section 15301 and Section 15311(c) as an expansion of an approved use; and

WHEREAS, on April 6, 2017, July 13, 2017, July 27, 2017 and December 20, 2017, the City's Development Management Team reviewed the proposed project for compliance with the General Plan, Zoning Ordinance, and other applicable requirements; and

**WHEREAS,** on January 17, 2018, the Planning Commission held a duly noticed public hearing on the subject application and considered evidence presented by the City staff, the applicant, and other interested parties.

**NOW THEREFORE**, the Planning Commission of the City of San Clemente hereby resolves as follows:

<u>Section 1:</u> Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Planning Commission, and the facts outlined below, the City Council hereby finds and determines that the proposed project is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301 and Section 15311(c) as a negligible expansion of an approved use.

The Class 1 exemption specifically exempts from further CEQA review the operation, repair, maintenance, and minor repair of existing public or private structures, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. This exemption covers negligible expansions beyond the existing facilities and use. Here, the proposed project is a negligible temporary expansion of an approved use:

The activity will not result in the occupancy limits of the mall to be exceeded.

- The applicant is not proposing any physical additions or permanent alterations to the existing site.
- The primary use of the site will remain as an outlet mall.
- The proposed use will occur in a developed commercial area where there is no risk of impacting sensitive environmental resources. There are also no cultural resources, such as historic buildings or view sheds, within the vicinity of the Outlets at San Clemente that would be affected by the proposed use.
- The proposal will not result in cumulative impacts because there is no alteration to the physical structure or environment and there is no change in the primary use of the business.

Furthermore, none of the exceptions to the use of the Class 1 categorical exemption identified in State CEQA Guidelines section 15300.2 apply. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time. There are no unusual circumstances surrounding the project that result in a reasonably possibility of a significant effect on the environment. The project is limited to allowing outdoor events. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings, or similar resources. There are no sensitive resources near the site, including historic resources. The project does not include any hazardous waste sites, and the project will not cause a substantial adverse change in the significance of a historical resource. Thus, the Class 1 exemption applies, and no further environmental review is required.

<u>Section 2:</u> With regard to Conditional Use Permit 16-349, the Planning Commission finds as follows:

A. The proposed use, including but not limited to outdoor events with amplified sound and alcohol is permitted within the subject zone pursuant to the approval of a Conditional Use 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, since the special events will be 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.

The proposed project is consistent with the goals and objectives of the General Plan and the Specific Plan by contributing to the vitality of the Outlets of San Clemente as a regional center that provides residents, visitors and employees with a variety of employment, shopping and entertainment opportunities. The addition of the outdoor activities would bring the property into greater conformance with the Marblehead Coastal Specific Plan by creating an activated community gathering place that will contribute to economic success of the businesses, employment opportunities for event vendors and recreational space for the neighboring residents.

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 as conditioned, allows the City to revoke the CUP 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.
- 3. This location has been serving alcoholic beverages within the courtyards since 2016. A representative from the San Clemente division of the Orange County Sheriff's Department has indicated that there has been no significant activity related to the consumption of alcoholic beverages at this location. They have no concern with the consumption of alcoholic beverages during outdoor events. Based on these factors, the proposed use will be compatible with the surrounding area.
- 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 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 as conditioned, allows the City to revoke the CUP if the use proves to be incompatible with surrounding land uses or if conditions of approval aren't adequately enforced; and
  - 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.
  - 3. Security, traffic plans and safety measures will be implemented with each event.
  - 4. All lighting would be faced downward.
  - 5. All necessary building permits will be obtained for event related structures and staging.
  - 6. This location has been serving alcoholic beverages within the courtyards since 2016. A representative from the San Clemente division of the Orange County Sheriff's Department has indicated that there has been no

significant activity related to the consumption of alcoholic beverages at this location. They have no concern with the consumption of alcoholic beverages during outdoor events. Based on these factors, the proposed use will not be detrimental to the surrounding area.

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 Conditional Use 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 Planning Commission of the City of San Clemente hereby approves Conditional Use Permit 16-349, subject to the above Findings and the Conditions of Approval attached hereto as Exhibit A.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of San Clemente on December 6, 2017.

		Chair

#### TO WIT:

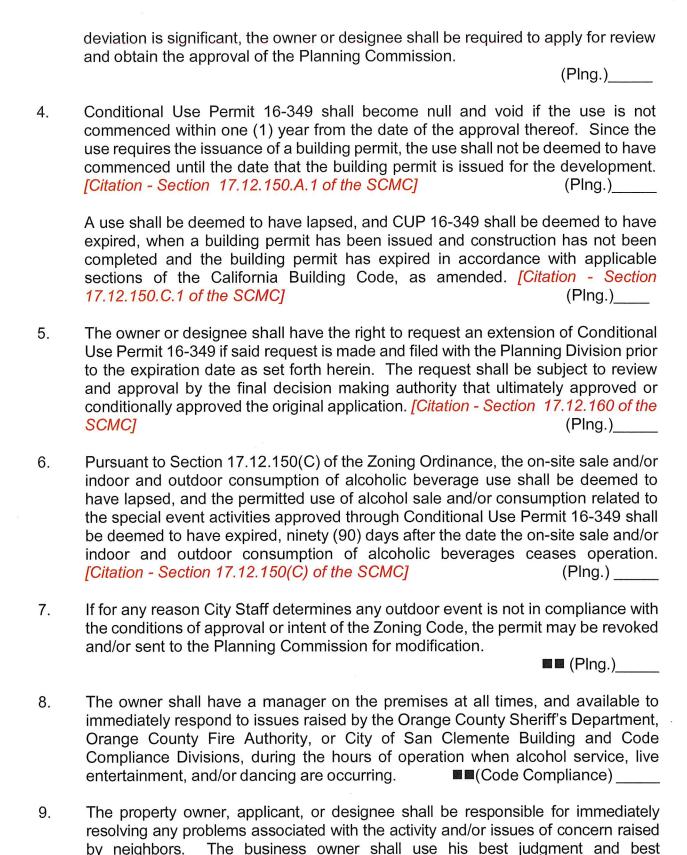
I HEREBY CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of San Clemente on December 6, 2017, and carried by the following roll call vote:

AYES: COMMISSIONERS: NOES: COMMISSIONERS: ABSTAIN: COMMISSIONERS: ABSENT: COMMISSIONERS:

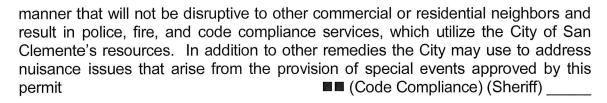
# Conditional Use Permit 16-349 Outdoor Events- Outlets at San Clemente

- The applicant or the property owner or other holder of the right to the development 1. 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/City Council Approval June 1, 2010] (Plng.)
- 2. 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/City Council Approval June 1, 2010] 

   (Plng.)
- 3. The owner or designee shall develop the approved project in conformance with the site plans, project narrative and any other applicable submittals approved by the Planning Commission on January 17, 2018, subject to the Conditions of Approval.
  - Any deviation from the approved site plan, floor plans, 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



management practices to ensure activities on the premises will be conducted in a



- 10. The live entertainment and dancing may be closed down at the discretion of the Police Department if it becomes unreasonably loud or boisterous, if it exceeds the standards contained in the City's noise ordinance, or results in a public safety hazard. The live entertainment and dancing may be closed down at the discretion of the Fire Department due to overcrowding or other hazardous conditions.
- 11. The applicant shall inspect the property and surrounding areas following each event to ensure all debris is removed. (Code Enforce.)(Sheriff)\_\_\_\_\_
- 12. Banners and any temporary signage must meet the City's standards and any subsequent master sign programs as to placement and time frame displayed according to the City's Municipal Code 17.84.010. No human, moving, or off-site signs are permitted.

	(Code	Compliance)	)
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13. All applicable permits must be obtained prior to the event, including ant permits required by the City's Building, Engineering and Planning Divisions, Orange County Fire Authority and Department of Alcohol Beverage Control.

I■ (Code Compliance)	
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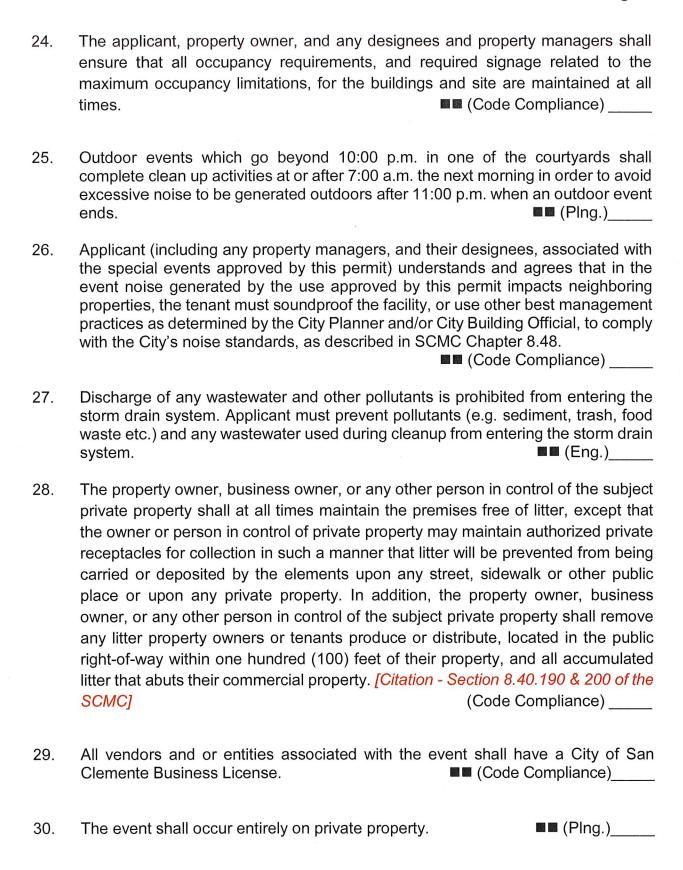
14. The Applicant (including any property managers, and their designees, associated with the special events approved by this permit) shall be responsible to ensure that no person associated with the event (i.e. event staff, organizers, participants, vendors, or attendees) will takeoff, land, or operate an unmanned aircraft ("UA" or "drone") over City-permitted events open to the public, unless granted written or electronic permission by the City. UA operators must have on their possession a copy of the written or electronic consent from the City while they takeoff, land, or operate a UA over City-permitted events open to the public.

■■ (Code Compliance)	)
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15. If the Applicant (including any property managers, and their designees, associated with the special events approved by this permit) obtains approval from the City to operate an unmanned aircraft ("UA" or "drone"), the Applicant (including any property managers, and their designees, associated with the special events approved by this permit) shall be responsible to ensure that no person associated with the event (i.e. event staff, organizers, participants, vendors, or attendees) will takeoff, land, or operate an unmanned aircraft ("UA" or "drone") within five hundred (500) feet of any emergency vehicle that is operating with lights and/or sirens.

■■ (Code Compliance) \_\_\_\_\_

16.	If the Applicant (including any property managers, and their designees, associated with the special events approved by this permit) obtains approval from the City to operate an unmanned aircraft ("UA" or "drone"), the Applicant (including any property managers, and their designees, associated with the special events approved by this permit) shall be responsible to ensure that no person associated with the event (i.e. event staff, organizers, participants, vendors, or attendees) will takeoff, land, or operate an unmanned aircraft ("UA" or "drone") within five hundred (500) feet of any active law enforcement or emergency response incident.
17.	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 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.)
18.	Only bartenders and waitresses may sell/provide alcoholic beverages. Roving promotional persons, engaged in the sale of liquor, will not be permitted during the events.
19.	The applicant shall have security be on site at all times when alcohol is associated with any special event and stationed at entry areas of the event space, and within the building and outdoor areas as appropriate. A minimum of 1 security guard per 75 guests is required.
20.	Abide by all applicable laws, including but not limited to Orange County Health Department, California Department of Alcoholic Beverage Control (ABC), Orange County Fire Authority laws. ■■ (Plng.)
21.	No setup for any special events shall occur before 7:00 a.m. any day of the week, and all outdoor amplified sound must be concluded by 11:00 p.m. ■■ (Plng.)
22.	No event shall exceed the occupancy at any time. ■■ (Plng.)
23.	The applicant or designee shall observe all occupancy requirements. If occupancy is reached, Outlet personnel shall direct people to other areas of the mall. All exiting paths shall be kept open and available at all times.



;	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) [S.C.M.C – Title 15 Building Construction]  [Bldg.]
	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) [S.C.M.C – Title 15 Building Construction]  [Bldg.]
	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) [S.C.M.C − Title 15 Building Construction]   ■ (Bldg.)
	A separate Building permit is required for individual temporary tents which are used or intended to be used for the gathering together of 10 or more persons associated with special event or special activity permits that exceed 120 square feet unless the 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. [S.C.M.C – Title 15 Building Construction]
	A separate Building permit is required for temporary stages and platforms which are used or intended to be used for the gathering together of 10 or more persons associated with special events or special activity permits that have overhead structures and/or are more than 30 inches above adjacent grade and/or have an aggregate area exceeding 120 square feet. [S.C.M.C – Title 15 Building Construction]
	A permit application and construction documents shall be submitted for each installation of a temporary structure that requires a building permit. 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) [S.C.M.C – Title 15 Building Construction]  [Bldg.]
	■■ (PIng.)
37.	The Applicant (including any property managers, and their designees, associated

37. The Applicant (including any property managers, and their designees, associated with the special events approved by this permit) shall use her/his best judgment and best management practices to ensure special event activities on the premises will be conducted in a manner that will not be disruptive to neighbors. The business owner shall be responsible for ensuring compliance with the San Clemente Municipal Code (SCMC), and all conditions of approval contained herein. The Applicant (including any property managers, and their designees, associated with

the special events approved by this permit) hereby understands that noncompliance with regulations related to special events and these conditions of approval, shall be immediate grounds for citation pursuant to SCMC Section 8.52.030(Y), which states, "It is declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this City to maintain such premises in such manner that ... A structure, improvement, property, and/or land use is not in compliance with terms and/or conditions of any City of San Clemente issued permit or approval," and any subsequent revision of this section of the code.

- 38. Applicant understands and agrees that no window, banner, or temporary signage is part of this review, nor is any such signage approved or permitted by this permit. Window, banner, and temporary signage shall comply with Zoning Ordinance Table 17.84.030A & Section 17.84.030(H), and any applicable Master Sign Programs. Applicant understands and agrees that as a condition of approval of this permit that Applicant is aware of the City's window, banner, and temporary sign regulations and that compliance with those regulations is a term of the subject permit's approval by the City. As such, any violation of the City's regulations related to window, banner, or temporary signs shall constitute a violation of SCMC Section 8.52.030(Y), as discussed in accompanying conditions of approval. [Citation Section 17.16.240.D of the SCMC]
- 39. The Applicant is responsible to ensure that all event-related signage (excluding signage other than any required directional signage or display signage otherwise expressly permitted in this permit), whether posted prior to any event(s) or during, shall require the Applicant to submit for review and obtain approval of any necessary sign permits, in accordance with the City's Sign Ordinance. Signs placed illegally or without the proper permits shall constitute a violation of the terms of this permit. Applicant hereby understands that noncompliance with terms and conditions of approval shall be immediate grounds for citation pursuant to SCMC Section 8.52.030(Y), which states, "It is declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this City to maintain such premises in such manner that ... A structure, improvement, property, and/or land use is not in compliance with terms and/or conditions of any City of San Clemente issued permit or approval." [Citation - Section 17.84.030 of the SCMC1 (Code Compliance)
- 40. Any signage related to events approved by this permit, if approved in this permit or through the application and approval of others, shall be installed so as to be not directly visible from the I-5 freeway. In no case shall any event-related signage that is freeway-oriented be allowed. [Citation Section 17.16.240.D& 17.16.250.D of the SCMC] (Code Compliance)

- 41. The property owner shall be responsible for ensuring that no person will occupy or use any mobilehome, trailer, camp car, vehicle or other conveyance, tent or temporary structure of any kind as a dwelling or for living or sleeping purposes upon the subject property or within adjacent public property required to be maintained by the property owner. [Citation Section 9.04.100 of the SCMC] (Code Compliance)
- 42. The property owner shall be responsible for ensuring that overnight parking of vehicles, whether occupied or otherwise, does not occur, with the exception of those vehicles authorized to be on the premises for the purposes of commercial activity (such as cleaning and maintenance crews). Property owner shall be responsible for posting signs on the property that provide warnings to this effect, and shall take all necessary steps to enforce this prohibition, including providing private security to patrol the site on a regular and nightly basis.

(Code Compliance)

43. The property owner shall be responsible for addressing all issues arising from any person or persons that wander, idle or loiter upon or around the subject property, whether in an automobile or not, without lawful business at the property, or when not authorized by the owner or manager of the premises. To address these issues, the property owner shall do either, or both, of the following: 1) Provide private security to patrol the site on a regular and daily basis and address violations as they arise; or 2) provide authorization to the Orange County Sheriff's Department for the purposes of entering the subject property to request that any person who is at the subject property, including, without limitation, all buildings, structures, parking lots, common areas, and private sidewalks, to leave the subject property when identified as a trespasser by the property owner's authorized representatives. [Citation - Section 9.04.010(B)(8&9) of the SCMC]

(Code Compliance) \_\_\_\_\_

- 44. Property owner, or designee, shall be responsible for ensuring that no noise-generating maintenance activities on the subject property are conducted between the hours of ten (10:00) p.m. and seven (7:00) a.m. Such prohibited activities include, but are not limited to, dumping trash into outside trash bins, the use of parking lot sweepers, and the use of high-pressure washers. [Citation Section 8.48.070(P) of the SCMC] (Code Compliance)\_\_\_\_\_
- 45. Property owner, or designee, shall be responsible for ensuring that no loud and excessive noise-generating activities on the subject property in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers are conducted between the hours of ten (10:00) p.m. and

seven (7:00) a.m. [Citation - Section 8.48.070(O) of the SCMC]

(Code Compliance)\_\_\_\_\_

46. If parking becomes a negative impact on surrounding properties, the property owner, or designee, shall submit a Parking Management Plan to be review and approved by the Community Development Director. Should implementation of the Parking Management Plan not mitigate the negative impact, CUP 16-349 may be modified or revoke by the Planning Commission.

All Conditions of Approval are standard, unless indicated as follows:

- Denotes modified standard Condition of Approval
- Denotes special standard Condition of Approval

# ATTACHMENT NO. 2





### **City of San Clemente**

Project: Outdoor Events- Outlets at SC Address: 101 W. Avenida Vista Hermosa



