



STAFF REPORT

SAN CLEMENTE PLANNING COMMISSION

Date: January 16, 2019

PLANNER: Katie Crockett, Associate Planner

SUBJECT: **One Year Review of CUP 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

BACKGROUND

On January 17, 2018, the Planning Commission approved Resolution PC 18-001 (Attachment 1), a Conditional Use Permit for outdoor events with the sales and consumption of alcohol for the Outlets at San Clemente at 101 W. Avenida Vista Hermosa. Condition of Approval No. 50 required that the project be reviewed after a year. The applicant had originally proposed an event venue in the open lawn area at the southwest corner of the parking structure along W. Avenida Vista Hermosa near the intersection with Avenida Pico, which the Planning Commission did not approve. The Planning Commission had indicated that after a one-year review of how the outdoor events CUP, the applicant could again apply for a CUP for the event venue in this location.

COMPLIANCE REPORT

The Outlets have conducted more than 30 outdoor events/activities since the CUP was approved, including live music performers and the Christmas tree lighting (see Attachment 2 for a listing of events). The Code Compliance Division and Orange County Sheriff's Department have both indicated that they have had no service calls related to the outdoor events approved through CUP 16-349.

Code Compliance staff would respond to any complaints related to these events should they arise in the future to ensure continued compliance.

RECOMMENDATION

Staff recommends that the Planning Commission receive and file the report.

Attachments:

1. Resolution No. PC 16-349 (approved 1/17/18)
2. List of 2018 Events

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:

Section 1: 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.

Section 2: 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
 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. 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.

Section 3: 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 January 17, 2018.



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 January 17, 2018, and carried by the following roll call vote:

AYES:	COMMISSIONERS:	Brown, Blackwell, Wu, Ruehlin, Crandell
NOES:	COMMISSIONERS:	Smith
ABSTAIN:	COMMISSIONERS:	
ABSENT:	COMMISSIONERS:	Talley


Secretary of the Planning Commission

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

1. 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/City Council Approval June 1, 2010]* ■ (PIng.)_____
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]* ■ (PIng.)_____
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

deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Planning Commission.

(PIng.)_____

- 4. Conditional Use Permit 16-349 shall become null and void if the use is not commenced within one (1) year from the date of the approval thereof. Since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development. *[Citation - Section 17.12.150.A.1 of the SCMC]* (PIng.)_____

A use shall be deemed to have lapsed, and CUP 16-349 shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the California Building Code, as amended. *[Citation - Section 17.12.150.C.1 of the SCMC]* (PIng.)_____

- 5. The owner or designee shall have the right to request an extension of Conditional Use Permit 16-349 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall be subject to review and approval by the final decision making authority that ultimately approved or conditionally approved the original application. *[Citation - Section 17.12.160 of the SCMC]* (PIng.)_____

- 6. Pursuant to Section 17.12.150(C) of the Zoning Ordinance, the on-site sale and/or indoor and outdoor consumption of alcoholic beverage use shall be deemed to have lapsed, and the permitted use of alcohol sale and/or consumption related to the special event activities approved through Conditional Use Permit 16-349 shall be deemed to have expired, ninety (90) days after the date the on-site sale and/or indoor and outdoor consumption of alcoholic beverages ceases operation. *[Citation - Section 17.12.150(C) of the SCMC]* (PIng.)_____

- 7. If for any reason City Staff determines any outdoor event is not in compliance with the conditions of approval or intent of the Zoning Code, the permit may be revoked and/or sent to the Planning Commission for modification. ■■ (PIng.)_____

- 8. The owner shall have a manager on the premises at all times, and available to immediately respond to issues raised by the Orange County Sheriff's Department, Orange County Fire Authority, or City of San Clemente Building and Code Compliance Divisions, during the hours of operation when alcohol service, live entertainment, and/or dancing are occurring. ■■(Code Compliance) _____

- 9. 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. The business owner shall use his best judgment and best management practices to ensure activities on the premises will be conducted in a

manner that will not be disruptive to other commercial or residential neighbors and result in police, fire, and code compliance services, which utilize the City of San Clemente's resources. In addition to other remedies the City may use to address nuisance issues that arise from the provision of special events approved by this permit ■■ (Code Compliance) (Sheriff) _____

- 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. ■■(Code Compliance) (Fire)(Sheriff) _____
- 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) _____
- 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. ■■ (Code Compliance) _____
- 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)_____
- 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. The

use of drones shall remain within the boundaries of the Outlets at San Clemente. ■■ (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.

■■ (Code Compliance) _____

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. ■■(Sheriff)_____

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. ■■ (PIng.)_____

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 10:00 p.m. ■■ (PIng.)_____

22. No event shall exceed the occupancy at any time. ■■ (PIng.)_____

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 to the satisfaction of the Building Official, Orange County Fire Authority and Orange County Sherriff's Department. ■■ (PIng.)_____
24. The applicant, property owner, and any designees and property managers shall ensure that all occupancy requirements, and required signage related to the maximum occupancy limitations, for the buildings and site are maintained at all times. ■■ (Code Compliance) _____
25. Outdoor events which go beyond 10:00 p.m. in one of the courtyards shall complete clean up activities at or after 7:00 a.m. the next morning in order to avoid excessive noise to be generated outdoors after 11:00 p.m. when an outdoor event ends. ■■ (PIng.)_____
26. Applicant (including any property managers, and their designees, associated with the special events approved by this permit) understands and agrees that in the event noise generated by the use approved by this permit impacts neighboring properties, the tenant must soundproof the facility, or use other best management practices as determined by the City Planner and/or City Building Official, to comply with the City's noise standards, as described in SCMC Chapter 8.48. ■■ (Code Compliance) _____
27. Discharge of any wastewater and other pollutants is prohibited from entering the storm drain system. Applicant must prevent pollutants (e.g. sediment, trash, food waste etc.) and any wastewater used during cleanup from entering the storm drain system. ■■ (Eng.)_____
28. The property owner, business owner, or any other person in control of the subject private property shall at all times maintain the premises free of litter, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property. In addition, the property owner, business owner, or any other person in control of the subject private property shall remove any litter property owners or tenants produce or distribute, located in the public right-of-way within one hundred (100) feet of their property, and all accumulated litter that abuts their commercial property. *[Citation - Section 8.40.190 & 200 of the SCMC]* (Code Compliance) _____
29. All vendors and or entities associated with the event shall have a City of San Clemente Business License. ■■ (Code Compliance)_____

- 30. The event shall occur entirely on private property. ■■ (PIng.)_____

- 31. 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.)_____

- 32. 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.)_____

- 33. 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.)_____

- 34. 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]* ■(Bldg.)_____

- 35. 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]* ■ (Bldg.)_____

- 36. 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 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. ■■ (Code Compliance) _____

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]* (Code Compliance) _____

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 SCMC]* (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.
47. The wedding venue shall be removed from the project exhibits. A Special Activities Permit shall be obtained for any private event located on the lawn located at the southeast corner of the property.
48. Any vacant, interior spaces being temporarily repurposed a special event shall be approved by the Building Official and Orange County Fire Authority.
49. Any outdoor stages or structures must conform to the safety requirements of the Building Official and Orange County Fire Authority.
50. This approval for Conditional Use Permit shall require review and approval by the Planning Commission within 12 months from the date of commencement for the use. Prior to the expiration of Use Permit, the owner or designee shall submit for review, and shall obtain the approval of the Planning Commission for, a use permit application, along with the required fee. The Planning Commission's decision may include modifications/revisions to the conditions of approval, approval of Use Permit on a permanent basis, or revocation of the permit, based on the required findings.

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

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

2018 Events List

Major Events

- Lunar New Year Celebration
- Presidents' Day Weekend Sale
- Easter Celebration
- Fiesta de Mayo Celebration
- Memorial Day Sidewalk Sale
- Fourth of July Sidewalk Sale
- Back to School Celebrity Meet and Greet
- Barks & Brews
- Labor Day Sidewalk Sale
- Shopping Extravaganza
- Pink Saves October Fundraiser
- Candy Crawl
- Tree Lighting
- Moonlight Madness & Black Friday Weekend Sale
- Santa Cares – a sensory sensitive, one-on-one opportunity for special needs children to visit with Santa.
- Santa Paws
- Complimentary photos with Santa
- Menorah Lighting

Other events

- Quarterly blood drives
- Ribbon Cuttings for our new tenants
- Candidate Forum & Various events for Elected officials in our VIP Lounge
- OCTA events (like the freeway completion party)
- OCSD Luncheons
- USMC Hail & Farewell events
- We host a LOT of non-profits in our conference room (complimentary)
- Various workshops in our VIP Lounge
- Weekly live music performers (on average two every Saturday and Sunday)
- Mardi Gras Celebration
- Various Holiday Performance Groups
- School group performances
- Weekly chess camp