



## STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: May 8, 2019

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**PLANNER:** Kyle Webber, Community Development Technician

**SUBJECT:** **Special Activities Permit 19-079, 2019 Live Bands at Ole's Tavern,** a request to allow up to 14 special events consisting of an indoor live band and amplified music during the 2019 calendar year at a local bar establishment. The site is located at 127 South El Camino Real in the Mixed Use 3.0 Zoning District and Architectural and Central Business Overlays (MU 3.0-A-CB).

### **REQUIRED FINDINGS**

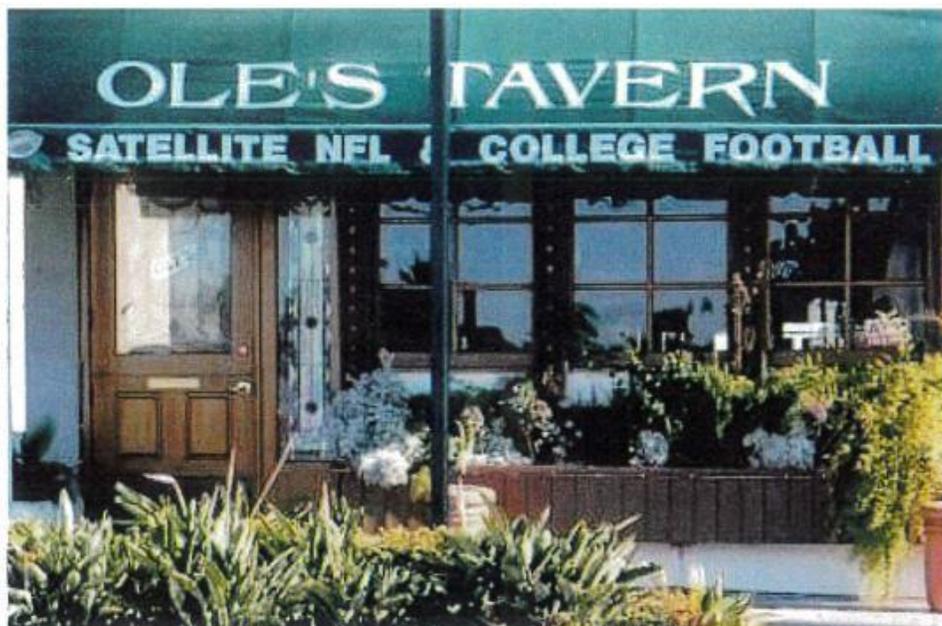
The following findings shall be made prior to approval of the proposed project. The draft Resolution (Attachment 1) and analysis section of this report provide an assessment of the project's compliance with these findings.

#### ***Special Activities Permit, Section 17.16.155(G)***

- a) The proposed use is permitted within the subject zone pursuant to the approval of a Special Activities 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 building located at 127 S. El Camino Real was constructed in 1955 and abuts a designated historic structure located across the street at 204 S. El Camino Real. The building was previously occupied by other restaurant and bar uses, including The Polish Hand, Dale's Tavern, and the Salty Dawg. The establishment was renamed Ole's Tavern in 1995. The business entrance is illustrated in Figure 1. The bar operates between the hours of 2:00 p.m. and 2:00 a.m. from Monday through Friday, and from 9:00 a.m. to 2:00 a.m. on Saturday and Sunday.

**Figure 1 – Front Entrance to Bar*****Previous Entitlements:***

The Zoning Administrator approved a Minor Cultural Heritage Permit (MCHP 99-129) in 1999 permitting a 64 square-foot addition to the front façade of the building with operable windows and a design consistent with Spanish Colonial Revival architectural elements. The addition added eight (8) seats to the floor area of the bar requiring the approval of two (2) parking waivers under the MCHP. Under Conditional Use Permit (CUP) 00-31, the Planning Commission approved the sale and consumption of hard liquor in conjunction with the establishment's existing license to sell beer and wine.

***Public Noticing***

Notice of the public hearing was published in the San Clemente Times newspaper on April 25, 2019. Additionally, on April 25, 2019, public hearing notices were posted at the project site and mailed to all property owners within 300 feet of the site. Staff has not received any public comments on this item to-date.

***Development Management Team Meeting***

The City's Development Management Team (DMT) reviewed the project and recommends conditions of approval, which are included under Exhibit A of the draft resolution (Attachment 1).

## **PROJECT DESCRIPTION**

The applicant, Yvonne Kimball, and bar owner, Greg LeRoy, are requesting approval of Special Activities Permit (SAP) 19-079 to temporarily allow indoor live entertainment with amplified sound at an existing bar, Ole's Tavern, located at 127 S. El Camino Real. The proposed special events would occur on Sunday afternoons from 2:00 p.m. to 6:00 p.m. The requested SAP would allow a maximum of 14 special events to occur between May 12, 2019 and September 1, 2019. According to the applicant, the proposed temporary indoor entertainment will help sustain business during the off-season for televised sports games, which is a traditional Sunday attraction for their recurring clientele. The bar has a Type 48 liquor license for the on-site consumption of beer, wine, and distilled spirits.

The proposed temporary entertainment would be conducted entirely indoors and will be produced primarily by a live band of three to five members. Entertainment will be offered as performances by the live band during 14 separate occasions which is the max number allowed under the SAP. The events will occur between the months of May and September of the 2019 calendar year. Staff is recommending a condition requiring the applicant to provide notification to the City two weeks in advance before the event occurs.

Figure 2 below depicts the area inside the establishment proposed for live entertainment. During the proposed entertainment hours, the indoor tables and seating will be removed on April 18, 2019 and acknowledged that the conditions sufficiently address potential public safety concerns.

**Figure 2 – Proposed Indoor Entertainment Area**



## **PROJECT ANALYSIS**

The project site is located in a Mixed Use zoning district surrounded by restaurant, and commercial uses and some residential units to the east, west, and south. The Volare hotel is located to the north of the site across South Avenue De La Estrella. The neighboring area contains multiple restaurants and bars that currently have amplified music and live entertainment, including Goody's Tavern at 206 S. El Camino Real and JD's at 215 S. El Camino Real.

Staff administratively approved a SAP allowing a special event at Ole's Tavern on Sunday March 24, 2019 between 2:00 p.m. and 6:00 p.m. No complaints were received from surrounding property owners during the event.

Zoning Ordinance Section 17.16.155 requires Planning Commission approval for special activities in non-residential zones that occur two or more days during a calendar year and when hard alcohol will be consumed. The requested SAP would permit events for the 2019 calendar year only. If the applicant proposes additional events the following year, approval by the Planning Commission will be required.

To ensure that the proposed use does not impact nearby uses, the following best management practices have been incorporated into the project and are included as conditions of approval in Exhibit A of the draft resolution (Attachment 1).

- The amplified live entertainment use shall occur entirely within the building and the manager shall ensure that all windows of the building remain closed during the hours of operation when the live entertainment is occurring.
- Indoor speakers and monitors will be pointed away from the front of the building and will be manually controlled to restrict the decibel level to no more than 90 decibels.
- The manager shall remain on the premises at all times during entertainment hours and shall be responsible for immediately resolving any problems associated with the issues of concern raised by neighbors.
- Use of the subject property shall conform to all occupancy requirements, including posting of signs related to the maximum occupancy limitations and permits issued by Orange County Sherriff's Department.
- Security personnel shall be provided on-site during entertainment hours to keep patrons from loitering on and in front of the premises, are not disruptive to neighbors, and will direct and ensure patrons leave the property immediately after the bar closes.
- The activity may be closed down at the discretion of the Police Department if it becomes unreasonably loud or boisterous, and/or the Fire Department due to overcrowding or other hazardous conditions.
- The City has the authority to modify or revoke the SAP if the establishment is operated in violation of any of the Conditions of Approval.

Previous City approvals for amplified sound and live entertainment typically include a condition requiring doors and windows to remain closed during entertainment hours. The applicant requested a modification to this condition to allow their front door to remain open during events due to business operational needs. The applicant states the front entrance is the only door available for customers accessing the bar, and the door would also provide needed building ventilation. Staff is supportive of this request as the proposed events would only occur during daytime hours, and entertainment is proposed on a limited, short-term basis. Furthermore, ambient noise from vehicles and pedestrians along El Camino Real would help mitigate potential noise impacts. The request was reviewed by the Orange County Sheriffs Department (OCSD) on April 18, 2019 and acknowledged that the conditions sufficiently address potential public safety concerns.

As conditioned, the project will not negatively impact surrounding land uses. The proposed temporary indoor entertainment will enhance the Downtown area by providing live music and daytime entertainment for patrons. The surrounding area includes existing restaurants and bars that have obtained City approval to allow indoor live entertainment, thereby demonstrating the compatibility of these types of uses in Downtown. The proposed amplified live entertainment will occur entirely within the bar building, and the conditions of approval are intended to mitigate potential noise and safety concerns. The project is consistent with the zone and pedestrian-oriented village character of the area.

Based on the foregoing information, staff believes the required findings for approval of SAP 19-079 can be met, with the inclusion of the recommended conditions (Attachment 1).

### **GENERAL PLAN CONSISTENCY**

As detailed in Table 2, the proposed use is consistent with applicable General Plan policies and objectives.

**Table 2 - General Plan Consistency**

<b>Policies and Objectives</b>	<b>Consistency Finding</b>
<p><i>Economic Development Element, Policy 4.01: "We require initiatives, investments, and development approvals for the Avenida Del Mar and T-Zone area to contribute to our vision of the area as an amenity-rich, multi-modal, mixed-use district that emphasizes the pedestrian experience."</i></p>	<p>Consistent. The project would draw additional pedestrians into the Downtown area by providing live music and daytime entertainment for patrons to enjoy the area. Entertainment is desired in Downtown as shown by the number of customers that regularly visit the subject bar for televised sports games and other establishments providing other types of entertainment during the time the project is proposed.</p>

<b>Policies and Objectives</b>	<b>Consistency Finding</b>
<i>Land Use Element, Mixed-Use Goal:</i> “Promote and support development in areas designated for Mixed Use that is attractively designed, adds vitality and pedestrian activity, enhances economic opportunities, reduces vehicle trips and associated air pollution and offers convenient and affordable housing opportunities for all income levels.”	Consistent. The project would add vitality and pedestrian activity to the Downtown area by providing an additional amenity that enhances the variety of daytime entertainment accessible to a diverse demographic population. The proposed indoor entertainment creates additional economic opportunities by encouraging patrons to enjoy the amenities of the Downtown area.
<i>Land Use Element, Policy LU-11.10:</i> “We encourage unique, locally-based businesses and services that help maintain and enhance Downtown’s unique village character.”	Consistent. The existing bar, Ole’s Tavern, is a locally-based business within the Downtown area. The project would enhance the area by providing additional entertainment with distinctive options for patrons.

### **ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA)**

The Planning Division completed an initial environmental assessment of the project pursuant to the California Environmental Quality Act (CEQA). Staff determined the project is categorically exempt from the requirements of CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities) because:

- The project consists of the operation of a bar use and ancillary indoor entertainment within an existing building.
- The applicant is not proposing any physical additions or alterations to the site.
- The primary use will remain as a bar.
- The proposed use occurs along developed mixed-use-commercial corridor with no sensitive environmental resources on site.

### **CALIFORNIA COASTAL COMMISSION REVIEW**

The project is not located in the Coastal Zone and therefore does not require Coastal Commission review.

## **ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES**

1. The Planning Commission can concur with staff and approve the proposed project.

*This is the recommended action. This action would result in the adoption of the attached Resolution PC 19-011, approving the project pursuant to the required SAP findings and conditions of approval. The Commission can take this action if they determine the request meets all required findings shown in Attachment 1.*

2. The Planning Commission, at its discretion, may change the project's design or conditions of approval.

*This action would result in any modifications to the project or conditions of approval. For example, conditions could be modified to require changes that improve the project's compliance with required findings.*

3. The Planning Commission can deny the proposed project.

*This action would result in not allowing the project, requiring this item to be continued so staff can draft a new resolution. The Commission should cite reasons for not being able to meet required findings.*

These actions may be appealed by the applicant to the City Council or be called up by the City Council for review and action.

## **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 that the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities); and
2. Adopt Resolution PC 19-011, approving SAP 19-079, 2019 Live Bands at Ole's Tavern, subject to the attached Resolution and Conditions of Approval.

### ***Attachments:***

1. Resolution No. PC 19-011  
Exhibit A - Conditions of Approval
2. Location Map
3. Site Photographs and site plans
4. Special Activities Permit Application
5. Correspondence

RESOLUTION NO. PC 19-011

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SPECIAL ACTIVITIES PERMIT (SAP) 19-079, TO ALLOW INDOOR AMPLIFIED SOUND WITH A LIVE BAND AT A BAR, OLE'S TAVERN, LOCATED AT 127 SOUTH EL CAMINO REAL

WHEREAS, on February 28, 2019, an application was submitted, and completed on April 8, 2019, by Yvonne Kimball, 212 Avenida Aragon, Unit A, San Clemente, CA 92672, for Special Activities Permit (SAP) 19-079, for the permitted use of indoor amplified sound with a live band at an existing bar, Ole's Tavern, located at 127 South El Camino Real in the Downtown Mixed-Use zone within the Architectural and Central Business Overlay Districts (MU3.0-A-CB). The legal lot description is Tract 789, Lot 57, and Assessor's Parcel Number is 692-402-07; and

WHEREAS, the Planning Division 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 is Categorical Exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities) because the project consists of the operation of a bar use with ancillary amplified sound entertainment in an existing building; and

WHEREAS, on March 7, 2019, the City's Development Management Team (DMT) reviewed the proposed project for compliance with the General Plan, Zoning Ordinance, and other applicable City ordinances and codes; and

WHEREAS, in accordance with City and State requirements, notice of the public hearing was published in the SC Times newspaper on April 25, 2019, posted at the project site, and mailed to all property owners within 300 feet of the site; and

WHEREAS, on May 8, 2019, the Planning Commission of the City of San Clemente held a duly noticed public hearing on the subject application, considered written and oral comments, and facts and evidence presented by the applicant, City staff, and other interested parties.

NOW, THEREFORE, The Planning Commission of the City of San Clemente does hereby resolve as follows:

Section 1. Incorporation of Recitals.

The Planning Commission hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the Planning Commission as fully set forth in this resolution.

## Section 2. CEQA Findings.

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 Planning Commission hereby finds and determines that the proposed project is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities).

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, but is not limited to, interior or exterior alterations, additions to existing structures that will not result in an increase of more than 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less. Here, the proposed project involves interior alteration that does not increase or otherwise change the existing use of the site. Thus, the project qualifies for the Class 1 exemption.

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, given the proposed use is consistent with General Plan policies and Zoning regulations. There are no unusual circumstances surrounding the project that result in a reasonable possibility of a significant effect on the environment, because there are no sensitive resources (endangered species, wetlands, etc.) on the project site or in the vicinity. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings, or similar resources, because there are no such resources nearby. 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, given there are none adjacent to the site. Thus, the Class 1 exemption applies.

## Section 3. Special Activities Permit Findings.

With respect to Special Activities Permit 19-079 ("SAP 19-079"), the Planning Commission finds as follows:

- A. The proposed use is permitted within the subject zone pursuant to the approval of a Special Activities 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, in that:
  1. The proposed special activities will occur in an existing building located in the Downtown Mixed-Use (MU 3.0) zone, which is the symbolic "core" of the City maintaining its pedestrian-oriented village character. The zone allows a range of residential uses and non-residential uses, such as community and tourist-serving retail commercial, entertainment, restaurants, offices, institutional and public uses.

The project is an existing bar with proposed ancillary indoor entertainment. The proposed use is consistent with the purpose and intent of the zone.

2. Restaurants and bars with entertainment that have amplified sound is a conditionally permitted use in the MU 3.0 zone.
3. The site is surrounded by existing restaurant uses with on-site alcoholic beverage consumption that have similar operations to the proposed use. Several of the nearby restaurants and bars have obtained City approval to allow indoor entertainment with amplified sound in conjunction with the restaurant or bar use. These establishments with approved indoor entertainment have proven to be compatible with the mix of land uses in the Downtown area. Therefore, the proposed use is compatible and consistent with surrounding uses.
4. The proposed use is consistent with Policy 4.01 of the Economic Development Element, which promotes “*initiatives, investments, and development approvals for the Avenida Del Mar and T-Zone area [that] contribute to our vision of the area as an amenity-rich, multi-modal, mixed-use district that emphasizes the pedestrian experience.*” The project would draw additional pedestrians into the Downtown area by providing daytime entertainment for patrons to enjoy the area.

B. The site is suitable for the type and intensity of development that is proposed, in that:

1. The project site is surrounded by restaurant and commercial uses to the east, west, and south. A hotel is located to the north of the site across South Avenue De La Estrella. The neighboring area contains multiple restaurants and bars that currently have amplified entertainment. Some residential units and buildings exist within the same mixed-use district as the subject bar and the nearest residential zoned district is located approximately 400 feet from the project site. The project is consistent with the pedestrian-oriented village character of the area.
2. The proposed use is consistent with Policy LU-11.10 of the Land Use Element, which “*encourage[s] unique, locally-based businesses and services that help maintain and enhance Downtown’s unique village character.*” The existing bar, Ole’s Tavern, is a locally-based business located in the Downtown area. The project would enhance the area by providing additional entertainment for a diverse demographic of people.
3. The proposed amplified sound will occur entirely within the existing building. Conditions of approval are included to ensure the project implements best management practices regarding noise control, including closing all windows during the hours when amplified sound is occurring.

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

1. The project is surrounded by existing restaurant uses with on-site alcoholic beverage consumption that have similar operations to the proposed use. Several of the nearby restaurants and bars have obtained City approval to allow indoor entertainment with amplified sound in conjunction with the restaurant or bar use. These establishments with approved indoor entertainment have proven to be compatible with the mix of land uses in the Downtown area.
2. The proposed amplified sound will occur entirely within the existing building. Conditions of approval are included to ensure the project implements best management practices regarding noise control, including closing all windows during the hours when amplified sound is occurring.
3. Conditions of approval are included to mitigate potential adverse impacts to the public health, safety, or welfare. As conditioned, the bar manager shall remain on the premises at all times during entertainment hours, and they shall be responsible for immediately resolving any problems or issues of concern raised by neighbors. Furthermore, security personnel shall be provided on-site during entertainment hours to prevent loitering and to ensure patrons are not disruptive to neighbors.

D. The proposed use will not negatively impact surrounding land uses, in that:

1. The proposed amplified sound will occur entirely within the existing building. Conditions of approval are included to ensure the project implements best management practices regarding noise control, including closing all windows during the hours when amplified sound is occurring.
2. The project is consistent with the Land Use Element, Mixed-Use Goal, which states: *“Promote and support development in areas designated for Mixed Use that is attractively designed, adds vitality and pedestrian activity, enhances economic opportunities, reduces vehicle trips and associated air pollution and offers convenient and affordable housing opportunities for all income levels.”* The project would add vitality and pedestrian activity to Downtown by providing an additional amenity of entertainment to the area. The proposed indoor entertainment creates additional economic opportunities by encouraging patrons to enjoy the amenities of the Downtown area.
3. Conditions of approval are included to mitigate potential adverse impacts to surrounding land uses. As conditioned, the bar manager shall remain on the premises at all times during entertainment hours, and they shall be responsible for immediately resolving any problems or issues of concern raised by neighbors. Furthermore, security personnel shall be provided on-site during entertainment hours to prevent loitering and to ensure patrons are not disruptive to neighbors.

Section 4. Planning Commission Approval.

Based on the foregoing recitals and findings above, and the written and oral comments, facts, and evidence presented, the City of San Clemente Planning Commission approves Special Activities Permit 19-079 ("SAP 19-079"), 2019 Live Bands at Ole's Tavern, subject to the above Findings, and the Conditions of Approval set forth in Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City of San Clemente Planning Commission on May 8, 2019.

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Chair

CERTIFICATION:

I HEREBY CERTIFY this Resolution was adopted at a regular meeting of the City of San Clemente Planning Commission on May 8, 2019, carried by the following roll call vote:

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

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Secretary of the Planning Commission

**CONDITIONS OF APPROVAL  
SPECIAL ACTIVITIES PERMIT 19-079  
LIVE BANDS AT OLE'S TAVERN**

**1.0 GENERAL CONDITIONS OF APPROVAL**

- |     |   |                |
|-----|---|----------------|
| 1.1 | Within 30 days of approval of this application, the applicant shall submit to the City Planner a signed acknowledgement concurring with all conditions of approval on a form to be provided by the City. Failure to submit this acknowledgement may be grounds to revoke this approval.   | Planning       |
| 1.2 | The applicant shall defend, indemnify, and hold harmless the City of San Clemente and its officers, employees, and agents from and against any claim, action, proceeding, fines, damages, expenses, and attorneys' fees, against the City, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City concerning this project, including but not limited to any approval or condition of approval of the City Council, Planning Commission, or City Planner. Applicant shall pay all costs. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter. If the applicant fails to so defend the matter, the City shall have the right, at its own option, to do so and, if it does, the applicant shall promptly pay the City's full cost of the defense. | Planning       |
| 1.3 | Use of the subject property shall conform to all occupancy requirements, including posting of signs related to the maximum occupancy limitations and Permits issued by Orange County Sherriff's Department  | All<br>*       |
| 1.4 | Use of the subject property shall conform to all occupancy requirements, including posting of signs related to the maximum occupancy limitations and Permits issued by Orange County Sherriff's Department.   | All<br>*       |
| 1.5 | The applicant shall comply with all applicable current and future provisions of the San Clemente Municipal Code, adopted ordinances, and state laws.  | All            |
| 1.6 | Special Activities Permit (SAP 19-079) shall remain in effect for the 2019 calendar year only.  | Planning<br>** |

- 1.7 The applicant shall notify the City, as necessary, of events at least 14 calendar days before they are scheduled to occur, by sending an email to [planning@san-clemente.org](mailto:planning@san-clemente.org) or calling (949) 361-6189. Planning  
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- 1.8 All entertainment, music, amplified sound devices, and associated activities shall be located indoors with all windows to remain closed with the exception of the primary entrance to the front of the establishment which may remain open during entertainment to allow regular conduct of business. Planning  
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- 1.9 Entertainment and amplified sound shall be limited to Sundays between the hours of 2:00 p.m. and 6:00 p.m. Planning  
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- 1.11 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 Planning Commission for modification. Any request for additional hours and/or expansion of the activity must be approved by the Planning Commission as an amendment to SAP 19-079. Planning  
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**7.0 OPERATIONAL CONDITIONS OF APPROVAL**

**Businesses Selling Alcoholic Beverages**

- 7.6 A manager shall be on the premises at all times, and available to respond to issues raised by representatives from the Orange County Sheriff's Department, Orange County Fire Authority, or City of San Clemente Code Compliance, during the hours of operation when alcohol service, live entertainment, and/or dancing are occurring. Code  
Comp
- 7.7 These conditions of approval shall be posted in a conspicuous location clearly visible to employees to ensure they are informed of and adhere to requirements and policies for all operations of the business, including but not limited to any live entertainment, dancing activity, or alcohol service, when applicable. Code  
Comp

**Businesses Providing Live Entertainment**

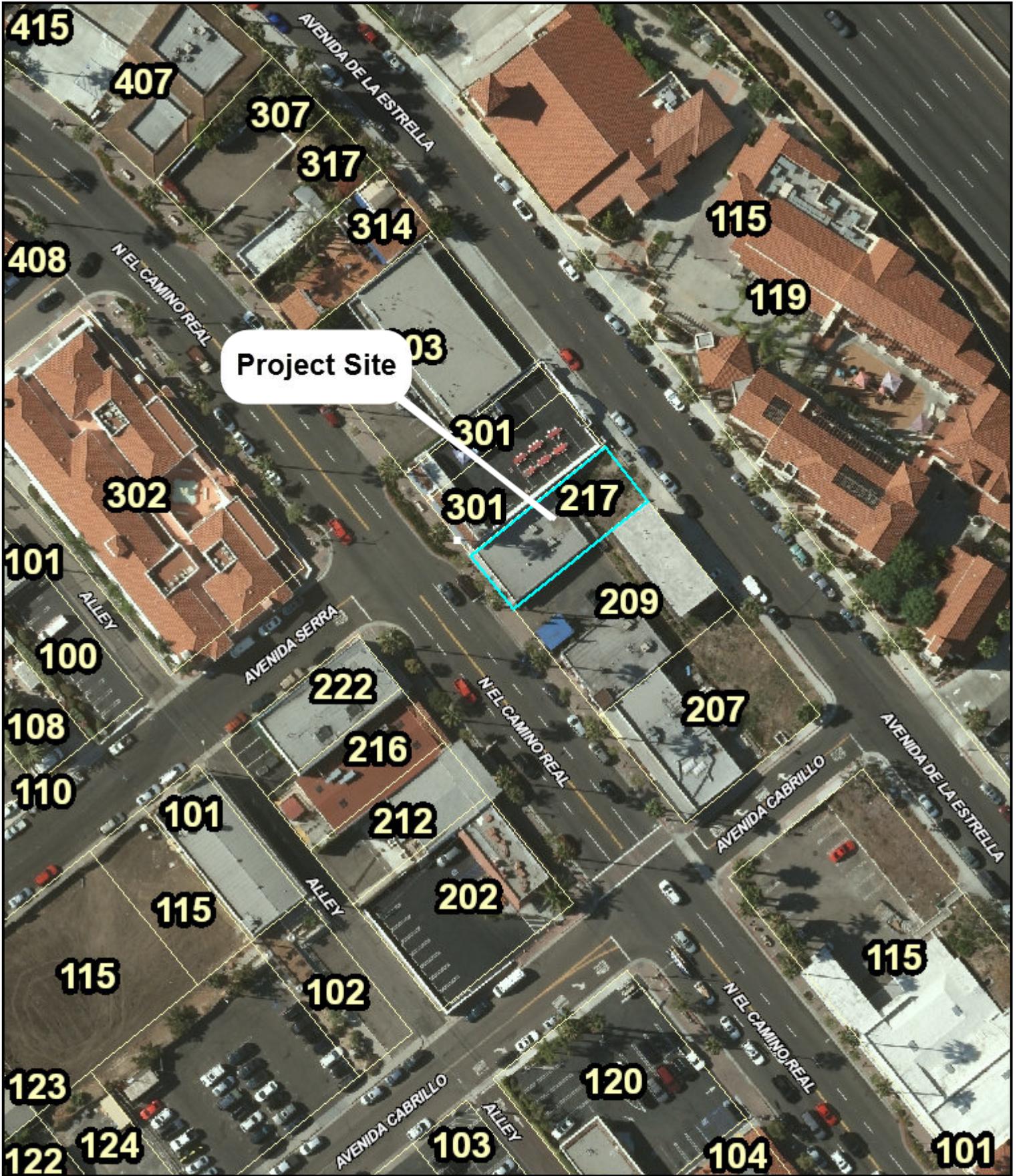
- 7.8 Live entertainment may only consist of live and recorded music. Code  
Comp
- 7.9 All exterior windows shall remain closed when live entertainment is being conducted. Code  
Comp  
OCSD  
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- 7.10 Speakers shall be directed away from doors and windows at all times. Code  
Comp
- 7.11 A minimum of two security personnel shall be on site at all times while live entertainment and/or dancing activities are conducted. Security personnel shall be stationed at the front door, rear door, and within the building during operating hours. All security personnel shall be readily identifiable by wearing a shirt or jacket at all times while on the property containing the word "security" in 2 inch or larger letters. Code  
Comp
- 7.12 The property and all surrounding properties shall be inspected following each live entertainment and/or dancing activity and all debris shall be removed to the extent permitted by the owners of those properties. Code  
Comp
- 7.15 The Applicant (including any property owners and managers, and their designees) understands and acknowledges that the live entertainment and amplified music 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 amplified music may be closed down at the discretion of the Fire Department due to overcrowding or other hazardous conditions. Code  
Comp  
Fire  
OCSD
- 7.16 The Applicant (including any property owners and managers, and their designees) shall use his/her 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 services, which cost the City of San Clemente expense. Code  
Comp  
OCSD
- 7.17 The Applicant (including any property owners and managers, and their designees) is responsible to ensure that all event-related signage (excluding signage other than the required directional signage or display signage otherwise expressly permitted in the Special Event Permit), whether posted prior to the event 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 the Special Event 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,*" Code  
Comp

*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.”*

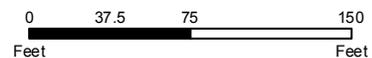
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|------|--|-----------------------------|
| 7.18 | <p>The Applicant (including any property owners and managers, and their designees) shall be responsible for closing, and keeping shut all exterior windows, doors and skylights when amplified sound is conducted, with the exception of when doors are used to enter-and-exit the building, or under the following circumstances: The front door may remain open only if (1) the applicant contacts the City of San Clemente, Code Compliance division, two weeks prior to the first event, and schedules a noise meter measurement and (2) this measurement does not exceeds the decibel levels allowed by the City of San Clemente Municipal Code (SCMC). If the noise meter measurement conducted by City staff determine the noise level exceeds that allowed by the SCMC, the applicant shall either (1) keep the front door closed with the exception of when doors are used to enter-and-exit the building, and ensuring that even with the doors closed the noise generated within the building does not exceed exterior noise limits established by the SCMC, or (2) install and provide a sound meter with warning lights to be used by performers to insure that they limit their sounds levels to meet the noise standards required by the SCMC. This sound meter shall, when triggered for exceeding the noise limits of the SCMC shall turn off all power to the amplified entertainment power sources.</p> | <p>Code<br/>Comp<br/>**</p> |
|------|--|-----------------------------|

- \* Denotes a modified Standard Condition of Approval
- \*\* Denotes a project-specific Condition of Approval

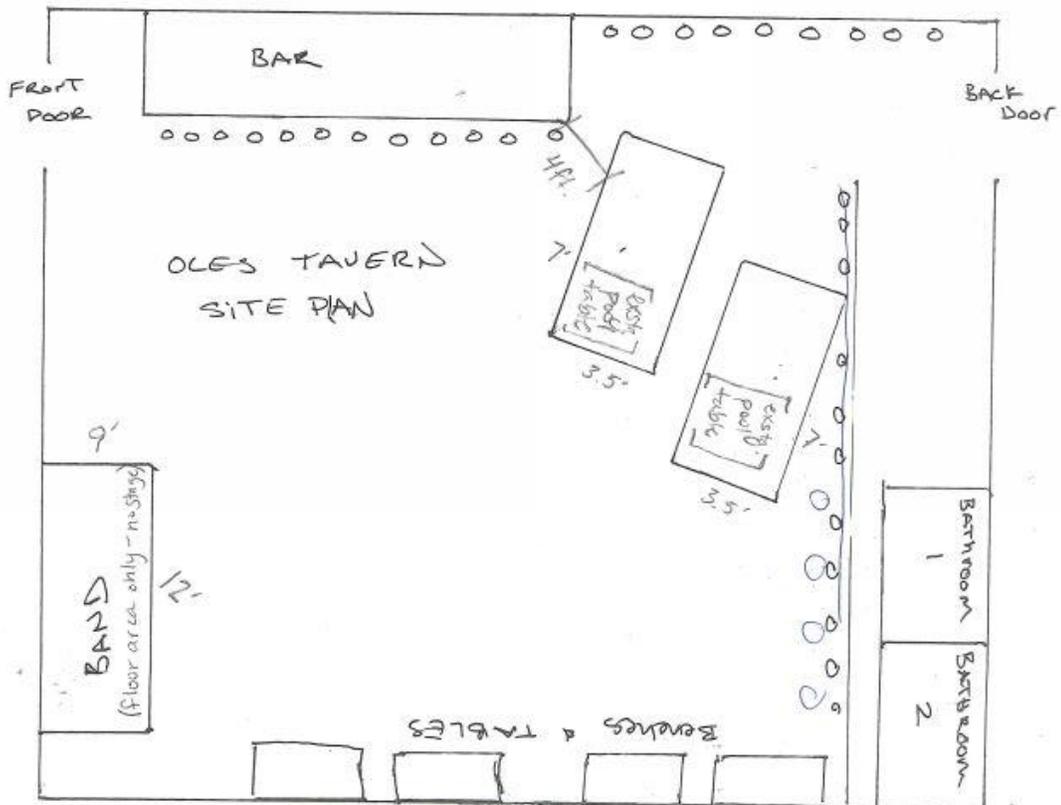
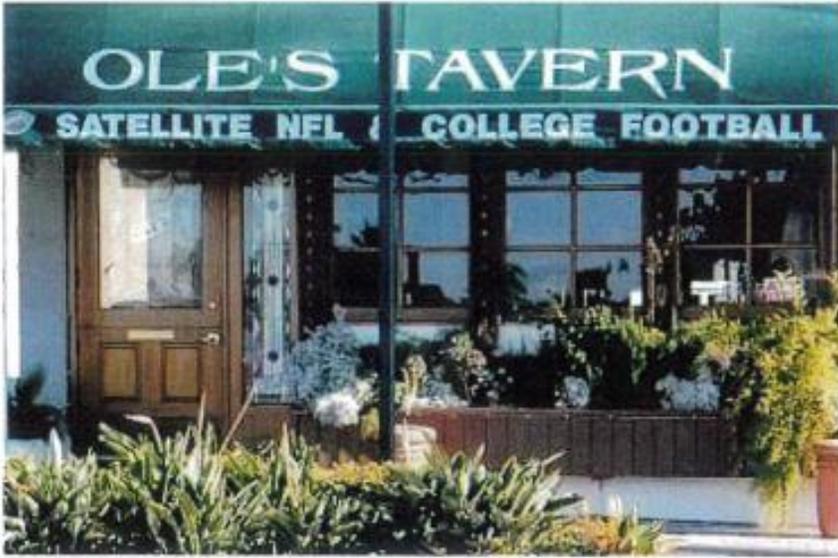


**City of San Clemente**

Project: Ole's Tavern Special Events  
Address: 217 S. El Camino Real



ATTACHMENT 3



# CITY OF SAN CLEMENTE

	Planning Division 910 Calle Negocio, Ste 100 San Clemente, CA 92673 (949)-361-6172 <a href="http://ci.san-clemente.ca.us">http://ci.san-clemente.ca.us</a>	For City Staff Use Only	
		Case File# <b>SAP19-078</b>	Total Days Approved This Calendar Year:
		Staff Review By:	Application Received by: <b>J. Lightfoot</b>
		Date Received <b>2.28.19</b>	Fee Amount:\$  Deposit Amount:\$

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

## EVENT INFORMATION

Event Name: <b>LIVE MUSIC AT OLES TAVERN</b>			
Event Description (attach additional sheets if necessary): <b>Live music provided by a band w/ no stage.</b>			Business License No: <b>19337</b>
Event Address/Location: <b>127 S. El Camino Real</b>			Expected Attendance: <b>49</b>
Event Date(s): <b>3/24/19</b>	Event Time(s): <b>2-6pm</b>	Set-up/Removal Date(s): <b>3/24/19</b>	<input type="checkbox"/> Profit <input type="checkbox"/> Non-Profit
Will you have a banner displayed at your event? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, obtain temporary banner permit, cost \$12			

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

PROPERTY OWNER INFORMATION	APPLICANT INFORMATION
Name <b>Greg LeRoy</b>	Name <b>Yvonne Kimball</b>
Mailing Address <b>127 S. El Camino Real</b>	Mailing Address <b>212 Ave. Aragon UNIT A</b>
City/State/Zip <b>San Clemente, CA 92672</b>	City/State/Zip <b>San Clemente, CA 92672</b>
Phone <b>(949) 322-3701</b>	Phone <b>(949) 228-4457</b>
Fax No.	Fax No.
E-Mail Address <b>grglry@cox.net</b>	E-Mail Address <b>ykimball5@yahoo</b>

# SPECIAL ACTIVITY REQUIREMENTS

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

<input checked="" type="checkbox"/> Alcohol <input type="checkbox"/> Vendors (food/beverage) <input type="checkbox"/> Carnival Games <input type="checkbox"/> Vendors (retail sales) <input type="checkbox"/> Carnival Rides	<input type="checkbox"/> Concert <input type="checkbox"/> Dancing <input checked="" type="checkbox"/> Live Entertainment <input type="checkbox"/> Parking (off site) Valet or Shuttle	<input checked="" type="checkbox"/> Other, Please Explain: _____ Oles Tavern is a Full bar liquor License No. 48-353106 Small Band NO STAG
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## SUPPLIES/EQUIPMENT (Please check all that apply to your event)

<input type="checkbox"/> Banners/Signs <input type="checkbox"/> Bleachers <input type="checkbox"/> Inflatable bounce house <input type="checkbox"/> Lighting <input type="checkbox"/> Toilets (portable)	<input checked="" type="checkbox"/> Security (employees (2)) <input type="checkbox"/> Temporary Electrical <input type="checkbox"/> Temporary Fencing <input type="checkbox"/> Traffic control <input type="checkbox"/> Tents and/or canopies	<input checked="" type="checkbox"/> Other, Please Explain: _____ We'll have security at the front entrance provided by Oles Staff.
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## PROPERTY OWNER'S AUTHORIZATION AND APPLICANT'S SIGNATURE

	2/28/19	Y. Seibel	2/28/19
Property Owner's Signature	Date	Applicant's Signature	Date

### For City Staff Use Only

<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">                   City Staff Signature             </div> <div style="text-align: center;">                 3/12/2019                  Date             </div> </div>	<input type="checkbox"/> Approved <input checked="" type="checkbox"/> Approved Subject to Attached Conditions <input type="checkbox"/> Denied <input type="checkbox"/> Application Deemed Incomplete
Title: <u>Planning Intern</u>	

Copies of approved permit sent to:

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

**Webber, Kyle**

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**From:** Ketcham, Paul T <pketcham@ocsd.org>  
**Sent:** Thursday, April 18, 2019 5:27 AM  
**To:** Webber, Kyle  
**Subject:** RE: Requested conditions for Special Activities Event, San Clemente,

Good morning Kyle,

Looking at the conditions that are already specified, the big one is keeping the exterior doors closed during those times where there is amplified music. You already addressed it, so as far as I can tell, we are good to go! Thanks for keeping me in the loop!

Paul

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**From:** Webber, Kyle [mailto:WebberK@san-clemente.org]  
**Sent:** Wednesday, April 17, 2019 4:41 PM  
**To:** Ketcham, Paul T <pketcham@ocsd.org>  
**Subject:** Requested conditions for Special Activities Event, San Clemente,

Good afternoon, Sgt. Ketcham

The Planning Division of San Clemente would like to inform you of a recurring Special Activities Event presently being processed for Ole's Tavern, 217 S El Camino Real, San Clemente, CA 92672. The event will occur on multiple Sundays (up to 14) between 05/12/2019 and 08/25/2019 between the hours of 2:00 pm – 6:00 p.m. and will include amplified music provided by a live band.

The attached conditions of approval are for a singular event that already happened this year and will reflect similar conditions once this activity is approved. If you have specific public safety concerns or would like to add additional conditions please contact me directly either by phone or replying to this email. Thank you.

Best regards,

Kyle Webber

**Kyle Webber**

Community Development Technician  
Community Development Department  
910 Calle Negocio, Ste. 100, CA 92673  
[www.san-clemente.org](http://www.san-clemente.org)

(949) 361-6189 | [WebberK@San-Clemente.org](mailto:WebberK@San-Clemente.org)

 Please consider the environment before printing this e-mail

## Webber, Kyle

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**From:** Yvonne Kimball <ykimball5@yahoo.com>  
**Sent:** Tuesday, April 23, 2019 12:26 PM  
**To:** Webber, Kyle  
**Subject:** Re: SAP Live Bands at Ole's Tavern

Kyle,

Yes, please update the date requests to September 1st. I'm talking with several bands and trying to make-up a schedule. Here is a list of bands I'm trying to schedule:

- Tunnel Vision Acoustic
- Wigs & Ties
- Cholulas
- Bunch O Guys
- Grand Old Evils
- Lyons Den
- Night Riders

Yvonne  
Phone (949)228-4457

On Tuesday, April 23, 2019, 8:02:23 AM PDT, Webber, Kyle <WebberK@san-clemente.org> wrote:

Yvonne...

I want to make sure you read my previous email regarding the dates for Ole's Tavern—again, if you would like to be approved the max amount of events (14), you will need to update the requested dates and let me know ASAP. The draft report will be approved this week. You are currently only asking for 11 (each Sunday till July 28<sup>th</sup>).

SAP 19-122 for Shwack Cantina is still pending. I can get an update from the case manager for this project later today. Though I suggest calling him directly at the general planning number (949) 361-6197 if you need specific details.

Regards,

Kyle

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**From:** Yvonne Kimball [mailto:[ykimball5@yahoo.com](mailto:ykimball5@yahoo.com)]  
**Sent:** Monday, April 22, 2019 3:54 PM  
**To:** Webber, Kyle <[WebberK@san-clemente.org](mailto:WebberK@san-clemente.org)>  
**Subject:** Re: SAP Live Bands at Ole's Tavern

Hello Kyle,

I'd like to follow-up on a application I turned in for the Shwack Cantina. Project No. PLN19-122. Please let me know if this has been approved.

Thank you,

Yvonne  
Phone (949)228-4457

On Monday, April 22, 2019, 11:50:12 AM PDT, Webber, Kyle <[WebberK@san-clemente.org](mailto:WebberK@san-clemente.org)> wrote:

Hi again,

That's very helpful. Thank you. Are you able to address the second part of the email I sent regarding dates? I would like you to have the option to hold more shows beyond the date you initially requested (July 28<sup>th</sup>) if that's what you'd like. You're allowed 14 max, but if you do not request beyond that date, I can only permit what you originally asked for. Having an email from you that specifies the dates would allow me to change that.

Thanks

Kyle

**From:** Yvonne Kimball [mailto:[ykimball5@yahoo.com](mailto:ykimball5@yahoo.com)]  
**Sent:** Thursday, April 18, 2019 4:35 PM

**To:** Webber, Kyle <[WebberK@san-clemente.org](mailto:WebberK@san-clemente.org)>

**Subject:** Re: SAP Live Bands at Ole's Tavern

Hello Kyle,

I spoke with the band that played at Oles Tavern on Sunday, March 24th. They play at 80-90 decibels. Please let me know if you have any more questions.

Thank you,

Yvonne

[Sent from Yahoo Mail on Android](#)

On Wed, Apr 17, 2019 at 4:44 PM, Webber, Kyle

<[WebberK@san-clemente.org](mailto:WebberK@san-clemente.org)> wrote:

Hello Yvonne,

Hope you are well.

I wanted to see if you had an update regarding our conversation on acquiring an approximate decibel level of the proposed live band performances. This will help me compose conditions that the Code Compliance and Planning Divisions are in agreement with.

In addition to this, you are allowed up to 14 events for the remainder of the year. Would you like to extend the time-frame you are proposing the events into August? Or at another time of the year? If so, can you please give me a list of the dates you are considering. If you cannot confirm specific dates, can you confirm at least some of them, such as those you previously proposed?

Thank you so much. Let me know if I can help with anything.

Kyle



**Kyle Webber**  
**Community Development Technician**

Community Development Department

910 Calle Negocio, Ste. 100, CA 92673

[www.san-clemente.org](http://www.san-clemente.org)

(949) 361-6189 | [WebberK@San-Clemente.org](mailto:WebberK@San-Clemente.org)

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## Webber, Kyle

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**From:** Roxas, Stephanie  
**Sent:** Tuesday, March 26, 2019 1:22 PM  
**To:** Atamian, Adam; Webber, Kyle  
**Cc:** Thompson, Beverly  
**Subject:** RE: Ole's Tavern

Adam,

Thanks for the heads up! Kyle is out of the office this week, but he sent an incomplete letter to Ole's Tavern last week. Because the corrections were minimal, we do not anticipate taking it through a second DMT review.

However, I'll remind Kyle next week to touch base with his applicant and Beverly. As part of the Zoning Administrator staff report, we need to disclose whether the City had issues with their recent SAP event, so the applicant will need to address how he plans to comply with conditions in the future.

### STEPHANIE ROXAS, AICP

City of San Clemente | Senior Planner  
StephanieR@San-Clemente.org  
(949) 361-6195

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**From:** Atamian, Adam  
**Sent:** Tuesday, March 26, 2019 12:49 PM  
**To:** Webber, Kyle <WebberK@san-clemente.org>  
**Cc:** Roxas, Stephanie <StephanieR@san-clemente.org>; Thompson, Beverly <thompsonb@san-clemente.org>  
**Subject:** FW: Ole's Tavern

Kyle,

I'm not sure if you received this directly from Anthony, but over the weekend Code Compliance noticed Ole's Tavern was not complying with the conditions of approval for the first of their proposed 15 live SAP events for 2019. I will have Anthony send a Notice of Correction for documentation, but this issue should be addressed before a public hearing is scheduled for this item (potentially revising the conditions provided by Code Compliance last week). Please work with Beverly on any adjustments that may be needed.

*Sincerely,*  
Adam Atamian, MPA, AICP  
Code Compliance Manager  
p: (949) 361-6191

 Please consider the environment before printing this e-mail

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**From:** Kurtz, Anthony  
**Sent:** Sunday, March 24, 2019 9:26 PM  
**To:** Atamian, Adam <AtamianA@san-clemente.org>  
**Subject:** Ole's Tavern

Adam,

As per our conversation, while I was driving between inspections this afternoon I drove by Ole's Tavern with my windows down. I observed the front door propped open and I heard a live band. I returned to the office after 6pm and saw that one of the conditions of the SAP is that the Applicant shall keep entrances closed during the time that live entertainment is occurring.

I went back out to the site and while a live band was not playing, amplified sound was being emitted with the door and windows open.

Video is here: [I:\cd\CodeCompliance\secure\4. Case, Property & Permit Files\Case Files & Photos\127 S El Camino Real\20190324\\_127SElCaminoReal\\_PhotoSiteInsp\\_Kurtz\\_NP.MP4](I:\cd\CodeCompliance\secure\4. Case, Property & Permit Files\Case Files & Photos\127 S El Camino Real\20190324_127SElCaminoReal_PhotoSiteInsp_Kurtz_NP.MP4)



Anthony Kurtz  
Code Compliance Technician  
(949) 361-6174  
[KurtzA@san-clemente.org](mailto:KurtzA@san-clemente.org)

**[Submit an online complaint \(click here\)](#)**