



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: June 5, 2019

PLANNER: David Carrillo, Assistant Planner

SUBJECT: **Conditional Use Permit 18-652/Special Activities Permit 19-154, The Local Full Range of Alcohol and Special Events,** a request to allow the on-site sale and consumption of a full range of alcohol and 15 special events for the remainder of 2019 at a restaurant located at 207 South El Camino Real in the Mixed Use 3 Zoning District and Architectural and Central Business Overlay Districts (MU3-A-CB).

REQUIRED FINDINGS

The following findings shall be made to approve 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.

A Conditional Use Permit is required to allow full alcohol service (indoor and outdoor) at a restaurant per Section 17.40.030.

- 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 the Zoning Ordinance, Rancho San Clemente Specific Plan, 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.

A Special Activities Permit is required to allow special activities with full alcohol service in non-residential zones per 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 the Zoning Ordinance, Rancho San Clemente Specific Plan, 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 subject site is a 10,840 square-foot through lot located in the Downtown T-Zone with street frontage on South El Camino Real and Avenida De La Estrella. The site is accessible to pedestrians from either street. Surrounding land uses include a bar to the north, a hotel to the east, a restaurant to the south, and a bar to the west.

The applicant, The Local, is a locally-based restaurant that started operating in late 2016 with 40 indoor seats and 16 seats and 4 tables outdoors. Since 2016, two entitlements have been approved. On January 18, 2018, the Zoning Administrator approved Minor Conditional Use Permit (MCUP) 16-413, to allow the on-site sale of beer and wine for indoor and outdoor consumption. On June 21, 2018, the Zoning Administrator approved MCUP 18-054, to allow indoor live entertainment with non-amplified sound. Previous staff reports and resolutions are provided as Attachments 2 and 3.

In 2018, the Code Compliance Division (Code Compliance) received complaints against the restaurant regarding noise impacts and amplified music and hard alcohol service without a Conditional Use Permit (CUP). In response, Code Compliance issued notices for the code violations. The *Project Analysis* section below details the review process undertaken by Code Compliance.

Development Management Team Meeting

The City's Development Management Team (DMT) reviewed the project and recommends approval with conditions included in Attachment 1, Exhibit A.

Noticing

Public notices were distributed and posted per City and State requirements. Staff has not received any public comments on this item to-date.

Concurrent review of multiple permits

When multiple permits are processed concurrently, the Zoning Ordinance requires a decision on all applications to be made by the highest review authority. Since the Special Activities Permit (SAP) is being processed with a CUP, Planning Commission approval of the SAP is required.

PROJECT DESCRIPTION

The Local requests to serve a full range of alcohol for indoor and outdoor consumption (ABC License Type 47), extend alcohol service hours, and to host 15 special events in 2019. Restaurant seating would not change. Table 1 below details the approved and proposed alcohol service hours. The special events would be held on the first Saturday of the month between the hours of 5 p.m. and 10 p.m., immediately following the approval of SAP 19-154. The events would include indoor and outdoor live entertainment with

amplified sound and temporary tables, in addition to existing, permanent tables. See Attachment 4 for a site plan and description of the proposed events.

Table 1 – Approved and Proposed Alcohol Service Hours

Use	Approved	Proposed*
Indoor	Monday through Friday: 12 p.m. – 11 p.m.; Saturday & Sunday: 10 a.m. – 11 p.m.	Tuesday through Friday: 11 a.m. – 1 a.m.; Saturday & Sunday: 10:30 a.m. – 1 a.m.
Outdoor	Monday through Friday: 12 p.m. – 11 p.m.; Saturday & Sunday: 10 a.m. – 11 p.m.	Tuesday through Friday: 11 a.m. – 1 a.m.; Saturday & Sunday: 10:30 a.m. – 1 a.m.

*The applicant intends to close the restaurant on Mondays.

PROJECT ANALYSIS

Conditional Use Permit

Zoning Ordinance Section 17.40.030 requires a CUP for restaurants to serve a full range of alcohol for indoor and outdoor consumption. The CUP process is intended to encourage uses to be located in a manner that: 1) is consistent with the City's zones; 2) is sensitive to community and neighborhood identity; and 3) minimizes impacts to adjacent uses.

Alcohol services complement food menus and are considered ancillary to restaurants. The proposed alcohol service hours are consistent with Downtown restaurants with full alcohol service, as shown in Table 2. However, due to previous complaints and code violations related to noise and service of hard alcohol without a CUP, staff does not support the applicant's request to extend alcohol service hours. If the Planning Commission agrees, the applicant may request an amendment to extend alcohol service hours in the future. As part of an application, staff would complete an updated review of code compliance to make a recommendation. Resolution No. PC 19-016 adopted through this CUP supplements Resolution No. ZA 17-003. Conditions of Approval in both the previous and proposed resolution, address noise impacts, parking issues, and compliance with state licensing requirements.

The Orange County Sheriff's Department (OCSD) and the Department of Alcoholic Beverage Control (ABC) reviewed the request and support full alcohol service at the restaurant with the recommended conditions of approval. The Code Compliance Division proactively monitors several restaurants and bars in Downtown, including The Local, on a regular basis over the weekends. After four months of closely monitoring the restaurant during the review process, Code Compliance did not observe violations or receive complaints related to alcohol. Therefore, Code Compliance supports the request to service a full range of alcohol with conditions.

Project-specific conditions require a 6 and 12-month review report to the Planning Commission by staff, to determine the restaurant's compliance status with approved entitlements. Additionally, to mitigate noise impacts, the applicant is required to maintain all windows and doors shut during indoor live entertainment, with or without amplified sound.

Table 2 – Review of Nearby Alcohol Service Hours

Restaurants/Bars	Indoor Hours	Outdoor Hours
Tamarindo 108-110 S. El Camino Real	7:00 a.m. to 12 a.m.	Same as indoors
South of Nick's 110 N. El Camino Real	10:00 a.m. to 12 a.m.	Same as indoors
H.H. Cotton's 201 Avenida Del Mar	8:00 a.m. to 12 a.m.	Same as indoors
JD's Kitchen and Bar 215 S. El Camino Real	11:00 a.m. to 1:30 a.m.	Same as indoors
Brussels Bistro 218 Avenida Del Mar	10:00 a.m. to 12 a.m.	Same as indoors
Ole's Tavern 127 S. El Camino Real	4 p.m. to 2 a.m., Mon.- Fri.; 12 p.m. to 2 a.m., Sat. & Sun.	No outdoor service
Red Fox Lounge 220 S. El Camino Real	8 a.m. to 2 a.m.	8 a.m. to 10 p.m.

Special Activities Permit

Zoning Ordinance Section 17.16.155(G) requires a Special Activities Permit (SAP) for a maximum of 15 special activities a calendar year on private properties in non-residential zones. The SAP process reviews certain temporary land use activities on private property to minimize impacts on surrounding properties during and after events. The events are proposed on the first Saturday of each month from 5 p.m. to 10 p.m. as described in Attachment 4. The applicant proposes the following types of events, or themes: cultural events, charity events, sports arena, deal of the day, wine tastings, buy one get one, and ladies' night.

If the SAP is approved, the applicant has a tentative schedule for six Saturday events. For the remaining nine events, condition of approval no. 1.8 requires information be submitted two weeks prior to any event to allow the City's DMT time to review the proposal. The required information includes event dates and times, an event description, a site plan, and manager contact information. The undetermined events would be similar in nature to the proposed Saturday events in that similar equipment would be used, alcohol service would be provided, and no live entertainment or amplified sound would occur outdoors, per conditions.

Indoor and outdoor live entertainment and amplified sound are proposed for all events. Code Compliance and Orange County Sheriff’s Department (OCSD) support events with entertainment and amplified sound that are limited to indoors, not outdoors at this time. Conditions of approval have been added to mitigate noise, health, and safety impacts and ensure the restaurant returns to its original condition after each special event. These conditions require the applicant to maintain doors and windows shut during indoor live entertainment with or without amplified sound, to terminate an event if OCSD or Orange County Fire Authority (OCFA) determine unsafe conditions exist, remove all debris, and have a manager on the premises at all times. Based on the above analysis, staff believes the required SAP findings can be made for indoor events with live entertainment and amplified sound and for outdoor events without live entertainment and/or amplified sound.

GENERAL PLAN CONSISTENCY

The proposed use is consistent with General Plan goals and policies as shown in. Table 3 below.

Table 3 - General Plan Consistency

Policies and Objectives	Consistency Finding
<p>1. Land Use Element Goal, <i>Del Mar/T-zone Focus Area and Downtown Core</i>. Preserve and where appropriate, improve the Del Mar/T-Zone so that it serves as the symbolic, functional, historic and physical center of the City; emphasizing its use as a pedestrian-oriented commercial and residential "village."</p>	<p>Consistent. The proposed alcohol service (for on-site consumption) is ancillary to a permitted restaurant use. Restaurants are a pedestrian-oriented, visitor-serving commercial use encouraged in the General Plan Del Mar/T-zone focus area and downtown core Mixed Use 3.0 (MU 3.0) Zone</p>
<p>2. Land Use Element Policy LU-3.02, <i>Regulation of Uses and Nuisances</i>. We regulate the location, concentration, design and operations of commercial and industrial uses and parking structures that can adversely affect surrounding sensitive land uses. Impacts may include, but are not limited to, noise, vibration, odors, exterior light, visibility of activity, vehicular traffic and safety hazards.</p>	<p>Consistent. The proposed use must meet conditions of approval and other requirements to ensure compliance with the noise ordinance and maintain public health, safety and welfare.</p>

ENVIRONMENTAL REVIEW/COMPLIANCE (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 Categorical Exempt from CEQA pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities) because the request is to allow an existing restaurant to add an ancillary use and to allow a limited number of events in one year that are a negligible temporary expansion of an approved use.

CALIFORNIA COASTAL COMMISSION REVIEW

The project site is located outside of the Coastal Zone Overlay District, and therefore does not require Coastal Commission review

ALTERNATIVES:

The Planning Commission may take any of the following actions:

1. Approve the application(s).
2. Modify the conditions of approval to effect desired changes prior to approval.
3. Deny the application(s). If the Commission wishes to pursue this option, the hearing will need to be continued to allow the appropriate resolution(s) to be prepared and the Commission should state reasons why it cannot meet one or more of the required findings.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Determine the project is Categorical Exempt from the requirements of the CEQA pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities); and
2. Adopt Resolution PC No. 19-016, approving Conditional Use Permit 18-652 and Special Activities Permit 19-154, The Local Full Range of Alcohol and Special Events, subject to attached conditions of approval.

Attachments:

1. Resolution No. PC 19-016
Exhibit A – Conditions of approval
2. Minor CUP 16-413 Staff Report and Resolution
3. Minor CUP 18-054 Staff Report and Resolution
4. Special Activities Permit Application
5. Location Map
6. Photos

ATTACHMENT 1

RESOLUTION NO. PC 19-016

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 18-652 AND SPECIAL ACTIVITIES PERMIT 19-154, THE LOCAL FULL RANGE OF ALCOHOL AND SPECIAL EVENTS, TO ALLOW THE ON-SITE SALE AND CONSUMPTION OF A FULL RANGE OF ALCOHOL AND A SPECIAL ACTIVITIES PERMIT FOR 15 SPECIAL EVENTS IN 2019, AT A RESTAURANT LOCATED AT 207 SOUTH EL CAMINO REAL

WHEREAS, on January 18, 2017, the Zoning Administrator approved Minor Conditional Use Permit 16-413, to allow the on-site sale of beer and wine for indoor and outdoor consumption at a restaurant located at 207 South El Camino Real; and

WHEREAS, on June 21, 2018, the Zoning Administrator approved Minor Conditional Use Permit 18-054, to allow indoor live entertainment with non-amplified sound at a restaurant located at 207 South El Camino Real; and

WHEREAS, on November 29, 2018, an application was submitted by Hooman Mofidi, 16 Calle La Espalda, San Clemente, CA 92673, for Conditional Use Permit 18-652 and Special Activities Permit 19-154, and deemed complete on April 30, 2019; a request to consider the on-site sale and consumption of a full range of alcohol and a Special Activities Permit for 15 special events for the remainder of 2019 at a restaurant located at 207 South El Camino Real in the Mixed Use 3.0 Zoning District and Architectural and Central Business Overlay Districts. The site's legal description is a portion of Lots 54, 55, 56, of Tract 789, and Assessor's Parcel Number 692-402-08; 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 is Categorically Exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities). This is recommended because the request is to allow an existing restaurant to add an ancillary use and to allow a limited number of events in one year that are a negligible temporary expansion of an approved use; and

WHEREAS, on May 2, 2019, the City's Development Management Team (DMT) reviewed the proposed project and determined it complies with the General Plan, Zoning Ordinance, and other applicable City ordinances and codes. The DMT supports the project, subject to the Conditions of Approval set forth in Exhibit A; and

WHEREAS, on June 5, 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, permitting, licensing, or minor alteration of existing facilities with negligible or no expansions of the existing use. Since the project consists only of the permitting, licensing, and a temporary expansion of the existing approved business for full alcohol sales and special events, 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. There are no unusual circumstances surrounding the project that result in a reasonably possibility of a significant effect on the environment. The project is not in a scenic corridor, will not alter or impact historic resources, and does not include any hazardous waste sites. The project consists of no physical modifications to the structure or the environment and involves only modifying the types of alcohol permitted to be served. Thus, the Class 1 exemption applies, and no further environmental review is required.

Section 3. Conditional Use Permit Findings

With respect to Conditional Use Permit (CUP), the Planning Commission finds as follows:

- 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, in that:
 1. Restaurants with the ancillary sale of alcohol are a permitted use in the MU3.0 zoning district subject to the approval of a CUP. Additionally, restaurants that serve alcohol are a visitor-serving use, as required in the Central Business (CB) overlay;
 2. The proposed alcohol service (for on-site consumption) is ancillary to a permitted restaurant use. Restaurants are a pedestrian-oriented, visitor-

serving commercial use encouraged in the CB overlay and Mixed Use 3.0 (MU 3.0) Zone and the General Plan Del Mar/T-zone focus area. This is reflected in the purpose of the CB overlay identified in the Zoning Ordinance, to facilitate *“visitor-serving uses and pedestrian activity along sidewalks and throughout the area...[and] to protect existing coastal visitor-serving commercial, recreational, dining, and lodging uses and provide new areas for such uses;”*

3. The General Plan Land Use Element establishes the following goal for the Del Mar/T-Zone Focus Area and Downtown Core: *“Preserve and where appropriate, improve the Del Mar/T-Zone so that it serves as the symbolic, functional, historic and physical center of the City; emphasizing its use as a pedestrian-oriented commercial and residential ‘village’ providing for the needs of residents and visitors.”* The project is consistent with this goal in that it expands services at a pedestrian-oriented restaurant use; and
 4. The use adds to the diverse mix of uses to meet needs of the zone, consistent with the Land Use Element goal for commercial uses to *“Achieve and maintain a healthy employment base with diverse retail, office, and service uses that: 1) meet citizens’ needs; 2) help generate municipal revenues that improve quality of life; 3) are compatible with adjacent residential neighborhoods; and 4) support the goals and policies of the Economic Development Element.”*
- B. The site is suitable for the type and intensity of use that is proposed, in that:
1. The proposed alcohol service (for on-site consumption) is ancillary to a permitted restaurant use. Restaurants are a pedestrian-oriented, visitor-serving commercial use encouraged in the CB overlay;
 2. The business has already been approved and is permitted to serve beer and wine. No modifications are proposed to the business except to allow full alcohol service. Alcohol service hours are consistent with other restaurants in the vicinity that also serve alcoholic beverages; and
 3. Code compliance staff and the Orange County Sheriff’s Department reviewed the proposed alcohol service and concluded alcohol can be served and consumed on site without compatibility issues, provided that operations comply with licensing requirements, conditions of approval, and with regulations.
- 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 proposed use must comply with conditions of approval and code requirements to maintain the public health, safety, and welfare of the area, such as the Fire Code, California Building Code, Alcohol Beverage Control licensing requirements, and the Municipal Code. This includes but is not limited to requiring employees to receive alcohol service training to avoid the sale of alcoholic beverages to minors for consumption, limits on hours

of operation, and requirements that limit amplified sound especially on the patio area;

2. Should there be a compatibility issue, conditions of approval attached hereto as Exhibit A, allow the City to adjust operating hours and require noise abating measures if changes are necessary to ensure compliance with the noise ordinance and maintain the public health, safety, and welfare of the area; and
 3. Code compliance staff and the Orange County Sheriff's Department reviewed the proposed alcohol service and concluded alcohol can be served and consumed on site without compatibility issues, provided that operations comply with licensing requirements, conditions of approval, and with regulations.
- D. The proposed use will not negatively impact surrounding land uses, in that:
1. The proposed use must comply with conditions of approval and code requirements to maintain the public health, safety, and welfare of the area, such as the Fire Code, California Building Code, Alcohol Beverage Control licensing requirements, and the Municipal Code. This includes but is not limited to requiring employees to receive alcohol service training to avoid the sale of alcoholic beverages to minors for consumption, limits on hours of operation, and requirements that limit amplified sound especially on the patio area;
 2. Should there be a compatibility issue, conditions of approval attached hereto as Exhibit A, allow the City to adjust operating hours and require noise abating measures, if changes are necessary to ensure compliance with the noise ordinance and maintain the public health, safety, and welfare of the area; and
 3. Code compliance staff and the Orange County Sheriff's Department reviewed the proposed alcohol service and concluded alcohol can be served and consumed on site without compatibility issues, provided that operations comply with licensing requirements, conditions of approval, and with regulations.

Section 4. Special Activities Permit Findings

With respect to Special Activities permit (SAP), 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 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 request is for an existing restaurant to have temporary events with ancillary indoor live entertainment with amplified sound. 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. Surrounding restaurants and bars have obtained City approval to allow indoor live entertainment with amplified sound in conjunction with restaurant or bar uses. 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. The subject 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 420 feet from the project site. The request 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 restaurant, The Local, 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. Surrounding restaurants and bars have obtained City approval to allow indoor entertainment with amplified sound in conjunction with restaurant or bar uses.
 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 restaurant 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 restaurant 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 5. Planning Commission Approval.

Based on the foregoing recitals and findings, and the written and oral comments, facts, and evidence presented, the City of San Clemente Planning Commission approves Conditional Use Permit and Special Activities Permit, The Local Full Range of Alcohol and Special Events, subject to 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 June 5, 2019.

Chair

CERTIFICATION:

I HEREBY CERTIFY this Resolution was adopted at a regular meeting of the City of San Clemente Planning Commission on June 5, 2019, carried by the following roll call vote:

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

Secretary of the Planning Commission

CONDITIONS OF APPROVAL
 CONDITIONAL USE PERMIT 18-652 AND SPECIAL ACTIVITIES PERMIT 19-154
 THE LOCAL FULL RANGE OF ALCOHOL AND SPECIAL EVENTS

1.0 GENERAL CONDITIONS OF APPROVAL

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| 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 and development of this property shall be in substantial conformance with the approved plans, material boards and other applicable information submitted with this application, and with these conditions of approval. | Planning |
| 1.4 | The applicant shall comply with all applicable current and future provisions of the San Clemente Municipal Code, adopted ordinances, and state laws. | All |
| 1.5 | Use of the subject property shall conform to all occupancy requirements, including posting of signs related to the maximum occupancy limitations. | Code
Comp |
| 1.6 | No signage is approved through this permit. All signs, including permanent, window, and temporary signage shall comply with Zoning Ordinance, including issuance of any applicable required permits. | Code
Comp
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- 1.7 The Applicant (including any property owners and managers, and their designees) understand and agrees that CUP 18-652 shall be reviewed 6-months and 12-months after approval to evaluate compliance with the conditions of approval. Code Comp **
- 1.8 The Applicant (including any property owners and managers, and their designees) understands and acknowledges that two (2) weeks prior to any SAP event, at this location, the applicant shall submit detailed plans, to both Planning and Code Compliance divisions, denoting the specific SAP event details, which shall include: 1.) date and time of event; 2.) a detailed site plan of event (including tables, chairs, etc.); 3.) information about event security, including the phone number and name of manager who will monitor and be in charge of event. Code Comp **
- 1.9 The Applicant (including any property owners and managers, and their designees) understands and acknowledges that the SAP event 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. In addition, it may also be closed down at the discretion of the Fire Department due to overcrowding or other hazardous conditions. Code Comp **
- 2.0 The Applicant (including any property owners and managers, and their designees) shall obtain all applicable permits prior to the event, including any permits required by Orange County Fire Authority, OC Health Care Agency and Department of Alcohol Beverage Control. Code Comp **
- 7.0 OPERATIONAL CONDITIONS OF APPROVAL**
- 7.3 The sale of alcoholic beverages for indoor and outdoor on-site consumption shall be limited to the hours of 12:00 p.m. to 11:00 p.m., Monday through Friday, and 10:00 a.m. to 11:00 p.m., Saturday and Sunday. Planning
- 7.4 All employees shall receive Responsible Alcoholic Beverage Service training as offered through programs established by the Orange County Health Care Agency and Alcoholic Beverage Control of the State of California. Training shall be provided as soon as practical following the hire date of each employee. Evidence of such training shall be maintained on-site during business hours, and made available for inspection by any city official upon request. (SCMC Section 17.16.070) Code Comp

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| 7.6 | A manager shall be on the premises at all times, and available to respond to issues raised by representative 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 is 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 alcohol service. | Code
Comp |
| 7.15 | The applicant shall abide by all applicable laws, including Orange County Health Department and the California Department of Alcoholic Beverage Control (ABC) laws. | Code
Comp
** |
| 7.16 | Discharge of wash water and other pollutants is prohibited from entering the storm drain system. Applicant must prevent pollutants (e.g. sediment, trash, food waste etc.) and any wash water used during cleanup from entering the storm drain system. | Code
Comp &
Pub
Works
** |
| 7.17 | The Applicant (including any property owners and managers, and their designees) 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. <i>[Citation - Section 8.40.190 & 200 of the SCMC]</i> | Code
Comp
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| 7.18 | The Applicant shall be responsible for ensuring that overnight parking of vehicles, whether occupied or otherwise, does not occur on the subject property, except those vehicles authorized to be on the premises for the purposes of commercial activity (such as employees, property owner, cleaning and maintenance crews). The Applicant shall post signs on the property that provide warnings to the effect, and shall take all necessary steps to enforce this prohibition. | Code
Comp
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| 7.19 | The Applicant shall be responsible for installing and maintaining "No Trespassing" signs in compliance with the definition of "Posted Property: in SCMC Section 9.24.010 – Definitions. In addition, the sign may contain such other words as may be desired, indicating that trespassers are subject to prosecution. Additionally, these | Code
Comp
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signs shall also cite California Penal Code Section 602. In conjunction with the OCSD authorization, the Applicant may elect to grant OCSD to deal with issues arising from trespassing on the subject. If so, the Applicant shall provide authorization to the OCSD, along with any and all necessary access through any gates or other devices designed to restrict access to the parking lot, to allow the OCSD to immediately respond to complaints, and address trespassing related trespassing violations. This authorization shall permit the OCSD to directly respond to complaints about trespassing on the subject property during all hours the primary business Tamarindo is closed, without the need to receive prior confirmation from any property management representatives.

- 7.20 The Applicant shall cause a sign or notice that states, "WARNING: DRINKING WINE, BEER AND OTHER ALCOHOLIC BEVERAGES DURING PREGNANCY CAN CAUSE BIRTH DEFECTS. FOR INFORMATION AND MATERIALS RELATING TO FETAL ALCOHOL SYNDROME, CONTACT YOUR LOCAL MARCH OF DIMES" to be posted or displayed at the premises in the manner provided for in San Clemente Municipal Code, Title 8 – Health and Safety. *[Citation - Section 8.08.010 of the SCMC]*
- Code
Comp
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- 7.21 The Applicant (including any property owners and managers, and their designees) shall use her/his best judgment and best management practices to ensure all commercial 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 owners and managers, and their designees) hereby understands that noncompliance with regulations 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,*" and any subsequent revision of this section of the code.
- Code
Comp
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- 7.22 The Applicant (including any property owners and managers, and their designees) shall inspect the property and all surrounding properties following each SAP event and remove all debris to the extent permitted by the property owner. Code Comp **
- 7.23 The Applicant (including any property owners and managers, and their designees) shall have a manager on the premises at all times when the SAP event is occurring. Code Comp **
- 7.24 The Applicant (including any property owners and managers, and their designees) understands and agrees that all SAP events shall take place within the approved boundaries. Code Comp **

Noise

- 7.21 The Applicant (including any property owners and managers, and their designees) 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 Comp **
- 7.22 The Applicant (including any property owners and managers, and their designees) shall be responsible for ensuring that no noise-generating 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, the use of high-pressure washers, or other maintenance or delivery activities which generate noise having the potential of disturbing neighboring properties. *[Citation - Section 8.48.070(P) of the SCMC]* Code Comp **
- 7.23 If it is found that the permitted hours of operation are not appropriate to mitigate impacts on neighboring properties, at the discretion of the Police Department or Code Compliance, the permitted hours of operation may be revised. Planning **
- 7.24 The Applicant (including any property owners and managers, and their designees) shall maintain all doors and windows shut during indoor live entertainment, with or without amplified sound. Code Comp Planning **
- 7.25 The use of live entertainment and/or amplified sound is not allowed outdoors unless CUP 18-652/SAP 19-154 is amended to allow such use, pursuant to Zoning Ordinance Section 17.12.180. Code Comp Planning **

RESOLUTION NO. ZA 17-003

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CONDITIONAL USE PERMIT (MCUP) 16-413 HM FOODS, TO ALLOW THE SELL OF BEER AND WINE FOR ON-SITE CONSUMPTION INDOORS AND OUTDOORS FOR A RESTAURANT LOCATED AT 207 SOUTH EL CAMINO REAL

WHEREAS, on November 15, 2016, an application was submitted and completed on December 7, 2016, by Hooman Mofidi, 207 South El Camino Real, San Clemente, CA 92673, for a Minor Conditional Use Permit to allow the sell of beer and wine for on-site consumption indoors and outdoors for a restaurant, with the legal description being a portion of Lots 54, 55, & 56, of Tract 789, Assessor's Parcel Number 692-402-08; and

WHEREAS, the Planning Division completed an initial environmental assessment of the above matter in accordance with California Environmental Quality Act (CEQA) and recommends that the Zoning Administrator determine this project categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301, Class 1, because the project involves a request to allow on-site beer and wine sales and consumption indoors and outdoors at a restaurant; and

WHEREAS, on November 23, 2016, the City's Development Management Team reviewed the application for compliance with the General Plan, Zoning Ordinance, and other applicable requirements; and

WHEREAS, on January 18, 2017, the Zoning Administrator held a duly noticed public hearing on the subject application, and considered evidence presented by the applicant, City Staff, and other interested parties.

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

Section 1. CEQA Exemption. Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Zoning Administrator, and the facts outlined below, the Zoning Administrator 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 negligible expansions beyond the previous wholesale/manufacturing use. Here, the proposed project is a request for the use of alcohol, which is accessory to an existing restaurant use. No seating increase is proposed.

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 reasonable possibility of a significant effect on the environment. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings, or similar resources. The project does not include any hazardous waste sites, and the project is not adjacent to a historic structure. Thus, the Class 1 exemption applies, and no further environmental review is required.

Section 2: With regard to the Minor Conditional Use Permit (MCUP) for the indoor and outdoor on-site consumption of beer and wine, the Zoning Administrator finds as follows:

- 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 the Zoning Ordinance, the San Clemente General Plan and the purpose and intent of the zone in which the use is being proposed in that:
1. The outdoor consumption of beer and wine at a fast food restaurant is permitted within the Mixed Use with Architectural and Central Business Overlay (MU 3.0-A-CB) zoning district pursuant to the approval of a Minor Conditional Use Permit (MCUP) and complies with all the applicable provisions of the Municipal Code, the San Clemente General Plan and the purpose and intent of the zone.
 2. The proposed use complies with all the applicable provisions of the Municipal Code.
 3. A restaurant has previously operated at this location. HM Foods is a new restaurant offering high-end food with a seasonal menu that includes a variety of dishes ranging from classic American to Ramen to Spanish Tapas. The use is supported by the General Plan Per Policy 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."*
 4. The project site is located within the Mixed Use with Architectural and Central Business Overlay (MU 3.0-A-CB) Zoning District. Further the site has a General Plan Land Use designation of Mixed Use with Pedestrian Overlay. Staff believes the use will be a positive addition to the area as it will promote outdoor eating and a better pedestrian dining experience. Therefore, the project is consistent with the Land Use Element Downtown Focus Area Goal: *"Preserve and where appropriate, improve the Del Mar/T-Zone so that it serves as the symbolic, functional, historic and physical center of the City; emphasizing its use as a pedestrian-oriented commercial and residential "village" providing for the needs of residents and visitors."*

5. The outdoor patio area is defined by fencing and provides sufficient area along the building for ingress and egress. Further, the outdoor patio meets all required accessibility path of travel and will not impede pedestrian use of the area or surrounding sidewalks. Therefore, the project supports the General Plan Land Use Policy LU-11.04, Outdoor Dining. *We encourage the development of outdoor dining and other similar uses which do not impede pedestrian use of the sidewalks.*
- B. The site is suitable for the type and intensity of the on-site sale of beer and wine in that:
1. The alcoholic beverages will be purchased and consumed on-site in conjunction with the restaurant use indoors and within an enclosed outdoor patio area that fronts South El Camino Real. The outdoor patio is well-buffered from residential uses. The outdoor patio is located on South El Camino Real, west of the 5 Freeway, and is approximately 500 feet away from the nearest residential development. The patio is located below the freeway level, with surrounding buildings which will reduce potential outdoor noise impacts. No live or amplified sound is proposed.
 2. The proposed use will occur within an outdoor patio area during operating hours, 12:00 p.m. to 11:00 p.m., Monday through Friday and 10:00 a.m. to 11:00 p.m. Saturday and Sunday, when there is more traffic and business activity along South El Camino Reals with higher ambient noise levels. With these site conditions, there is less potential for the outdoor dining area to impact adjacent properties. This is reflected in standards of the City Noise Ordinance that assumes higher ambient and allowed noise levels after 7 a.m. and before 10 p.m. Nevertheless, should there be a compatibility issue, conditions of approval attached hereto as Exhibit A, allow the City to adjust operating hours and restrict outdoor activities, if operational changes are necessary to ensure compliance with the noise ordinance and maintain the public health, safety, and welfare of the area.
 3. The beer and wine sales is an accessory use to the restaurant.
 4. The Orange County Sheriff's Department, City's Code Compliance Division, and California Department of Alcoholic Beverage Control (ABC) do not have outstanding issues with the restaurant or concerns with the request.
- C. The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties and improvements in the vicinity, in that the development must comply with all code requirements including but not limited to Fire Code, California Building Code, Alcoholic Beverage Control, and the San Clemente Municipal Code. Additionally, the proposed use is ancillary to the primary restaurant establishment, and the project has been conditioned to ensure that the project complies with all applicable codes, and incorporates best management practices.

- D. The proposed use will not negatively impact surrounding land uses in that the sale and consumption of beer and wine has been conditioned to restrict the hours of operation of the service of beer and wine to maintain compatibility with the surrounding properties and compliance with the City's Noise Ordinance. The existing restaurant will serve the local residents and workers of the surrounding community.

Section 3: The Zoning Administrator hereby approves the categorical exemption, Minor Conditional Use Permit 16-413, HM Foods, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Zoning Administrator of the City of San Clemente on January 18, 2017.

SAN CLEMENTE ZONING ADMINISTRATOR



Cecilia Gallardo-Daly, Zoning Administrator

CONDITIONS OF APPROVAL*
MINOR CONDITIONAL USE PERMIT 16-413
HM FOODS BEER AND WINE

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]* (PInG.)_____
2. Thirty days after project approval, the owner or designee shall submit written consent to all of these imposed conditions to the Community Development Director or designee. The owner or designee understands that the resolution will be of no force or effect unless such written consent is submitted to the City. *[Citation – City Attorney Legal Directive]* (PInG.)_____
3. The sale of beer and wine for on-site consumption shall be limited to the operating hours of 12:00 p.m. to 11:00 p.m., Monday through Friday and 10:00 a.m. to 11:00 p.m. Saturday and Sunday. Any proposed change in the hours of operation shall require an amendment to this Minor Conditional Use Permit. *[Citation – Division 9 (Alcoholic Beverages), Section 25631 to 25633 of Business & Professions Code, State of California]* (PInG.)_____

4. The owner or designee shall obey all rules, regulations and conditions imposed upon the project through, but not limited to, the Alcoholic Beverage Commission (ABC) and relevant State laws. Revocation of, or sale of said ABC license to another person at another location, shall render any City approved CUP for alcohol service at the subject property null and void. Prior to any sale of the ABC license, the owner or designee shall notify the Community Development Department of the sale. *[Citation – Division 9 (Alcoholic Beverages), Business and Professions Code, State of California]* (PIng.)_____
5. The owner or designee shall be responsible for ensuring that all employees receive 'Responsible Alcoholic Beverage Service' training as offered through programs established by the Orange County Health Care Agency and Alcoholic Beverage Control of the State of California. Evidence of such training and the training records of all employees shall be maintained on-site during business hours, and made available for inspection upon request. *[Citation - Section 17.16.070.K of the of the SCMC]* (PIng.)_____
6. MCUP 16-413 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 does not require the issuance of a building permit, the use shall not be deemed to have commenced until the date the use becomes operational. *[Citation - Section 17.12.150.A.1 of the SCMC]* (PIng.)_____
7. The owner or designee shall have the right to request an extension of MCUP 16-413 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 in compliance with section 17.12.160 of the Zoning Ordinance. *[Citation - Section 17.12.160 of the SCMC]* (PIng.)_____
8. Pursuant to Section 17.12.150(C) of the Zoning Ordinance, the on-site sale and consumption of alcohol use shall be deemed to have lapsed, and MCUP 16-413 shall be deemed to have expired, ninety (90) days after the date the on-site sale and indoor and outdoor consumption of beer and wine ceases operation and/or the business closes at such location. *[Citation - Section 17.12.150(C) of the SCMC]* (PIng.)_____
9. Pursuant to Section 17.40.030 of the Zoning Ordinance, outdoor seating shall be limited to 16 seats and/or 4 tables, and indoor seating is limited to 40 seats. *[Citation - Section 17.40.030 of the SCMC]* (PIng.)_____
10. In the event that noise impacts neighboring properties, the tenant must soundproof the facility, or use other best management practices as determined by the City Planner, to eliminate the problem and comply with the City's noise ordinances. ■■ (PIng.)_____

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

12. If it is found that the permitted hours of operation are not appropriate to mitigate impacts on neighboring properties, at the discretion of the Police Department or Code Compliance, the permitted hours of operation may be revised. ■■ (PIng.) _____

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



STAFF REPORT

SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: January 18, 2017

- PLANNER:** Kirt A. Coury, Contract Planner
- SUBJECT:** **Minor Conditional Use Permit (MCUP) 16-413, HM Foods,** request to sell beer and wine for on-site consumption indoors and outdoors for a restaurant.
- LOCATION:** 207 South El Camino Real
- ZONING/GP:** Zoning: Mixed Use with Architectural and Central Business Overlay (MU 3.0-A-CB)
General Plan: Mixed Use with Architectural and Pedestrian Overlay (MU 3.0-A-P)

BACKGROUND:

- HM Foods is a new restaurant offering high-end food with a seasonal menu that includes a variety of dishes ranging from classic American to Ramen to Spanish Tapas.
- A restaurant has previously operated at this location. No seating increase is proposed and therefore no additional parking is required.
- The applicant requests to sell beer and wine, indoors and outdoors, from 12:00 p.m. to 11:00 p.m., Monday through Friday, and 10:00 a.m. to 11:00 p.m. on Saturdays and Sundays. As proposed, beer and wine sales will cease one hour before closing of the restaurant at midnight. No beer and wine sales will occur for offsite consumption.
- The building is located on South El Camino Real, west of the 5 Freeway, and is approximately 500 feet away from the nearest residential zone. In addition, the patio is located below the freeway level, is set between South El Camino Real to the west and Avenida de la Estrella to the east, and surrounding commercial buildings. As described, the business is located in an area where there is more traffic and business activity that operate with higher ambient noise levels that help reduce potential outdoor noise impacts associated with the use. Lastly, no live or amplified sound is proposed.
- Zoning Ordinance Section 17.40.030 requires Zoning Administrator approval of a Minor Conditional Use Permit (MCUP) to serve beer and wine for indoor and outdoor onsite consumption within the Mixed Use zoning district.
- In addition to a MCUP, a Type 41 license must be obtained from the California Department of Alcohol Beverage Control (ABC) to allow the service of beer and wine.
- The City's Code Compliance Division and ABC do not have concerns with the proposed beer and wine sales and on-site consumption.

- The Zoning Ordinance allows 16 outdoor seats on the property without the provision of additional parking spaces for restaurants with 32 or more indoor seats. The restaurant has 40 indoor seats.
- This proposal complies with the required MCUP findings for the following reasons:
 - The beer and wine sales and outdoor dining are land uses that are consistent with the type of permitted and intended uses in the zone.
 - The restaurant must comply with code requirements and conditions of approval to ensure the use is not detrimental to the public health, safety, and welfare. This includes but is not limited to Fire Code, California Building Code, Alcoholic Beverage Control, and the San Clemente Municipal Code. For example, employees must receive service training to avoid the sale of alcoholic beverages to minors for consumption (Condition No. 5). Also, conditions of approval allow the City to adjust operating hours and restrict outdoor activities, if operational changes are necessary to ensure compliance with the noise ordinance and maintain the public health, safety, and welfare of the area (Conditions No. 10, 11, and 12).
 - The outdoor patio is well-buffered from residential zones. The building is located on South El Camino Real, west of the 5 Freeway, and is approximately 500 feet away from the nearest residential zone. In addition, the patio is located below the freeway level, is set between South El Camino Real to the west and Avenida de la Estrella to the east, and surrounding commercial buildings.
 - The proposed use will occur in an outdoor patio area during operating hours, 12:00 p.m. to 11:00 p.m., Monday through Friday, and 10:00 a.m. to 11:00 p.m. on Saturdays and Sundays, when there is more traffic and business activity along South El Camino Real with higher ambient noise levels. With these site conditions, there is less potential for the outdoor dining area to impact adjacent properties. This is reflected in standards of the City Noise Ordinance that assumes higher ambient and allowed noise levels after 7 a.m. and before 10 p.m.
 - The beer and wine sales will be an accessory use to the restaurant.
 - The City's Code Compliance Division and ABC have no outstanding issues with the restaurant or concerns with the proposed accessory use.
- Staff has not received public comments on this application as of the date this report was prepared.

RECOMMENDATION

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

1. Determine the project is Categorical Exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Class 1, because the project involves a request to allow on-site beer and wine sales and consumption indoors and outdoors at a restaurant, and
2. Approve MCUP 16-413, HM Foods, subject to attached Resolution ZA 17-003, and conditions of approval.

Attachments:

1. Resolution # ZA 17-003
 Exhibit A Conditions of Approval
2. Location Map
3. Plans

ATTACHMENT 3

RESOLUTION NO. ZA 18-031

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CONDITIONAL USE PERMIT 18-054, THE LOCAL LIVE ENTERTAINMENT, A REQUEST TO ALLOW INDOOR LIVE ENTERTAINMENT WITH NON-AMPLIFIED SOUND AT AN EXISTING RESTAURANT, LOCATED AT 207 SOUTH EL CAMINO REAL

WHEREAS, on January 30, 2018, an application was submitted by Hooman Mofidi, 16 Calle La Espalda, San Clemente, CA 92675, and deemed complete on May 10, 2018, for Minor Conditional Use Permit 18-054; a request to allow indoor live entertainment with non-amplified sound at an existing restaurant located at 207 South El Camino Real in the Downtown Mixed Use Zone and Architectural and Central Business Overlay Districts (MU 3.0-A-CB). The site's legal description is Tract 789, Lot 54 & 55 & Sely ½ Lot 56 Ex Sely ½ 54, and Assessor's Parcel Number 692-402-08; and

WHEREAS, 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 restaurant use with ancillary non-amplified live entertainment within an existing building; and

WHEREAS, on March 1, 2018 and April 12, 2018, 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, on June 21, 2018, the Zoning Administrator 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 Zoning Administrator of the City of San Clemente does hereby resolve as follows:

Section 1. Incorporation of Recitals.

The Zoning Administrator hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the Zoning Administrator 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 Zoning Administrator, and the facts outlined below, the Zoning Administrator hereby finds and determines that the proposed project is Categorical 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 that does not increase or otherwise change the existing use of the site. Thus, the project qualifies for the Class 1 exemption.

Section 3. Minor Conditional Permit Findings

With respect to Minor Conditional Use Permit (MCUP) 18-054, the Zoning Administrator finds as follows:

- 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, in that:
1. The project is 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 restaurant use with proposed ancillary indoor live entertainment;
 2. The project is surrounded by existing restaurant uses with similar operations to the proposed use, including on-site alcohol services. 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 non-amplified live entertainment is compatible and consistent with surrounding uses;
 3. 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 attract additional pedestrians into the Downtown area by providing live entertainment in the evening for patrons; and
 4. 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 restaurant, The Local, is a locally-based business located in the

Downtown area. The project would enhance the nightlife in the Downtown area by providing additional entertainment.

- B. The site is suitable for the type and intensity of development that is proposed, in that:
1. The non-amplified live entertainment is proposed within an existing restaurant building. Conditions of Approval are established to ensure the applicant implements best management practices regarding noise control, including closing all doors and windows during the hours when live entertainment is occurring; and
 2. 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. The project is consistent with the pedestrian-oriented, mixed-use village character of the area.
- 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. As of June 21, 2018, the existing restaurant has an active Commercial Business License (CBL) reviewed and approved by City Departments and the Orange County Health Department to ensure compliance with all applicable requirements. The CBL will remain valid with the addition of non-amplified live entertainment to the restaurant;
 2. The non-amplified live entertainment is proposed within an existing restaurant building. Conditions of Approval are established to ensure the applicant implements best management practices regarding noise control, including closing all doors and windows during the hours when live entertainment is occurring; and
 3. Conditions of approval are included to mitigate potential adverse impacts to the public health, safety, or welfare. As conditioned, the restaurant manager shall remain on the premises at all times during entertainment hours, and the manager shall be responsible for immediately resolving any problems or issues of concern raised by neighbors.
- D. The proposed use will not negatively impact surrounding land uses, in that:
1. The non-amplified live entertainment is proposed within an existing restaurant building. Conditions of Approval are established to ensure the applicant implements best management practices regarding noise control, including closing all doors and windows during the hours when live entertainment is occurring;

2. Conditions of approval are included to mitigate potential adverse impacts to the public health, safety, or welfare. As conditioned, the restaurant 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; and
3. 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 the Downtown area by providing an additional amenity that enhances the nightlife of the area.

Section 4. Zoning Administrator Approval.

Based on the foregoing recitals and findings above, and the written and oral comments, facts, and evidence presented, the City of San Clemente Zoning Administrator approves Minor Conditional Use Permit 18-054, The Local Live Entertainment, 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 Zoning Administrator on June 21, 2018.



Cecilia Gallardo-Daly, Zoning Administrator

CONDITIONS OF APPROVAL
MINOR CONDITIONAL USE PERMIT 18-054
THE LOCAL LIVE ENTERTAINMENT

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. Within 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. In the event that noise impacts neighboring businesses, the tenant must soundproof the facility, or use other best management practices as determined by the City Planner, to eliminate the problem and comply with the City Noise Ordinance. *[Citation – Direction form the Planning Commission 2011]* (PIng.)_____
4. The use shall be deemed to have lapsed, and MCUP 18-054 shall be deemed to have expired, one (1) year after the date restaurant and bar ceases operations and/or the business closes at such location. *[Citation - Section 17.12.150.C.2 of the SCMC]* (PIng.)_____

5. All entertainment, music, non-amplified sound devices, and associated activities shall be located indoors, unless otherwise permitted and approved under a Temporary Use Permit or Special Activities Permit. ■■ (PIng.) _____
6. Live entertainment with non-amplified sound shall be limited between the hours of 5:30 p.m. and 9:00 p.m., Monday through Sunday. ■■ (PIng.) _____
7. The Applicant (including any property owners and managers, and their designees) shall use her/his best judgment and best management practices to ensure commercial 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 owners and managers, and their designees) hereby understands that noncompliance with regulations 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,*" and any subsequent revision of this section of the code. *[Citation - Section 8.52.030(Y) of the SCMC]* (Code Compliance)_____
8. The Applicant (including any property owners and managers, and their designees) shall ensure that all occupancy requirements, and any and all required signage related to the maximum occupancy limitations, for the building and site are maintained at all times. *[Citation - Section 15.08.010 of the SCMC, Section [A] 111.1 of the CBC]* (Code Compliance)_____
9. 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 live entertainment is being conducted, with the exception of when doors are used to enter and exit the building. If doors used for entering and exiting the building are used often enough that they effectively remain open, as determined by Code Compliance staff, for any period longer than one (1) minute, the Applicant (including any property owners and managers, and their designees) shall be responsible for lowering the volume of non-amplified sound produced by the live entertainment, so that it does not exceed the exterior ambient noise level of the surrounding area. In an instance where City Code Compliance staff needs to establish the exterior ambient noise level due to the above described situation, the Applicant (including any property owners and managers, and their designees) shall be responsible for suspending live entertainment for a period not less than 30 minutes within 15 minutes of receiving a verbal or written request submitted personally by City staff for the purposes of conducting a sound meter reading. ■■(Code Compliance)_____

10. This approval is for non-amplified live entertainment associated with a sit down restaurant and bar. In the event that the restaurant ceases operations, a change of use will be deemed to have occurred and the provision of live entertainment must cease until this minor conditional use permit is amended to reflect the new uses on-site. ■■(Code Compliance)_____
11. The Applicant (including any property owners and managers, and their designees) shall have a manager on the premises at all times, and available to respond to issues raised by 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 and/or live entertainment are occurring. ■■(Code Compliance)_____
12. The Applicant (including any property owners and managers, and their designees) understands and acknowledges that the live entertainment may be closed down at the discretion of the Orange County Sheriff's 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 Orange County Fire Authority due to overcrowding or other hazardous conditions. ■■(Code Compliance) (Fire)(Sheriff)_____
13. The Applicant (including any property owners and managers, and their designees) understands and acknowledges that if for any reason City Staff determines the live entertainment use is not in compliance with the conditions of approval or intent of the Zoning Code related to Conditional Use Permits, the permit may be revoked and/or sent to the Planning Commission for modification. Any request for expansion of the activity must be approved by the Planning Commission as an amendment to MCUP 18-054. ■■ (Code Compliance)_____

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

- Denotes a modified standard Condition of Approval.
- Denotes a project specific Condition of Approval



STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: June 21, 2018

- PLANNER:** David Carrillo, Community Development Technician
- SUBJECT:** **Minor Conditional Use Permit 18-054, The Local Live Entertainment,** a request to consider indoor live entertainment with non-amplified sound at an existing restaurant.
- LOCATION:** 207 South El Camino Real
- ZONING/GENERAL PLAN:** Mixed Use 3.0 Zoning district and Architectural and Central Business Overlay districts (MU 3-A-CB)

PROJECT SUMMARY:

- The subject site is located in the Downtown T-Zone area surrounded by restaurant and commercial uses. The site is developed with a one-story commercial building and an outdoor patio for customer use.
- The existing restaurant, The Local, has been operating at the subject address since 2016. The operating hours are 11:00 a.m. to 12:00 a.m. midnight, Monday through Friday, and 10:00 a.m. to 12:00 a.m. midnight, Saturday and Sunday.
- On January 18, 2017, the Zoning Administrator approved Minor Conditional Use Permit 16-413 allowing the on-site sale of beer and wine for indoor and outdoor consumption without live entertainment.
- The applicant proposes to provide indoor live entertainment with non-amplified sound between 5:30 p.m. and 9:00 p.m., Monday through Sunday. However, the applicant anticipates the majority of indoor live entertainment to occur Thursday through Saturday. Entertainment will primarily consist of solo instrumentalists and singers with occasional duos.
- The proposed entertainment area is located within the building at the northeast side, behind the bar area. The entertainment area is approximately 27 square feet (4.5' x 6'). Approval of this application would not allow outdoor live entertainment.
- Zoning Ordinance Section 17.40.030 requires Zoning Administrator approval of a Minor Conditional Use Permit (MCUP) to allow live entertainment with non-amplified sound.
- The project meets required findings for approval because:
 - The non-amplified live entertainment is proposed within an existing restaurant

building. Conditions of Approval are established to ensure the applicant implements best management practices regarding noise control, including closing all doors and windows during the hours when live entertainment is occurring.

- 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 the Downtown area by providing an additional amenity that enhances the nightlife of the area.
- 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 attract additional pedestrians into the Downtown area by providing live entertainment in the evening.
- The Code Compliance Division and the Sheriff’s Department reviewed and support the project as proposed. There are currently no open code cases.
- The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities) because the project consists of the operation of a restaurant use with ancillary non-amplified live entertainment within an existing building.
- Public comments have not been received on this item.

RECOMMENDATION

Based on the information in the staff report, staff recommends that the Zoning Administrator:

1. Determine the project is Categorically Exempt from the requirements of the CEQA pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities); and
2. Adopt Resolution ZA 18-031, approving Minor Conditional Use Permit 18-054, The Local Live Entertainment.

Attachments:

1. Resolution ZA 18-031
Exhibit A - Conditions of Approval
2. Location Map
Plans

CITY OF SAN CLEMENTE



Planning Division
 910 Calle Negocio, Ste 100
 San Clemente, CA 92673
 (949)-361-6184
<http://ci.san-clemente.ca.us>

SPECIAL ACTIVITIES PERMIT

For City Staff Use Only	
Case File# <i>SAP 19-154</i>	Total Days Approved This Calendar Year: <i>φ</i>
Staff Review By: <i>D. CARRILLO</i>	Application Received by: <i>D. CARRILLO</i>
Date Received <i>4/30/19</i>	Fee Amount:\$ <i>N/A</i> Deposit Amount:\$ <i>N/A</i>

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:

Event Description (attach additional sheets if necessary):
The local would like to host events on the 1st Saturday of each month. Please check the attached document.

Business License No:
81-4195326

Event Address/Location:
207 S. El Camino Real San Clemente, CA 92672

Expected Attendance:
50

Event Date(s):	Event Time(s):	Set-up/Removal Date(s):	<input type="checkbox"/> Profit <input checked="" type="checkbox"/> Non-Profit
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Will you have a banner displayed at your event? Yes 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) Yes No

PROPERTY OWNER INFORMATION	APPLICANT INFORMATION
Name <i>Greg Miller & Kerry Vanderwaag</i>	Name <i>MOOM MOFIDI</i>
Mailing Address <i>Aliso Viejo Pkwy #120</i>	Mailing Address <i>16 Calle La Espald, San</i>
City/State/Zip <i>Aliso Viejo, CA 92656</i>	City/State/Zip <i>San Clemente, CA 92673</i>
Phone <i>(702) 429-0738</i>	Phone <i>(949) 291-2373</i>
Fax No.	Fax No.
E-Mail Address <i>kerry@propertysolutionspm.com</i>	E-Mail Address <i>smofidi@hotmail.com</i>

SPECIAL ACTIVITY REQUIREMENTS


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

<input type="checkbox"/> Alcohol <input checked="" type="checkbox"/> Vendors (food/beverage) <input checked="" type="checkbox"/> Carnival Games <input checked="" type="checkbox"/> Vendors (retail sales) <input checked="" type="checkbox"/> Carnival Rides	<input type="checkbox"/> concert <input type="checkbox"/> Dancing <input checked="" type="checkbox"/> Live Entertainment <input checked="" type="checkbox"/> Parking (off site) Valet or Shuttle	<input checked="" type="checkbox"/> Other, Please Explain: J Faal" Itzlot. @, 0 _____ _____ _____
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SUPPLIES/EQUIPMENT (Please check all that apply to your event)

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

 Property Owner's Signature	Date 4/30/19	Applicant's Signature	Date
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For City Staff Use Only

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

Copies of approved permit sent to:

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



Narrative:

The Local would like to host several events on the 1st Saturday of each month:

- CULTURAL
- CHARITY EVENT
- SPORTS ARENA
- DEAL OF THE DAY
- WINE TASTINGS
- BUY ONE, GET ONE
- LADIES' NIGHT

**The start date will be the first day of month after approval

Hours : 5-10 PM

Expected attendance :50 (NTE Occupancy)

Security (same as usual – manager in charged)

Temporary setup

- Tables (will keep clear path)
- Speakers

Amplified entertainment

A Night of Cultural Cuisine

We would like to try out different cuisines and help to bring up attention to a natural way of using plant-based spices in place of process food spices and at same time raise funds to educate family for this healthy cause. We will ask friends and other people bring their unique recipe and spices name with description and share it. We also planning to create social

website to be shared among the people involved in the event . We also incorporating a live performance from the local musician to make the evening more entertaining. We will have special menu of our healthy dishes with limited spirit drinks to fund the event and charity

- * "No Outside food & drink . Samples to be provided by the Local".
- * Temporary amplified music indoor/outdoors.

CHARITY EVENT

We will host this event and donating part of the evening's proceeds to breast cancer awareness, by serving pink daiquiris at a discounted price.

- * "No Outside food & drink . Samples to be provided by the Local".
- * Temporary amplified music indoor/outdoors.

SPORTS ARENA

We host this event to support local sports teams. Serving special discounted & menu

- * "No Outside food & drink . Samples to be provided by the Local".
- * Temporary amplified music indoor/outdoors.

DEAL OF THE DAY

We will host for feature seafood in the spring or thick, meaty stews in the winter. It will keep our menu exciting and customers will have something to look forward for this event month.

- * "No Outside food & drink . Samples to be provided by the Local".
- * Temporary amplified music indoor/outdoors.

WINE TASTINGS

simply advertise good deals on wines on that specific nights, with our dinner menu

* "No Outside food & drink . Samples to be provided by the Local".

* Temporary amplified music indoor/outdoors.

BUY ONE, GET ONE

Offer buy one get one free appetizers or desserts on that night

* "No Outside food & drink . Samples to be provided by the Local".

* Temporary amplified music indoor/outdoors.

LADIES' NIGHT

We will offer ladies specials on drinks, appetizers or desserts. For example, a free dessert with every main course.

* "No Outside food & drink . Samples to be provided by the Local".

* Temporary amplified music indoor/outdoors.

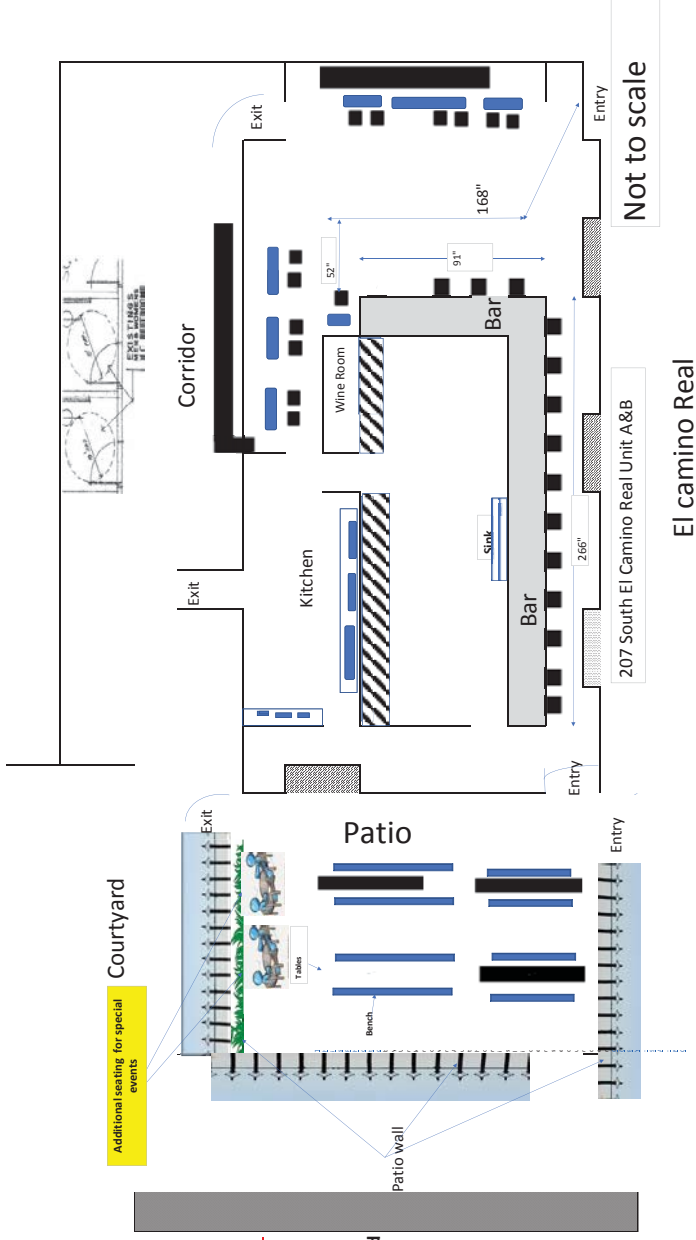
SITE PLAN

Project Address: 207 S. El Camino Real
The Local

207 S. El Camino Real #A San Clemente, CA 92672

*Events will be held within property boundaries
*No changes to current seating and structure of the restaurant

Event times: 5p.m. to 10p.m.
When: First Saturday of the month and on approved dates by the City's Development Management Team.



El camino Real

Not to scale

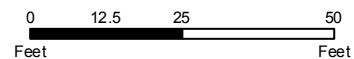
207 South El Camino Real Unit A&B



The Local

Project: CUP 18-652, SAP 19-154

Address: 207 South El Camino Real





SITE PHOTOGRAPHS THE LOCAL RESTAURANT





SITE PHOTOGRAPHS THE LOCAL RESTAURANT

