



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: October 16, 2019

PLANNER: Gabriel Perez, City Planner

SUBJECT: **Six Month Review - La Colombiana Restaurant Expansion, Conditional Use Permit 17-322, Minor Cultural Heritage Permit 17-420, Minor Exception Permit 18-628 – 1640 N. El Camino Real,** a six month review of the approved La Colombiana expansion project as required by condition of approval 3.21 of PC Resolution 19-005.

BACKGROUND

On April 17, 2019, the Planning Commission approved Conditional Use Permit (CUP) 17-322, Minor Cultural Heritage Permit (MCHP) 17-420, Minor Exception Permit (MEP) 18-628, for expansion of the existing La Colombiana restaurant at 1640 N. El Camino Real to include 1) full alcohol service for on-site consumption indoors and outdoors, 2) an expansion of the outdoor dining area, 3) minor exterior modifications, and 4) three parking waivers. The restaurant is located in the Mixed Use 1 zone and Architectural, Central Business, and Coastal Zone overlay districts. As part of the approval, the Planning Commission required staff provide a review of the project after six months following the project approval.

The internal expansion would result in an additional 1,008 square feet of restaurant space, for a total of 1,957 square feet of indoor area. Additionally, an expansion to the outdoor dining area by 221 square feet is proposed, for a total of 392 square feet of outdoor dining area. The proposed project includes 35 indoor seats and 29 outdoor seats, for a total of 64 restaurant seats. The applicant proposes the indoor and outdoor service of a full range of alcoholic beverages. The hours of operation were approved from 8:00 a.m. to 11:00 p.m. Alcoholic beverages were approved to be served between the hours of 8:00 a.m. and 11:00 p.m. inside the restaurant, and 8:00 a.m. and 10:00 p.m. within the outdoor dining area. The approving resolution and conditions of approval are enclosed as Attachment 1.

CURRENT PROJECT STATUS

The applicant is currently in the plan check for a building permit for the restaurant expansion. The applicant was required to add a minimum of one (1) 15-gallon tree to the front of the site in condition 4.11 and the applicant has satisfied this condition through a revised landscape plan approved by Summers Murphy and Partners, Inc., the City's contract landscape architect, that places the new tree to the east of and adjacent to the outdoor dining area. The applicant is required to obtain a building permit by October 30,

2019 or the CUP and MCHP will be considered null and void pursuant to condition of approval 4.6.

La Colombiana restaurant received a type 47 license from the California Department of Alcoholic Beverage Control (ABC) on July 20, 2019 for the existing restaurant operation. The applicant will be required to work with ABC to amend their license to allow alcohol service in the future expansion areas. As of September 26, 2019, no complaints regarding sale and service of alcohol had been received by the City's Code Compliance division, the Orange County Sherriff's Department, or the Santa Ana branch of the Alcoholic Beverage Control Board.

The restaurant has outstanding City-issued fines resulting from Code Compliance citations that was reported to Planning Commission on March 7, 2019 and City staff and the business owner are working to abate code compliance issues. Conditions of approval no. 4.3 and 4.4 require the business owner to address payment of the fines with City staff prior to the issuance of a building permit. To date the fines have not been paid and the applicant has expressed that he intends to pay the fines prior to issuance of the building permit.

RECOMMENDATION

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

Attachments:

1. Resolution No. PC 19-005
2. Landscape and Site Plan

RESOLUTION NO. PC 19-005

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING, CONDITIONAL USE PERMIT 17-322, MINOR CULTURAL HERITAGE PERMIT 17-420, MINOR EXCEPTION PERMIT 18-628, LA COLOMBIANA RESTAURANT EXPANSION, A REQUEST TO ALLOW EXPANSION OF THE EXISTING RESTAURANT USE TO INCLUDE FULL ALCOHOL SERVICE FOR ON-SITE CONSUMPTION INDOORS AND OUTDOORS, MINOR EXTERIOR MODIFICATIONS AND WAIVERS OF THREE PARKING SPACES LOCATED AT 1640 NORTH EL CAMINO REAL

WHEREAS, on October 4, 2017, an application was submitted, and completed on March 26, 2019, by Harold Alzate, 1310 N. El Camino Real, San Clemente, CA 92672; for Conditional Use Permit (CUP) 17-322, Minor Cultural Heritage Permit (MCHP) 17-420, Minor Exception Permit (MEP) 18-628, La Colombiana Restaurant Expansion; a request to allow: 1) expand the existing restaurant use to include full alcohol service (beer, wine, distilled spirits) for on-site consumption indoors and outdoors, 2) an expansion of the outdoor dining area, 3) minor exterior modifications to the existing site, and 4) waivers of three parking spaces. The site is located in the Mixed Use 1 Zoning District, Central Business, Architectural, and Coastal Zone Overlays (MU 1-CB-A-CZ) at 1640 North El Camino Real. The site's legal description is Lots 23 and 24, Block 1 of Tract 821 and Assessor's Parcel Number 692-371-04; 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) and Section 15303 (Class 3: New Construction or Conversion of Small Structures). This is recommended because the project involves interior and exterior alterations, does not expand the structure footprint of the building and involves a negligible expansion of the outdoor dining area, and involves the conversion from one use to another; and

WHEREAS, on several occasions, the 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 May 23 and July 25, 2018, the City's Design Review Subcommittee (DRSC) considered the project and supported it with recommended design changes; and

WHEREAS, on April 17, 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) and 15303 (Class 3: New Construction or Conversion of Small Structures). The Class 1 exemption specifically exempts from further CEQA review the negligible expansion of an existing facility, such as interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. The use of this exemption is limited to the interior and exterior alterations of an existing commercial building, including, but not limited to interior partitions, plumbing and electrical conveyances, and the negligible expansion of the existing use. Here, this project involves the interior tenant improvement of the existing restaurant use, including the addition of new interior partitions, plumbing and electrical conveyances, as well as exterior alterations to the façade of the structure, such as new paint, and cornice detail. Additionally, the project involves a negligible expansion of the existing restaurant use through the addition of restaurant seats and negligible expansion of the outdoor dining patio. Thus, the project qualifies for the Class 1 exemption.

The Class 3 exemption specifically exempts from further CEQA review the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structure. The use of this exemption is limited to the installation of small new equipment, the conversion from one use to another with minor exterior modifications to the existing building, as well as exterior improvements to an existing accessory structure. Here, this project involves the conversion of a retail tenant space to that of a restaurant use to allow for the expansion of the existing restaurant use located within the same multitenant building, minor exterior modifications to the exterior of the structure, including façade improvements and expansion of the outdoor dining patio, as well as exterior façade improvements to the existing trash enclosure. Thus, the project qualifies for the Class 3 exemption.

Furthermore, none of the exceptions to the use of the Class 3 categorical exemption identified in State CEQA Guidelines section 15300.2 apply. The project is not located in a particularly sensitive environment, and will not impact an environmental resource of hazardous or critical concern. The project involves the redevelopment of a site not in a sensitive environment and does not have environmental resources of hazardous or critical

concern. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time. The project involves the redevelopment of a site according to land use restrictions that limit the amount of development of the site. There are no unusual circumstances surrounding the project that result in a reasonable possibility of a significant effect on the environment. There are no especially sensitive resources (endangered species, wetlands, etc.) on the project site or in the vicinity. The project improves a site with paving and a building, and lack of habitat to support sensitive species. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings, or similar resources. The project is not in a scenic corridor, involve modifications to historic buildings, rock outcroppings, or similar resources. The project does not include any hazardous waste sites, and the project will not cause a substantial adverse change in the significance of a historical resource. The project site is not a hazardous waste site and the project does not alter or impact historic resources, given none are located on or abutting the site. Thus, the Class 1 and Class 3 exemptions apply, and no further environmental review is required.

Section 3. Conditional Use Permit Findings

A. With respect to Conditional Use Permit (CUP) 17-322, the Planning Commission finds as follows for the proposed on-site sale and consumption of alcohol:

1. 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:
 - a. 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 North Beach focus area and Mixed Use 1 (MU 1) Zone. This is reflected in the focus area goal to "*Re-establish and maintain a vibrant community and visitor-serving, mixed use entertainment center...*" Also, 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.*"; and
 - b. The project includes an outdoor patio for restaurant dining that is visible from adjacent sidewalk along El Camino Real. This is consistent with goals and Design Guidelines to emphasize pedestrian-oriented uses in the North Beach Focus Area of the General Plan. Therefore, the proposed project supports Urban Design Element Policy UD-5.03, Useable Outdoor Areas, "*New buildings and major remodels on Avenida Del Mar and El Camino Real in the Downtown Core should contribute to public and private, publicly accessible outdoor areas, such as patios,*

recessed storefronts, courtyards and balconies that support a variety of activities and contribute to Downtown's vitality."

2. The site is suitable for the type and intensity of use that is proposed, in that:
 - a. 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 North Beach focus area, Land Use Element and North Beach Mixed Use 1 (MU 1) Zone. This is reflected in the focus area goal to *Re-establish and maintain a vibrant community and visitor-serving, mixed use entertainment center...* and 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."*;
 - a. The proposed use is subject to land use controls in support Land Use Element Policy LU-3.02, Regulation of Uses and Nuisances, *"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."* 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, and limits on hours of operation. Nevertheless, 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;
 - b. 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 applicant is required to obtain permits and inspections to ensure the construction work and operations comply with the Fire Code, California Building Code, food safety and health requirements, and the Municipal Code; and
 - d. The proposed use meets parking requirements with a MEP for the

issuance of parking waivers per findings in Section D below of this Resolution.

3. 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:
 - a. The proposed use is subject to land use controls in support Land Use Element Policy LU-3.02, Regulation of Uses and Nuisances, "*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.*" 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, and limits on hours of operation. Nevertheless, 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;
 - b. 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 applicant is required to obtain permits and inspections to ensure the construction work and operations comply with the Fire Code, California Building Code, food safety and health requirements, and the Municipal Code; and
 - d. The proposed use meets parking requirements with a MEP for the issuance of parking waivers per findings in Section D below of this Resolution.
4. The proposed use will not negatively impact surrounding land uses, in that:
 - a. The proposed use is subject to land use controls in support Land Use Element Policy LU-3.02, Regulation of Uses and Nuisances, "*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.*" 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, and limits on hours of operation. Nevertheless, 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;

- b. 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 applicant is required to obtain permits and inspections to ensure the construction work and operations comply with the Fire Code, California Building Code, food safety and health requirements, and the Municipal Code; and
- d. The proposed use meets parking requirements with a MEP for the issuance of parking waivers per findings in Section D below of this Resolution.

B. With respect to Conditional Use Permit (CUP) 17-322, the Planning Commission finds as follows for the proposed outdoor dining area with more than four tables:

- 1. The proposed accessory 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:
 - a. The proposed outdoor dining area is ancillary to a permitted restaurant use. Restaurants are a pedestrian-oriented, visitor-serving commercial use encouraged in the General Plan North Beach focus area and Mixed Use 1 (MU 1) Zone. This is reflected in the focus area goal to "*Re-establish and maintain a vibrant community and visitor-serving, mixed use entertainment center...*" Also, 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 project includes an outdoor patio for restaurant dining that is visible from adjacent sidewalk along El Camino Real. This is consistent with goals and Design Guidelines to emphasize pedestrian-oriented uses in the North Beach Focus Area of the General Plan. Therefore, the proposed project supports Urban Design Element Policy UD-5.03, Useable Outdoor Areas, *“New buildings and major remodels on Avenida Del Mar and El Camino Real in the Downtown Core should contribute to public and private, publicly accessible outdoor areas, such as patios, recessed storefronts, courtyards and balconies that support a variety of activities and contribute to Downtown’s vitality.”*; and
 - c. The outdoor dining area meets required development standards with regard to accessibility, encroachments, height and parking.
2. The site is suitable for the type and intensity of use that is proposed, in that:
- a. The proposed outdoor dining area is ancillary to a permitted restaurant use. Restaurants are a pedestrian-oriented, visitor-serving commercial use encouraged in the General Plan North Beach focus area and Mixed Use 1 (MU 1) Zone. This is reflected in the focus area goal to *“Re-establish and maintain a vibrant community and visitor-serving, mixed use entertainment center...”* Also, 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 proposed use is subject to land use controls in support Land Use Element Policy LU-3.02, Regulation of Uses and Nuisances, *“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.”* 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, and limits on hours of operation. Nevertheless, 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;

- c. The outdoor dining area is ancillary to the restaurant use which is a permitted use in the MU 1 zone; and
 - d. The proposed use meets parking requirements with a MEP for the issuance of parking waivers per findings in Section D below of this Resolution.
3. 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:
- a. The proposed use is subject to land use controls in support Land Use Element Policy LU-3.02, Regulation of Uses and Nuisances, "*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.*" 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, and limits on hours of operation. Nevertheless, 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;
 - b. The outdoor dining area is located fully on private property, does not occupy and required parking, and does not interfere with accessibility of the site; and
 - c. The proposed use meets parking requirements with a MEP for the issuance of parking waivers per findings in Section D below of this Resolution.
4. The proposed use will not negatively impact surrounding land uses, in that:
- a. The proposed use is subject to land use controls in support Land Use Element Policy LU-3.02, Regulation of Uses and Nuisances, "*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.*" 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, and limits on hours of operation. Nevertheless, 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;

- b. The outdoor dining area is located fully on private property, does not occupy and required parking, and does not interfere with accessibility of the site; and
 - c. The proposed use meets parking requirements with a MEP for the issuance of parking waivers per findings in Section D below of this Resolution.
5. The outdoor dining area contributes to the village/pedestrian ambiance of the City, consistent with the City's General Plan, in that:
- a. The site is located in the Architectural Overlay, which signifies the City's commitment to preserving the Spanish Colonial Revival architectural character, which emphasizes the use of outdoor spaces as a fundamental and important principle of Spanish Colonial Revival style;
 - b. The outdoor dining area is consistent with goals and Design Guidelines to emphasize outdoor spaces in the Urban Design Element of the General Plan. Therefore, the proposed project supports Urban Design Element Policy UD-5.01, Outdoor Spaces, *"For...commercial development, we require integration of outdoor spaces into the architectural and site designs by encouraging the use of courtyards, patios, paseos, plazas, gardens, covered walkways, rooftop terraces, verandas and other outdoor spaces enclosed by architectural or landscape elements and encourage the same for other types of development."*; and
 - c. The outdoor dining area meets required development standards, and uses a design and materials consistent with the required Architectural Overlay, such as wrought iron railing and wood trellis cover.
6. The outdoor dining area complies with the standards of Section 17.28.205 in that:
- a. The site is located in the Architectural Overlay, which signifies the City's commitment to preserving the Spanish Colonial Revival architectural character, which emphasizes the use of outdoor spaces as a fundamental and important principle of Spanish Colonial Revival style;

- e. The outdoor dining area meets required development standards with regard to accessibility, encroachments, height and meets parking requirements with a MEP for the issuance of parking waivers per findings in Section D below of this Resolution.
7. Any negative visual, noise, traffic, accessibility, and parking impacts associated with the outdoor dining area have been reduced to an acceptable level, as determined by the City in that:
 - a. The proposed use is subject to land use controls in support Land Use Element Policy LU-3.02, Regulation of Uses and Nuisances, "*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.*" 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, and limits on hours of operation. Nevertheless, 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;
 - b. The outdoor dining area is an ancillary use to the primary restaurant use and meets required development standards with regard to accessibility, encroachments, height and meets parking requirements with a MEP for the issuance of parking waivers per findings in Section D below of this Resolution; and
 - c. The outdoor dining area is located adjacent to El Camino Real and within close proximity to vehicle traffic, which provides ambient noise levels which mitigates for potential noise impacts.

Section 4. Minor Cultural Heritage Permit Findings

- C. With respect to MCHP 17-420 for the proposed minor exterior modifications, the Planning Commission finds as follows:
 1. The architectural treatment of the project complies with the San Clemente General Plan, in that:
 - a. The proposed exterior changes improve the architectural quality of the building by providing more Spanish Colonial Revival architectural

elements and materials, consistent with the City's Design Guidelines Section II.C.3.d – *Building Materials, Color, and Texture*; and

- b. The project includes an outdoor patio for restaurant dining that is visible from the adjacent sidewalk along El Camino Real. This patio is consistent with goals and Design Guidelines to emphasize pedestrian-oriented uses in the North Beach Focus Area of the General Plan. Therefore, the proposed project supports Urban Design Element Policy UD-5.03, Useable Outdoor Areas.
2. The architectural treatment of the project complies with the Zoning Ordinance in areas including, but not limited to, height, setback color, etc., in that:
- a. The proposed exterior changes improve the architectural quality of the building by providing more Spanish Colonial Revival architectural elements and materials, consistent with the City's Design Guidelines Section II.C.3.d – *Building Materials, Color, and Texture*; and
 - b. The project includes an outdoor patio for restaurant dining that is visible from the adjacent sidewalk along El Camino Real. This patio is consistent with goals and Design Guidelines to emphasize pedestrian-oriented uses in the North Beach Focus Area of the General Plan. Therefore, the proposed project supports Urban Design Element Policy UD-5.03, Useable Outdoor Areas.
3. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines, in that:
- a. The proposed exterior changes improve the architectural quality of the building by providing more Spanish Colonial Revival architectural elements and materials, consistent with the City's Design Guidelines Section II.C.3.d – *Building Materials, Color, and Texture*; and
 - b. The project includes an outdoor patio for restaurant dining that is visible from the adjacent sidewalk along El Camino Real. This patio is consistent with goals and Design Guidelines to emphasize pedestrian-oriented uses in the North Beach Focus Area of the General Plan. Therefore, the proposed project supports Urban Design Element Policy UD-5.03, Useable Outdoor Areas.
4. The general appearance of the proposal is in keeping with the character of the neighborhood, in that:
- a. The proposed changes to the exterior of the structure are consistent with the Architectural Overlay, by bringing the minor remodel closer to SCR architectural style with a project design and use of materials consistent with Design Guidelines, such as wood trellis, ceramic tile details, and wrought iron railings; and

- b. The project includes exterior modifications to the proposed restaurant space, such as new wood trellis, wrought iron railing, and landscaping that are similar in design to existing restaurants in the vicinity to provide for continuity of design.
5. The proposal is not detrimental to the orderly and harmonious development of the City, in that:
 - a. The project improves the aesthetics of the site with high quality architecture and site improvements that reflect the City's Spanish Village heritage. The design and materials follow "*basic principles of Spanish Colonial Revival (SCR) architecture*" in Design Guidelines Section II.C.2, as required in the Architectural and Central Business Overlays. This includes design guidelines for materials, equipment screening, and landscaping. The project has traditional SCR materials, such as wood trellis, ceramic tile details, and wrought iron railings;
 - b. The outdoor patio area is visible from the adjacent sidewalk along El Camino Real. This patio is consistent with goals and Design Guidelines to emphasize pedestrian-oriented uses in the North Beach Focus Area of the General Plan and Architectural Overlay. Therefore, the proposed project supports Urban Design Element Policy UD-5.03, Useable Outdoor Areas; and
 - c. 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 all applicable regulations.
 6. The proposed project preserves and strengthens the pedestrian-orientation of the district and/or San Clemente's historic identity as a Spanish Village, in that:
 - a. The proposed outdoor dining area is ancillary to a permitted restaurant use. Restaurants are a pedestrian-oriented, visitor-serving commercial use encouraged in the General Plan North Beach focus area and North Beach Mixed Use 1 (MU 1) Zone; and
 - b. The outdoor patio area is visible from the adjacent sidewalk along El Camino Real. This patio is consistent with goals and Design Guidelines to emphasize pedestrian-oriented uses in the North Beach Focus Area of the General Plan and Architectural Overlay. Therefore, the proposed project supports Urban Design Element Policy UD-5.03, Useable Outdoor Areas.
 7. The proposed project complies with the purpose and intent of the Architectural Overlay District, in that:

- a. The project improves the aesthetics of the site with high quality architecture and site improvements that reflect the City's Spanish Village heritage. The design and materials follow "*basic principles of Spanish Colonial Revival (SCR) architecture*" in Design Guidelines Section II.C.2, as required in the Architectural and Central Business Overlays. This includes design guidelines for materials, equipment screening, and landscaping. The project has traditional SCR materials, such as wood trellis, ceramic tile details, and wrought iron railings;
- b. The project includes an outdoor patio for restaurant dining that is visible from the adjacent sidewalk along El Camino Real. This patio is consistent with goals and Design Guidelines to emphasize pedestrian-oriented uses in the North Beach Focus Area of the General Plan. Therefore, the proposed project supports Urban Design Element Policy UD-5.03, Useable Outdoor Areas; and
- c. The outdoor patio area is visible from the adjacent sidewalk along El Camino Real. This patio is consistent with goals and Design Guidelines to emphasize pedestrian-oriented uses in the North Beach Focus Area of the General Plan and Architectural Overlay. Therefore, the proposed project supports Urban Design Element Policy UD-5.03, Useable Outdoor Areas.

Section 4. Minor Exception Permit Findings

D. With respect to Minor Exception Permit (MEP) 18-628, the Planning Commission finds as follows:

1. The requested minor exception will not interfere with the purpose of the zone or the standards of the zone in which the property is located.
 - a. The proposed project includes a restaurant use, allowed within the Mixed Use 1 (MU 1) zone. The proposed parking waivers support additional indoor restaurant seating and the availability of seating is a contributor toward having a successful restaurant location. Restaurants are a pedestrian-oriented, visitor-serving commercial use encouraged in the General Plan North Beach focus area and Economic Development Element; and
 - b. The proposed parking waivers are consistent with Mobility Element Policy M-4.01, Parking Management, "*We manage and evaluate public and private parking resources in key destination areas.*" There is adequate parking supply in the North Beach area to support parking waivers, according to a 2016 and 2018 parking studies of the North Beach parking study area. The overall peak occupancy observed for North Beach occurred on a Wednesday at 7 P.M. at an occupancy rate of 49% in 2016 and on a Saturday at 9 A.M. at 43% in 2018, below the "maximum effective capacity threshold" that is the parking industry standard of 85% for on-street and 90% for off-street parking. Immediately adjacent to the project

site is on-street parking that experienced occupancy rates during peak times of between 40-69%. Within 600-feet of the project site is a public parking lot with over 200 parking spaces that experienced occupancy rates during peak times of between 41-69%. The resulting surplus (between 31% and 60%) indicated from the occupancy rates can accommodate the three parking waivers requested.

2. The neighboring properties will not be adversely affected as a result of the approval of the Minor Exception Permit.
 - a. The proposed parking waivers are consistent with Mobility Element Policy M-4.01, Parking Management, "*We manage and evaluate public and private parking resources in key destination areas.*" There is adequate parking supply in the North Beach area to support parking waivers, according to a 2016 and 2018 parking studies of the North Beach parking study area. The overall peak occupancy observed for North Beach occurred on a Wednesday at 7 P.M. at an occupancy rate of 49% in 2016 and on a Saturday at 9 A.M. at 43% in 2018, below the "maximum effective capacity threshold" that is the parking industry standard of 85% for on-street and 90% for off-street parking. Immediately adjacent to the project site is on-street parking that experienced occupancy rates during peak times of between 40-69%. Within 600-feet of the project site is a public parking lot with over 200 parking spaces that experienced occupancy rates during peak times of between 41-69%. The resulting surplus (between 31% and 60%) indicated from the occupancy rates can accommodate the three parking waivers requested.
3. The approval of the Minor Exception Permit will not be detrimental to the health, safety or welfare of the general public.
 - a. The proposed parking waivers are consistent with Mobility Element Policy M-4.01, Parking Management, "*We manage and evaluate public and private parking resources in key destination areas.*" There is adequate parking supply in the North Beach area to support parking waivers, according to a 2016 and 2018 parking studies of the North Beach parking study area. The overall peak occupancy observed for North Beach occurred on a Wednesday at 7 P.M. at an occupancy rate of 49% in 2016 and on a Saturday at 9 A.M. at 43% in 2018, below the "maximum effective capacity threshold" that is the parking industry standard of 85% for on-street and 90% for off-street parking. Immediately adjacent to the project site is on-street parking that experienced occupancy rates during peak times of between 40-69%. Within 600-feet of the project site is a public parking lot with over 200 parking spaces that experienced occupancy rates during peak times of between 41-69%. The resulting surplus (between 31% and 60%) indicated from the occupancy rates can accommodate the three parking waivers requested; and
 - b. Public parking is available in close proximity to the project site. There is adequate parking supply in the North Beach area to support parking

waivers, according to a 2016 and 2018 parking studies of the North Beach parking study area. The overall peak occupancy observed for North Beach occurred on a Wednesday at 7 P.M. at an occupancy rate of 49% in 2016 and on a Saturday at 9 A.M. at 43% in 2018, below the "maximum effective capacity threshold" that is the parking industry standard of 85% for on-street and 90% for off-street parking. Immediately adjacent to the project site is on-street parking that experienced occupancy rates during peak times of between 40-69%. Within 600-feet of the project site is a public parking lot with over 200 parking spaces that experienced occupancy rates during peak times of between 41-69%. The resulting surplus (between 31% and 60%) indicated from the occupancy rates can accommodate the three parking waivers requested.

4. The total indoor seating for the restaurant will not result in a deficit of more than five parking spaces, in that the proposed project requires ten (10) parking spaces for the restaurant use, where seven (7) are provided on-site, resulting in a deficit of three (3) spaces which is less than five (5).
5. Other nonresidential uses whose activities are not normally conducted during the same hours share parking spaces with the restaurant, in that:
 - a. Ten (10) spaces are provided on-site, with three (3) spaces allocated to the vacant tenant space based on required parking ratios, resulting in seven (7) spaces allocated to the restaurant use and proposed expansion, resulting in a deficit of three (3) spaces, therefore, during concurrent operating hours of the site, parking spaces are allocated to both uses. The multitenant building intends to be occupied by the restaurant use, and maintains a general retail tenant space, that is currently vacant. The retail use may have different hours of operation, specifically in the evening, which would result in the designated parking on-site for retail (three spaces) being able to accommodate the deficit for the restaurant. If hours operation are concurrent, then the on-street parking immediately in front of the project site, as well as the large public parking lot in close proximity, provide for additional means of parking as supported by the 2016 and 2018 North Beach Parking Studies.
6. Public parking is available in close proximity to the restaurant, in that:
 - a. Public parking is available in close proximity to the project site. There is adequate parking supply in the North Beach area to support parking waivers, according to a 2016 and 2018 parking studies of the North Beach parking study area. The overall peak occupancy observed for North Beach occurred on a Wednesday at 7 P.M. at an occupancy rate of 49% in 2016 and on a Saturday at 9 A.M. at 43% in 2018, below the "maximum effective capacity threshold" that is the parking industry standard of 85% for on-street and 90% for off-street parking. Immediately adjacent to the project site is on-street parking that experienced occupancy rates during peak times of between 40-69%. Within 600-feet

of the project site is a public parking lot with over 200 parking spaces that experienced occupancy rates during peak times of between 41-69%. The resulting surplus (between 31% and 60%) indicated from the occupancy rates can accommodate the three parking waivers requested.

7. Given the specific conditions of the site and the adjacent area, the waiver will not result in inadequate parking.
 - a. Public parking is available in close proximity to the project site. There is adequate parking supply in the North Beach area to support parking waivers, according to a 2016 and 2018 parking studies of the North Beach parking study area. The overall peak occupancy observed for North Beach occurred on a Wednesday at 7 P.M. at an occupancy rate of 49% in 2016 and on a Saturday at 9 A.M. at 43% in 2018, below the "maximum effective capacity threshold" that is the parking industry standard of 85% for on-street and 90% for off-street parking. Immediately adjacent to the project site is on-street parking that experienced occupancy rates during peak times of between 40-69%. Within 600-feet of the project site is a public parking lot with over 200 parking spaces that experienced occupancy rates during peak times of between 41-69%. The resulting surplus (between 31% and 60%) indicated from the occupancy rates can accommodate the three parking waivers requested; and
 - b. The proposed parking waivers are consistent with Mobility Element Policy M-4.01, Parking Management, "*We manage and evaluate public and private parking resources in key destination areas.*" There is adequate parking supply in the North Beach area to support parking waivers, according to a 2016 parking study of the North Beach parking study area. The overall peak occupancy observed for North Beach occurred on a Wednesday at 7 P.M. at an occupancy rate of 49%, below the "maximum effective capacity threshold" that is the parking industry standard of 85% for on-street and 90% for off-street parking. Immediately adjacent to the project site is on-street parking that experienced occupancy rates during peak times of between 40-69%. Within 600-feet of the project site is a public parking lot with over 200 parking spaces that experienced occupancy rates during peak times of between 41-69%. The resulting surplus (between 31% and 60%) indicated from the occupancy rates can accommodate the three parking waivers requested.

Section 6. Planning Commission Approval.

Based on the foregoing recitals and findings above, and the written and oral comments, facts, and evidence presented, the City of San Clemente Planning Commission approves Conditional Use Permit (CUP) 17-322, Minor Cultural Heritage Permit (MCHP) 17-420, Minor Exception Permit (MEP) 18-628, La Colombiana Restaurant Expansion, subject to the above Findings, and the Conditions of Approval set forth in Exhibit A.


PASSED AND ADOPTED at a regular meeting of the City of San Clemente Planning Commission on April 17, 2019.


Chair

CERTIFICATION:

I HEREBY CERTIFY this Resolution was adopted at a regular meeting of the City of San Clemente Planning Commission on April 17, 2019, carried by the following roll call vote:

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


Secretary of the Planning Commission

CONDITIONS OF APPROVAL
CUP 17-322, MCHP 17-420, MEP 18-628, LA COLOMBIANA RESTAURANT
EXPANSION

1.0 GENERAL CONDITIONS OF APPROVAL

- | | | |
|-----|---|--------------------|
| 1.1 | Within 30 days of approval of this application, the applicant shall submit to the City Planner a signed acknowledgement concurring with all conditions of approval on a form to be provided by the City. Failure to submit this acknowledgement may be grounds to revoke this approval. | Planning |
| 1.2 | The applicant shall defend, indemnify, and hold harmless the City of San Clemente and its officers, employees, and agents from and against any claim, action, proceeding, fines, damages, expenses, and attorneys' fees, against the City, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City concerning this project, including but not limited to any approval or condition of approval of the City Council, Planning Commission, or City Planner. Applicant shall pay all costs. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter. If the applicant fails to so defend the matter, the City shall have the right, at its own option, to do so and, if it does, the applicant shall promptly pay the City's full cost of the defense. | Planning |
| 1.3 | Use 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 | The Applicant (including any property owners and managers, and their designees) understands and agrees that no window, banner, or temporary signage is part of this review, nor is any such signage approved or permitted by this permit. Window, banner, and temporary signage shall comply with Zoning Ordinance Table 17.84.030A & Section 17.84.030(H), and any applicable Master Sign | Code
Comp
** |

Programs. Applicant understands and agrees that as a condition of approval of this permit that Applicant is aware of the City's window, banner, and temporary sign regulations and that compliance with those regulations is a term of the subject permit's approval by the City. As such, any violation of the City's regulations related to window, banner, or temporary signs shall constitute a violation of SCMC Section 8.52.030(Y), as discussed in accompanying conditions of approval. *[Citation - Section 17.16.240.D of the SCMC]*

Landscape Plans

- | | | |
|-----|---|----------|
| 1.7 | The applicant shall submit, and the City Planner shall have approved, a detailed landscape and irrigation plan incorporating drought tolerant plants, for landscaped areas, prepared by a registered landscape architect, and in compliance with all pertinent requirements including, but not limited to guidelines contained in the Zoning Ordinance Chapter 17.68, and State standards. | Planning |
| 1.8 | The property owner or designee shall maintain all landscaped areas as approved on the final landscape plans in an orderly, attractive and healthy condition. This shall include proper pruning, mowing of turf areas, weeding, removal of litter, fertilization, replacement of plants when necessary, and the regular application of appropriate quantities of water to all landscaped areas. The property owner or designee shall maintain all irrigation systems as approved on the final landscape plans in proper operating condition. Waterline breaks, head/emitter ruptures, overspray or runoff conditions and other irrigation system failures shall be repaired immediately. | Planning |

Lighting

- | | | |
|------|---|----------------|
| 1.9 | Prior to the issuance Certificates of Occupancy, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that all exterior lighting is designed, arranged, directed or shielded per the approved plans, and in such a manner as to contain direct illumination on site, thereby preventing excess illumination onto adjoining site(s) and/or street(s). | Planning |
| 1.10 | Due to the change in occupancy group from B occupancy to A occupancy, and increased occupant load, fire sprinklers are required throughout the restaurant space. | Building
** |

2.0 PRIOR TO ISSUANCE OF BUILDING PERMITS

- | | | |
|-----|--|----------|
| 2.1 | The working drawings shall include within the first four pages a list of all conditions of approval included in this resolution. | Planning |
|-----|--|----------|

Coastal Commission Approval

- 2.2 The applicant shall demonstrate to the City Planner that the project has secured approval from the California Coastal Commission. Planning
- 2.3 The applicant is required to make the site fully accessible per ADA requirements and the Building Official. Building/
Planning

3.0 OPERATIONAL CONDITIONS OF APPROVAL

- 3.1 The sale of alcoholic beverages for indoor on-site consumption shall be limited to the hours of 8:00am to 11:00pm. The sale of alcoholic beverages for outdoor on-site consumption shall be limited to the hours of 8:00am to 10:00pm. Alcohol sales and service in the outdoor dining area shall be in conjunction with food service. Planning
- 3.2 There shall be a minimum of 32 indoor dining seats to maintain parking compliance with Table 17.28.205 – Parking Requirements for Outdoor Dining Areas. Planning
- 3.3 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
- 3.4 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
- 3.5 These conditions of approval shall be posted in a conspicuous location clearly visible to employees to ensure they are informed of and adhere to requirements and policies for all operations of the business, including but not limited to any live entertainment, dancing activity, or alcohol service, when applicable. Code
Comp
**
- 3.6 The Applicant (including any property owners and managers, and their designees) shall ensure that discharge of washwater and other pollutants is prohibited from entering the storm drain system. Applicant must prevent pollutants (e.g. sediment, trash, food waste etc.) and any washwater used during cleanup from entering the storm drain system. Code
Comp &
Pub
Works
**

- 3.7 The Applicant (including any property owners and managers, and their designees) shall abide by all applicable laws, including Orange County Health Department and the California Department of Alcoholic Beverage Control (ABC) laws. Code Comp **
- 3.8 The Applicant (including any property owners and managers, and their designees) shall use his/her best judgment and best management practices to ensure activities on the premises will be conducted in a manner that will not be disruptive to other commercial or residential neighbors and result in police services, which cost the City of San Clemente expense. Code Comp **
- 3.9 The Applicant (including any property owners and managers, and their designees) understands and acknowledges that the use of amplified sound, including the electronically amplified sound of music, human voice, or other sound within a business, restaurant, bar or other commercial establishment is not permitted except under a conditional use permit (CUP) granted by the City. Sound amplification devices located outside any business's primary building are not permitted, unless specifically identified and approved in this permit or subsequent permits approved by the City. *[Citation - Section 8.48.080 of the SCMC]* Code Comp **
- 3.10 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 is occurring. Code Comp **
- 3.11 The Applicant (including any property owners and managers, and their designees) understands and acknowledges that if for any reason City Staff determines the provision of alcohol at the restaurant 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 CUP 17-322. Code Comp **
- 3.12 The Applicant (including any property owners and managers, and their designees) understands, acknowledges, and shall be responsible for ensuring that the only activities that occur on the subject site are those approved by this permit and routinely performed, provided, or undertaken by the subject land use, recognized on an industry-wide basis on the date of this permit's approval, or those activities approved through another City, state, or federal permit or license. Services or other activities not typically Code Comp **

associated with the specific use authorized by this permit shall require separate review and approval by, but not limited to, the City, and are not allowed until permitted. Typical activities, functions, or events that would require special permitting (such as a Special Activity Permit) would be those that involve events in the parking lot or otherwise outside of an enclosed structure, open houses (other than for real estate sale purposes), the subleasing of the building or property, exhibitions or contests, fairs, sporting events, concerts or entertainment shows, etc. The owner or designee shall be responsible for notifying the Planning Division at least 30 days prior to any special activity or event to verify whether additional permitting is required for the service, event, or activity. *[Citation - Section 17.28.295 of the SCMC]*

- 3.13 The Applicant (including any property owners and managers, and their designees) understands, acknowledges, and shall be responsible for ensuring that all commercial activities occur indoors. Patrons waiting to be sat at the restaurant are part of the business's activities, and provisions shall be made, by the Applicant, to accommodate those patrons inside the restaurant. Code Comp **
- 3.14 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. *[Citation - Section 8.40.190 & 200 of the SCMC]* Code Comp **
- 3.20 Trash receptacles shall be screened in the trash enclosure at all times. Planning ***
- 3.21 The conditional use permit (CUP 17-322) is subject to 6 month and one-year reviews. Planning ***
- 4.0 **PROJECT-SPECIFIC CONDITIONS**
 - Architecture**
 - 4.1 Prior to framing inspection, the applicant or designee shall provide a sample of doors and windows to review the materials and design for substantial conformance with the approved plans and consistency with Design Guidelines. The sample shall be approved Planning

by the City Planner or designee.

- 4.3 Prior to issuance of any commercial building permits, the owner or designee shall submit for review and obtain approval of the Director of Community Development or designee plans indicating that the height of any roof mounted equipment shall not exceed the height of the parapet wall intended to screen the equipment, and the equipment will be painted in such a manner as to cause the equipment to blend with the roof when viewed from surrounding areas. Additional screening devices may be required in conjunction with tenant improvements if deemed necessary by the Director of Community Development.
- Planning

Addressing Fines and Compliance Maintenance

- 4.4 Prior to the issuance of Building Permits necessary to commence the use approved by CUP 17-322, the Applicant (including any property owners and managers, and their designees) agrees to fully remedy the violations of the SCMC for which citations were issued and which remain unpaid. The Applicant (including any property owners and managers, and their designees) understands and acknowledges that "fully remedy the violations" includes, but may not be limited to, ceasing the use of the property contrary to any and all City-issued permits (i.e. business license, conditional use permits, building permits, certificate of occupancy, etc.) and paying all outstanding Administrative Citation fines to the satisfaction of the City's Code Compliance Manager, and waiving any rights to appeal the citations. The Applicant (including any property owners and managers, and their designees) further understands and agrees that the City will not proceed with any action to release or remove the Notice of Pendency of Nuisance Abatement Action filed with the State of California, County of Orange Clerk/Recorder's Office on the subject property prior to the time that all Administrative Citation fines are paid, and any checks submitted for that purpose are cleared, to the satisfaction of the City's Code Compliance Manager.
- Code
Comp
**
- 4.5 The Applicant (including any property owners and managers, and their designees) understands and agrees that in addition to future Administrative Citations for observed noncompliance with the SCMC, future noncompliance with City-issued permits contrary to the current provisions of SCMC Section 17.04.030(A)(3) ["No use that has obtained a permit, license or approval under the provisions of this title shall be operated in violation of, or contrary to, any terms or conditions of the granted permit, license or approval"] and SCMC Section 8.52.030(Y) ["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
- Code
Comp
**

in such manner that any of the following conditions are found to exist thereon... A structure, improvement, property, and/or land use not in compliance with terms and/or conditions of any City of San Clemente issued permit or approval”] will result in the commencement of SCMC Section 17.12.175 [“City Initiated Changes or Revocation of Approved Applications”], at the City’s discretion.

Permit Expiration

- 4.6 The Applicant (including any property owners and managers, and their designees) understands and acknowledges that due to recent operational violations, Conditional Use Permit (CUP) 17-322 and Minor Cultural Heritage Permit (MCHP) 17-420 shall become null and void if the use is not commenced within six (6) months from the date of the approval thereof. Since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the project. *[Citation - Section 17.12.150.A.1 of the SCMC]*
- Code
Comp
**

Noise

- 4.7 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
Comp
**
- 4.8 The Applicant (including any property owners and managers, and their designees) shall be responsible for ensuring that no noise-generating maintenance activities on the subject property are conducted between the hours of ten (10:00) p.m. and seven (7:00) a.m. Such prohibited activities include, but are not limited to, dumping trash into outside trash bins, the use of parking lot sweepers, and the use of high-pressure washers. *[Citation -*
- Code
Comp
**

Section 8.48.070(P) of the SCMCJ

- | | | |
|------------|---|--------------------|
| 4.9 | The Applicant (including any property owners and managers, and their designees) shall be responsible for ensuring that no loud and excessive noise-generating activities on the subject property in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers are conducted between the hours of ten (10:00) p.m. and seven (7:00) a.m. <i>[Citation - Section 8.48.070(O) of the SCMCJ]</i> | Code
Comp
** |
| 4.10 | 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
** |
| 4.11 | The Applicant shall add a minimum of one (1) 15-gallon tree to the front of the site than what is shown on approved plans, to the satisfaction of City Planner or designee. | Planning |
| 4.12 | Any additional expansion or remodel of the restaurant shall be subject to Planning Commission review and approval. The revisions shall not be eligible for review and approval by designees. | Planning
*** |
| 4.13 | The trash container enclosure shall be modified so it can properly screen the number of trash containers in use as of today as well as the number of trash containers anticipated once the expansion is complete and applicable policies to add organic waste receptacle(s). | Planning
*** |
| 5.0 | PRIOR TO FINAL INSPECTION | |
| | Planning | |
| 5.10 | The rear parking area should be cleaned, restriped, and potentially slurry-sealed. | Planning
*** |

* Denotes a modified standard Condition of Approval.
** Denotes a project specific Condition of Approval
*** Condition added by the Planning Commission

ATTACHMENT 2



SAN CLEMENTE, CA

P: 949.444.9400
E: AARON@ASLAVILLA.NET
R: RRR@ASLAVILLA.NET

PROJECT NAME:

LA COLUMBIANA RESTAURANT
1640 N. EL CAMINO REAL, UNIT A
SAN CLEMENTE, CA

REVISIONS:

DATE	DESCRIPTION
06-10-19	ASLA ACCESS AND FLOW PREPARATION AND TOP



SHEET DESCRIPTION:

MATERIAL AND PLANTING PLAN

DESIGNED ASLA Inc.

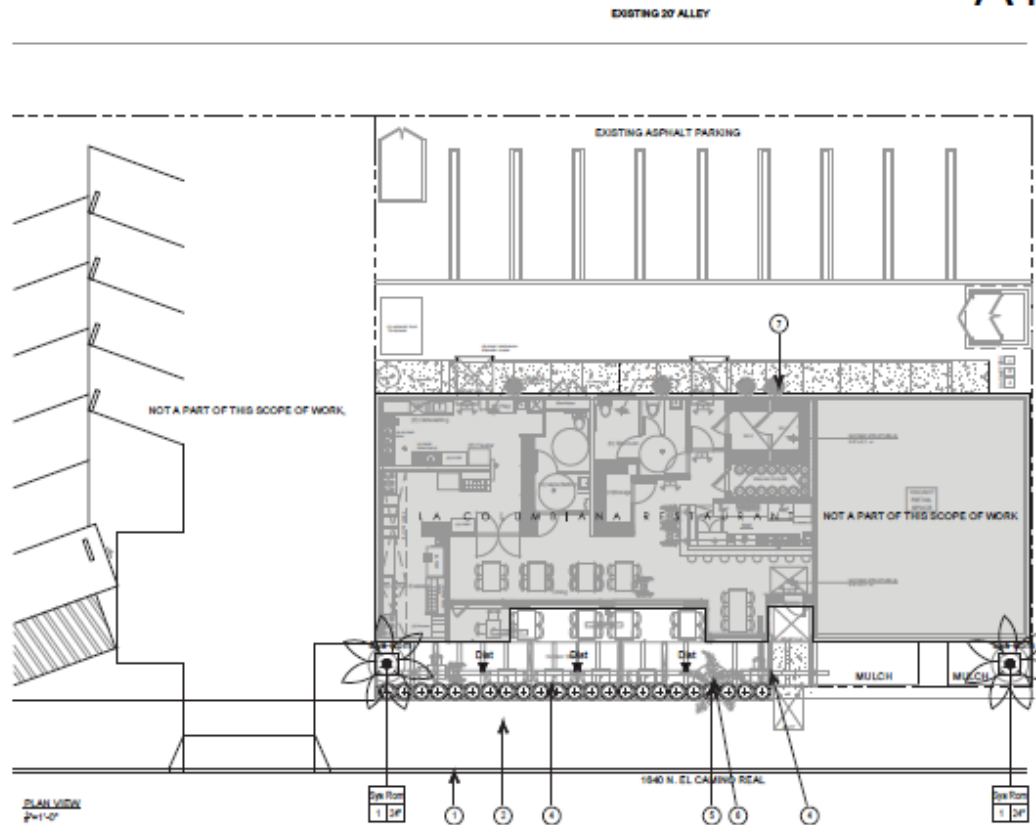
DATE 06/06/19

SCALE 1/8"=1'-0"

CAD FILE LC RESTAURANT

SHEET NUMBER:

MC-1



SHRUB/VINE/POTTERY LEGEND (INCLUDING BUT NOT LIMITED TO)

SYMBOL	BOTANICAL NAME (COMMON NAME)	SIZE/COMMENTS	SPACING	W/COLS
SYR ROM	SYRAGUS ROMANOFFIANA (QUEEN PALM)	24" BOX MIN. (8" BTH MIN.)	PER PLAN	M
⊕	NANDINA GULF STREAM (GULF STREAM NANDINA)	5 GAL.	24" O.C.	L
Dist	DISTICTUS (TRUMPET VINE)	5 GAL. VINE ATTACH TO POST (GLUE)	AS SHOWN	L
●	DECORATIVE SELF WATERING POT WITH PHORMIUM 'RAINBOW SUNRISE' AND UNDER STORY PLANTING OF ACONIUM SPECIES	5 GAL.	AS SHOWN	L

LEGEND

- EXISTING CURB AND GUTTER.
- EXISTING SIDEWALK TO REMAIN.
- NEW RAISED PLANTER—OMIT
- RAILING PER ARCHITECT'S PLANS.
- DO NOT DISTURB AREA AROUND EXISTING PALM. PROXIMITY OF PAVING AROUND PALM MAY VARY. NO DISTURBANCE OF TREE/TREE ROOTS ALLOWED. CONTRACTOR TO ESTABLISH A NO DISTURBANCE ZONE AROUND PALM.
- EXISTING CANARY ISLAND DATE PALM TO REMAIN AND PROTECT IN PLACE. DO NOT DISTURB ALL ASPECTS OF PALM.
- DECORATIVE POTTERY WITH ACCENT PLANTING AT REAR OF BUILDING—REFER TO PLANT LEGEND FOR PROPOSED SPECIES TYPE.

IRRIGATION NOTES AND REQUIREMENTS:

THE PROJECT LANDSCAPE PLANTING AREAS SHALL RECEIVE THE FOLLOWING IRRIGATION SYSTEM:

LOW PRECIPITATION SHRUB DRIP SYSTEM AUTOMATICALLY PROGRAMMED WITH AN ELECTRICAL CONTROLLER. A BRASS SHUT OFF VALVE AT THE POINT OF CONNECTION, ELECTRICALLY OPERATED REMOTE CONTROL VALVE(S) AND DRIP SYSTEM IN SHRUB BEDS, ALL SUPPLIED BY PVC SCHEDULE 40 MAINLINE AND LATERAL LINES SIZED ACCORDING TO HYDRAULIC CALCULATION. 100% COVERAGE SHALL BE ACHIEVED THROUGHOUT THE SYSTEM. IRRIGATION NOT TO DISTURB THE EXISTING PALM TREE. REFER TO SHEET IR-1 FOR MORE INFORMATION.

MULCH: PLANTING AREA TO RECEIVE 2" LAYER OF BARK MULCH. NO COLORED MULCH ALLOWED.

NOTE: REFER TO ARCHITECTURE PLANS PREPARED BY MICHAEL LUNA ARCHITECTS FOR INFORMATION RELATED TO NEW PROPOSED BUILDING.

