



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: January 20, 2021

PLANNER: Stephanie Roxas, AICP, Senior Planner

SUBJECT: **Conditional Use Permit (CUP) 20-243 and Minor Cultural Heritage Permit (MCHP) 20-244, Publik House, 1531 N. El Camino Real** – A request to adapt a 19,979 sq. ft. historic property into a multi-use building comprised of a special events venue, café, office, and accessory church use. The project includes requests for exterior modifications to the existing 7,448 sq. ft. building, site improvements, indoor and outdoor amplified sound, full alcohol service, and valet parking services for events exceeding 100 guests.

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.

Conditional Use Permit (CUP), per Section 17.36.020, to conditionally permit the operation of a special events venue with public assembly, full alcohol service, amplified sound, and accessory church use.

- A. The proposed use is permitted within the subject zone pursuant to the approval of a Conditional Use Permit and complies with all the applicable provisions of this title, the San Clemente General Plan and the purpose and intent of the zone in which the use is being proposed.
- B. The site is suitable for the type and intensity of use that is proposed.
- C. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity.
- D. The proposed use will not negatively impact surrounding land uses.

Minor Cultural Heritage Permit, per Section 17.16.100, to allow development of a new nonresidential building.

- A. The architectural treatment of the project complies with the San Clemente General Plan.
- B. The architectural treatment of the project complies with any applicable specific plan and this title in areas including, but not limited to, height, setback color, etc.
- C. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines.

- D. The general appearance of the proposal is in keeping with the character of the neighborhood.
- E. The proposal is not detrimental to the orderly and harmonious development of the City.
- F. The City finds that the proposed modifications, alterations, or additions are sufficiently in conformance with the Secretary of the Interior Standards for the Treatment of Historic Properties and the San Clemente Design Guidelines to substantially further the City's goals of historic preservation.
- G. For resources on the City's Landmarks List, the proposed rehabilitation, restoration, preservation, or reconstruction, including modifications, alterations, or additions, are found to be in conformance with the Secretary of the Interior Standards for the Treatment of Historic Properties and preserve to the extent feasible the character defining features.

BACKGROUND:

Site Information

The project site includes two parcels totaling 19,979 square feet. The site has three frontages on North El Camino Real, Calle De Los Molinos, and Los Obreros Lane. Primary site access is provided via a two-way, right-in/right-out driveway off El Camino Real. A secondary exit-only driveway is provided off the Los Obreros Lane alley. The site is located in the North El Camino Real Mixed Use (MU 2) Zone within the Architectural, Central Business, and Coastal Overlay Districts. A vicinity map is provided as Attachment 2. Site photos are provided as Attachment 3.

Figure 1 – Aerial Map



Use and Setting:

The property contains a two-story commercial building totaling 7,448 square feet of floor area. The 1,134 square foot upper level is currently used as an architectural office. The main level and basement floor (6,314 square feet) were previously occupied by San Clemente Art Supply & Framing, which operated at the location over the past 16 years. In addition to selling art supplies, the business specialized in custom framing and provided weekly art classes. Prior to the art store, the building was tenanted by different uses, including a funeral parlor in the 1990s and the Big Bear Café in the 1930s.

Historic Designation and Integrity:

The site is on the City's local register of historic properties (Attachment 4). The building was designed by Virgil Westbrook for R.F. Budinger in 1926, and is believed to be San Clemente's first ceramic studio. This property is a unique example of the Spanish Colonial Revival style as represented in San Clemente. The building has a low-pitch side-gable roof clad with clay tiles. The exterior walls are clad with smooth stucco. The primary facade features a pair of large divided-light fixed windows set in arched opening on the ground level. The upper level is characterized by a band of non-original vinyl sliding windows. An exterior staircase with a solid stucco balustrade fronts the side elevation. The fenestration consists of original wood and non-original vinyl windows throughout the building. The site also contains a one-story, attached outbuilding to the rear, which currently houses the frame shop. The one-story building features a flat roof clad with clay tile and wood stucco exterior cladding.

Previously Approved Building Additions:

The original building was two-stories in height and rectangular in plan. Multiple one-story additions were constructed on the rear of the building between 1946 and 2012. With these additions, the building is currently one- and two-stories in height and "L"-shaped in plan. The current owners, Richard and Patti Herdell, obtained entitlement approvals for two building additions to the San Clemente Art Center. On March 8, 2006, the Planning Commission approved a 1,300 square foot, one-story addition in the rear northeast corner of the lot. On January 8, 2012, the Planning Commission approved a 491 square foot, one-story addition extending the northwest portion of the building along the alley.

Development Management Team

The Development Management Team (DMT) reviewed the project multiple times between July and December 2020. The DMT supports the project with the conditions of approval in Exhibit A of the draft resolution (Attachment 1).

Noticing

Public notices were distributed and posted per City and State requirements. Public comments that were received prior to packet distribution are provided as Attachment 13.

PROJECT DESCRIPTION:

The applicant, Jim Holloway, proposes to adapt the existing ground floor retail spaces into a multi-use facility consisting of a special events venue, restaurant/café, and accessory church use. The existing second floor office space would remain as-is. The proposed new uses would have staggered operational hours so that only one use would occupy the ground floor at any given time. Table 1 below summarizes the operational schedule of these uses.

Table 1 – Operational Schedule

Land Use	Days	Times
Restaurant / Café	Monday - Saturday	7:00 a.m. - 2:00 p.m.
Office*	Monday - Friday	8:00 a.m. - 5:00 p.m.
Special Events	Monday - Saturday Sunday	3:00 p.m. - 11:00 p.m. 1:00 p.m. - 11:00 p.m.
Church	Sunday	7:00 a.m. - 12:00 p.m.

*The second floor is currently used as an office. Office is an existing land use on the premises.

The proposed café would be open to the general public during daytime hours Monday through Saturday. The number of indoor and outdoor restaurant seats is limited by on-site available parking. Consequently, the applicant proposes a maximum occupancy of 100 individuals on Saturdays, and up to 96 individuals on weekdays. The café would serve alcoholic beverages for on-site consumption. Additionally, light amplified sound is proposed indoors and outdoors for background music.

The special events venue is the primary and most intensive use proposed on-site. In the evenings, the facility would be available to be rented for the exclusive use of special events, such as weddings, private parties, and other similar community-oriented events. All ground floor spaces (indoors and outdoors) would be available for rent. The floor plan includes smaller rooms allowing several private parties to occur on-site simultaneously. The maximum occupancy is limited by on-site available parking. Consequently, the applicant proposes a maximum of 150 guests for events utilizing valet parking services, and a maximum of 100 guests for events without valet parking. A full range of alcoholic beverages would be served on the premises through approved caterers and vendors. Additionally, live acoustic music (i.e., harp, violin, or guitar) is proposed outdoors for background music, and live entertainment with amplified sound is proposed indoors.

The proposed church services are an accessory use of the site. Depending on the church user, services may be held indoors, outdoors, or in both areas of the facility. On Sunday mornings, the special event areas may be used by a religious organization to hold services. The maximum occupancy is limited by on-site available parking, and as such, up to 80 seats are proposed during church services. Due to the accessory nature of this use, the applicant does not propose other uses that are commonly accessory to a primary church operation (i.e., Bible study, Sunday school, small group, or classes). During

church services, amplified live music could occur indoors, and non-amplified acoustic music could occur on the outdoor patio.

In addition to the proposed operations of the multi-use facility, the applicant proposes various exterior improvements to the building and site. The most notable proposed change involves converting the existing outdoor landscaped area into an enclosed courtyard. As illustrated in Figure 1, a white stucco wall would be constructed around the courtyard with Spanish wood sliding pocket doors. Additionally, building improvements are proposed to convert the existing frame shop to a new restaurant and café. The full scope of the Minor Cultural Heritage Permit (MCHP) application is summarized in the DRSC staff report (Attachment 5).

Figure 1 – South Elevation (Facing El Camino Real)



New Enclosed Courtyard

ANALYSIS:

Minor Cultural Heritage Permit (MCHP)

Table 17.16.100(B) of the Zoning Ordinance requires a MCHP application for projects on mixed-use sites involving new accessory structures, major and minor exterior alterations, and building additions under 2,000 square feet. The application does not propose any new building square footage, and therefore qualifies for a MCHP. While MCHP

applications are subject to Zoning Administrator review, the project includes a Conditional Use Permit application, which requires Planning Commission review. When a project involves multiple applications processed concurrently, all applications are subject to approval by the higher review authority.

Design Review Subcommittee:

The Design Review Subcommittee (DRSC) reviewed the project on September 9, 2020. Overall, DRSC supported the proposed use and commended the applicant team for the amount of work and careful detail that had gone into adapting and preserving the historic character of the building. DRSC recommended moving the project design forward to the Planning Commission for consideration, but requested staff to work with the applicant to address specific comments and concerns related to potential impacts to the historic structure, the proposed courtyard wall height, improvements to the alley frontage, and site landscaping. These topics are discussed below. For reference, the DRSC meeting minutes are provided in Attachment 5.

Compliance with Secretary of Interior's Standards:

For discretionary applications affecting nonresidential historic buildings, the City typically requires an analysis to be prepared by an architectural historian to evaluate a project's compliance with the Secretary of the Interior's (SOI) Standards for the Treatment of Historic Properties. These standards are a series of best practices issued by the National Park Service for maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations to historic properties. The applicant requested the City's historic preservation consultant, GPA Consulting, prepare this required analysis. The analysis is provided as Attachment 6 and is summarized below.

Based on the historical development of the property and evaluation of historic eligibility, only the original two-story portion of the property built in 1928 constitutes the historic building. The remaining portions of the property were constructed outside of the period of significance determined for the historic district (1925-1936). There is no documentation that any of the additions have acquired historical significance in their own right.

Overall, the GPA Consulting found that the historic character of a property will be retained and preserved. No historic materials are proposed to be removed. Changes proposed to the exterior building walls (i.e., new doors and windows) would not require the removal or alteration of any historic fabric or features that characterize the property. The consultant also found that the proposed courtyard wall would not obscure, damage, or destroy character-defining features of the historic building, such as the exterior staircase. The proposed wall would not obscure the primary building elevation (facing El Camino Real), and the side elevation (facing the parking lot) would only be partly obscured by the wall. However, this elevation is already partly obscured due to the dense site landscaping of the property. Openings in the wall are carefully designed to allow for views of the historic building when opened. Furthermore, the majority of the façade being obstructed by the courtyard wall are non-historic additions.

For these reasons, GPA Consulting found that the project complies with the SOI Standards for Rehabilitation. The consultant is not recommending changes to the project design, but is recommending that the grilles proposed for the new clerestory windows be differentiated from the original grilles that exist on the historic portion of the building. This recommendation is incorporated into the conditions of approval.

Courtyard Wall Height:

Zoning Ordinance Section 17.24.090 regulates the height of fences, walls, and hedges in residential zones only. For nonresidential zones (i.e., commercial and mixed-use zones), the Code does not specify a maximum height limit. Instead, wall and fence heights are considered during the discretionary review process by the hearing body.

The proposed outdoor courtyard would be enclosed by new stucco walls ranging from 6'-2" to 7'-0" in height depending on the grade level. The DRSC expressed concern that the proposed wall height would diminish views of the west elevation and exterior staircase. During the DRSC meeting, the San Clemente Historical Society submitted a public comment letter also expressing concern over the wall height and urged the applicant to consider using a combination of stucco wall and open wrought iron instead. In response, the applicant prepared renderings comparing the existing and proposed street views as seen from vehicles travelling southbound.

Figure 2 – El Camino Real Street Views (Southbound Traffic)



As seen in Figure 2 above, views of the historic structure are currently obstructed by overgrown landscaping. The proposed walls would not block views of the two-story historic structure or the exterior staircase. Boundary landscaping is proposed to soften the appearance of the walls from street views. The proposed walls include sliding pocket doors, which the operator has agreed to keep in an open position during café hours, thereby further maintaining views of the historic building. A color/materials board and color elevations are provided as Attachments 14 and 15 respectively.

Additionally, staff is supportive of the proposed wall height as it serves several functions. The proposed walls provide a sound buffer to block noise from vehicles travelling on El Camino real. Letters are provided as Attachment 12 from several wedding operators. These industry experts believe it would be difficult to operate a successful wedding venue without creating a space that is private, intimate, and quiet. The proposed walls also provide an exterior sound buffer for neighboring properties. The project's potential noise impacts are discussed in the Conditional Use Permit analysis.

Alley Improvements:

DRSC expressed a desire to beautify the Los Obreros Lane alley. To improve the aesthetics of the alleyway, the following improvements are proposed:

1. Currently the property does not contain a trash enclosure and waste bins are visible to the public. The project would conceal the waste bins within a new covered trash enclosure with Spanish Colonial Revival (SCR) design articulation. The proposed enclosure has clay tile roofing, dark brown wood outlookers, and white stucco walls to match the existing structure.
2. Various building improvements are proposed to convert the existing frame shop to a new café. The proposal involves removing the flat roof, raising the wall height, and installing two-piece clay tile roof to match the existing two-story building. Other SCR-style design details are proposed, such as exposed wood rafter tails and clerestory windows will be visible. The improved café building will be visible from the alley bringing architectural character to the alley and other elevation views.
3. The applicant proposes to remove the existing aluminum windows, aluminum sliding glass doors, and metal roll-up doors. New wood windows would be installed in its place.
4. Existing exposed ABS downspouts and scuppers would be replaced with new decorative SCR-style scuppers.
5. The existing mechanical units which are currently exposed and visible from alley would be screened from view.
6. The existing clay tile at the alley side parapet is clipped on to the side rather than applied correctly. The applicant proposes to add a new booster tile at the clay tile at parapet condition to correct its application, consistent with SCR clay tile parapet detailing. The existing stucco on the alley side has been added on and patched as a result of multiple additions and remodels throughout the years. The applicant proposes to stucco over the existing patched stucco walls for a consistent white mission finish.

Collectively, these proposed improvements significantly enhance the property from the view of the Los Obreros Lane alley. DRSC also requested staff to assess the possibility of removing overhead utility poles in the alleyway. Engineering staff states that the City cannot require applicants to underground utility poles.

Landscaping:

In response to DRSC's comments, the revised landscape plan protects in place three trees that were initially scheduled for removal along Calle De Los Molinos (a king palm, a queen palm, and a mature yucca). One of the queen palms along Camino Real is proposed for removal to allow views into the site and to help frame the view of the corner. Proposed uplighting will be strategically reintroduced for accent walls around the courtyard and for the olive trees inside. Additionally, new planting is proposed across the site to create continuity and cohesion amongst all landscape areas. The applicant also considered adding date palms along the street elevation, as suggested by DRSC. However, the applicant felt that additional date palms would be out of scale with the building and inconsistent with the intimate atmosphere of the event venue. Overall, the applicant believes the changes to the landscape plan will help achieve a cohesive, balanced arboreal canopy across the site.

The City's landscape consultant also reviewed and approved the preliminary landscape plan. Conditions of approval are included requiring landscape and irrigation plans to be reviewed by the City's consultant during construction plan check.

Conditional Use Permit (CUP)

The site is located in the MU2 zoning district. Pursuant to Zoning Ordinance Table 17.40.030, the following are conditionally permitted uses in the zone: bars and cocktail lounges, restaurants with on-site sale of hard alcohol outdoors with more than 16 outdoor seats, restaurants with dancing and/or entertainment with amplified sound, and church services. This CUP application covers all the conditionally permitted uses proposed within the multi-use facility. Additionally, the CUP request includes proposed valet parking services in conjunction with special events with more than 100 guests. DMT's review of the project focused on three main areas of concern: parking and circulation, noise, and safety. This section details staff's analysis of these areas of main concern.

Traffic and Parking:

The existing site has two driveways: a two-way, right-in/right-out driveway off El Camino; and an exit-only driveway off the Los Obreros Lane alley. During the DMT review process, the Engineering Division noted that the existing parking lot was modified at some point in the past and resulted in many aspects of the parking layout being non-compliant with various aspects of the Technical Engineering Standards. For example, the existing drive aisle widths and parking space dimensions are more narrow/smaller than what is required by current Engineering Standards. Consequently, Engineering required the applicant to update the parking layout to comply with current standards, resulting in the loss of four

on-site parking spaces and alley access (described below). The parking lot currently has 24 spaces, and the proposed site plan has 20 spaces.

Parking:

Because the special events venue is the primary and most intensive use proposed on-site, parking requirements were calculated based on this use. The restaurant parking ratio was applied to the special events venue, which requires one (1) parking space per five (5) seats for restaurants in Mixed Use Zones within the Central Business Overlay. The multi-use facility complies with the City’s off-street parking requirements. The project is able to meet their parking requirements with on-site available spaces, thereby eliminating the need to request parking waivers or obtain an off-site parking agreement. Compliance with the City’s parking requirements is detailed on the title sheet of the project plans (Attachment 16). Parking compliance for the special events venue is summarized below.

Table 2 –Special Events Venue Parking Requirements

Proposed Special Events	Parking Ratio	# of Parking Spaces Required	# of Parking Spaces Provided
Up to 100 guests	1 space per 5 seats	20 spaces	20 spaces (on-site non-tandem spaces)
101-150 guests	1 space per 5 seats	30 spaces	Valet services required. Up to 35 cars can be stored on-site (24 standard, 11 tandem).

Although the applicant is not requesting parking waivers, the applicant conducted an informal parking survey of the surrounding streets to assess available on-street parking. The collected parking data is provided as Attachment 7 to this report. In the property’s immediate vicinity, there is on-street parking for approximately six vehicles on El Camino Real and approximately 56 vehicles on Calle De Los Molinos (between El Camino Real and Calle Valle). The survey found that on weekday evenings and weekends, during the proposed use’s peak hours, over 50% of the street parking on Calle De Los Molinos was available. The applicant did not observe any cars parked on El Camino Real during their survey count. The applicant is presenting this additional survey data to demonstrate that public parking is available in close proximity to the project site.

Circulation:

As noted previously, the property does not contain a trash enclosure, and waste bins are visible to the public. To bring the property into conformance with current City standards, the applicant was required to construct a trash enclosure large enough to contain all waste bins. Due to the small lot size, there were limited options for locating the trash enclosure. In order to incorporate the trash enclosure and comply with current Engineering Standards, the applicant revised the site plan eliminating the secondary driveway providing site egress into the Los Obreros Lane alleyway. The loss of alley access is result of DMT comments and bringing the site up to code. While maintaining two

driveways into the site is preferable, Engineering staff believes site conformance with current standards would improve overall traffic flow on-site and help reduce the potential for vehicle stacking out into the street or effecting the public sidewalk.

Valet Services:

The applicant submitted a valet operations plan (Attachment 8), which was prepared by the owner of "Mr. Valet Parking," a local valet services company. According to the valet operations plan, each special event would be staffed by four professional valet parking management attendants, who will be stationed at different locations on the property upon the guest arrival. To reduce the number of vehicles entering the driveway and minimize queuing onto El Camino Real, the applicant proposes to split guests into two arrival zones depending on whether they are travelling northbound or southbound on El Camino Real. The first arrival zone is located at the main building entrance. The second arrival zone is located along the Los Obreros Lane alley. Valet attendants stationed at the second arrival zone would drive cars through the alley, onto El Camino Real, and into the main driveway to store cars in the parking lot. While not typical, this approach was developed by staff and the applicant to develop a creative solution to reducing vehicle stacking on El Camino Real.

Staff is supportive of the proposed valet services as it addresses the City's primary traffic concern and diverts vehicles away from El Camino Real. However, Engineering staff is concerned that the valet operations plan does not contain a contingency plan in the event that multiple vehicles arrive at the same time. Staff initially requested further information on this matter. However, because the application is complete, the project was eligible to be moved forward to a public hearing. The applicant indicates they are agreeable to a condition of approval that would address staff's outstanding concerns on the valet services. As such, staff is recommending inclusion of Condition 7.17. The condition states that in the event the project causes traffic circulation issues in the future, the business owner shall be required to meet with City staff and propose solutions for implementation. This may include increasing the number of valet attendants, notifying all special event guests of valet procedures, or decreasing the amount of guests. Any proposed traffic solutions are subject to City Engineer review, who may also elevate proposals to the Zoning Administrator for final approval.

Noise:

Special events typically generate more noise relative to other commercial uses. This is due to the presence of amplified live music, higher volumes of vehicular traffic, and the general public assembly nature of the use. The project site is located across the street from a mixed-use development with residential units at 1520 North El Camino Real and approximately 190 feet from the nearest residentially zoned property on Calle Las Bolas. Due to the project's close proximity to sensitive land uses, staff required the applicant to prepare a noise study.

The study evaluated five different operational scenarios based on the different uses proposed at the building. The study conducted noise measurements from three locations: the nearest residential mixed-use at 1520 North El Camino Real, the nearest residentially zoned property at 1604 Calle Las Bolas, and the Best Western Plus Casablanca Inn at 1601 North El Camino Real. The study also analyzed the noise levels from future noise sources at the site, assessed the impact of the future noise to determine compliance with the City's Noise Ordinance, and recommended noise control measures.

The study found that the highest levels of noise would occur during scenario "Case 3" when the outdoor courtyard is being used by special events (i.e., wedding ceremonies and church services) with open courtyard doors, and background music (non-live amplified music and live acoustic music). The future noise levels from this scenario would be as high as 56.2 decibel levels. This would comply with the City's Daytime Noise Standard of 60 dBC, but would exceed the Nighttime Noise Standard of 50 dBC. However, the venue noise would be below the measured existing ambient noise level, which includes vehicle traffic, adjacent restaurant and bar noise, pedestrians, and other noise from the immediate neighborhood. The study concluded that the project, under various operational scenarios, would comply with the City's noise standards. The study also found that the proposed 7-foot tall courtyard wall would reduce noise generated by the project by about 1.6 to 5.2 decibel levels.

The consultant did not recommend any changes to the proposed operations or project design to further reduce noise. The consultant recommends incorporating noise control measures, such as:

- Employing a multi-speaker system with prescribed volumes set at prescribed distances to distribute audio around the crowd at lower sound levels.
- Closing doors and windows as needed to manage sound levels.
- Using doors and gates constructed of solid core assemblies.
- After project completion, requiring review by a qualified Acoustical Consultant to ensure compliance with the City's noise standards.

These noise control measures have been incorporated into the conditions of approval. The full noise study is provided as Attachment 9 to this report.

Safety:

The applicant submitted a public safety and operations report (Attachment 10) detailing the safety measures undertaken at the multi-use facility, with particular emphasis on the proposed special events. The applicant proposes to serve beer and wine during daytime café hours, and a full range of alcoholic beverages during special event hours. A liquor license will either be maintained by the facility operator or by caterers and vendors used for individual events. The applicant proposes to staff events with a security guard to ensure guests are not disruptive to surrounding neighbors. One security guard is proposed for events with 50-100 guests, and two security guards are proposed for events with 101-150 guests. Additionally, for events with over 100 guests, the applicant proposes

to station a host at the building entrance to confirm that guests have been invited to the event. The applicant does not propose to install security cameras or noise measurement readers at this time. The facility operator is a local resident and intends to work with law enforcement on a regular basis to address any public safety issues should they arise. Furthermore, the applicant has expressed their desire to build a reputable and well-managed special events venue, so they would strive to prevent issues such as loitering, disorderly conduct, or anything that would create calls for police services.

The public safety and operations report was reviewed by Code Compliance and Police Services staff. Staff determined that with conditions of approval, the project would not create unsafe conditions that would negatively affect the public health, safety, and welfare. Consistent with other CUP applications, staff recommends inclusion of Condition 1.7 requiring the CUP to be reviewed by the Planning Commission one year after the opening of the special events venue. This review does not automatically grant the Planning Commission the authority to revoke or amend the CUP. Rather, the one-year review is a monitoring tool used by staff to follow up on any items that were required as conditions, report whether any public complaints were received related to the business operations, and ensure the conditions of approval are being met.

CONCLUSION

Overall, the project represents an adaptive reuse of a historic building that fills a community need. The events venue embraces the property's historic character to create a memorable gathering space for the community. The proposed café adds much needed pedestrian activity to this block of North El Camino Real. The proposed MCHP application focuses on creating a functional outdoor space from the existing underutilized landscape area. Exterior improvements are also proposed to the one-story building to create cohesion and consistency between the buildings, while being sensitive to the historic integrity of the historic two-story building.

Several attachments to this report provide substantive evidence in support of the project. Furthermore, as detailed in Attachment 11, the project is consistent with the goals and policies of the General Plan and Design Guidelines. Engineering staff reviewed the proposed parking lot layout and valet parking operations and determined the project, as conditioned, would not adversely effect on or off-site traffic circulation. The DMT recommends inclusion of conditions of approval to address ongoing business operations and to allow staff to work with the facility operator should traffic or noise issues arise in the future.

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.

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

RECOMMENDATION

Based on the information in the staff report and subject to the required findings and conditions of approval, staff recommends that the Planning Commission:

1. Determine the project is Categorical Exempt from the requirements of the CEQA pursuant to Section 15301 (Class 1: Existing Facilities) and Section 15303 (Class 3: New Construction or Conversion of Small Structures).
2. Adopt Resolution PC 21-002, approving Conditional Use Permit 20-243 and Minor Cultural Heritage Permit 20-244, subject to the conditions of approval herein.

Attachments:

1. Resolution No. PC 21-002
Exhibit A – Conditions of Approval
2. Location Map
3. Site Photos
4. Historic Structures Survey Form
5. September 9, 2020 DRSC Meeting Minutes
(A copy of the DRSC staff report and attachments are available on the City's website: [Part I](#) and [Part II](#)).
6. Historic Preservation Analysis (Prepared by GPA Consulting)
7. Parking Survey Counts (Prepared by the Applicant)
8. Valet Operations Plan (Prepared by Mr. Valet Parking)
9. Noise Study (Prepared by Acoustics Group, Inc.)
10. Public Safety and Operations Plan (Prepared by the Applicant)
11. Analysis of Consistency with General Plan and Design Guidelines
12. Wedding Industry Letters
13. Public Comment Letters
14. Color & Materials Board
15. Color Elevations / Renderings
16. Project Plans

RESOLUTION NO. PC 21-002

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA APPROVING CONDITIONAL USE PERMIT 20-243 AND MINOR CULTURAL HERITAGE PERMIT 20-244, TO ESTABLISH A MULTI-USE FACILITY, REFERRED TO AS "PUBLIK HOUSE," COMPRISED OF A SPECIAL EVENTS VENUE WITH VALET PARKING SERVICES, CAFÉ, AND ACCESSORY CHURCH SERVICES, AND FOR EXTERIOR BUILDING AND SITE MODIFICATIONS TO A HISTORIC PROPERTY, LOCATED AT 1531 N. EL CAMINO REAL

WHEREAS, on July 17, 2020, an application was submitted by Jim Holloway, on behalf of Publik House LLC, for Conditional Use Permit 20-243 and Minor Cultural Heritage Permit 20-244, and deemed complete on January 4, 2021; a request to adapt a historic property into a multi-use building, comprised of a café, accessory church services, and a special events venue with live entertainment, full alcohol service, and valet parking, located at 1531 N. El Camino Real; and

WHEREAS, the Planning Division completed an initial environmental assessment of the above matter in accordance with the California Environmental Quality Act (CEQA) and recommends that the Planning Commission determine the project is Categorical Exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities) and Section 15303 (Class 3: New Construction or Conversion of Small Structures); and

WHEREAS, the City's Development Management Team (DMT) reviewed the proposed project on multiple occasions between July and December 2020 for compliance with the General Plan, Zoning Ordinance, Engineering Standards, and other applicable City codes, and the DMT recommends approval with conditions contained in Exhibit A;

WHEREAS, on September 9, 2020, the City's Design Review Subcommittee (DRSC) reviewed the project's architecture and design, potential impacts to the historic structure, and compliance with the Design Guidelines, and the DRSC supports the project as proposed; and

WHEREAS, in accordance with City and State requirements, notice of the public hearing was published in the *San Clemente Times* newspaper on January 7, 2021, posted at the project site, and mailed to all property owners within 300 feet of the subject parcel; and

WHEREAS, on January 20, 2021, the Planning Commission of the City of San Clemente held a duly noticed public hearing on the subject applications, 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 Section 15303 (Class 3: New Construction or Conversion of Small Structures). 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. The project involves minor building and site improvements to an existing developed commercial site. Therefore, 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 construction not involving the use of significant amounts of hazardous substances and not exceeding 2,500 square feet in floor area, or up to 10,000 square feet in urbanized areas, on a site zoned for such use. Here, the project involves the construction of a courtyard wall on an existing commercial site in an urbanized area with access to utilities and public services. Thus, the project qualifies for the Class 3 exemption.

Furthermore, none of the exceptions to the use of the Class 1 or Class 3 categorical exemptions 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. Development standards limit the potential for another commercial building to be constructed on 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, such as endangered species or wetlands, on the project site or in the vicinity. 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 will not cause a substantial adverse change in the significance of a historical resource. Thus, the Class 1

and Class 3 categorical exemptions apply, and no further environmental review is required.

Section 3. Minor Cultural Heritage Permit Findings

With respect to Minor Cultural Heritage Permit (MCHP) 20-244, the Planning Commission finds as follows:

- A. The architectural treatment of the project complies with the San Clemente General Plan.
 1. The proposed courtyard wall, site improvements, and building façade improvements were all designed using Spanish Colonial Revival (SCR) architecture. The project incorporates SCR design elements such as: white stucco, two-piece clay roof tiles, Spanish wood sliding doors, wood trellis, clerestory windows with wrought iron detailing, tile accents, and wrought iron accents and light fixtures.
 2. Significant exterior improvements are proposed to the non-historic, single-story building to make it a more prominent architectural feature of the property. Proposed improvements include replacing the flat roof with a side gable roof with two-piece clay tiles, extending the building height to better complement the attached two-story building, and adding SCR design details. These proposed exterior improvements significantly enhance the architectural quality of the one-story building, while improving its integration into the primary building.
- B. The architectural treatment of the project complies with any applicable specific plan and this title in areas including, but not limited to, height, setback color, etc.
 1. The MHCP application is limited to a new courtyard wall and exterior building façade and site landscaping improvements. No additional square footage is proposed. The project would not expand the building footprint, affect the setbacks, or increase the building square footage, or increase the overall building height. Improvements are proposed to bring the site plan into conformance with current standards related to accessibility, path of travel, parking, vehicle circulation, and trash storage.
 2. The project was reviewed by the Design Review Subcommittee (DRSC) to ensure use of a high-quality SCR-style design, while preserving and maintaining sensitivity to the historic resource. As a result of the DRSC meeting, the applicant incorporated additional improvements to address concerns related to public views of the historic structure, wall massing, site landscaping, and alleyway aesthetics.
- C. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines.

1. Section III.A1.3 of the Design Guidelines encourages the use of building-street edges in Pedestrian Districts, and states: “The Pedestrian Districts should offer continuous pedestrian activity and interest in an uninterrupted sequence. Place as much of the ground level front elevation of the building at or near the front property line.” The project proposes a new private courtyard adjacent to the public sidewalk. The addition of the courtyard walls will improve the building-street edge relationship and encourage pedestrian engagement. The courtyard will complement the building’s SCR architecture and will create indoor-outdoor spatial relationships which are currently lost to the parking lot, street noise and traffic.
- D. The general appearance of the proposal is in keeping with the character of the neighborhood.
1. The General Plan Historic Preservation Element, Policy 2.04, states: “We encourage adaptive reuse of historic resources to preserve them and prevent architecturally inappropriate changes, disrepair and demolition.” The project represents an adaptive reuse of a historic building that fills a community need. The events venue embraces the property’s historic character to create a memorable gathering space for the community.
 2. The project enhances the aesthetics of the neighborhood. The project would maintain the character and features of the historic two-story structure. Changes are limited to non-historic additions and are intended to improve the compatibility of the additions with the historic structure. For example, vinyl windows would be replaced with wood windows. Additionally, a new trash enclosure and rear elevation improvements are proposed to enhance the aesthetics of the alley.
- E. The proposal is not detrimental to the orderly and harmonious development of the City.
1. The General Plan Urban Design Element, Policy 5.01, encourages the integration of outdoor spaces into developments and states: “Outdoor Spaces. For multi-family residential, mixed use and 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.” The applicant proposes to convert the underutilized existing landscaped area into an enclosed outdoor courtyard. The proposed courtyard is a central focal point of the property that connects the multiple buildings and space. Various amenities are proposed within the courtyard to enhance the outdoor space, including water features, fireplace elements, wood trellis, decorative hardscape, and new drought tolerant landscape.
- F. The City finds that the proposed modifications, alterations, or additions are sufficiently in conformance with the Secretary of the Interior Standards for the Treatment of Historic Properties and the San Clemente Design Guidelines to substantially further

the City's goals of historic preservation.

1. Section IV.E.1 of the Design Guidelines encourages development that is compatible with historic resources, and states: "New development should preserve and be compatible with existing historic resources." The proposed renovations improve the site's conformance with current regulations, such as the Building Code, ADA and parking lot standards. The proposed outdoor courtyard is consistent with the design and architectural style of the building, and it can easily be removed in the future.
 2. The City's historic preservation consultant, GPA Consulting, prepared a memo attached to the staff report evaluating the project for compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards). The analysis found that the historic character of a property will be retained and preserved. No historic materials are proposed to be removed. Changes proposed to the exterior building walls, such as new doors, does not require the removal or alteration of any historic fabric or features that characterize the property. The analysis also found that the proposed courtyard wall does not obscure, damage, or destroy character-defining features of the historic building. Overall, the analysis finds that the project complies with the Standards.
- G. For resources on the City's Landmarks List, the proposed rehabilitation, restoration, preservation, or reconstruction, including modifications, alterations, or additions, are found to be in conformance with the Secretary of the Interior Standards for the Treatment of Historic Properties and preserve to the extent feasible the character defining features.
1. Section IV.E.2 of the Design Guidelines states: "New improvements to renovate or alter an historic site should demonstrate a diligent effort to retain and rehabilitate the historic resource." Minimal alterations are proposed to the primary two-story building, which retain the historic building. Exterior modifications are proposed to the one-story outbuilding to better integrate it into the primary structure. Architectural enhancements are proposed that are compatible with the primary building and creates design cohesion within the overall property.
 2. The City's historic preservation consultant, GPA Consulting, prepared a memo attached to the staff report evaluating the project for compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards). The analysis found that the historic character of a property will be retained and preserved. No historic materials are proposed to be removed. Changes proposed to the exterior building walls, such as new doors, does not require the removal or alteration of any historic fabric or features that characterize the property. The analysis also found that the proposed courtyard wall does not obscure, damage, or destroy character-defining features of the historic building. Overall, the analysis finds that the project complies with the Standards.

Section 4. Conditional Use Permit Findings

With respect to Conditional Use Permit (CUP) 20-244, 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, San Clemente General Plan, and the purpose and intent of the zone in which the use is being proposed, in that:
 1. The project site is located in the North Beach/North El Camino Real Focus Area, as designated in the General Plan Land Use Element. This Focus Area promotes the following goal: “Re-establish and maintain a vibrant community- and visitor-serving, mixed use entertainment center which capitalizes on its proximity to the beach and significant historic resources. The proposed special events venue is a destination use that would improve the vibrancy of the North Beach area. Because event centers attract out of town visitors, these uses often have positive impacts on other businesses, such as hotels and restaurants. The proposed café would also improve pedestrian activity as this block of North El Camino Real contains very few pedestrian-oriented uses. Overall, the project has the potential to be a catalyst that would encourage further reinvestment and redevelopment of this Focus Area. Therefore, the proposed uses would advance the goals of the North Beach/North El Camino Real Focus Area.
 2. The General Plan Economic Development Element, Policy 4.02, states: “We require initiatives, investments, and development approvals for the North Beach area to contribute to our vision of the area as a multi-modal, mixed use entertainment and recreation district that emphasizes the pedestrian experience and preserves and enhances its key assets. These assets are views of the ocean, access to the beach, a rich inventory of historic resources, access to recreational opportunities and numerous shops and services for residents and visitors alike.” The proposed project would bring a vibrant new special events venue and café to North El Camino Real that would serve both residents and coastal visitors alike. The proposed courtyard creates a desirable outdoor dining environment within walking distance of the beach, coastal trail, and public parking. The outdoor courtyard would bring new life to the pedestrian environment in North Beach. Therefore, the proposed uses advances the City’s economic development goals.
- B. The site is suitable for the type and intensity of use that is proposed, in that:
 1. The project site is located in the North El Camino Real Mixed-Use (MU2) Zone within the Central Business (CB) Overlay District. The MU2 zone is intended to be a unique community and visitor serving hub for entertainment and coastal recreation. This zone permits a mix of uses, and as such the project site is surrounded by industrial uses along Calle De Los Molinos and commercial and mixed-use buildings along El Camino Real. The CB Overlay encourages

pedestrian and visitor-serving uses to be located on the street level along the sidewalk/street, and the district promotes pedestrian activity along sidewalks and throughout the area. The project advances the goals of the MU2 Zone and CB Overlay. The proposed café is a visitor-serving use, and the proposed outdoor courtyard facilitates street level pedestrian activity. The proposed special events venue is a destination use that draws visitors, thereby strengthening the commercial core of North Beach.

2. The site is also located within the North Beach Parking Overlay (NBP) District. The project is consistent with the purpose of the Overlay in that it complied with the Commercial Parking Benefit District Parking Standards. Therefore, the project would not impact street parking in the residential areas.
- 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 development will be constructed in accordance with current building, safety, fire, and accessibility standards. The project location and site layout were reviewed by the Orange County Fire Authority to ensure emergency access to the site can be maintained. The revised parking lot layout was reviewed by Traffic Engineering staff to ensure the project would not negatively impact on-site or off-site circulation patterns, site ingress, egress, and/or queuing.
 2. The applicant's consultant prepared a noise study to evaluate the proposed long-term operational noise impacts on the surrounding area. The study evaluated five different operational scenarios based on the different uses proposed at the building. The study conducted noise measurements from three locations with sensitive land uses (two nearby residential sites and the adjacent hotel). The study concluded that the project, under various operational scenarios, would comply with the City's noise standards. The study also found that the proposed 7-foot tall courtyard wall would reduce noise generated by the project by about 1.6 to 5.2 decibel levels. The study recommended several noise control measures, which are incorporated as conditions of approval.
- D. The proposed use will not negatively impact surrounding land uses, in that:
1. The applicant submitted a public safety and operations plan which summarizes measures that will be undertaken to safely manage the special events venue. These measures include using security guards, checking guest identification, preventing loitering, and having managers on-site to regularly monitor events. Furthermore, the facility operator is a local resident and intends to work with law enforcement on a regular basis to address any public safety issues should they arise. Several conditions of approval are included in Exhibit A to enable staff to address safety and nuisance concerns should they arise in the future.

2. As a result of bringing the site layout into conformance with current standards, the secondary exit-only driveway was eliminated from the site. However, to address potential impacts to El Camino Real due to vehicle queueing and stacking, the applicant proposes to require valet parking services for special events with over 100 guests. The valet service would split guest drop-offs/pick-ups between two areas to spread out vehicles and reduce demand on the main driveway.
3. The applicant conducted counts of on-street available parking on Calle De Los Molinos and El Camino Real in the immediate vicinity. The survey found that on weekday evenings and weekends, during the proposed use's peak hours, over 50% of the street parking on Calle De Los Molinos was available, and no cars were observed on El Camino Real during the survey count. Additional public parking is available in close proximity to the project site.

Section 5. Planning Commission Recommendation.

Based on the foregoing recitals and findings, and the written and oral comments, facts, and evidence presented, the City of San Clemente Planning Commission hereby approves Conditional Use Permit 20-243 and Minor Cultural Heritage Permit 20-244, for the Publik House, 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 January 20, 2021.

Chair

CERTIFICATION:

I HEREBY CERTIFY this Resolution was adopted at a regular meeting of the City of San Clemente Planning Commission on January 20, 2021, carried by the following roll call vote:

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

Secretary of the Planning Commission

CONDITIONS OF APPROVAL
PUBLIK HOUSE

CONDITIONAL USE PERMIT 20-243, MINOR CULTURAL HERITAGE PERMIT 20-244

1.0 GENERAL CONDITIONS OF APPROVAL

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|-----|---|--------------|
| 1.1 | Within 30 days of receipt of the signed conditions of approval, 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, unless an extension is granted by the City Planner. | 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. Any modifications to the project shall be reviewed by the City Planner in accordance with Zoning Ordinance Section 17.12.180. | 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 | CUP 20-243 and MCHP 20-244 shall be deemed to have expired if within three years of approval the project is not commenced, or the project permitted by the approved application has lapsed, as defined by Zoning Ordinance Section 17.12.150. | Planning |

- 1.7 CUP 20-243 shall be reviewed by the Planning Commission one year after the opening of the special events venue. The one-year review shall report on any items that were required as conditions, any public complaints received or calls for police service, and monitor the special events venue's compliance with operational conditions of approval. Planning
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- 4.0 PRIOR TO ISSUANCE OF BUILDING PERMITS**
- 4.1 The working drawings shall include within the first four pages a list of all conditions of approval included in this resolution. Planning
- 4.5 The applicant shall submit, and must obtain approval from the City Planner, a detailed landscape and irrigation plan incorporating drought tolerant plants, for medians, parkways, public trails, fuel modification areas, common areas, and slopes, and other landscaped areas, prepared by a registered landscape architect, and in compliance with all pertinent requirements including, but not limited to guidelines contained in the City's Master Landscape Plan of Scenic Corridors. (SCMC Section 17.68.020) Planning
- 4.17 The grilles proposed for the new clerestory windows on the south (courtyard-facing) elevation of the former frame shop shall be differentiated from the original grilles that exist on the historic portion of the building. A different material or the same material in a different finish and/or different (compatible) grille design may be used. Planning
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- 4.18 Construction drawings shall demonstrate compliance with noise control measures, including patio gates/doors and non-glass exterior doors being constructed of solid core assemblies. Planning
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- 4.19 In the event the project valuation is \$50,000 or more per Municipal Code 12.08, the applicant shall be responsible for the construction of all required frontage improvements as approved by the City Engineer including but not limited to the following: Public
Works
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- A. Sidewalk, including construction of compliant sidewalk along the property frontage and around obstructions such as the drive approach to meet current City standards (2% cross fall) when adequate right-of-way exists, unless a waiver is applied for and approved by the City Manager. Since the street right-of-way is approximately 7.5 feet behind the curb face on Calle De Los Molinos and approximately 12.5 feet behind the curb face on North El Camino Real, a sidewalk easement is not anticipated to be required to be granted to the City.
 - B. Contractor shall replace any damaged street improvements resulting from construction activities to the satisfaction of the City Inspector.

5.0 PRIOR TO FINAL INSPECTION

Lighting

- 5.7 The applicant shall submit, and must obtain approval from the City Planner, a letter from the preparer of the lighting plans confirming that all lighting has been installed in accordance with the approved plans, and that the lighting conforms to all standards set forth in the Municipal Code. Planning

Architecture

- 5.10 All exterior details and materials shall be approved by the Planning Division prior to installation. Planning
- 5.11 Two-piece clay tile roofing shall be used with booster tiles on the edges and ridges and random mortar packing. The mortar shall be packed on 100 percent of the tiles in the first two rows of tiles and along any rake and ridgeline, and shall be packed on 25 percent of the tiles on the remaining field. Mortar packing shall serve as bird stops at the roof edges. The volume of mortar pack to achieve the appropriate thickness shall be equivalent to a 6 inch diameter sphere of mortar applied to each tile. Planning
- 5.12 Stucco walls shall consist of 'steel, hand trowel' (no machine application), smooth Mission finish and slight undulations (applied during brown coat) and bull-nosed corners and edges, including archways (applied during lathe), with no control/expansion joints. Planning
- 5.13 The waste debris enclosure shall be of appropriate size to accommodate bins for recyclable materials, organic waste (food and landscape trimmings) and trash. All waste bins must be substantially hidden from view from any public street or alley. (SCMC Chapter 8.28) Utilities
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7.0 OPERATIONAL CONDITIONS OF APPROVAL

- 7.17 In the event that special events cause backup of vehicles onto the public street or the public sidewalk and causes unacceptable traffic congestion as determined by the City Engineer, the business owner shall meet with the City Engineer or designee and, if deemed necessary by the City Engineer, submit an amendment to this CUP with a management plan to address the valet operations, circulation, parking, and/or traffic issues. Implementation measures may include, but are not limited to, increasing the number of valet staff attendants, notifying special event guests of valet procedures and directions, and/or decreasing the number of special event guests. The amendment shall be submitted within 60 Public Works
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days of receiving notice from the City identifying such issues. The business owner shall be responsible for implementing the traffic management plan, at their expense. The amendment shall be subject to review and approval by the City Engineer. The City Engineer has the discretion to refer the CUP amendment and traffic management plan to the Zoning Administrator for final approval.

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| 7.18 | Unless approved otherwise by the City Engineer, there shall be no staging or activities within the street or sidewalk right-of-way. All drop-offs and pick-ups for the valet services shall be confined within the project property. No reserving of street parking, or blocking methods such as signs, cones, flags, or other means shall be used. | Public
Works
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| 7.19 | Special events, church services, and the restaurant/café shall not operate simultaneously. Only one of these uses may occupy the ground floor spaces at any given time. | Planning
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| 7.20 | Special events shall cease at 11:00 p.m. or earlier every day. | Planning
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| 7.21 | The daytime café shall have a maximum of 100 restaurant seats on Saturdays, and a maximum of 96 restaurant seats on weekdays. Special events shall have a maximum of 150 guests. Church services shall have a maximum of 80 seats. | Planning
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| 7.22 | Special events with 101 to 150 guests shall utilize valet parking services. The facility shall hire a professional valet management company to provide parking services through the duration of the special event. A minimum of four valet parking attendants shall staff these special events. | Planning
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| 7.23 | Live entertainment with amplified sound (including disc jockeys) and dancing shall be limited to the inside of the building and shall not be permitted within the outdoor courtyard. All exterior windows and doors shall remain closed when amplified sound is being utilized, excluding when doors are used to enter-and-exit the building. Live non-amplified acoustic music (i.e., violins, harps, and guitars) shall be permitted in the outdoor courtyard. | Planning
Code
OCSD
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| 7.24 | The multi-use facility shall operate in substantial conformance with the approved Public Safety & Operations Report and Noise Study. These documents shall remain on-file with the Planning Division. | Planning
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| 7.25 | The special events operator shall hire a qualified Acoustical Consultant to review the final design of the project to ensure compliance with the City's noise standards. If the project noise encroaches or exceeds the City's noise standards, the special | Planning
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events operator shall implement additional noise control measures, as recommended by the Acoustical Consultant, to reduce noise where appropriate.

Code Enforcement

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| 7.26 | The Applicant (including any property owners and managers, and their designees) shall use her/his best judgment and best management practices to ensure the commercial activities on the premises will be conducted in a manner that will not be disruptive to neighbors. The business owner/property owner shall be responsible for ensuring compliance with the San Clemente Municipal Code (SCMC), and all conditions of approval contained herein. The Applicant 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
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| 7.27 | 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
WQ
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| 7.28 | The Applicant 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
WQ
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| 7.29 | 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
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| 7.30 | 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 | Code
Comp
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- such training shall be maintained on-site during business hours, and made available for inspection by any city official upon request. [Citation- Section 17.16.070 of the SCMC]
- 7.31 A manager shall be on the premises at all times, and available to respond to issues raised by representatives from the Orange County Sheriff's Department, Orange County Fire Authority, or City of San Clemente Code Compliance, during the hours of operation. Code Comp **
- The name and current contact information for the managers of each use being carried out on the property shall be provided to the City. The Applicant shall ensure updated contact information is on file with the City. Code Comp **
- 7.32 Window, banner, or temporary signage is not a part of this review, nor is any such signage approved or permitted by this permit. Window, banner, and temporary signage shall comply with Zoning Ordinance Table 17.84.030A & Section 17.84.030(H), and any applicable Master Sign Programs. Any violation of the City's regulations related to window, banner, or temporary signs shall constitute a violation of SCMC Section 8.52.030(Y), as discussed in accompanying conditions of approval. [Citation - Section 17.16.240.D of the SCMC] Code Comp **
- 7.33 In the event noise generated by the use impacts neighboring properties, the applicant shall implement noise control measures (i.e., install a noise level reader on-site or soundproof portions of the building), as determined by the Community Development Director or designee, to comply with the City's noise standards. Code Comp **
- 7.34 The Applicant shall be responsible for ensuring that no noise-generating maintenance activities on the subject property are conducted between the hours of 11:00 p.m. and 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, maintenance of equipment, loading or unloading any vehicle, and/or the opening and destruction of bales, boxes, crates and containers. [Citation - Section 8.48.070(P) of the SCMC] Code Comp **
- 7.35 The Applicant shall ensure that one security personnel will be provided for events with an occupancy of 50 to 100 guest. Two security personnel shall be provided for events with over 100 guests. Security personnel shall identifiable by wearing a shirt or jacket at all times while on the property containing the word "security" in 2-inch or larger letters. Code Comp **
- 7.36 Amplified sound/live entertainment and dancing may be closed down at the discretion of the Police Department if it becomes Code Comp

unreasonably loud or boisterous, if it exceeds the standards contained in the City's noise ordinance, or results in a public safety hazard. The live entertainment and dancing may be closed down at the discretion of the Fire Department due to overcrowding or other hazardous conditions.

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7.37 Overnight parking of vehicles, whether occupied or otherwise, with the exception of those vehicles authorized to be on the premises for the purposes of commercial activity, shall not be permitted. Property owner shall be responsible for posting signs on the property that provide warnings to this effect, and shall take all necessary steps to enforce this prohibition, including providing private security to patrol the site on a regular and nightly basis.

Code
Comp
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* Denotes a modified Standard Condition of Approval

** Denotes a project-specific Condition of Approval