

**MINUTES OF THE REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
September 22, 2021 @ 7:00 p.m.  
Teleconference Only via  
www.san-clemente.org/live or Cox Channel 854**

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**CALL TO ORDER**

Commissioner Crandell called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:05 p.m. The meeting was offered teleconference only due to the COVID-19 Pandemic, and available to the public via live stream from the City's YouTube Channel or live on Cox Channel 854.

**2. PLEDGE OF ALLEGIANCE**

Commissioner Prescott-Loeffler led the Pledge of Allegiance.

**3. ROLL CALL**

Commissioners Present: M. Steven Camp, Gary P. McCaughan M.D., Karen Prescott-Loeffler; Chair pro tem Scott McKhann, Chair Barton Crandell.  
(All Planning Commissioners participated via teleconference)

Commissioners Absent: Vice Chair Hannah M. Tyler, Cameron Cosgrove

Staff Present: \*Adam Atamian, Deputy Community Development Director  
\*Jonathan Lightfoot, Economic Development Officer  
\*Katie Crockett, Associate Planner  
\*Matthew Richardson, Assistant City Attorney  
\*Eileen White, Recording Secretary

\*Participated in meeting via teleconference

**4. SPECIAL ORDERS OF BUSINESS**

None

**5. MINUTES**

A. Minutes from the Planning Commission Study Session of September 8, 2021

IT WAS MOVED BY COMMISSIONER MCCAUGHAN, SECONDED BY COMMISSIONER PRESCOTT-LOEFFLER AND UNANIMOUSLY CARRIED (5-0) TO APPROVE THE MINUTES OF THE PLANNING COMMISSION STUDY SESSION OF SEPTEMBER 8, 2021, as submitted.

B. Minutes from the Planning Commission Regular Meeting of September 8, 2021

IT WAS MOVED BY COMMISSIONER PRESCOTT-LOEFFLER, SECONDED BY COMMISSIONER MCCAUGHAN, AND UNANIMOUSLY CARRIED (5-0) TO APPROVE THE MINUTES OF THE PLANNING COMMISSION REGULAR MEETING OF SEPTEMBER 8, 2021, as submitted.

6. **ORAL AND WRITTEN COMMUNICATION**

None

7. **CONSENT CALENDAR**

None

8. **PUBLIC HEARING**

A. 429 N. El Camino Real – Conditional Use Permit 21-069 – Sonny’s Pizza and Pasta Full Alcohol (Crockett)

A request to consider full alcohol service for indoor and outdoor consumption at an existing restaurant in the Mixed Use 3.0 (MU3.0) zoning district and Architectural (A) and Central Business (CB) overlays. The legal description is Lots 89 and 90 of Tract 789, and Assessor’s Parcel Numbers 057-133-02 and 057-133-03.

Katie Crockett, Associate Planner, narrated a PowerPoint Presentation entitled, “Sonny’s Full Alcohol, CUP 21-069, 429 N El Camino Real, dated September 22, 2021. A copy of the Presentation is on file in Planning Division.

Chair Crandell opened the public hearing, and there being no public testimony, closed the public hearing.

IT WAS MOVED BY COMMISSIONER MCKHANN, SECONDED BY COMMISSIONER PRESCOTT-LOEFFLER, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 21-017, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 21-069, SONNY’S PIZZA AND PASTA FULL ALCOHOL, A REQUEST TO ALLOW FULL ALCOHOL SERVICE FOR ON-SITE CONSUMPTION INDOORS AND OUTDOORS AT AN EXISTING RESTAURANT LOCATED AT 429 N EL CAMINO REAL.

**[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL.]**

## 9. NEW BUSINESS

### A. Outdoor Dining and Parklet Zoning Amendment (Lightfoot)

At City Council's direction, staff is initiating a Zoning Amendment to establish a permanent outdoor dining program comparable to the "Temporary Outdoor Operations Permit" program that was implemented during the Covid-19 pandemic. Staff will present an overview of the temporary program and of permanent programs offered in other cities. The business community will be invited to provide comments and recommendations regarding expanded outdoor dining provisions in the San Clemente Municipal Code. Staff will seek preliminary guidance from the Planning Commission to incorporate into a draft ordinance to be presented for consideration at a future Planning Commission public hearing.

Jonathan Lightfoot, Economic Development Officer, introduced the agenda item; noted several members of the Downtown community were present to provide testimony.

Mikkii Rathmann, owner of Mikki's on Del Mar, a retail location adjacent to a restaurant, noted that due to logistics, the restaurant owner had not been able to provide outdoor seating in front of his restaurant, and instead used the sidewalk portion in front of her store. This has impacted her store and sales because his outdoor eating area, complete with furniture, green wall, outdoor heaters and umbrellas, completely blocks her store name and frontage from the street. She asked that her situation be considered while developing the new program; noted in the book, The High Cost of Free Parking, the authors differentiate between retail and restaurant parking needs for patrons, and found that people are more inclined to search for parking when meeting friends at restaurants than they are when shopping retail.

Kyle Franson, Rancho Capistrano Winery owner, believes the temporary program helped businesses and created opportunity for revenue during the slower months of the year; spoke in favor of the individual outdoor dining styles up and down the street rather than uniformity; and thanked the City for creating this program which allowed his business to continue during the pandemic; noted that both his business and neighboring retailers have benefitted from the increased foot traffic and business that the outdoor dining has created.

Donatella Polizzi, Pronto Italian Deli, supported outdoor patio seating for her eating establishment; noted the patio seating for her place does not encroach into the neighbor's sidewalk frontage; opined the outdoor ambiance of the street creates a European destination feeling in the public space and improves sales at the retail establishments as well. She noted popular destinations always have parking challenges and supports payments to the City for use of parking spaces for outdoor dining.

Steve Davis, Goody's Tavern owner, supported continuation of outdoor dining as people enjoy it and it's very popular for residents and guests; urged the Commission to allow bars to continue participating in a future program.

Adam Atamian, Deputy Community Development Director, read aloud the following letters received from the public:

Mikii Rathmann, resident, submitted a letter in addition to her comments (see above); suggested consideration of expanding the trolley service beyond summer and to the south end of town; raised concern about dining decks and related equipment blocking visibility to retail stores and their signage; supported continued outdoor dining if these concerns can be addressed.

Aaron Radman, manager of Avila's El Ranchito restaurant, supported establishment of guidelines/requirements; requested the City establish standards for outdoor decks; noted that his business spent about \$10,000 in construction costs for their space; commented that outdoor dining remains very popular with customers; recommended lighting and weatherizing to maximize use; urged maintenance and cleaning standards for businesses.

Jeff Provance, Jr., owner of Blooms Irish Pub, supported continuing outdoor dining until at least the State's state of emergency has been lifted; opposed charging businesses to use their own parking spots for outdoor dining; opposed using parking spot revenues to fund the trolley as it does not reach his restaurant and suggested the funds be used to support more police officers to manage increased crime and unruly drivers.

Additional Comment:

Nicolas Servais, City restaurant owner, thanked the City for giving them the opportunity to survive the pandemic by allowing outdoor dining; requested the City study the issues and concerns raised and provide solutions/guidelines to allow the program to continue; noted his restaurant patrons are in favor of the outdoor dining operation.

During the ensuing discussion, the Commissioners, either individually or in agreement, provided the following commentary:

- The City needs a roadmap to define what it's trying to accomplish with the program, including different treatments/regulations based on location, type of business, and level/ability of pedestrian orientation.
- The initial program was intended to address lost seating from capacity limits due to Covid-19 social distancing precautions; noted that current conditions include increased seating and reduced parking.
- Questioned whether the Zoning Amendment and program would pertain to just the downtown or to all commercial areas.
- Structural issues to be addressed include weatherizing, materials, standards, uniformity, design details, colors, etc. Additional issues to

be addressed include maximum seating limits, health and safety concerns, and parity between retail and service industries.

- Businesses along Del Mar will gain the most as it has large areas that can be used collectively. Questioned whether businesses could share spaces.
- Agreed that public parking spaces should be rented (not free) by private businesses and that displacing parking on private property also creates parking impacts. Would like a clear delineation of fees on public vs. private property areas that are converted for use as expanded outdoor dining.
- Commented that the City should consider a parking structure downtown.
- Commented that a parking district or parking management plan would make sense for downtown.
- Questioned whether the public should have a right of access to the areas if they are not patronizing the business that operates the space.
- The program needs to retain City ownership and governance in the event it needs to be rescinded for periods of time or permanently due to safety concerns, emergency projects, or other public needs.
- Some support for uniform guidelines, but also some support for case-by-case evaluation of outdoor dining area designs via a use permit or some other review process.
- Following staff development of a working draft, the program should be thoroughly vetted by staff, stakeholders and this Commission before moving forward through the approval process.
- The program should seek not to overregulate businesses but create a balance between both the City's and business owners' wants and needs.
- ADA concerns and requirements should also be fully addressed. Cited an example from the City of Santa Barbara's outdoor dining program.
- There will be additional opportunity for the public to provide comment to both Planning Commission and City Council before any Zoning Amendment goes into effect.

Adam Atamian, Deputy Community Development Director, advised staff will develop a draft program based on their comments, staff research and input from the community, and bring the draft program back to the Commission for additional review and comment.

## **10. OLD BUSINESS**

None

## **11. REPORTS OF COMMISSIONERS AND STAFF**

- A. Tentative Future Agenda
- B. Zoning Administrator Minutes of September 9, 2021
- C. Staff Waiver Memo and Reports

Deputy Director Atamian noted training is available for cities with Certified Local Government status, and he will forward the information to them for sign-ups. In addition, he noted the City is moving as quickly as possible back to in person meetings and he hopes to have the process in place for the Commission's second meeting in October.

**12. ADJOURNMENT**

IT WAS MOVED BY COMMISSIONER PRESCOTT-LOEFFLER, SECONDED BY COMMISSIONER MCCAUGHAN, AND UNANIMOUSLY CARRIED TO ADJOURN AT 8:42 P.M. TO THE REGULAR MEETINGS TO BE HELD ON OCTOBER 6, 2021, AT 6:00 P.M. VIA TELECONFERENCE ONLY AND AVAILABLE TO THE PUBLIC VIA LIVE STREAM FROM THE CITY'S YOUTUBE CHANNEL OR LIVE ON COX CHANNEL 854.

Respectfully submitted,



Bart Crandell, Chairman

Attest:



Adam Atamian, Deputy Community Development Director