



Design Review Subcommittee (DRSC)

Meeting Date: December 15, 2021

PLANNER: Jonathan Lightfoot, Economic Development Officer

SUBJECT: **Outdoor Dining Program for 2022-2023**, a review of potential design and development standards for temporary outdoor dining uses in 2022 and 2023 under the enabling legislation of AB 61¹ and SB 314².

BACKGROUND:

Staff presented an initial briefing on this subject to the Planning Commission in September of 2021³. Since that time, the Governor signed both AB 61 and SB 314 into law. These bills allow for outdoor dining to continue for one year beyond the end of the state's end to the California state of emergency due to Covid-19 or December 31, 2023, whichever comes first. They enable local agencies to establish ordinances that provide more direct parameters for their outdoor dining programs. At their regular meeting on November 16, 2021, the City Council decided to terminate the current temporary dining program effective December 31, 2021, and they requested that staff seek input from both the Design Review Subcommittee and Planning Commission prior to returning to Council in March of 2022 with a proposal to resume outdoor dining under these enabling statutes.

PROJECT DESCRIPTION

From the prior discussion with the Planning Commission (see minutes in Attachment 3), a couple of Commissioners referenced the guidelines recently adopted by the City of Santa Barbara (Attachment 1). Due to the tight timeline for review, staff recommends using these guidelines as a baseline and amending as appropriate for the San Clemente context. Minutes from the Council meeting are included as Attachment 2 and the recorded meeting is available online⁴, with discussion on this item beginning at 4:15:30. Council discussed a desire for guidelines that address:

- A consistent materials palette, but one that does not require identical builds;
- Standards for height, including railings and maximum projections;
- Standards for shade, including any style, color, or numeric limitations;

¹ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB61

² https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220SB314

³ <https://www.san-clemente.org/home/showpublisheddocument/65767/637673138682800000>

⁴ https://www.youtube.com/watch?v=xyj_XoRQW0E&t=16959s

- Standards for location, including consideration of whether the patios should be limited to business frontage or limited by proximity to another patio. For reference, see Attachment 4, which illustrates the July, 2020 plan for use of on-street areas on Avenida Del Mar for outdoor dining.
- Safety considerations;
- Accessibility, such as flooring that is flush with the curb;
- And signage, including consideration of retail areas that may be visibly obstructed
- Size limitations for decks;
- Variations of standards for private areas in both commercial and industrial areas;
- Winterization standards should decks remain in place for that period;
- Any discouraged elements.

Separately, the Planning Commission will discuss whether a limitation on the number of parking stalls per site or geographic area is appropriate as well as any potential fee structure to support mobility or other city services. The Planning Commission will also be tasked with recommending a timeline for the program, such as a limitation to certain months during the two-year timeline established by the state legislation.

CONCLUSION

Staff seeks discussion and recommendations from the DRSC to carry forward to the Planning Commission. These recommendations should help to establish a clear checklist of design expectations that can be easily understood by restaurant applicants and easily enforced by City staff through an administrative process.

Attachments:

1. Santa Barbara Guidelines
2. City Council Excerpted Minutes from 11.16.2021
3. Planning Commission Minutes from 9.22.2021
4. Map of Del Mar Dining from July, 2020

For the Interim Period
 UPDATED: 09-01-21

City of Santa Barbara PARKLET GUIDELINES

These guidelines have been updated to provide guidance for the “Interim Period” of outdoor operations.

This Interim Period is for the remaining term of the Emergency Economic Recovery Ordinance that expires on March 8, 2022.

What is a parklet?

A parklet is an innovative way to temporarily expand a business’ outdoor operating space on a public street. Built and maintained by neighboring businesses, parklets are outdoor business areas located within an existing parking lane adjacent to the curb and designed as an extension of the sidewalk. Please carefully review these Guidelines if you plan to expand onto the public right-of-way during this Interim Period. Before any new parklet is created, the business must submit the proposed design showing dimensions and materials for City approval. Contact Parking Operations at parkingops@SantaBarbaraCA.gov for pre-approval.

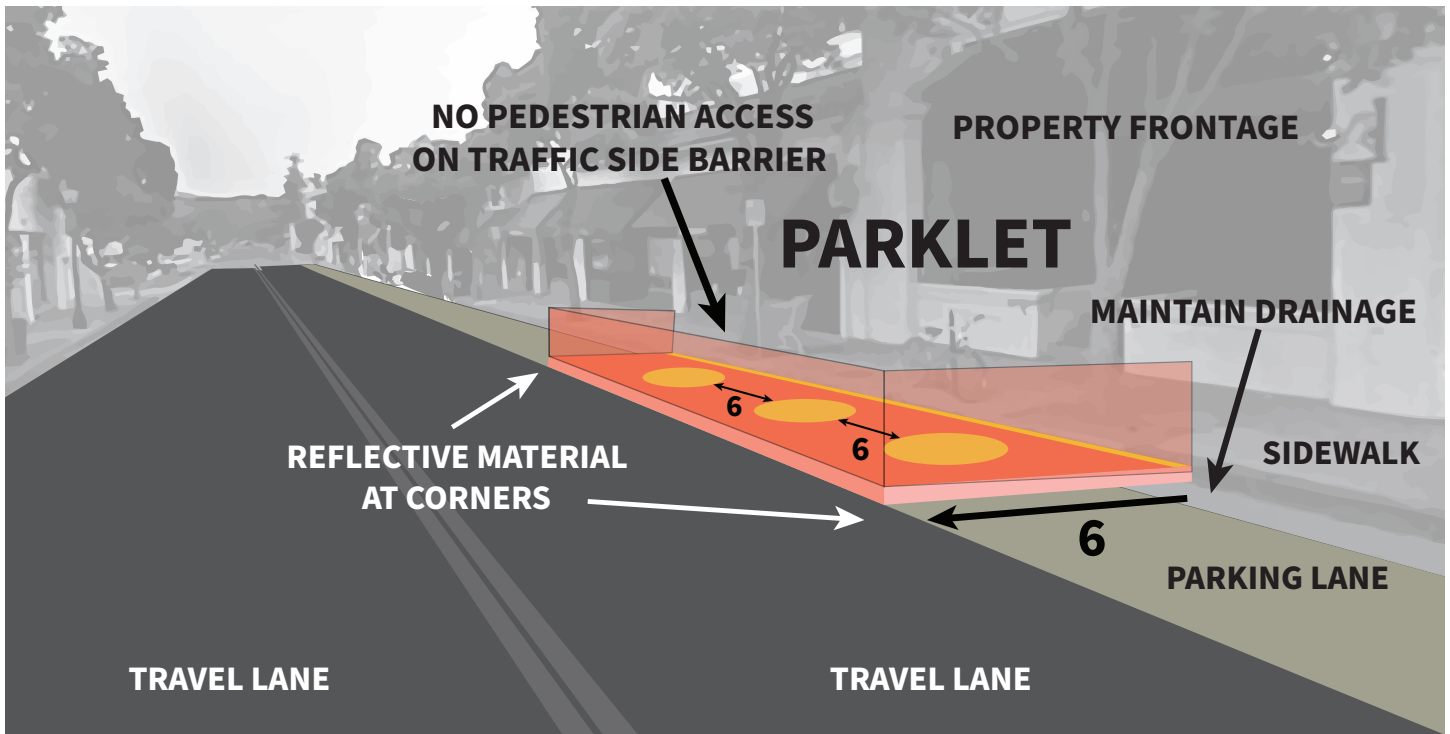


Site selection

Any business permitted to operate outdoors under State and local public health directives may create a parklet, provided the location meets the following criteria:

	ALLOWED	CONTACT CITY FOR GUIDANCE	PROHIBITED
Parking lane at least 7 feet wide	X		
Unrestricted (gray) parking zones	X		
Red (no parking) zones			X
Blue (disabled parking) zones		X	
Yellow (loading) zones		X	
White (passenger loading) zones		X	
Green (time-limited parking) zones	X		
Bike lanes			X
Travel lanes			X
Roadways with more than one travel lane per direction		X	
Roadway with speed limit ≤ 25 mph	X		
Roadway with speed limit > 25 mph		X	
Public parking lots		X	
Within 40 feet of a bus stop			X





Parklet specifications

SIZE

Parklets are a maximum of 6 feet wide from the edge of the curb and may extend the length of a business's property frontage. Please work closely with your neighbors if you plan to construct a parklet to avoid conflicts. Parklets may not exceed in width the frontage of your business.

CONFIGURATION

Each parklet must be surrounded on the three street-adjacent sides with a barrier to establish the boundaries of the parklet. The barrier on the traffic side should not allow pedestrians to pass through directly into traffic. Contact the City if your parklet is near a driveway or intersection so critical sight lines can be maintained. Parklets must have reflective materials at each corner, at a minimum, to ensure nighttime visibility.

For existing platforms, a **yellow reflective strip** should be placed along the edge of the parklet, where it meets the sidewalk, for conspicuity. Businesses are responsible for ensuring their parklets are **accessible to disabled customers. Please refer to the Parklet Accessibility Guidelines for additional details.** Businesses are responsible that their parklets and improvements are ADA compliant.

Parklets cannot obstruct public utilities or interfere with drainage or storm drains. All parklets must be designed and built outside of the gutter lines in order to accommodate storm flows. If a parklet is constructed on a platform, the platform must be entirely above the gutter.

Portable heaters and lighting are permitted, however, please ensure proper clearance to trees, awnings, and umbrellas to avoid fire hazards.

Heaters and lighting must be self-contained, with no wires or other trip hazards in the sidewalk. Lighting in planters or along the parklet barrier is preferred.

Overhead lighting elements are discouraged.

Parklets must be easily removed and may not cause any permanent changes or damage to the right-of-way; all fixtures must be temporary.

STORM FLOW

Large volumes of water may flow down some streets during rain events. These guidelines require businesses to maintain drainage along the street and gutter lines at all times.

Business owners are fully responsible for assuring that their existing platforms and other outdoor features are constructed and maintained in a manner that allows the free flow of water and does not result in flooding.

NOTE: Effective July 9, 2021, businesses are prohibited from placing dining or retail fixtures on sidewalk unless licenced.



WINTERIZATION

For winter, businesses may wish to modify parklets for the comfort of their guests.

Tents and canopies must be adequately roped, braced, and anchored to withstand the elements and avoid collapsing. Businesses must maintain required clearance from any heating equipment, candles, or flames to combustible materials.

Tents and heaters are subject to Fire Department inspection and approval. Any tent exceeding 700 square feet requires a permit before it is erected. Call 805-965-5254 to arrange for inspection or permitting. Please refer to the Guidelines for the Use of Tents, Canopies, or Shade Structures and Heating Elements in Temporary Parklets for additional details.

DESIGN AND MATERIALS

During the Interim Period, new parklet design must conform to the City's updated guidelines pertaining to aesthetics. Specific materials are now listed that may be used to create temporary parklets. Please see the Design Guidelines for additional detail. Some examples of approved materials:

APPROVED BARRIER MATERIALS

- Wrought Iron
- Vertical wood elements with a top railing
- Planters

PLATFORM SURFACES

Platforms must be constructed with wood. If no platform is constructed, surface materials should not be used.

PLANTERS

Plants are encouraged to screen parklets. Plants should be low-maintenance and drought tolerant. Approved planter materials include:

- Painted or stained wood (see approved colors)
- Natural concrete pots or planters
- Terracotta clay or plastic pots

COLORS

Wooden and iron elements must be painted or stained in approved colors. Umbrellas, banners, and flags must also use approved colors. For approved colors, refer to "Santa Barbara Colors: A Guide to Painting Buildings" at <https://www.santabarbaraca.gov/civica3/filebank/blobdownload.aspx?BlobID=17318>

INSURANCE

All businesses that establish parklets in the public right-of-way must provide a Certificate of Insurance from their business insurance carrier naming the City as Additionally Insured. Insurance certificates must be emailed to OutdoorDining@SantaBarbaraCA.gov.

PARKLETS ARE TEMPORARY

The City of Santa Barbara reserves the right to remove parklets and clear the right-of-way at its sole discretion. Please contact Sarah Clark at SClark@SantaBarbaraCA.gov for pre-approval of your parklet design. Once a parklet following the above guidelines is completed, take photos from different angles and send to OutdoorDining@SantaBarbaraCA.gov with the business address in the subject.

The novel coronavirus pandemic has caused unprecedented disruption in our community and created significant challenges for businesses required to close for indoor dining and reduce their services to take out and delivery for an extended period of time. As of June 15, 2021, City of Santa Barbara food service businesses can reopen at full capacity. The City invites businesses who wish to operate safely under public health restrictions to create temporary outdoor dining areas, known as parklets, in curbside, on-street parking spaces. Parklets provide food service businesses with additional outdoor seating capacity.

Construction of parklets is authorized under Emergency Economic Recovery Ordinance No. 5944, which expires on March 8, 2022. Upon expiration of the ordinance, parklets may no longer be necessary and may be discontinued. A business would then remove their parklet and restore the parking and sidewalk area to its original condition.

If you have questions or need additional guidance, please send an email to OutdoorDining@SantaBarbaraCA.gov. Checklist. These forms are required for all businesses, even if you have already been open and operating.

If you have questions or need additional guidance, please send an email to OutdoorDining@SantaBarbaraCA.gov.



WINTERIZATION GUIDELINES FOR OVERHEAD STRUCTURES AND HEATING ELEMENTS

The following requirements shall apply to the use of tents, canopies, or any form of overhead shade structures (herein referred as tents) within parklets:

- The operation of parklets under tents or other membrane structures is subject to the requirements of the California Code of Regulations, Title 19, Division 1 and Chapters 3 and 31 of the California Fire Code.
- All heaters and tents are subject to Fire Department inspection.
- Tents require a Fire Department permit if they exceed 700 square feet (call 805-965-5254 for permit).
- All tent material must be treated for flame resistance in accordance with an approved State Fire Marshal method or be of a fabric that is inherently flame resistant, regardless of whether a permit is needed.
- Tents must be adequately roped, braced, and anchored to withstand the elements and avoid collapsing.
- Staking of tents is prohibited in the public rights-of-way. Tethering or securing tents to trees is prohibited.
- A tent is required to have two means of egress if the occupant load exceeds 10.
- Seating arrangements in tents are subject to Covid-19 restrictions and the requirements of Chapter 10 of the Fire and Building Codes.
- Tents may need to be smaller to fit within the available flat area. It is not recommended to have a single tent cover both the sidewalk and lower street elevation.
- Smoking is prohibited under tents at all times. Santa Barbara is a **Smoke-Free City**.

Heating Elements

- Heating equipment subject to Section 3104 of the Fire Code and requires Fire Department approval.
- Gas heaters must adhere to the California Mechanical Code; heating equipment may not be located within 10 feet of the tent exit.
- Gas equipment shall be vented to the exterior. If such venting requires a flue, the pipe shall not be installed within 12 inches of the tent fabric.
- Electrical heaters shall be installed pursuant to the California Electrical Code.
- Clearance from any ignition source to any combustible material must be maintained in an approved manner.
- Candles may only be used in approved and stable candle holders on individual tables in dining establishments. Under no circumstances shall hand held candles be permitted.
- Open flame and charcoal cooking devices shall not be operated within 10 feet of a combustible surface.
- Portable or fixed outdoor fireplaces shall not be operated within 15 feet of a combustible surface.
- In the event strict compliance is not achievable, alternate means of compliance must be approved by the Fire Department and equal in effectiveness.

Securing Requirements

- All tent supports or legs must be weighted.
- Each tent leg must have a minimum of 40 pounds.
- Weights must be securely attached to tent roof and tent leg separately.
 - ▲ Ropes and straps should be high quality.
 - ▲ Bungee or rubber straps are prohibited.
- Weights must be on the ground and not dangling.
- Weights and lines must be clearly visible and must not pose a hazard.
- For maximum safety, tents should be secured as soon as they are put up, and brought down as soon as weight is removed.
Do not leave tents unsecured at any time.

Items that make acceptable weights:

- 5 gallon bucket full of sand or concrete
- Large tent weights (commercially available)
- Sandbags 40 pounds or heavier

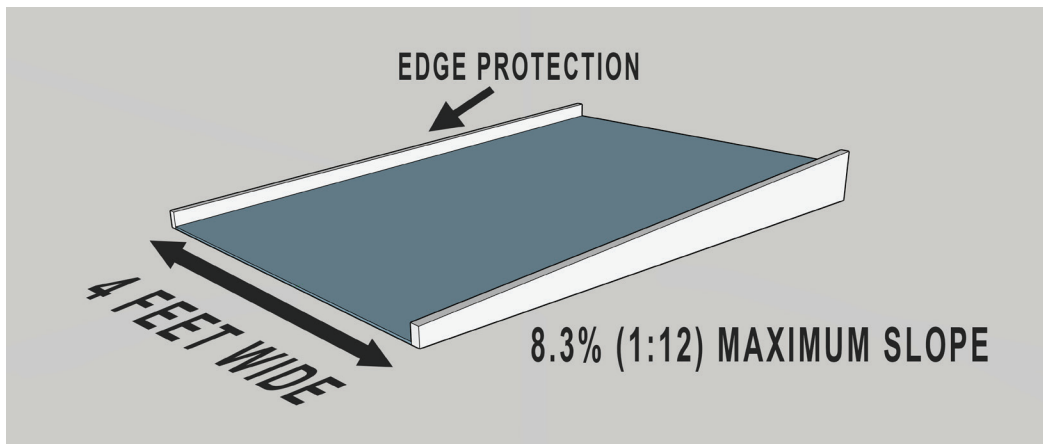


ACCESSIBILITY REQUIREMENTS

It is the responsibility of each restaurant operator to provide outdoor dining in full compliance with the Americans with Disabilities Act (ADA) and the California Building Code Standards (CBC). The requirements listed below were developed as part of the overall Parklet guidelines in order to assist restaurant operators with meeting these compliance requirements. Nothing contained herein shall replace or diminish any of the requirements under the ADA or CBC.

Business operations that do not meet the grade of the existing curb must provide a ramp for access. Ramps and temporary ramps in the right-of-way must comply with California Building Code Chapter 11B, summarized as follows:

- ☑ Ramps must be at least 4 feet wide.
- ☑ 8.3% (1:12) maximum running slope (parallel to the direction of travel).
- ☑ A level landing at the top of the ramp measuring at least 4 feet by 4 feet.
- ☑ Accessible, unobstructed path of travel from the sidewalk pedestrian path to the ramp.
- ☑ Edge protection is required on each side of the ramp. A curb or barrier that prevents the passage of a 4-inch diameter sphere must be provided along both edges of the ramp. To prevent wheel entrapment, the edge protection must provide a continuous, uninterrupted barrier along the edge of the ramp.
- ☑ Ramp material must be firm, stable, and slip-resistant.
- ☑ Ramp must be securely attached so that it does not move or shift during use.



Business operations, including customer seating, umbrellas, lighting, heaters, and other materials must not encroach upon the sidewalk except as permitted under an Outdoor Dining License Agreement.

All accessibility requirements are subject to inspection. Violations of these guidelines are subject to enforcement under Ordinance No. 5944.

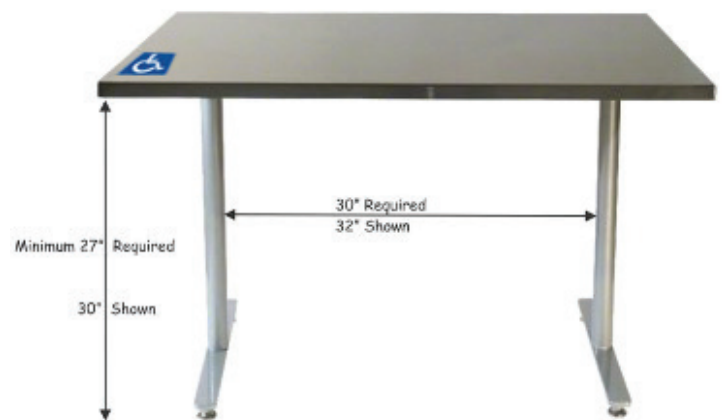
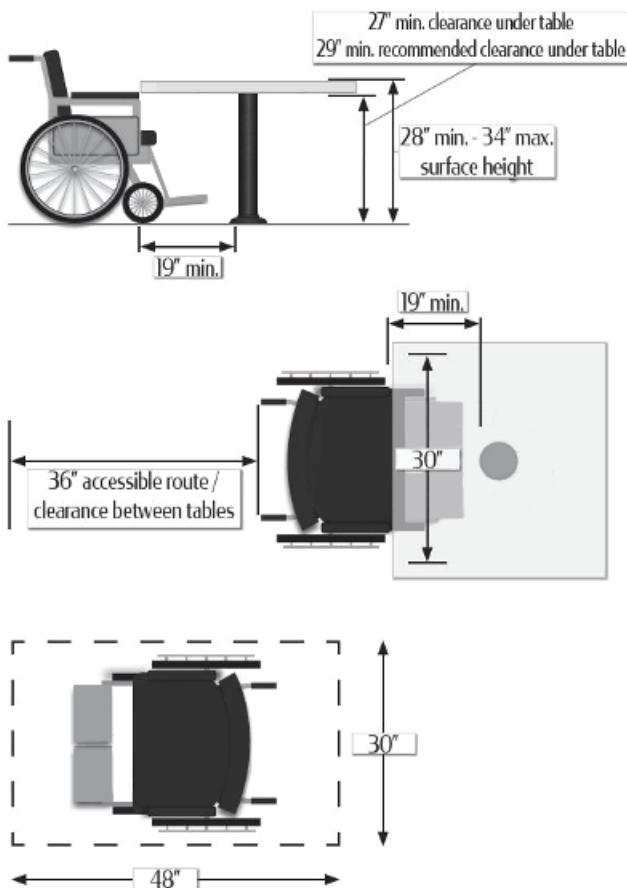
If you have questions or need additional guidance, please email OutdoorDining@SantaBarbaraCA.gov.



ACCESSIBILITY REQUIREMENTS (CONTINUED)

For beverage and dining establishments, at least 5% of the seating spaces and 5% of the standing spaces shall be accessible. Accessible spaces must meet the following requirements:

- ☑ Table surface between 28 to 34 inches high.
- ☑ At least 27 inches of space from the floor to the bottom of the table.
- ☑ Knee clearance extends at least 19 inches under the table.
- ☑ Total clear floor area of 30 inches by 48 inches per seat.
- ☑ Minimum distance of 4 feet to the nearest obstruction.
- ☑ International Symbol of Accessibility displayed at the table.
- ☑ Maintain an accessible path of travel to the table.
- ☑ Accessible dining tables and standing surfaces must be dispersed throughout the space.



All accessibility requirements are subject to inspection. Violations of these guidelines are subject to enforcement under Ordinance No. 5944.

If you have questions or need additional guidance, please email OutdoorDining@SantaBarbaraCA.gov.

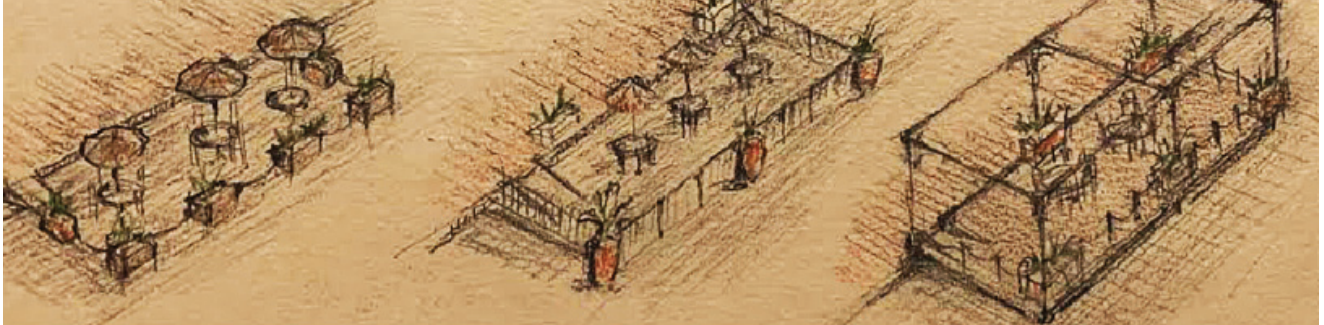


AESTHETIC DESIGN GUIDELINES

The following design guidelines were prepared in cooperation with the Santa Barbara Chapter of the American Institute of Architects and members of the Historic Landmarks Commission. These guidelines are intended to improve the design and aesthetics of parklets while the City develops more permanent regulations and standards for operations in the public right-of-way. The design principles that inform these guidelines are intended to:

- ☑ Create order.
- ☑ Simplify parklet design and eliminate visual clutter.
- ☑ Provide for flexible designs that are modular and movable for many conditions and configurations.
- ☑ Provide a simple, coordinated palette for colors, materials, and plants.
- ☑ Encourage simple outdoor patio furniture.
- ☑ Encourage use of low-maintenance plants.
- ☑ Encourage collaboration with neighbors to create the best aesthetic.
- ☑ Encourage well-placed, beautiful, well-designed signage.
- ☑ Encourage the use of color and art.

Examples of appropriate enclosure design



AESTHETIC DESIGN GUIDELINES (CONTINUED)

Barrier Materials

- Black iron.
- Dark-stained or painted vertical wood elements with a top rail or cap. See below for approved colors.
- Planters. Use unique, hearty, low-maintenance, drought-tolerant plants.
- Thick connecting ropes attached to wood or metal posts.

Platform Surfaces

- Platforms must be constructed with wood painted or stained in a dark, approved color.
- Platforms may not be constructed in the gutter.
- If no platform is constructed, surface materials should not be used.



Furniture

Outdoor dining areas should use simple patio furniture designs. Plastic or vinyl furniture is prohibited.

Lighting

Where lighting is used, it should be placed at a low level - in plantings or along barrier fencing. Overhead lighting is discouraged. All lighting should be white.

Fabric Elements

Use of umbrellas, banners, and flags is encouraged. Fabrics should be approved colors only (see below).

Discouraged

The following design elements are discouraged:

- ✗ Pop-up tents
- ✗ Overhead elements
- ✗ Outdoor carpeting or faux lawn products
- ✗ Lattice (wood or plastic)
- ✗ Plastic or vinyl fences, trellis, or furniture
- ✗ Picket fencing
- ✗ Hinged metal pet enclosures
- ✗ Excessive decoration
- ✗ Platforms
- ✗ Fixed enclosures
- ✗ Overhead elements

Examples of discouraged design elements that are no longer appropriate



AESTHETIC DESIGN GUIDELINES (CONTINUED)

Colors

Wooden and iron elements must be painted or stained in approved colors. Umbrellas, banners, and flags must also use approved colors. For approved colors, refer to “Santa Barbara Colors: A Guide to Painting Buildings” at <https://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=17318>

IRON COLORS



TRIM & DETAILS



AWNINGS & UMBRELLAS



To further assist you in matching the colors in the guide to colors at your chosen paint store or manufacturer, the Planning Division has available to the public a color-matching digital scanning tool that allows users to match colors in the SB Color Guide to the paint manufacturer of their choice. Visit the Planning Counter at 630 Garden Street to view and scan the color selections in the guide. The app will accurately match those scanned colors to paint manufacturers and detail the color name and number needed when ordering paint. The color tool is maintained by the Urban Historian and requests to use it may be made by contacting the Urban Historian directly at 805-564-5470 x4557 to set up an appointment.



CITY OF SAN CLEMENTE

City Council Minutes

Regular Meeting – November 16, 2021

These minutes reflect the order in which items appeared on the meeting agenda and do not necessarily reflect the order in which items were actually considered.

A Regular Meeting of the San Clemente City Council was called to order by Mayor Ward on November 16, 2021 at 5:00 p.m. in the San Clemente Community Center Auditorium, located at 100 N. Calle Seville, San Clemente.

PRESENT DUNCAN, FERGUSON*, JAMES, KNOBLOCK, MAYOR WARD

*Left meeting at 11:02 p.m.

ABSENT None

STAFF PRESENT Erik Sund, City Manager; Scott Smith, City Attorney; Joanne Baade, City Clerk; Laura Campagnolo, Deputy City Clerk

CLOSED SESSION

MOTION BY MAYOR PRO TEM JAMES, SECOND BY COUNCILMEMBER DUNCAN, CARRIED 5-0, to recess to Closed Session at 5:01 p.m. to discuss the following:

- A. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Existing litigation pursuant to Government Code section 54956.9(d)(1)
Number of Cases: 2

Case Name: City of San Clemente v. Foothill/Eastern Transportation Corridor
Agency and County of Orange
Case Number: OCSC 30-2017-00934703-CU-PT-CXC

Case Name: Housing is a Human Right v. the County of Orange and City of
San Clemente
Case Number: 30-2019-01098573-CU-WM-CJC

REGULAR BUSINESS MEETING CONVENED

The Regular Business Meeting convened at 6:01 p.m., with all Councilmembers present.

8. UNFINISHED BUSINESS**A. Updates on Economic Recovery, Outdoor Dining and Trolley Operations and Consideration of Directing the Director of Emergency Services to Extend Certain Zoning-Related Small Business Assistance Strategies and Implementing License Agreements with Participating Businesses**

Report from the Economic Development Officer concerning updates on economic recovery, outdoor dining and trolley operations and consideration of directing the Director of Emergency Services to extend certain zoning-related small business assistance strategies and implementing license agreements with participating businesses.

Economic Development Director Lightfoot reviewed the contents of the Administrative Report and responded to Council inquiries.

Pam Roth, San Clemente, reported that she conducted a poll that indicated that 82% of the 1,400 respondents support continued outdoor dining; asserted that the majority of retail stores experienced an increase in business during the time outdoor dining was permitted; urged that the City not require uniformity with regard to the outdoor dining facilities.

Donatella Blizzi, San Clemente, stated that approximately 99% of her customers support continued outdoor dining; spoke on the advantages of outdoor dining during the current pandemic; urged Council to notify restaurants as soon as possible if outdoor dining will be allowed to resume to provide adequate time for the construction of outdoor dining facilities.

Carla Marullo, San Clemente, conveyed that she drives a San Clemente trolley and supports continued trolley service; noted the popularity of the trolley program and its benefits in freeing parking spaces and accommodating train visitors.

Zhen Wu, San Clemente, urged Council to reinstate outdoor dining after the holidays when parking is not as much in demand for retail businesses; suggested that the Design Review Subcommittee be allowed to review the proposed outdoor dining facilities to ensure quality standards are met, but not require the facilities to be uniform in design; opined that restaurants should be charged to utilize public spaces.

Katie Carroll, Manager at HH Cottons, thanked Council for allowing restaurants to utilize Avenida Del Mar for outdoor dining and urged Council to continue the outdoor dining program.

Planning Commission Chair Crandell responded to Council inquiries concerning the roles of the Planning Commission and Design Review Subcommittee with regard to outdoor dining facility standards and the anticipated time involved to complete that analysis.

Council referred the issue of outdoor dining standards to the Planning Commission, with direction that it obtain input from the public and develop recommendations for Staff to incorporate into a draft Ordinance for Council consideration. Moreover, Council directed that the Design Review Subcommittee develop recommendations to ensure that the aesthetics of the outdoor dining facilities are in keeping with the character of the downtown. The Planning Commission and Design Review Subcommittee are to focus on the Avenida Del Mar area at this time. Council requested that the recommendations provided include safety measures, structure and quality standards, number of outdoor dining operations that should be allowed and where those operations would be appropriate, permissible sizes of outdoor dining facilities, whether outdoor dining should be limited to restaurants without existing outside patios, and regulations for restaurants that use their private parking for outdoor dining (including the number of parking spaces that can be used for dining purposes).

MOTION BY COUNCILMEMBER DUNCAN, SECOND BY MAYOR PRO TEM JAMES, CARRIED 5-0, to:

1. Adopt Resolution No. 21-46 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA EXTENDING THE LOCAL EMERGENCY REGARDING ECONOMIC STABILIZATION AND RECOVERY FROM THE IMPACTS OF THE CORONAVIRUS PANDEMIC PREVIOUSLY AUTHORIZED BY CITY COUNCIL RESOLUTION 21-18.
2. Adopt Resolution No. 21-47 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA DIRECTING THE DIRECTOR OF EMERGENCY SERVICES TO EXTEND CERTAIN ZONING-RELATED SMALL BUSINESS ASSISTANCE STRATEGIES AND IMPLEMENT LICENSE AGREEMENTS WITH PARTICIPATING BUSINESSES.
3. Authorize the City Manager to execute an administrative amendment to Exhibit C of the Professional Services Agreement with LAZ Parking to extend trolley operations through January 2, 2022.
4. Direct Staff to return to Council on March 15, 2022 with an Ordinance to establish a City-wide outdoor dining program for 2022-2023 under the enabling legislation of AB 61 and SB 314.

**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**

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.

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

Avenida Del Mar | San Clemente Outdoor Dining Proposal

ROUGH # of diners each restaurant gains according to this diagram. Obviously, that number will depend on the size/type of tables then actually use.

SOUTH OF NICK'S	?
are they participating?	
BILLY'S	18?
they have vacant courtyard	
CAFE CALYPSO	14
RANCHO CAP WINE	22
VILLAGE MEDITERR	22
POKE&ROLL 808	22
CELLAR	20
CAPT MAURI'S	22
J'ADORE	22
ITALIAN CRAVINGS	?
AVILA'S	26
HH COTTON'S	26
BEACHFIRE	20
MONGKUT THAI	20
SC WINE CO	20
NICK'S	26
BRUSSEL'S BISTRO	26
MUSE SUSHI	22
CAFE MIMOSA	20
this is streetside, they already use their adjacent driveway	

Parking spaces on Avenida Del Mar

From top alley near El Camino Real to Library Cutoff/parking entrance.

regular parking spaces: 143

ADA parking spaces: 8 (none of these would be blocked)

spaces proposed blocked to allow for outdoor tables: 40

% of parking spaces proposed to be blocked: 26%

% would go way down if we count 1 space for Cafe Mimosa and other parallel spots from the library cut-off down to Seville.

of diners 40 spaces accomodates: approx 6 diners/space = 240

of 8' barricades required: approx 71 (this is with ~2' between)

Tables

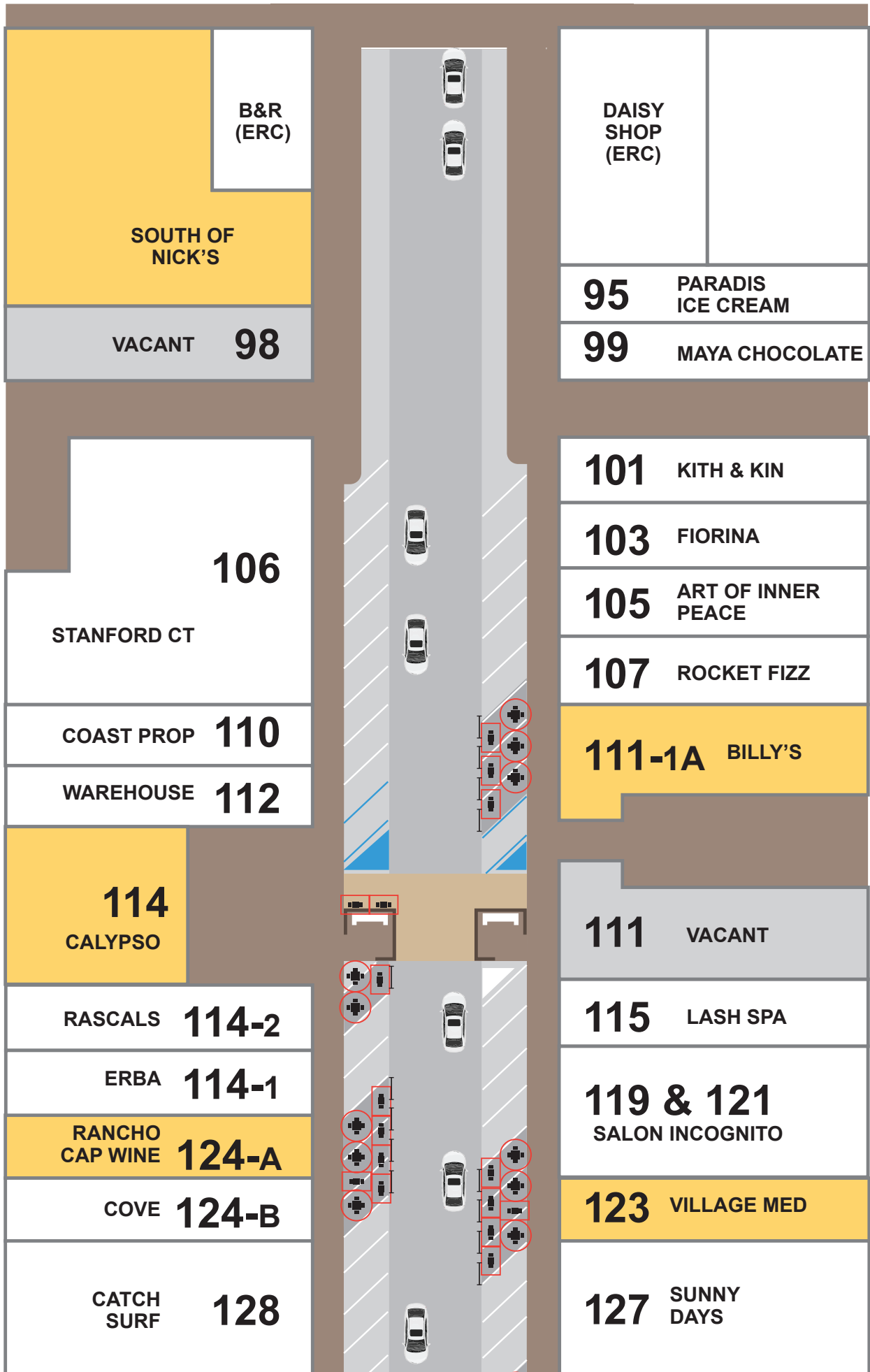
- Tables are shown to scale: 36x36 (seats 4), 24x30 (seats 2)
- Red keyline around the tables indicates 3' of space, so 6' of physical space between diners.

Ola Vista

- **HH Cotton's** is the only restaurant without useable space on Del Mar without going way down in front of the Post Office. There appears to be space along Ola Vista for a single row of tables. It would require barricading part of the right lane.
- **Italian Cravings** (on Ola Vista and Granada) could easily use their parking lot for outdoor tables.

Cafe Mimosa

- They are currently using the small driveway on east/uphill side of their patio. Diagram shows use of 1 parallel parking space on Del Mar for additional tables.



B&R
(ERC)

SOUTH OF
NICK'S

VACANT 98

106

STANFORD CT

COAST PROP 110

WAREHOUSE 112

114

CALYPSO

RASCALS 114-2

ERBA 114-1

RANCHO
CAP WINE 124-A

COVE 124-B

CATCH
SURF 128

DAISY
SHOP
(ERC)

95 PARADIS
ICE CREAM

99 MAYA CHOCOLATE

101 KITH & KIN

103 FIORINA

105 ART OF INNER
PEACE

107 ROCKET FIZZ

111-1A BILLY'S

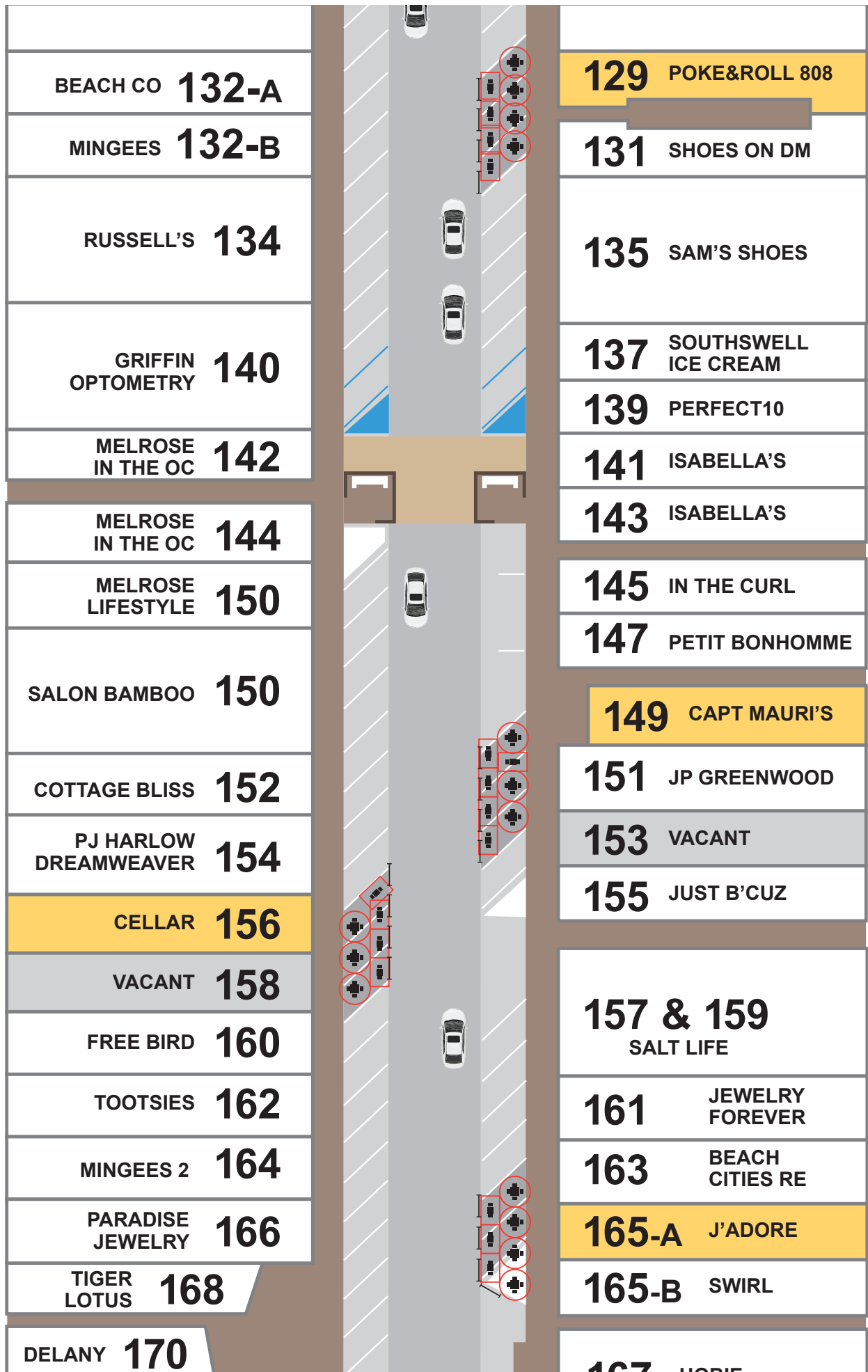
111 VACANT

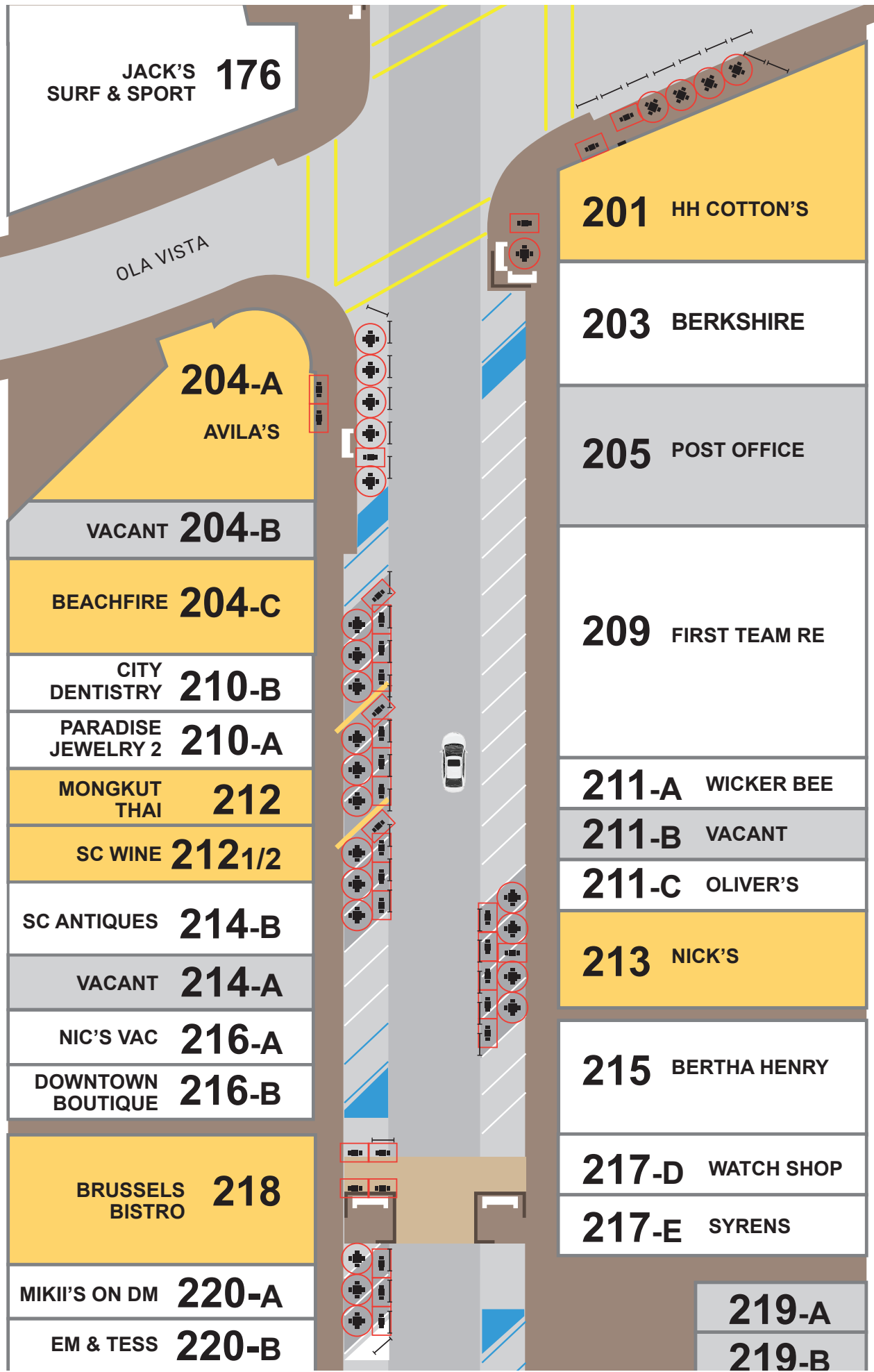
115 LASH SPA

119 & 121
SALON INCOGNITO

123 VILLAGE MED

127 SUNNY
DAYS





JACK'S SURF & SPORT 176

OLA VISTA

204-A AVILA'S

VACANT 204-B

BEACHFIRE 204-C

CITY DENTISTRY 210-B

PARADISE JEWELRY 2 210-A

MONGKUT THAI 212

SC WINE 212 1/2

SC ANTIQUES 214-B

VACANT 214-A

NIC'S VAC 216-A

DOWNTOWN BOUTIQUE 216-B

BRUSSELS BISTRO 218

MIKII'S ON DM 220-A

EM & TESS 220-B

201 HH COTTON'S

203 BERKSHIRE

205 POST OFFICE

209 FIRST TEAM RE

211-A WICKER BEE

211-B VACANT

211-C OLIVER'S

213 NICK'S

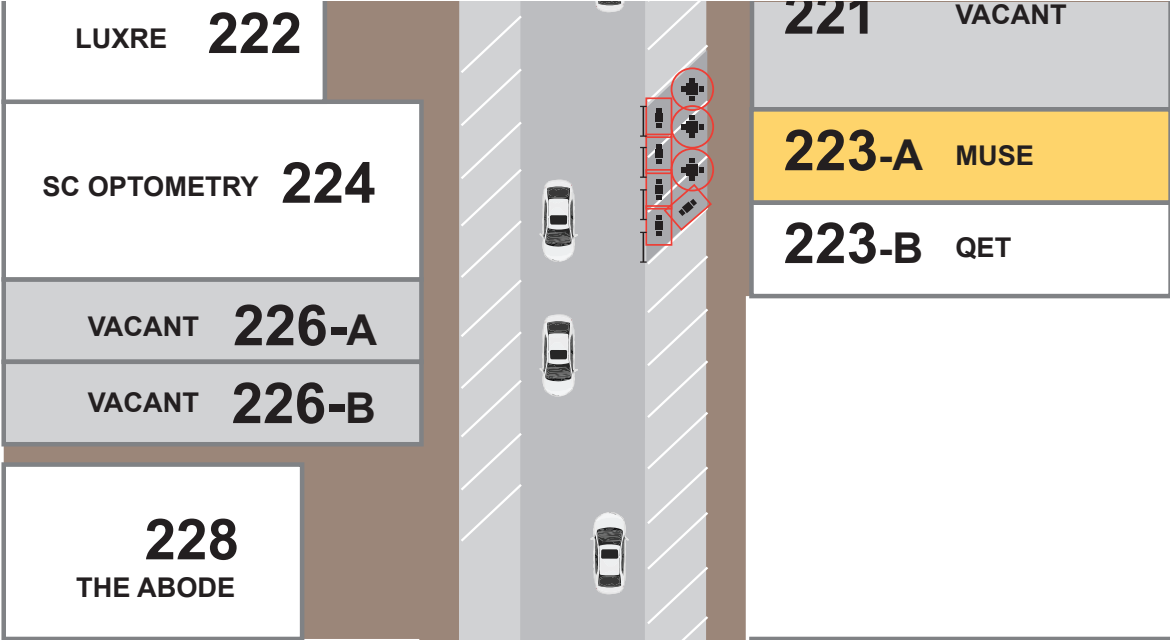
215 BERTHA HENRY

217-D WATCH SHOP

217-E SYRENS

219-A

219-B



LIBRARY PARKING LOT

