



# AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING  
Meeting Date: December 21, 2021

Agenda Item 9E  
Approvals:  
City Manager ES  
Dept. Head \_\_\_\_\_  
Attorney \_\_\_\_\_  
Finance Jew

**Department:** Economic Development  
**Prepared By:** Jonathan Lightfoot, Economic Development Officer

**Subject:** *PIER BOWL OUTDOOR DINING*

**Fiscal Impact:** Yes. Should the Council opt to reestablish outdoor dining in the Pier Bowl under the enabling state legislation, staff would continue to collect monthly license fees of \$200 per parking space from the four businesses on Avenida Victoria in the Pier Bowl.

**Summary:** The City’s temporary outdoor dining program that was established in 2020 sunsets on December 31, 2021. The Council may, by resolution, allow for outdoor dining under the state’s legislation (AB 61 and SB314, signed into law in October of 2021) which enables the City to permit outdoor dining without the need for the proclamation and powers of a local emergency. The State legislation is time limited, not to extend beyond December 31, 2023. This interim authorization for the Pier Bowl would only permit outdoor dining operations until the City Council considers updated design guidelines and operational standards in March of 2022.

**Background:** On November 16, 2021, the City Council approved Resolutions 21-18 and 21-19, which extended the local emergency order regarding economic stabilization and recovery from the pandemic until December 31, 2021 and authorized businesses operating outdoor dining areas in the Pier Bowl or on private property to continue their use until that time. AB 61 requires cities with outdoor dining in effect at the end of 2021 to grandfather that reduction in “the number of required parking spaces for existing uses by the number of spaces *that the local jurisdiction determines are needed to accommodate an expanded outdoor dining area.*” (Emphasis added.) This requires some deliberate enactment by the Council to determine that need in order to avoid wholesale grandfathering of prior uses.

At its December 7, 2021 regular meeting, the Council asked that staff return with an option to allow dining at the Pier Bowl patios to remain beyond January 1, 2022 and until Council has an opportunity to consider new design guidelines and regulations that could be adopted at the regular meeting on March 15, 2022 after the draft guidelines have been discussed by both the Design Review Subcommittee and the Planning Commission.

**Discussion:** Allowing the Pier Bowl outdoor dining to continue can be accomplished under the new state legislation. The City Attorney previously opined that AB 61 in particular would grandfather existing patios “as is” if the initial program continued into the new year. However, the City would retain discretion over its own property, so an allowance for

interim operations in the Pier Bowl can be subjected to future modifications – such as any guidelines that may be considered for adoption in March of 2022.

The Council also requested information regarding bike lanes referenced within planning documents, including the General Plan, Pier Bowl Specific Plan, or Bike and Pedestrian Master Plan and whether any current or future conflicts may exist. Staff reviewed those documents. Future bike facilities are referenced within these plans, but are identified as Class 3 facilities. Class 3 bike lanes are not separated from the main street, but simply identify via “sharrows” that the road is to be shared by vehicles and bikes. See Attachment 2 for the General Plan’s Bikeways Map from the Mobility and Complete Streets Element and for the Pier Bowl Specific Plan’s trails and bikeways map. Similarly, Table 3.3 of the Bike and Pedestrian Master plan identifies the road as a “candidate Class 3 bike facility”. Temporary dining decks or the CIP project previously approved by Council to expand the Avenida Victoria sidewalk would not interfere with a future addition of sharrows to the Avenida Del Mar or Avenida Victoria street pavement.

**Recommended**

**Actions:** STAFF RECOMMENDS THAT the City Council:

1. Adopt Resolution No. \_\_\_\_, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, IMPLEMENTING OUTDOOR DINING FOR RESTAURANTS WITHIN THE PIER BOWL TO BE REGULATED BY LICENSE AGREEMENTS EXECUTED BY THE CITY MANAGER OR DESIGNEE.

**Attachments:**

1. Resolution No. \_\_\_\_, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, IMPLEMENTING OUTDOOR DINING FOR RESTAURANTS WITHIN THE PIER BOWL TO BE REGULATED BY LICENSE AGREEMENTS EXECUTED BY THE CITY MANAGER OR DESIGNEE.
2. Bikeway maps from the General Plan’s Mobility Element and the Pier Bowl Specific Plan

**Notification:** Four businesses operating outdoor dining areas in the Pier Bowl: La Galette, Bear Coast Coffee, Caterina’s, and Pierside

# ATTACHMENT 1

## RESOLUTION NO. 21-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, IMPLEMENTING OUTDOOR DINING FOR RESTAURANTS WITHIN THE PIER BOWL TO BE REGULATED BY LICENSE AGREEMENTS EXECUTED BY THE CITY MANAGER OR DESIGNEE.

WHEREAS, on March 17, 2020, the City Council of San Clemente proclaimed a local emergency due to Covid-19 and subsequently, on June 2, 2020, adopted Resolution 20-41, which authorized certain zoning-related small business assistance strategies including the permitting of outdoor dining intended to help businesses operate safely and successfully during the pandemic; and

WHEREAS, on June 1, 2021 the City Council adopted Resolution 21-18 of the City Council proclaiming a local emergency regarding economic stabilization and recovery from the impacts of the coronavirus pandemic, and subsequently extended the proclamation until December 31, 2021; and

WHEREAS, the State legislature, recognizing the continuing value of outdoor dining operations for certain at-risk members of the public and for the economic benefit of impacted businesses, adopted Assembly Bill (AB) 61 and Senate Bill (SB) 314, which were signed into law by Governor Newsom in October of 2021;

WHEREAS, AB 61 requires cities with outdoor dining in effect at the end of 2021 to grandfather that reduction in “the number of required parking spaces for existing uses by the number of spaces that the local jurisdiction determines are needed to accommodate an expanded outdoor dining area,” which requires this deliberate enactment by the Council determining that need in lieu of the default grandfathering of all prior uses.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Clemente, California as follows:

### Section 2. Temporary Outdoor Operations on Public Property

The City Council hereby authorizes and directs the City Manager and/or the Economic Development Officer to extend existing license agreements with those businesses on Avenida Victoria in the Pier Bowl beyond December 31, 2021 under the enabling provisions of AB 61 and SB 314. Food and beverage operators on Avenida Victoria in the Pier Bowl may extend their agreements until March 15, 2022 at which point the City Council expects to deliberate upon an ordinance pertaining to revised standards

for outdoor dining applicable to the City generally. The license fee of \$200 per parking spot per month, or proration thereof, shall continue to be collected monthly.

Section 5. Alignment with State Legislation

The City Council may authorize continuation of seasonal outdoor dining in 2022 and 2023 pursuant to the enabling legislation (AB 61 and SB 314) signed into law by Governor Newsom in October 2021. The Council anticipates deliberating on a new ordinance or resolution with adopted program guidelines on March 15, 2022 should it desire to reinstitute a version of outdoor dining in 2022 and 2023. Any application, design guidelines, or other regulations adopted by the Council in March of 2022 or at any other future time shall become immediately applicable to any businesses in the Pier Bowl operating a temporary outdoor dining area.

Section 7. Certification

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
City Clerk of the City of  
San Clemente, California

\_\_\_\_\_  
Mayor of the City of San  
Clemente, California

STATE OF CALIFORNIA            )  
COUNTY OF ORANGE            ) §  
CITY OF SAN CLEMENTE        )

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. \_\_\_\_\_ was adopted at a regular meeting of the City Council of the City of San Clemente held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote:

AYES:

NOES:

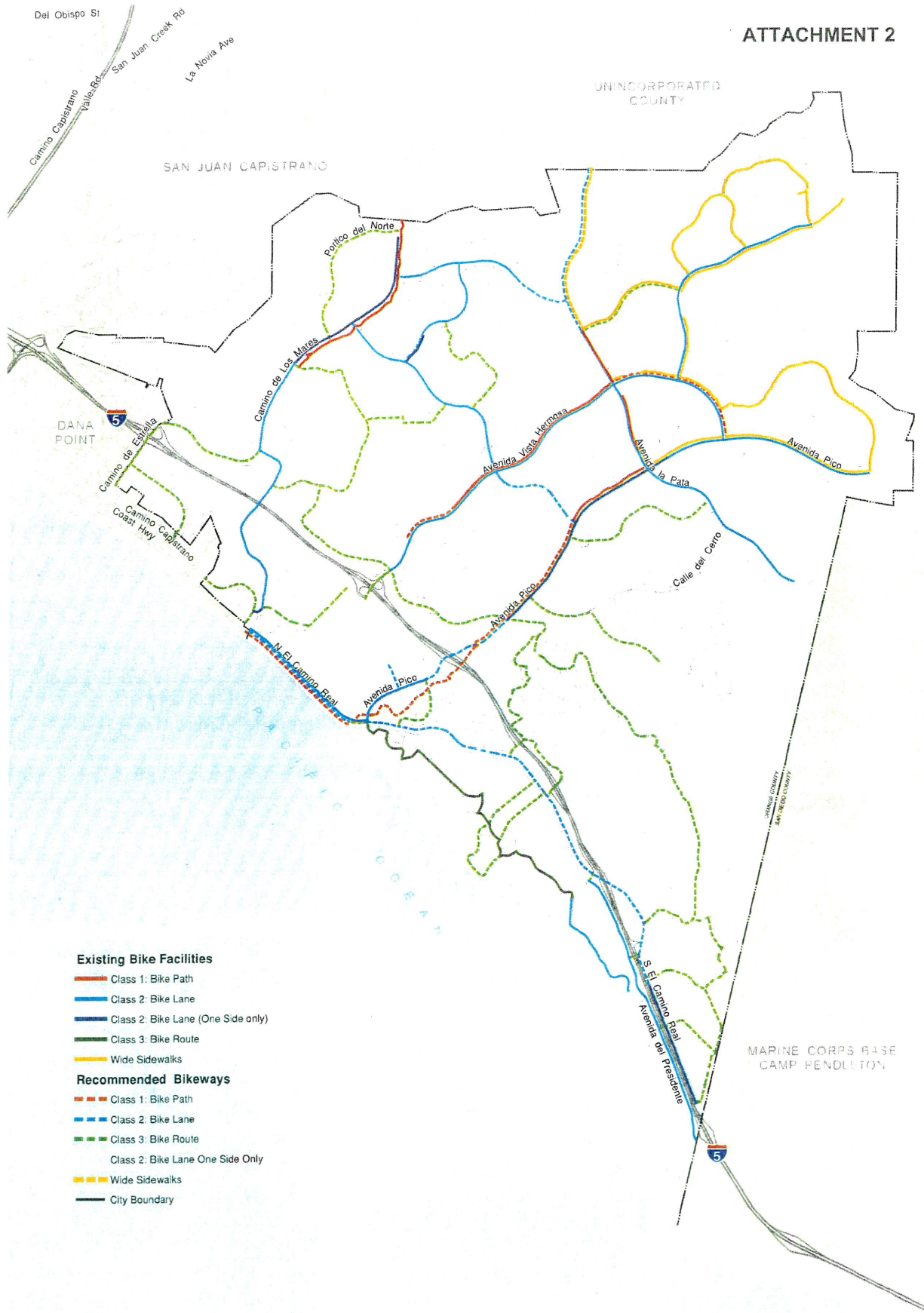
ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CITY CLERK of the City of  
San Clemente, California

Approved as to form:

\_\_\_\_\_  
City Attorney



- Existing Bike Facilities**
- Class 1: Bike Path
  - Class 2: Bike Lane
  - Class 2: Bike Lane (One Side only)
  - Class 3: Bike Route
  - Wide Sidewalks
- Recommended Bikeways**
- - - Class 1: Bike Path
  - - - Class 2: Bike Lane
  - - - Class 3: Bike Route
  - - - Class 2: Bike Lane One Side Only
  - - - Wide Sidewalks
  - City Boundary

Figure M-3  
BIKEWAYS MAP

0 1,250 2,500 5,000 Feet



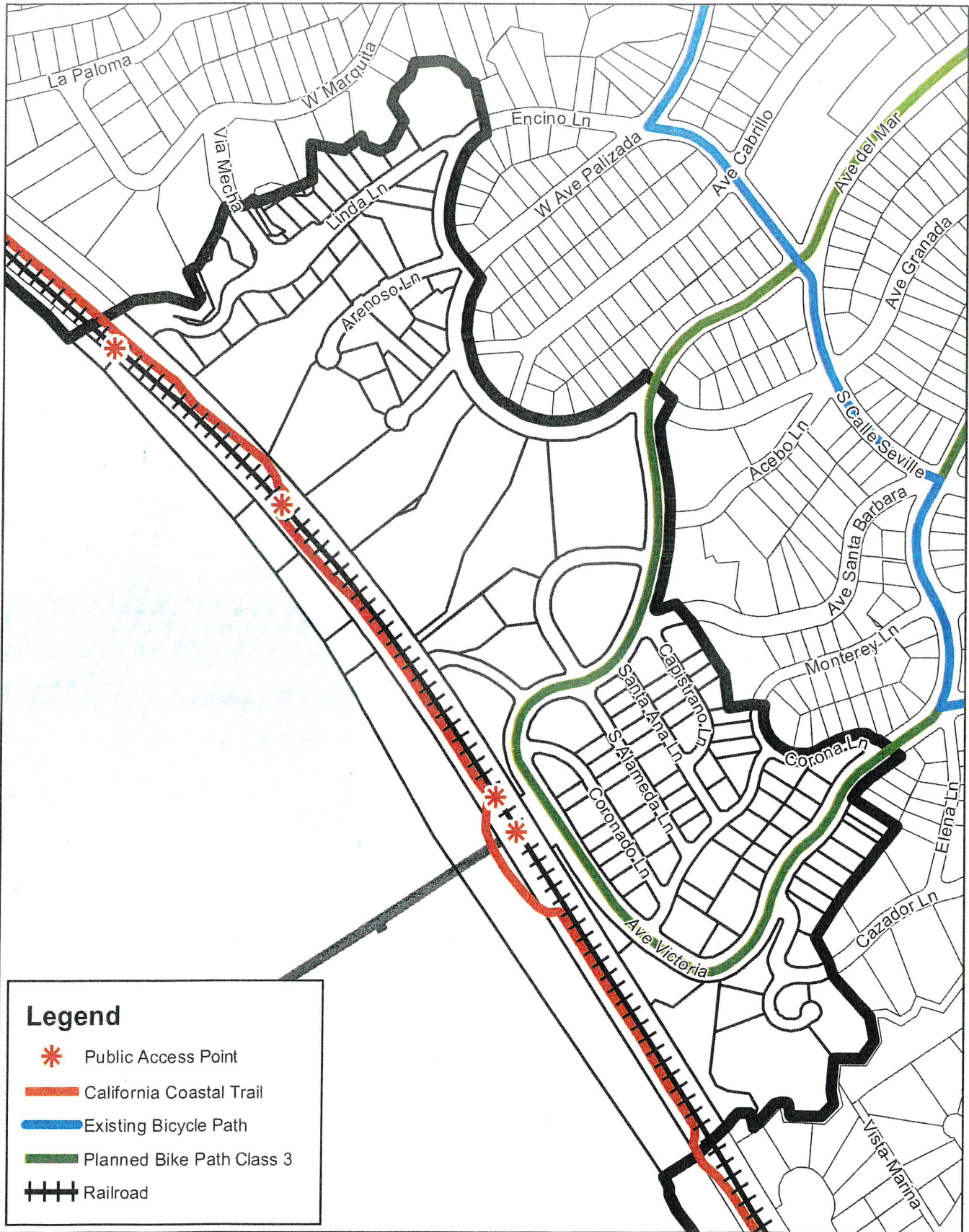


Figure 2-4  
**Trails and  
 Bikeways**

