



# STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: June 23, 2022

**PLANNER:** David Carrillo, Assistant Planner

**SUBJECT:** **Special Activities Permit 22-063, Garden Cabaret at Cabrillo Playhouse**, a request to allow a maximum of 15 outdoor musical performances between 5:00pm and 9:30pm in 2022 at the Cabrillo Playhouse located at 202 Avenida Cabrillo

**LOCATION:** 202 Avenida Cabrillo

**ZONING/GENERAL PLAN:** Mixed Use 3.1 Zoning district and Architectural Overlay district (MU3.1-A)

**PROJECT SUMMARY:**

- In 2021, the City approved a Temporary Outdoor Operating Permit (TOOP) allowing outdoor musical performances between March 4, 2021 and February 10, 2022. The events took place at the property’s outdoor deck between 7:00 P.M. and 9:30 P.M., Thursday through Saturday, and between 1:30 P.M. and 4:00 P.M. on Sundays.
- The site is a 10,802 square-foot corner lot, listed on the City’s Designated Historic Resources List within Downtown. Surrounding land uses include single, and multi-family residences to the north, west, and east, and a commercial plaza to the south. The on-site building was converted from a single-family residence to a community theatre in 1966, currently known as the Cabrillo Playhouse. **Image 1** below is an aerial view of the site.

**Image 1 – Aerial View of the Site**



- Since 1966, the Cabrillo Playhouse has been hosting year-round comedies, drama, and musical performances to the local community in its 66-seat indoor theatre. Additionally, the indoor theatre is available for rent for special events. The theatre's hours of operation are typically between noon and 9:30 P.M.
- The applicant proposes non-profit outdoor performances at the site's outdoor patio deck during the month of July 2022, with a maximum attendance of 44 guests. The proposed seating layout and event dates are outlined in the application provided in **Attachment 3**. Proposed operating hours for each event are between 5:00 P.M. to 9:30 P.M. The events consist of 1) two speakers directed towards the audience and subject building, 2) two lights directed towards the artist, and 3) access to indoor restrooms. No physical changes to the site or building are necessary to accommodate the events.
- Zoning Ordinance Section 17.16.155 requires Zoning Administrator approval of a Special Activities Permit (SAP) to allow two or more special activity days, not to exceed 15 days.
- Although the applicant is currently proposing events in July 2022, additional events, not to exceed 15 in 2022, may be proposed after July 2022 with approval by the City Planner or designee, per condition of approval 7.31.
- Parking on-site is limited to one parking space. However, parking is available in the vicinity on public parking lots and street parking within walking distance from the Cabrillo Playhouse. Maximum seating is 66 for indoors, and 44 for outdoors. The existing parking supply within the vicinity supports indoor events allowed at the Cabrillo Playhouse. Therefore, since indoor events are not proposed simultaneously with outdoor events, the parking supply within the vicinity continues to support the theatre with special outdoor activities given that the maximum attendance for the special activities is less than the maximum attendance for normal indoor operations. Additionally, traffic would not be intensified any more than the traffic from normal indoor operations.
- The patio's setting consisting of surrounding landscaping and on-site buildings helps mitigate negative noise and light impacts on adjacent residences. To further mitigate noise and light impacts, a condition of approval has been added which requires speakers and lights to be directed away from adjacent residences. Additionally, another condition of approval requires the applicant to have a point of contact on site to address any issues, including noise and light issues, derived from the events.
- The project meets required findings for approval because:
  - The proposed use is permitted in the Mixed Use 3.1 Zoning District with approval of a Special Activities Permit.
  - The special activities contribute to the mix of neighborhood and community serving commercial uses and provide further opportunities for visitor's to enjoy performing arts outdoors within a visitor-serving district, consistent with General Plan Policy LU-12.07. Economic Development, which states *"we leverage Del Mar/T-Zone and Pier Bowl and Pier economic development efforts and special events to enhance*

- regional appeal and encourage visitors to visit both destinations. The City will support efforts to develop tools that aid in the Area's revitalization".*
- Conditions of approval have been added which require the applicant to direct speakers and light fixtures away from neighboring residences, and to terminate outdoor events and amplified sound no later than 9:30pm. Additionally, since the special activities have a maximum attendance that is less than the maximum attendance during normal operations, the existing public parking supply within the vicinity continues to support the theatre, consistent with General Plan Policy LU-2.03. Neighborhood Compatibility, which states, "*we require that commercial projects abutting residential neighborhoods be designed and operated to protect residents from the effects of noise, light, odors, vibration traffic, parking and other operational impacts*".
  - The current condition of the site accommodates the special activities given that the outdoor patio deck is existing and the maximum attendance for the special activities does not exceed the maximum attendance during normal operations. Therefore no physical changes to the site and building are proposed.
  - The special activities are proposed entirely within private property and would not encroach into the public right-of-way. The Code Compliance Division and Orange County Sheriff's Department support the request subject to conditions of approval. Additionally, indoor restrooms are available for use by guests, in compliance with the California Building Code.
  - The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities) because the project is limited to short-term special activities at a developed commercial property.
  - Public comments have been received on this item. One comment expresses opposition to the special activities due to noise concerns and potential existing electrical wire safety hazards at the outdoor patio. Other comments express support of the special activities. All public comments received to-date are provided in **Attachment 4**.

## **RECOMMENDATION**

Staff recommends that the Zoning Administrator:

1. Determine the project is Categorically Exempt from the requirements of the CEQA pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities); and
2. Adopt Resolution ZA No. 22-012, approving Special Activities Permit 22-063, Garden Cabaret at Cabrillo Playhouse, subject to attached conditions of approval.

### ***Attachments:***

1. Resolution ZA No. 22-012  
Exhibit A - Conditions of Approval
2. Location Map

3. Special Activities Permit Application
4. Public Comments

# ATTACHMENT 1

## RESOLUTION NO. ZA 22-012

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SPECIAL ACTIVITIES PERMIT 22-063, GARDEN CABARET AT CABRILLO PLAYHOUSE, TO ALLOW A MAXIMUM OF 15 OUTDOOR MUSICAL PERFORMANCES BETWEEN 5:00PM AND 9:30PM IN 2022 AT THE CABRILLO PLAYHOUSE LOCATED AT 202 AVENIDA CABRILLO**

WHEREAS, on February 28, 2022, an application was submitted by Michael Lopez, 202 Avenida Cabrillo, for Special Activities Permit (SAP) 22-063, Garden Cabaret at Cabrillo Playhouse, and deemed complete on May 26, 2022; a request to allow a maximum of 15 outdoor musical performances between 5:00 P.M. and 9:30 P.M. in 2022 at the Cabrillo Playhouse located at 202 Avenida Cabrillo, and within the Mixed Use 3.1 Zoning District and Architectural Overlay District (MU3.1-A). The site's legal description is N TR 779 BLK 15 LOT 28 TRACT NO 779 BLK 15 LOTS 28 AND 29, and Assessor's Parcel Number 058-123-63; and

WHEREAS, the Planning Division has completed an initial environmental assessment of the above matter in accordance with the California Environmental Quality Act (CEQA) and recommends the Zoning Administrator determine the project is Categorical Exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities). This is recommended because the project is limited to short-term special activities at a developed commercial property;

WHEREAS, on March 17, 2022 and May 18, 2022, the City's Development Management Team (DMT) reviewed the proposed project and determined it complies with the General Plan, Zoning Ordinance, and other applicable City ordinances and codes; and

WHEREAS, on June 23, 2022, the Zoning Administrator of the City of San Clemente held a duly noticed public hearing on the subject application, considered written and oral comments, and facts and evidence presented by the applicant, City staff, and other interested parties.

NOW, THEREFORE, The Zoning Administrator of the City of San Clemente does hereby resolve as follows:

#### Section 1. Incorporation of Recitals.

The Zoning Administrator hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the Zoning Administrator 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 Zoning Administrator, and the facts outlined below, the Zoning Administrator hereby finds and determines that the proposed project is Categorically Exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities).

The Class 1 exemption specifically exempts from further CEQA review the operation, repair, maintenance, and minor repair of existing public or private structures, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Here, the proposal is the temporary operation of twelve outdoor musical performances in 2022, between 5:00 P.M. and 9:30 P.M. The events do not permanently intensify or otherwise change the existing use of the site as a community theatre. Thus, the project qualifies for the Class 1 exemption.

Furthermore, none of the exceptions to the use of the Class 1 categorical exemption 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. There are no unusual circumstances surrounding the project that result in a reasonable possibility of a significant effect on the environment. There are no sensitive resources, such as endangered species, 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 the subject historical resource. Thus, the Class 1 exemption applies, and no further environmental review is required.

## Section 3. Special Activities Permit Findings

With respect to Special Activities Permit (SAP) 22-063, the Zoning Administrator finds as follows:

- A. The proposed use is permitted within the subject zone pursuant to the approval of a Special Activities Permit and complies with all of the applicable provisions of the San Clemente Zoning Ordinance, the San Clemente General Plan, and the purpose and intent of the MU3.1-A zone in which the use is being proposed, in that:
  1. The special activities contribute to the mix of neighborhood and community serving commercial uses and provide further opportunities for visitor's to enjoy performing arts outdoors within a visitor-serving district, consistent with General Plan Policy LU-12.07. Economic Development, which states *"we leverage Del Mar/T-Zone and Pier Bowl and Pier economic development efforts and special events to enhance regional appeal and encourage visitors to visit both destinations. The City will support efforts to develop tools that aid in the Area's revitalization"*;

2. Conditions of approval have been added which require the applicant to direct speakers and light fixtures away from neighboring residences, and to terminate outdoor events and amplified sound no later than 9:30pm. Additionally, since the special activities have a maximum attendance that is less than the maximum attendance during normal operations, the existing public parking supply within the vicinity continues to support the theatre, consistent with General Plan Policy LU-2.03. Neighborhood Compatibility, which states, *“we require that commercial projects abutting residential neighborhoods be designed and operated to protect residents from the effects of noise, light, odors, vibration traffic, parking and other operational impacts”*;
  3. Parking is available in the vicinity by public parking lots and street parking within walking distance from the Cabrillo Playhouse. Maximum seating is 66 for indoors, and 44 for outdoors. The existing parking supply within the vicinity supports indoor events allowed at the Cabrillo Playhouse. Therefore, since indoor events are not proposed simultaneously with outdoor events the parking supply within the vicinity continues to support the theatre with special outdoor activities given that the maximum attendance for the special activities is less than the maximum attendance for normal indoor operations. Additionally, traffic would not be intensified any more than the traffic from normal indoor operations.
  4. The events are planned and conditioned appropriately to ensure noise levels are contained below maximum exterior noise levels allowed, by the City’s Noise Ordinance; and to protect the public health, safety, and welfare.
- B. The site is suitable for the type and intensity of use that is proposed, in that:
1. Parking is available in the vicinity by public parking lots and street parking within walking distance from the Cabrillo Playhouse. Maximum seating is 66 for indoors, and 44 for outdoors. The existing parking supply within the vicinity supports indoor events allowed at the Cabrillo Playhouse. Therefore, since indoor events are not proposed simultaneously with outdoor events the parking supply within the vicinity continues to support the theatre with special outdoor activities given that the maximum attendance for the special activities is less than the maximum attendance for normal indoor operations. Additionally, traffic would not be intensified any more than the traffic from normal indoor operations.
  2. The current condition of the site accommodates the special activities given that the outdoor patio deck is existing and the maximum attendance for the special activities does not exceed the maximum attendance during normal operations. Therefore no physical changes to the site and building are proposed.

3. The special activities are proposed entirely within private property and would not encroach into the public right-of-way. The Code Compliance Division and Orange County Sheriff's Department support the request subject to conditions of approval. Additionally, indoor restrooms are available for use by guests, in compliance with the California Building Code.
- 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. Parking is available in the vicinity by public parking lots and street parking within walking distance from the Cabrillo Playhouse. Maximum seating is 66 for indoors, and 44 for outdoors. The existing parking supply within the vicinity supports indoor events allowed at the Cabrillo Playhouse. Therefore, since indoor events are not proposed simultaneously with outdoor events the parking supply within the vicinity continues to support the theatre with special outdoor activities given that the maximum attendance for the special activities is less than the maximum attendance for normal indoor operations. Additionally, traffic would not be intensified any more than the traffic from normal indoor operations;
  2. The current condition of the site accommodates the special activities given that the outdoor patio deck is existing and the maximum attendance for the special activities does not exceed the maximum attendance during normal operations. Therefore no physical changes to the site and building are proposed;
  3. The special activities are proposed entirely within private property and would not encroach into the public right-of-way. The Code Compliance Division and Orange County Sheriff's Department support the request subject to conditions of approval. Additionally, indoor restrooms are available for use by guests, in compliance with the California Building Code;
  4. The events are conditioned appropriately to ensure noise levels are contained below maximum exterior noise levels allowed per the City's Noise Ordinance, to protect the public health, safety, and welfare, and ensure compliance with the Municipal Code. As conditioned, the City may revoke the SAP if the use proves to be incompatible with surrounding land uses or if conditions of approval aren't adequately met;
- D. The proposed use will not negatively impact surrounding land uses, in that:
1. Parking is available in the vicinity by public parking lots and street parking within walking distance from the Cabrillo Playhouse. Maximum seating is 66 for indoors, and 44 for outdoors. The existing parking supply within the vicinity supports indoor events allowed at the Cabrillo Playhouse. Therefore, since indoor events are not proposed simultaneously with outdoor events the parking supply within the vicinity continues to support the theatre with special outdoor activities given that the maximum



attendance for the special activities is less than the maximum attendance for normal indoor operations. Additionally, traffic would not be intensified any more than the traffic from normal indoor operations;

2. The current condition of the site accommodates the special activities given that the outdoor patio deck is existing and the maximum attendance for the special activities does not exceed the maximum attendance during normal operations. Therefore no physical changes to the site and building are proposed;
3. The special activities are proposed entirely within private property and would not encroach into the public right-of-way. The Code Compliance Division and Orange County Sheriff's Department support the request subject to conditions of approval. Additionally, indoor restrooms are available for use by guests, in compliance with the California Building Code;
4. The events are conditioned appropriately to ensure noise levels are contained below maximum exterior noise levels allowed per the City's Noise Ordinance, to protect the public health, safety, and welfare, and ensure compliance with the Municipal Code. As conditioned, the City may revoke the SAP if the use proves to be incompatible with surrounding land uses or if conditions of approval aren't adequately met;

#### Section 4. Zoning Administrator Approval.

Based on the foregoing recitals and findings, and the written and oral comments, facts, and evidence presented, the City of San Clemente Zoning Administrator approves Special Activities Permit 22-063, Garden Cabaret at Cabrillo Playhouse, subject to the Conditions of Approval set forth in Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City of San Clemente Zoning Administrator on June 23, 2022.

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Cecilia Gallardo-Daly, Zoning Administrator

CONDITIONS OF APPROVAL  
SPECIAL ACTIVITIES PERMIT 22-063, GARDEN CABARET AT CABRILLO  
PLAYHOUSE

**1.0 GENERAL CONDITIONS OF APPROVAL**

- |     |   |                             |
|-----|---|-----------------------------|
| 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<br>Comp                |
| 1.8 | The Applicant (including any property owners and managers, and their designees) shall abide by all applicable laws, including Orange County Health Care Agency.   | Code<br>Comp<br>OCHCA<br>** |

- 1.9 The Applicant (including any property owners and managers, and their designees) understands and acknowledges that the event may be closed down at the discretion of the Orange County Sheriff’s Department if it becomes unreasonably loud or boisterous, if it exceeds the standards contained in the City’s noise ordinance, or results in a public safety hazard. In addition, the event may be closed down at the discretion of the Orange County Fire Authority due to overcrowding or other hazardous conditions.

Code  
Comp  
Fire  
OCSD  
\*\*
- 1.10 The Applicant (including any property owners and managers, and their designees) understands and acknowledges that all persons associated with the permitted event must comply with the City’s standards regarding solicitation or sale of goods, wares or of any services or facilities in or about public places according to the City’s Municipal Code.

Code  
Comp  
\*\*
- 1.11 The Applicant (including any property owners and managers, and their designees) shall obtain all applicable permits prior to the event, including any permits required by Orange County Fire Authority and Orange County Health Care Agency.

Code  
Comp  
\*\*
- 1.12 The Applicant (including any property owners and managers, and their designees) understands, acknowledges, and shall be responsible for ensuring that all vendors and/or entities associated with the event shall have a City of San Clemente Business License.

Code  
Comp  
\*\*
- 1.13 All outdoor lighting, including string lights, shall be shielded to direct light downward and away from adjoining properties.

Planning  
\*\*
- 1.14 All outdoor electrical wiring must be inspected and approved by the Building Division prior to the commencement of the first event.

Planning  
Building  
\*\*

**7.0 OPERATIONAL CONDITIONS OF APPROVAL**

**Live Entertainment**

- 7.9 Live entertainment may only consist of musical performances entirely within the outdoor patio deck identified within the application.

Code  
Comp  
Planning  
\*
- 7.13 The property and all surrounding properties shall be inspected by the Applicant following each live entertainment activity and all debris shall be removed to the extent permitted by the owners of

Code  
Comp\*\*

those properties.

### **Parking**

- 7.15 If subsequent to the project approval the City Planner determines that parking issues are negatively affecting the event site, adjacent properties, or the surrounding street network, the applicant shall submit an amendment to SAP 22-063 with a plan to address the parking and/or traffic issues. The plan may include entering into an off-site parking agreement, creating short-term parking stalls, and/or active monitoring and enforcement to manage parking. The applicant shall be responsible for implementing the parking management plan, at their expense. The amendment shall be subject to Community Development Director review and approval.
- Planning  
\*

### **General**

- 7.17 The Applicant (including any property owners and managers, and their designees) shall use her/his best judgment and best management practices to ensure commercial activities on the premises will be conducted in a manner that will not be disruptive to neighbors. The business owner/business operator shall be responsible for ensuring compliance with the San Clemente Municipal Code (SCMC), and all conditions of approval contained herein. The Applicant (including any property owners and managers, and their designees) hereby understands that noncompliance with regulations and conditions of approval, shall be immediate grounds for citation pursuant to SCMC Section 8.52.030(Y), which states, "It is declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this City to maintain such premises in such manner that ... A structure, improvement, property, and/or land use is not in compliance with terms and/or conditions of any City of San Clemente issued permit or approval," and any subsequent revision of this section of the code. [Citation - Section 8.52.030(Y) of the SCMC]
- Code  
Comp  
\*\*
- 7.18 The Applicant (including any property owners and managers, and their designees) shall ensure that discharge of washwater and other pollutants is prohibited from entering the storm drain system. Applicant must prevent pollutants (e.g. sediment, trash, food waste etc.) and any washwater used during cleanup from entering the storm drain system.
- Code  
Comp  
\*\*
- 7.19 The Applicant (including any property owners and managers, and their designees) shall use his/her best judgment and best management practices to ensure activities on the premises will be conducted in a manner that will not be disruptive to other
- Code  
Comp  
OCSD  
\*\*

- commercial or residential neighbors and result in police services, which cost the City of San Clemente expense.
- 7.21 The Applicant (including any property owners and managers, and their designees) shall have a manager/event operator on the premises at all times, and available to respond to issues raised by the Orange County Sheriff's Department, Orange County Fire Authority, or City of San Clemente Code Compliance, during the hours of operation. Code Comp \*\*
- 7.22 The Applicant (including any property owners and managers, and their designees) shall be responsible to ensure that no person associated with the event (i.e. event staff, organizers, participants, vendors, or attendees) will takeoff, land, or operate an unmanned aircraft ("UA" or "drone") over City-permitted events open to the public, unless granted written or electronic permission by the City. UA operators must have on their possession a copy of the written or electronic consent from the City while they takeoff, land, or operate a UA over City-permitted events open to the public. Code Comp \*\*
- 7.23 The Applicant (including any property owners and managers, and their designees) shall be responsible to ensure that no person associated with the event (i.e. event staff, organizers, participants, vendors, or attendees) will takeoff, land, or operate an unmanned aircraft ("UA" or "drone") within five hundred (500) feet of any emergency vehicle that is operating with lights and/or sirens. Code Comp \*\*
- 7.24 The Applicant (including any property owners and managers, and their designees) shall be responsible to ensure that no person associated with the event (i.e. event staff, organizers, participants, vendors, or attendees) will takeoff, land, or operate an unmanned aircraft ("UA" or "drone") within five hundred (500) feet of any active law enforcement or emergency response incident. Code Comp \*\*
- 7.25 The Applicant (including any property owners and managers, and their designees) shall be responsible to ensure that no person associated with the event (i.e. event staff, organizers, participants, vendors, or attendees) will takeoff, land, or operate an unmanned aircraft ("UA" or "drone") within one thousand five hundred (1,500) horizontal feet of any aircraft, including any UA, operated by a public entity (for example, the UA operated by the City's Marine Safety division to patrol the beach area). Code Comp \*\*
- 7.26 The Applicant (including any property owners and managers, and their designees) understands and agrees that no temporary signage is part of this review, nor is any such signage approved or permitted by this permit. All temporary signage shall comply with Zoning Ordinance Table 17.84.030A & Section 17.84.030(H), and any applicable Master Sign Programs. Applicant understands and Code Comp \*\*

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

7.27 The Applicant (including any property owners and managers, and their designees) shall be responsible for ensuring that no loud and excessive noise-generating activities on the subject property in connection with the SAP (22-063) are conducted between the hours of ten (10:00) p.m. and seven (7:00) a.m. Code Comp \*\*

7.28 The Applicant (including any property owners and managers, and their designees) shall be responsible for ensuring that no overnight sleeping/lodging occurs on the portion of the subject site related to this event, whether provided on the grounds of the event or within trailers or vehicles associated with the event. All overnight accommodations for persons associated with the event (with the exception of on-site security or maintenance work conducted overnight) must be provided off-site in compliance with all local, and state laws. Code Comp \*\*

7.29 The operating hours for each event are limited to 5:00p.m.-9:30p.m. Any changes to operating hours must be reviewed and approved by the City Planner, subject to Zoning Ordinance Section 17.12.180, Applicant Requests to Change Approved Applications. Planning \*\*

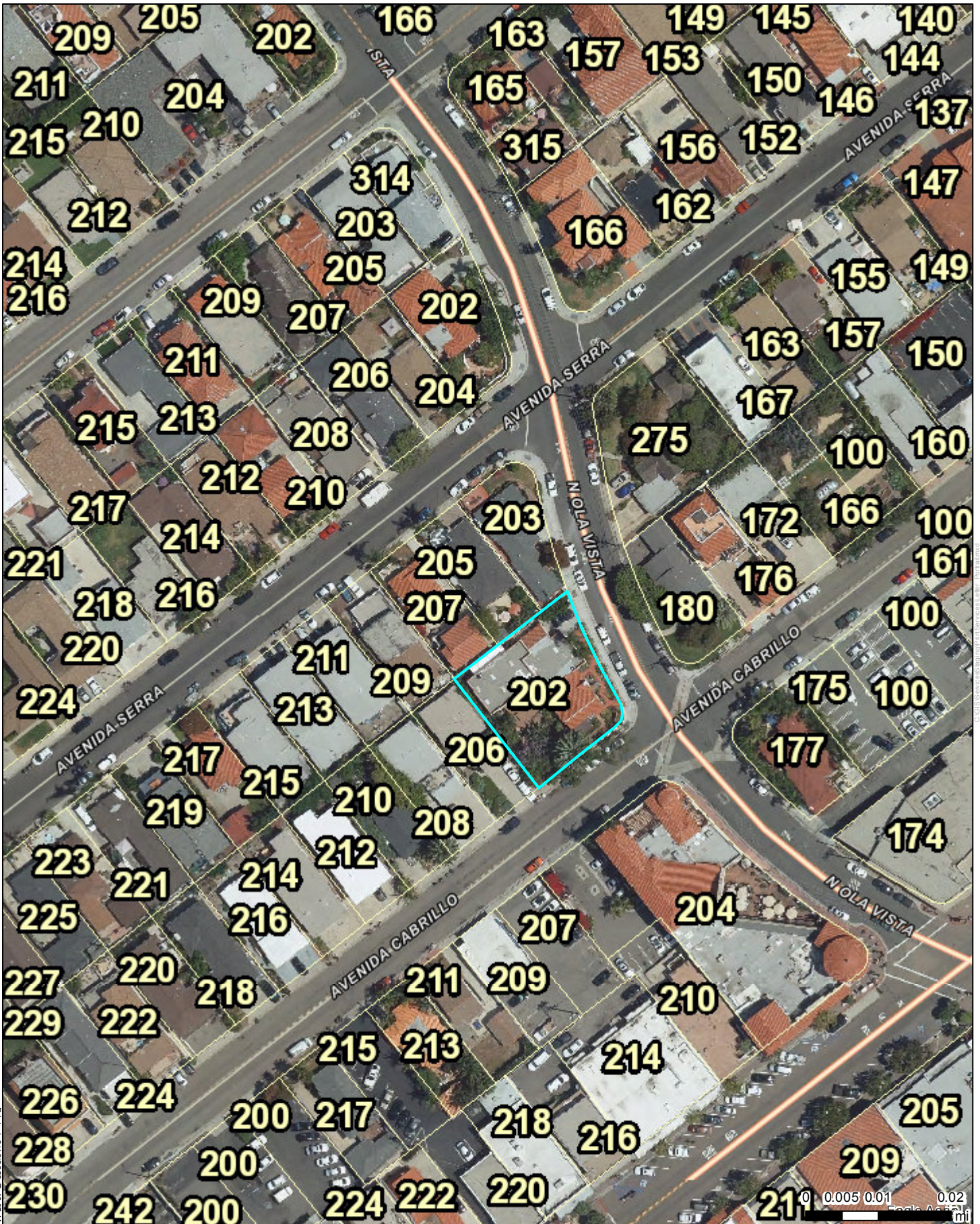
7.30 The permitted event dates shall be limited to the dates listed on the Special Activities Permit application, dated February 15, 2022, with the exception of June 20 and June 21, 2022. Planning \*\*

7.31 Proposed events not yet identified on the Special Activities Permit application, dated February 15, 2022, shall obtain approval from the City Planner, or designee, three weeks prior to the event date. The City Planner, or designee, shall determine what information is sufficient to complete review of said events. Planning \*\*

7.32 The number of speakers used for the events shall be limited to two, and shall be directed away from adjoining residential properties.

\* Denotes a modified Standard Condition of Approval

\*\* Denotes a project-specific Condition of Approval

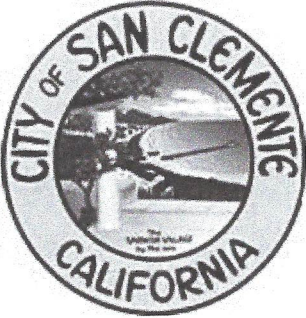


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SAP 22-063, GARDEN CABARET AT CABRILLO PLAYHOUSE  
202 AVENIDA CABRILLO

# CITY OF SAN CLEMENTE ATTACHMENT 3



**Planning Division**  
 910 Calle Negocio, Ste 100  
 San Clemente, CA 92673  
 (949)-361-6172  
<http://ci.san-clemente.ca.us>

## SPECIAL ACTIVITIES PERMIT

*For City Staff Use Only*

Case File#	Total Days Approved This Calendar Year:
Staff Review By:	Application Received by:
Date Received	Fee Amount:\$  Deposit Amount:\$

A Special Activity is defined as any activity on private property (commercial) which temporarily intensifies the impacts (i.e., parking, traffic, noise, light and glare, etc.) of an existing permitted use or which create a potential conflict among land uses. Normal sales or functions which are incidental to the existing permitted use (i.e., sales conducted within the structure of an existing retail use, live entertainment if currently permitted under a Conditional Use Permit, etc.) shall not be considered a Special Activity. Typical activities that would be considered a Special Activity within non-residential zones would include, but not be limited to, art shows, open house, grand openings, and activities providing shuttle or valet service. This permit **DOES NOT** allow the applicant or their agent to violate any City of San Clemente Municipal Code(s), Laws, and Regulations etc. Should any violations be discovered during the event, this permit can be **immediately** revoked, by the Orange County Sheriff's Department, Orange County Fire Authority or authorized City Official.

### EVENT INFORMATION

Event Name: Garden Cabaret

Event Description (attach additional sheets if necessary): Musical Performances

Business License No: 9436

Event Address/Location: 202 Avenida Cabrillo

Expected Attendance: 44

Event Date(s): 6/20, 21, 7/1, 2, 7, 8, 9, 10, 15, 16, 22, 23, 29, 30

Event Time(s): 5:00 pm - 9:30 pm

Set-up/Removal Date(s): None

Profit  
 Non-Profit

Will you have a banner displayed at your event?  Yes  No If yes, obtain temporary banner permit, cost \$12

SITE PLAN: Please submit a complete site plan with your application (a hand-drawn site plan is acceptable) Site Plan Attached:  Yes  No

PROPERTY OWNER INFORMATION	APPLICANT INFORMATION
Name <u>San Clemente Community Theater</u>	Name <u>Michael Lopez</u>
Mailing Address <u>202 Avenida Cabrillo, SE, 92652</u>	Mailing Address <u>202 Avenida Cabrillo</u>
City/State/Zip <u>San Clemente CA 92652</u>	City/State/Zip <u>San Clemente, CA 92652</u>
Phone <u>949-492-0465</u>	Phone <u>949-295-4146</u>
Fax No.	Fax No.
E-Mail Address <u>Cabrillo - theatre@hotmail.com</u>	E-Mail Address <u>michael.cabrillo@gmail.com</u>



# SPECIAL ACTIVITY REQUIREMENTS


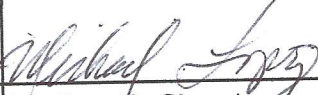
## ACTIVITIES CHECKLIST (Please check all that apply to your event)

<input type="checkbox"/> Alcohol <input type="checkbox"/> Vendors (food/beverage) <input type="checkbox"/> Carnival Games <input type="checkbox"/> Vendors (retail sales) <input type="checkbox"/> Carnival Rides	<input type="checkbox"/> Concert <input type="checkbox"/> Dancing <input checked="" type="checkbox"/> Live Entertainment <input type="checkbox"/> Parking (off site) Valet or Shuttle	<input type="checkbox"/> Other, Please Explain: _____ _____ _____ _____ _____
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## SUPPLIES/EQUIPMENT (Please check all that apply to your event)

<input type="checkbox"/> Banners/Signs <input type="checkbox"/> Bleachers <input type="checkbox"/> Inflatable bounce house <input checked="" type="checkbox"/> Lighting <input type="checkbox"/> Toilets (portable)	<input type="checkbox"/> Security <input type="checkbox"/> Temporary Electrical <input type="checkbox"/> Temporary Fencing <input type="checkbox"/> Traffic control <input type="checkbox"/> Tents and/or canopies	<input type="checkbox"/> Other, Please Explain: _____ _____ _____ _____ _____
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## PROPERTY OWNER'S AUTHORIZATION AND APPLICANT'S SIGNATURE

	2-15-22		2-15-22
Property Owner's Signature	Date	Applicant's Signature	Date

### For City Staff Use Only

	<input type="checkbox"/> Approved <input type="checkbox"/> Approved Subject to Attached Conditions <input type="checkbox"/> Denied <input type="checkbox"/> Application Deemed Incomplete
City Staff Signature	Date

Title: \_\_\_\_\_

Copies of approved permit sent to:

- City Code Enforcement Officer
- Orange County Sheriff Department
- Orange County Fire Authority
- Traffic Engineer
- Water Quality
- Orange County Health Care Agency

The Cabrillo Playhouse would like to continue our outdoor performances that we had been permitted from 3/22/21 through 3/22/22.

Current proposed dates are:

6/20 & 21, 7/1 & 2, 7/7 – 10, 7/15 & 16, 7/22 & 23, 7/29 & 30

Operating hours will be from 5:00pm to 9:30pm

Attendance Maximum is 44 (less than our indoor theater)

Noise would be limited to one small monitor speaker for singers to hear music, and 1 speaker pointed towards audience-towards the building.

One light stand with 2 lights will be pointed towards the singer. There is a large banana tree behind the singers which blocks the light towards the street.

Parking is not affected.

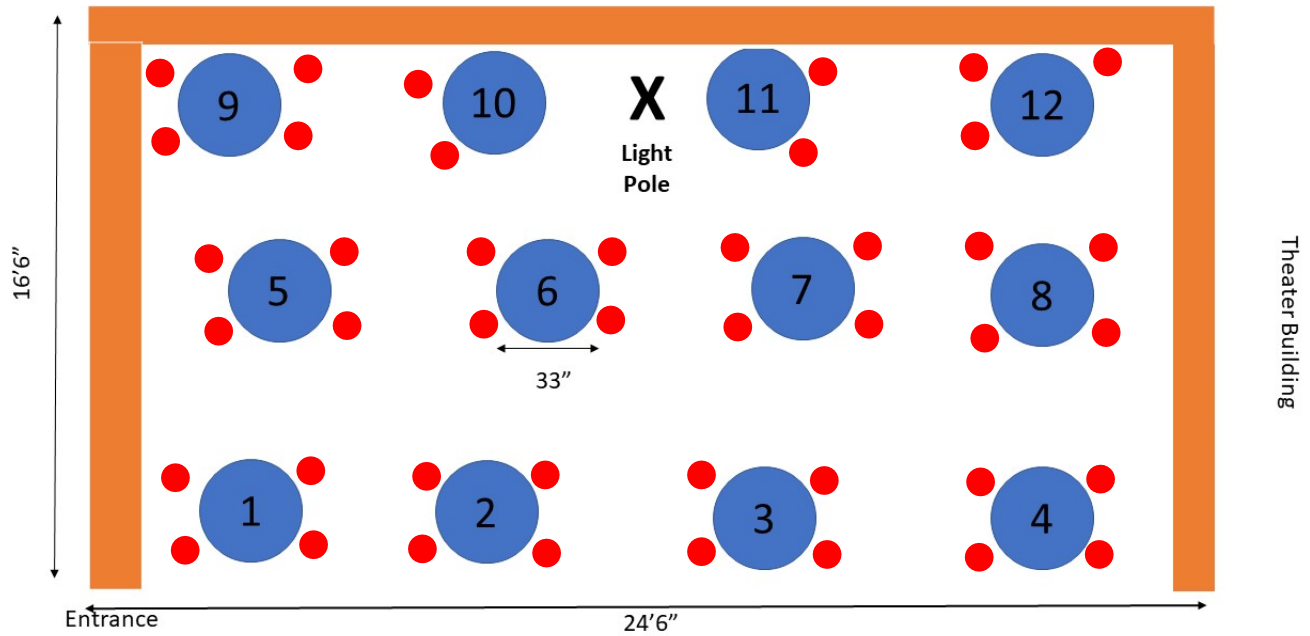
Restrooms are adjacent inside the theater.

There will be NO Change to patio, land, building, drainage, occupancy, etc., that has not already been allowed.

# OUTDOOR PATIO DECK LOCATION



# OUTDOOR PATIO SEATING PLAN



ARTIST

● = 1 SEAT

**PUBLIC COMMENTS**

205 Avenida Serra  
San Clemente, CA 92672  
11 June 2022

Zoning Administrator, Community Development  
City of San Clemente  
910 Calle Negocio  
San Clemente, CA 92673

In re SAP 22-063, Garden Cabaret,  
Cabrillo Playhouse:PUBLIC HEARING NOTICE

Thank you for providing the subject Notice. Kindly accept this submission of our objections:

1. We have owned and occupied our single family residence at the address above since July 2009. Our property "backs" to the Cabrillo Playhouse. We have had no noise nuisance issues with the Playhouse indoor performances over the years. However, our property is situated within fifty linear feet of the proposed outdoor performance venue. Our enjoyment of our backyard on summer evenings, approximately twenty linear feet from the outdoor stage, was severely impacted last year by the first (ever) Playhouse outdoor performances, whether amplified or not. Also, as we have no AC, and only open, screened windows for cooling, the peace and quiet inside our home is also disturbed. (We are senior citizens who retire early.)
2. It was our understanding that the Playhouse only undertook these outdoor performances last year in response to prohibited indoor performances during the COVID outbreak. We tried to be accommodating under those circumstances. Why are they now proposed to continue when the Playhouse has full use of their indoor fifty-seat theater?
3. The Public Hearing is scheduled for 23 June 2022, however the Playhouse is already advertising and selling tickets for outdoor performances beginning two weeks later, 7 July 2022. Is this fait accompli, then?
4. If we may make the observation that the Playhouse's outdoor venue appears unsafe. A number of electrical extension cords appear to be employed rather than electrical code compliant hard-wired connections. Are circuits overloaded? We are concerned about the risk of fire, especially given overgrown foliage and flammable decking materials.

Thank you for your time and consideration,

Debbi & TJ Orr

Handwritten signatures of Debbi and TJ Orr. The signature for Debbi is a cursive 'Debbi' and the signature for TJ Orr is a cursive 'TJ Orr'.

## Carrillo, David

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**From:** Johnwtraub <johnwtraub@aol.com>  
**Sent:** Wednesday, June 15, 2022 11:01 AM  
**To:** Carrillo, David  
**Subject:** SAP 22-063 Public Comment - John Traub

To whom it may concern:

I am writing in support of Cabrillo Playhouse's application to present outdoor shows on their property at 202 Avenida Cabrillo in San Clemente.

The theatre's intimate outdoor space was activated in October 2020 after health orders closed the indoor space, and in order to provide a safer environment for audience members and artists to join together for live performances. It was an immediate hit, especially with the Cabrillo's older patrons who felt unsafe in an enclosed environment, but also needed a night out on the town and - at the same time - close to their homes.

While I do not live in San Clemente, I travel there often to see shows. During my 2-day visits, I patronize hotels (Nomads or The Volare), eat and drink in downtown businesses (H.H. Cottons, Avila's El Ranchito, BeachFire Grill, The Cellar, Jane's, Italian Cravings, Nomad's Canteen, Active Culture), and shop at local stores. I love the energy of Downtown San Clemente, and believe outdoor shows at Cabrillo Playhouse contribute to the area's vitality.

Concerns about outdoor shows would most likely be based on noise and parking. Since outdoor shows only happen when the larger indoor space is not being used, there is never an increased demand for parking. And, noise from the shows can barely be heard on the streets that border the property -- from shows that always end before 10:00 PM.

I hope you will grant a permanent permit for the occasional outdoor shows at Cabrillo Playhouse so that I can continue to enjoy all that San Clemente seeks to offer.

Sincerely,

John Traub  
315 W 3rd Street #603  
Long Beach 90802

## Carrillo, David

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**From:** Holly Jones <hollyjonesinfo@gmail.com>  
**Sent:** Wednesday, June 15, 2022 11:06 AM  
**To:** Carrillo, David  
**Subject:** SAP 22-063 Public Comment - Holly Jones

Hello Mr Carillo,

I wanted to express my support of the Cabrillo Playhouse's request to obtain a permanent permit for their outdoor patio shows. I have attended several of these events over the past year and have found them to be both well produced and a wonderful addition to the entertainment options in the San Clemente area.

The patio shows, like the theatre's indoor performances, operate within reasonable time-frames both in the evening (Fridays and Saturdays from 7:30-10pm or Sundays from 2-4:30pm), therefore they do not function outside of sensible hours and should not be considered problematic to the local neighborhood. They add artistry and pleasure to the neighboring communities' offerings and are an asset to the San Clemente locale.

I hope this letter will help support the Cabrillo Playhouse's request for a permanent permit for their outdoor deck entertainment.

Sincerely,  
Holly Jones



## Carrillo, David

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**From:** Marcella Jarvinen <marcella1956@yahoo.com>  
**Sent:** Wednesday, June 15, 2022 5:34 PM  
**To:** Carrillo, David  
**Subject:** SAP 22-063 Public Comment - Marcella Jarvinen

I have been to many performances at the Carrillo Playhouse over the past several years. Last year my aunt, my son, and I bought season tickets and we have already purchased season tickets for this year.

The outdoor performances were especially wonderful setting during the Covid panic years. I look forward to seeing more outdoor performances this year.

Also, we drive all the way from Rancho Cucamonga.

Marcella Jarvinen  
Sent from my iPad