



# STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: September 19, 2024

**PLANNER:** David Carrillo, Associate Planner

**SUBJECT:** **Public Hearing Project (PHP) 24-234, Caterina’s Outdoor Dining and Exterior Modifications,** a request for the Zoning Administrator to approve Minor Conditional Use Permit (MCUP) 23-180 and Administrative Development Permit (ADP) 24-375 to allow outdoor dining in the public right-of-way and exterior modifications within a covered courtyard at a food service café, and finding the project is categorically exempt from the California Environmental Quality Act under Section 15301 of the CEQA Guidelines (14 CCR § 15301, Class 1: Existing Facilities).

**LOCATION:** 614 Avenida Victoria, Unit C

**ZONING/GENERAL PLAN:** Pier Bowl Specific Plan Mixed Use 4 Zoning District and Architectural-Visitor Serving Commercial District and Coastal Zone Overlay Zone (PBSP MU4-A-VSCD-CZ)

**PROJECT SUMMARY:**

- **Background:**
  - The project site is a 3,119 square-foot interior through lot in between Avenida Victoria and Coronado Lane, developed with a four-level mixed use building. The site slopes upward from Avenida Victoria to Coronado Lane. See **Attachment 2** for a location map.
  - On May 4, 2010, the City Council approved Resolution No. 10-21, allowing the construction of a mixed-use project with two residential units (each with two covered parking spaces), a commercial suite, and outdoor spaces, including a covered courtyard along Avenida Victoria. The use of four off-site parking spaces was also approved to support the commercial space of the development. A condition of approval requires the covered courtyard to remain open to the public, and the installation of signage to advertise this. See **Attachment 3** for existing signage consistent with the subject condition of approval.
  - In 2018, a take-out food service café, Caterina’s, began operations in the commercial space.
  - In 2020, Caterina’s obtained approval of a Temporary Outdoor Operating Permit (TOOP) allowing the use of outdoor dining on Avenida Victoria. The TOOP transitioned to a Parklet Dining Permit (PDP) with the adoption of Zoning Ordinance 17.28.206 in 2022, and amended in 2024 to extend the parklet program until July 1, 2026, consistent with State Law.

- Caterina's submitted for an updated permit (PDP24-223) which was approved and is valid until July 1, 2026.
- On July 21, 2023, the Code Compliance Division issued an Administrative Citation for unpermitted outdoor seating on the public right-of-way (sidewalk) and exterior modifications within the covered courtyard, including bar tops, tables, chairs, and string lighting.
- **Proposed Project:**
  - In response to the Administrative Citation issued in July 2023, the applicant proposes to obtain appropriate after-the-fact permits for the unpermitted work and is requesting a Minor Conditional Use Permit (MCUP23-180) for outdoor dining on the public sidewalk adjacent to Caterina's, and an Administrative Development Permit (ADP24-375) for bar tops, tables, chairs, and string lights within the covered courtyard to bring the operation into compliance. See **Attachment 4** for photographs showing the proposed items and **Attachment 6** for the applicant's proposal.
  - The applicant originally proposed beer and wine service in the new outdoor dining area proposed on the sidewalk. However, on Friday, September 6, 2024, the applicant requested to remove beer and wine service from the application.
- **Approval Authority:**
  - Per Zoning Ordinance Section 17.28.205 – Outdoor Dining Areas, Zoning Administrator approval of a Minor Conditional Use Permit (MCUP) is required to allow outdoor dining areas on public property with a maximum of 16 seats and four tables. Zoning Ordinance Section 17.12.090, Consideration of Concurrent Applications, also requires Zoning Administrator approval of the requested Administrative Development Permit (ADP) because it is being processed with the MCUP, a public hearing application. If the ADP weren't processed concurrently, then the Zoning Ordinance designates the City Planner to act upon ADPs ministerially.
- **Project Findings:** Staff supports the proposed request for the following reasons:
  - The proposed seating maintains a six-foot path on the sidewalk for pedestrian flow and safety, pursuant to ADA requirements. Condition of Approval 7.19 requires the use of two rectangular tables, with two seats at each table. The chairs shall have backs parallel to the wall or be perpendicular to the wall and facing each other. The tables and chairs shall have dimensions which prevent any element from the tables and chairs from being less than six feet from the street curb. **Attachment 5** shows a reference line identifying the approximate distance of six feet from the curb, in relation to existing public benches.
  - The proposed seating was reviewed by the Engineering and Building Division to ensure pedestrian access, utilities, and other City equipment are not negatively impacted. Both divisions support the additional seating on the sidewalk subject to Conditions of Approval.
  - As a condition of approval (No. 1.8), the applicant is required to amend existing indemnification and insurance documents to include the additional seating on the sidewalk.

- The request to increase seating on the sidewalk does not include outdoor live entertainment or amplified sound. Restaurant noise levels are subject to noise provisions in the Municipal Code.
- The proposed exterior changes within the covered courtyard (bar tops, tables, chairs, and string lighting) meet design guidelines related to materials, style, colors, and scale. The exterior changes are pedestrian-oriented and compatible with the building's architecture and support the use of outdoor spaces. The size and location of the exterior changes would maintain vehicle and pedestrian line-of-sight issues, given there will be a six-foot clear path on the sidewalk and no curb cuts/driveways exist near the adjacent restaurant.
- The proposed outdoor seating is entirely off the street and does not obstruct public street parking spaces. Additionally, no private parking spaces are impacted.
- **CEQA:** 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 involves the use of outdoor seating in the public right-of-way, and minor exterior modifications within the covered courtyard. The project does not increase the floor area, nor does it increase or otherwise change the existing use of the site.
- **Public Comment:** A public comment on this item has been received and is provided in **Attachment 5**. In summary, the public comment expresses concern with the proposal potentially creating negative parking impacts, and not being consistent with the original entitlement for the development on site.

## **RECOMMENDATION**

Staff recommends that the Zoning Administrator:

1. Determine the project is Categorically Exempt from CEQA pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities); and
2. Adopt Resolution ZA 24-017, approving MCUP 23-180 and ADP 24-375, subject to attached conditions of approval.

### ***Attachments:***

1. Resolution ZA 24-017  
Exhibit A - Conditions of Approval
2. Location Map
3. Existing Signage
4. Photos of Proposed Exterior Changes
5. Public Comment
6. Applicant's Proposal

RESOLUTION NO. ZA 24-017

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CONDITIONAL USE PERMIT 23-180 AND ADMINISTRATIVE DEVELOPMENT PERMIT 24-375, CATERINA'S, , A REQUEST TO ALLOW OUTDOOR DINING IN THE PUBLIC RIGHT-OF-WAY AND EXTERIOR MODIFICATIONS WITHIN A COVERED COURTYARD AT AN EXISTING FOOD SERVICE CAFÉ, AND FINDING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTION 15301 OF THE CEQA GUIDELINES (14 CCR § 15301, CLASS 1: EXISTING FACILITIES)

WHEREAS, on April 23, 2024, an application was submitted by Cathy Mashburn, 614 Avenida Victoria, Unit C, for Minor Conditional Use Permit (MCUP) 23-180 and Administrative Development Permit (ADP) 24-375, and deemed complete on August 14, 2024, which is a request to allow outdoor dining in the public right-of-way and exterior modifications within a covered courtyard at an existing food service café, Caterina's. The site is located at 614 Avenida Victoria, Unit C within the Pier Bowl Specific Plan in the Mixed Use 4 Zoning District and Architectural-Visitor Serving Commercial District and Coastal Zone Overlay Zone (PBSP MU4-A-VSCD-CZ). The site's legal description is Tract 785, Block 12, Lot 3, and the Assessor's Parcel Number is 692-021-02; 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 Categorically Exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities); and

WHEREAS, on May 16, 2024, 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 September 19, 2024, 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 project involves the use of outdoor seating in the public right-of-way, and minor exterior modifications within the covered courtyard. The project does not increase the floor area, nor does it increase or otherwise change the existing use of the site. 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. The project is conditioned to maintain some seating for public use and some for food service use and to limit the total seating count and area to be consistent with parking standards and to maintain accessibility. There are no unusual circumstances surrounding the project that result in a reasonably possibility of a significant effect on the environment. There are no especially sensitive resources (endangered species, wetlands, etc.) 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 proposed exterior changes occur entirely within the private property, with the exception of the outdoor seating on the public sidewalk. The project does not include any hazardous waste sites, and the project will not cause a substantial adverse change in the significance of a historical resource. Thus, the Class 1 exemption applies, and no further environmental review is required

## Section 3. Minor Conditional Use Permit Findings

With respect to Minor Conditional Use Permit (MCUP) 23-180, the Zoning Administrator finds as follows:

- A. The proposed outdoor dining on public property is permitted within the subject zone pursuant to the approval of a Minor Conditional Use Permit and complies with all the applicable provisions of this title, the San Clemente General Plan and the purpose and intent of the zone in which the use is being proposed. The following Coastal Land Use Plan (LUP) policies prioritize pedestrian-oriented, visitor-serving commercial use on the ground floor of the Pier Bowl mixed-use area and Visitor-Serving Commercial District Overlay. The proposed outdoor dining area is ancillary to a permitted restaurant use and restaurants are a pedestrian-oriented, visitor-serving commercial use. Therefore, the proposed use is consistent with the following LUP policies:

1. LUP Policy LU-24, Visitor-Serving Commercial Uses, *“Require visitor-serving commercial uses on the ground floor of proposals for mixed use*

*development in VSCD overlay areas. Development designed to enhance public opportunities for coastal recreation shall have priority over private residential development and general commercial development on private lands suitable for visitor-serving commercial recreational facilities”;*

2. LUP Policy LU-40, Priority Use, *“Prioritize visitor-serving commercial and/or recreation uses over private residential or general commercial development in the VSCD Overlay. The Overlay protects existing visitor-serving uses and prevents the conversion of existing visitor-serving development to other uses”;* and
  3. LUP Policy LU-50, Pier Bowl and North Beach, *“Prioritize visitor-serving and recreational uses in areas designated mixed use in the Pier Bowl and North Beach areas.”*
- B. The site is suitable for the type and intensity of use that is proposed, in that:
1. Restaurants with outdoor dining are a pedestrian-oriented, visitor-serving commercial use encouraged by policies in the LUP for the Pier Bowl Core visitor-serving mixed-use area;
  2. The proposed expansion of the outdoor dining area will operate on adjacent existing public sidewalk and does not require building encroachments or permanent physical changes within the public right-of-way;
  3. The proposed use is subject to land use regulations in support of General Plan Land Use Element Policy LU-3.02, *Regulation of Uses and Nuisances*, *“We regulate the location, concentration, design and operations of commercial and industrial uses and parking structures that can adversely affect surrounding sensitive land uses. Impacts may include, but are not limited to, noise, vibration, odors, exterior light, visibility of activity, vehicular traffic and safety hazards.”* The proposed use must comply with conditions of approval and code requirements to maintain the public health, safety, and welfare of the area, such as the Fire Code, California Building Code, and the Municipal Code.; and
  4. Code compliance staff and the Orange County Sheriff’s Department reviewed the request and concluded the proposed outdoor dining area can operate on the subject public property without compatibility issues, provided that operations comply with conditions of approval, and with regulations.
- 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. Restaurants with outdoor dining are a pedestrian-oriented, visitor-serving commercial use encouraged by policies in the LUP for the Pier Bowl Core visitor-serving mixed-use area;
  2. The proposed expansion of the outdoor dining area will operate on adjacent

existing public sidewalk and does not require building encroachments or permanent physical changes within the public right-of-way;

3. The proposed use is subject to land use regulations in support General Plan Land Use Element Policy LU-3.02, *Regulation of Uses and Nuisances*, “We regulate the location, concentration, design and operations of commercial and industrial uses and parking structures that can adversely affect surrounding sensitive land uses. Impacts may include, but are not limited to, noise, vibration, odors, exterior light, visibility of activity, vehicular traffic and safety hazards.” The proposed use must comply with conditions of approval and code requirements to maintain the public health, safety, and welfare of the area, such as the Fire Code, California Building Code, and the Municipal Code. and
  4. Code compliance staff and the Orange County Sheriff’s Department reviewed the request and concluded the proposed outdoor dining area can operate on public property without compatibility issues, provided that operations comply with conditions of approval, and with regulations.
- D. The proposed use will not negatively impact surrounding land uses, in that:
1. Restaurants with outdoor dining are a pedestrian-oriented, visitor-serving commercial use encouraged by policies in the LUP for the Pier Bowl Core visitor-serving mixed-use area;
  2. The proposed expansion of the outdoor dining area will operate on adjacent existing public sidewalk and does not require building encroachments or permanent physical changes within the public right-of-way;
  3. The proposed use is subject to land use regulations in support General Plan Land Use Element Policy LU-3.02, *Regulation of Uses and Nuisances*, “We regulate the location, concentration, design and operations of commercial and industrial uses and parking structures that can adversely affect surrounding sensitive land uses. Impacts may include, but are not limited to, noise, vibration, odors, exterior light, visibility of activity, vehicular traffic and safety hazards.” The proposed use must comply with conditions of approval and code requirements to maintain the public health, safety, and welfare of the area, such as the Fire Code, California Building Code, and the Municipal Code.; and
  4. Code compliance staff and the Orange County Sheriff’s Department reviewed the request and concluded the proposed outdoor dining area can operate on public property without compatibility issues, provided that operations comply with conditions of approval, and with regulations.
- E. The outdoor dining area contributes to the village/pedestrian ambiance of the City, consistent with the City’s General Plan, in that:

1. The additional seating on the sidewalk allows the existing restaurant to further meet service demands of a growing clientele and nearby residents that may walk to the restaurant. Additionally, the outdoor seating area abuts an unobstructed path on the sidewalk which further enhances pedestrian activity, consistent with the Land Use Element Mixed Use Goal, which states *“Promote and support development in areas designated for Mixed Use that is attractively designed, adds vitality and pedestrian activity, enhances economic opportunities, reduces vehicle trips and associated air pollution and offers convenient and affordable housing opportunities for all income levels.”*; and
  2. The additional sidewalk seating capitalizes on the pier and ocean views, consistent with Land Use Element Policy LU-12.01, Views/Scenic Corridors, which states *“We preserve public view corridors consistent with the Urban Design Element. Ocean views are among the most valued assets in the Pier Bowl and Pier area. New development should take advantage of, and not detract from, these important view corridors.”*
- F. The outdoor dining area complies with the standards of Zoning Ordinance Section 17.28.205, in that:
1. The proposed seating maintains a six-foot path on the sidewalk for pedestrian flow and safety, pursuant to ADA requirements;
  2. The proposed seating was reviewed by the Engineering and Building Division to ensure pedestrian access, utilities, and other City equipment are not negatively impacted. Both divisions support the additional seating on the sidewalk subject to Conditions of Approval;
  3. As a condition of approval, the applicant is required to amend existing indemnification and insurance documents to include the additional seating on the sidewalk; and
  4. As a condition of approval, the applicant is required to maintain a minimum seven-foot clearance, as measured from the ground below an umbrella or similar object to the lowest portion of the umbrella shade or ribs.
- G. Any negative visual, noise, traffic, accessibility, and parking impacts associated with the outdoor dining area have been reduced to an acceptable level, as determined by the City, in that:
1. The proposed seating maintains a six-foot path on the sidewalk for pedestrian flow and safety, pursuant to ADA requirements;
  2. The request to increase seating on the sidewalk does not include outdoor live entertainment or amplified sound. Restaurant noise levels are subject



to noise provisions in the Municipal Code, and conditions of approval allow the City to make changes to the project if noise-related issues arise;

3. The proposed seating was reviewed by the Engineering and Building Division to ensure pedestrian access, utilities, and other City equipment are not negatively impacted. Both divisions support the additional seating on the sidewalk subject to Conditions of Approval;
  4. Vehicle and pedestrian line-of-sight issues would not be created since the outdoor seating will maintain a six-foot clear path on the sidewalk, and no curb cuts/driveways exist near the restaurant; and
  5. The proposed outdoor seating is entirely off the street and does not obstruct public street parking spaces. Additionally, no private parking spaces are impacted.
- H. The sidewalk's public use, including pedestrian, transit and business services needs, not limited to loading zones, bus stops, public phones, and benches, is not restricted by the facility, in that:
1. The proposed seating maintains a six-foot path on the sidewalk for pedestrian flow and safety, pursuant to ADA requirements; and
  2. The proposed seating was reviewed by the Engineering and Building Division to ensure pedestrian access, utilities, and other City equipment are not negatively impacted. Both divisions support the additional seating on the sidewalk subject to Conditions of Approval.
- I. Pedestrian traffic volumes and accessibility are not inhibited by the facility, in that:
1. The proposed seating maintains a six-foot path on the sidewalk for pedestrian flow and safety;
  2. The proposed seating was reviewed by the Engineering and Building Division to ensure pedestrian access, utilities, and other City equipment are not negatively impacted. Both divisions support the additional seating on the sidewalk subject to Conditions of Approval; and
  3. Vehicle and pedestrian line-of-sight issues would not be created since the outdoor seating will maintain a five-foot clear path on the sidewalk, and no curb cuts/driveways exist near the restaurant.
- J. Street trees, utilities, fire equipment and similar items are not adversely impacted by the facility, in that:
1. The proposed seating maintains a six-foot path on the sidewalk for pedestrian flow and safety, pursuant to ADA requirements;

2. The proposed seating was reviewed by the Engineering and Building Division to ensure pedestrian access, utilities, and other City equipment are not negatively impacted. Both divisions support the additional seating on the sidewalk subject to Conditions of Approval; and
  3. Vehicle and pedestrian line-of-sight issues would not be created since the outdoor seating will maintain a six-foot clear path on the sidewalk, and no curb cuts/driveways exist near the restaurant.
- K. Public parking is not adversely impacted, in that:
1. The proposed outdoor seating is entirely off the street and does not obstruct public parking spaces.

Section 4. Administrative Development Permit Requirements

With respect to Administrative Development Permit (ADP) 24-375, the Zoning Administrator finds that the proposed exterior changes (bar tops, tables, chairs, and string lighting) meet required standards related to design, materials, style, colors, and scale, in that the exterior changes are pedestrian-oriented and compatible with the building's architecture and support the use of outdoor spaces.

Section 5. 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 Minor Conditional Use Permit 23-180 and Administrative Development Permit 24-375, Caterina's outdoor dining and exterior modifications, subject to the Conditions of Approval set forth in Exhibit A and fully incorporated by reference.

PASSED AND ADOPTED at a regular meeting of the City of San Clemente Zoning Administrator on September 19, 2024.

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Andy Hall, Acting Zoning Administrator

**CONDITIONS OF APPROVAL  
 MINOR CONDITIONAL USE PERMIT 23-180  
 ADMINISTRATIVE DEVELOPMENT PERMIT 24-375  
 CATERINA'S OUTDOOR DINING  
 AND EXTERIOR MODIFICATIONS**

**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 (with counsel acceptable to the City), 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, Zoning Administrator, or City employees or environmental finding. Applicant shall pay all costs upon request by the City. 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 at the applicant's expense. 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 at the applicant's cost. 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 |

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| 1.6  | Minor Conditional Use Permit 23-180 and Administrative Development Permit 24-375 shall be deemed to have expired if within three years of approval the project is not commenced, or the project permitted by the approved application has lapsed, as defined by Zoning Ordinance Section 17.12.150.  | Planning              |
| 1.8  | The applicant shall submit updated indemnification and insurance documents, regarding outdoor seating on public property, to the Planning Division for review and approval by the City Attorney, pursuant to Zoning Ordinance Section 17.28.205.   | Planning<br>**        |
| 1.9  | In the event that ADA upgrades are needed for the building's front entry door, these improvements must be completed within the property, and not within the public right-of-way, unless approved otherwise by the City Engineer.   | Public<br>Works<br>** |
| <b>4.0 PRIOR TO ISSUANCE OF BUILDING PERMITS</b> |  |                       |
| 4.1  | The working drawings shall include within the first four pages a list of all conditions of approval included in this resolution.   | Planning              |
| <b>Coastal Commission Approval</b>               |  |                       |
| 4.4  | The applicant shall demonstrate to the City Planner that the project has secured approval from the California Coastal Commission.  | Planning              |
| <b>7.0 OPERATIONAL CONDITIONS OF APPROVAL</b>    |  |                       |
| 7.7  | These conditions of approval shall be posted in a conspicuous location clearly visible to employees to ensure they are informed of and adhere to requirements and policies for all operations of the business.   | Code<br>Comp          |
| 7.8  | The use of amplified sound (including the electronically amplified sound of live music, human voice, or other sound within a business, restaurant, bar, or other commercial establishment) is not permitted by this action and would require a separate use permit to allow for commercial amplified sound (SCMC 17.24.055).               | Code<br>Comp          |
| 7.17   | The courtyard gate shall remain open during the greater of the hours of operation of the café and/or the City's trolley.   | Planning<br>**        |
| 7.19   | Sidewalk seating shall consist of two rectangular tables, with two seats at each table, for a total of four seats. Chairs shall have backs parallel to the wall of the building or be perpendicular facing each other at each table; they shall not be located further into the sidewalk than the tables. The tables and chairs shall have | Planning<br>**        |

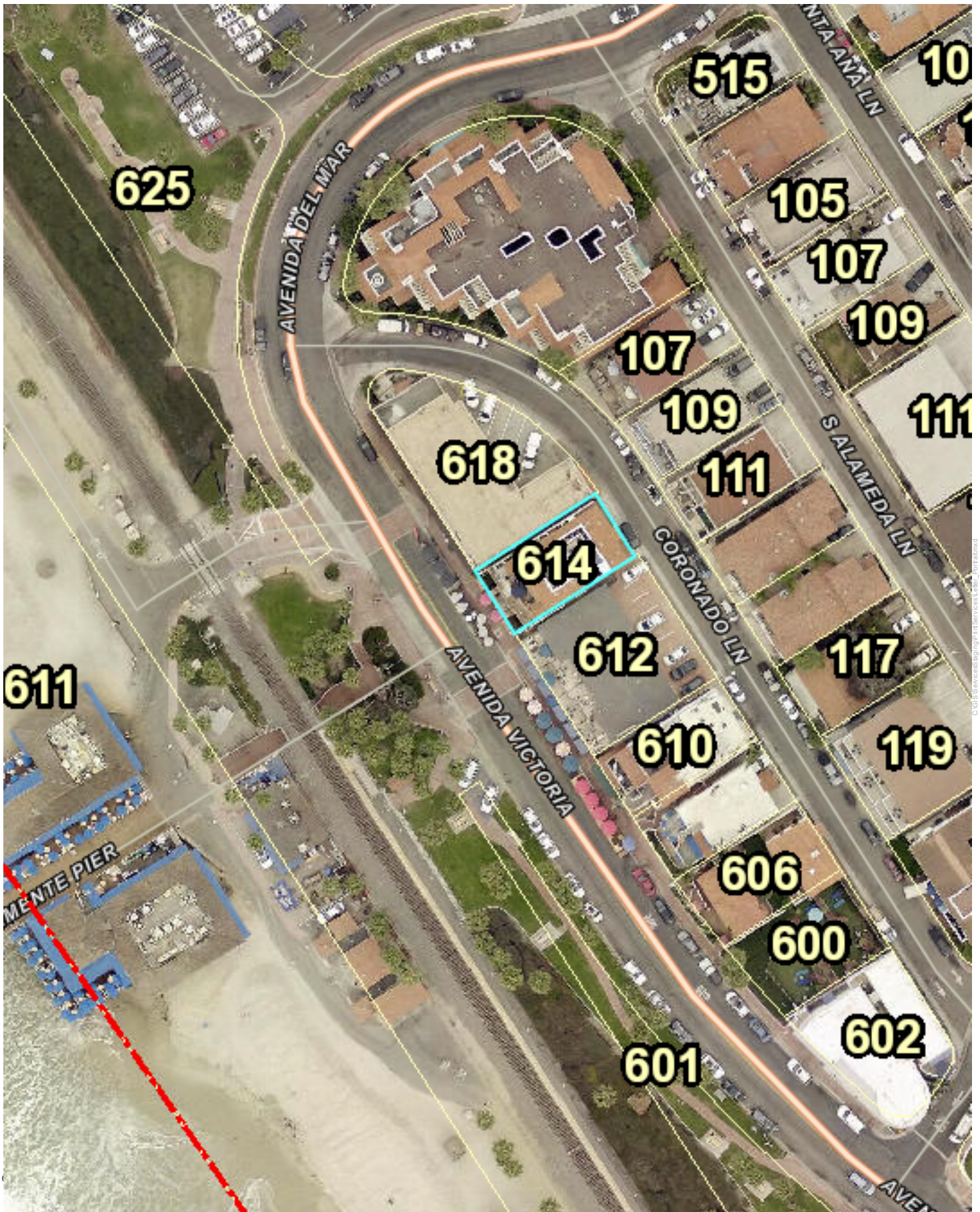
dimensions which prevent any element from the tables and chairs from being less than six feet from the street curb.

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|------|--|----------------|
| 7.21 | A six-foot path on the sidewalk between the sidewalk seating area and street curb shall be maintained at all times.  | Planning<br>** |
| 7.22 | The use of umbrellas, and similar structures, over the sidewalk seating is prohibited.   | Planning<br>** |
| 7.23 | The business shall not use the red curb in front of the premises for loading, unloading, or parking (including parking of golf carts or similar).  | Planning<br>** |
| 7.24 | The business shall maintain existing signage on the front building façade, and add the following signs : 1) two signs, one for each table on the sidewalk, indicating “No alcohol at this table”; 2) napkin holder signs within the courtyard designating seats/tables for public use that state, “This seat/table is for public use and is not limited to customers. Purchase of any Caterina’s product is not required.”; and 3) a sign within the courtyard and permanently fixed on a highly-visible wall which states, “Seating within the outdoor covered courtyard is open to the public.” A sign plan shall be approved by the Code Enforcement Manager. | Planning<br>** |
| 7.25 | The property owner is responsible for compliance with all entitlements obtained for the property. The business owner/manager is also responsible for maintaining compliance with these conditions. Violations of these conditions will result in correction notices to the business owner. If any citations are issued related to noncompliance, those shall be the financial responsibility of the business owner.  | Planning<br>** |

\* Denotes a modified Standard Condition of Approval

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





MCUP23-180/ADP24-375  
CATERINA'S OUTDOOR DINING & EXTERIOR MODIFICATIONS  
614 AVENIDA VICTORIA





Existing sign right of the main entrance along Avenida Victoria



EXISTING SIGNAGE 2 OF 2



*Existing sign left of the main entrance along Avenida Victoria*

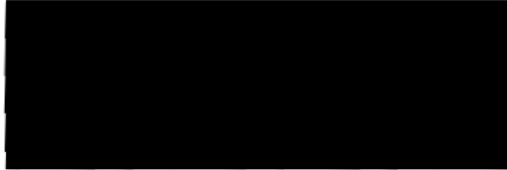




Six Feet from Street Curb



Point of Reference: Six feet from the street curb



August 29, 2024

City of San Clemente, California

RE: Public Hearing Project (PHP) 24-234, Caterina's Outdoor Dining with Beer  
and Wine Service and Exterior Modifications

To Whom It May Concern,

My name is [REDACTED] and I owned the building at [REDACTED] for nearly 30 years. I am fully disgusted that you would make a zoning change at Caterina's Outdoor dining request.

After attending years of contentious hearings with the city council and city planning, the project was finally approved with restrictions. I was in attendance at that meeting which lasted until 1 a.m. Now very significant changes to the agreed restrictions are being proposed.

According to the San Clemente Specific Plan this property was supposed to be in a public park for access to the beach from Coronado Lane.

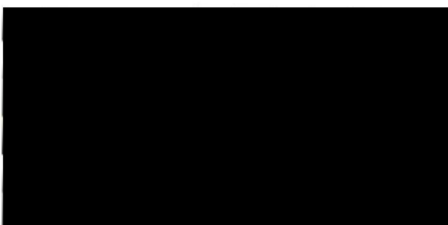
The proposed changes will diminish parking in the Pier Bowl. Parking is already at a premium. Diminished parking impacts all the business in the Pier Bowl, and the Pier Bowl is one of San Clemente's economic drivers.

This was to be an 800 square foot carry out food establishment. This was not to be a sit-down dinner much less an establishment serving alcohol. I find the gate especially offensive as it goes against the city's original plan to be an open area beach serving community.

The pier bowl is not adequately patrolled and we already have a problem with loud teenagers blowing off bottle rockets after hours and disturbing tax paying visitors and citizens.

I strongly object to the use of public property for a public nuisance in the name of private profit.

Sincerely,



# Proposed Project

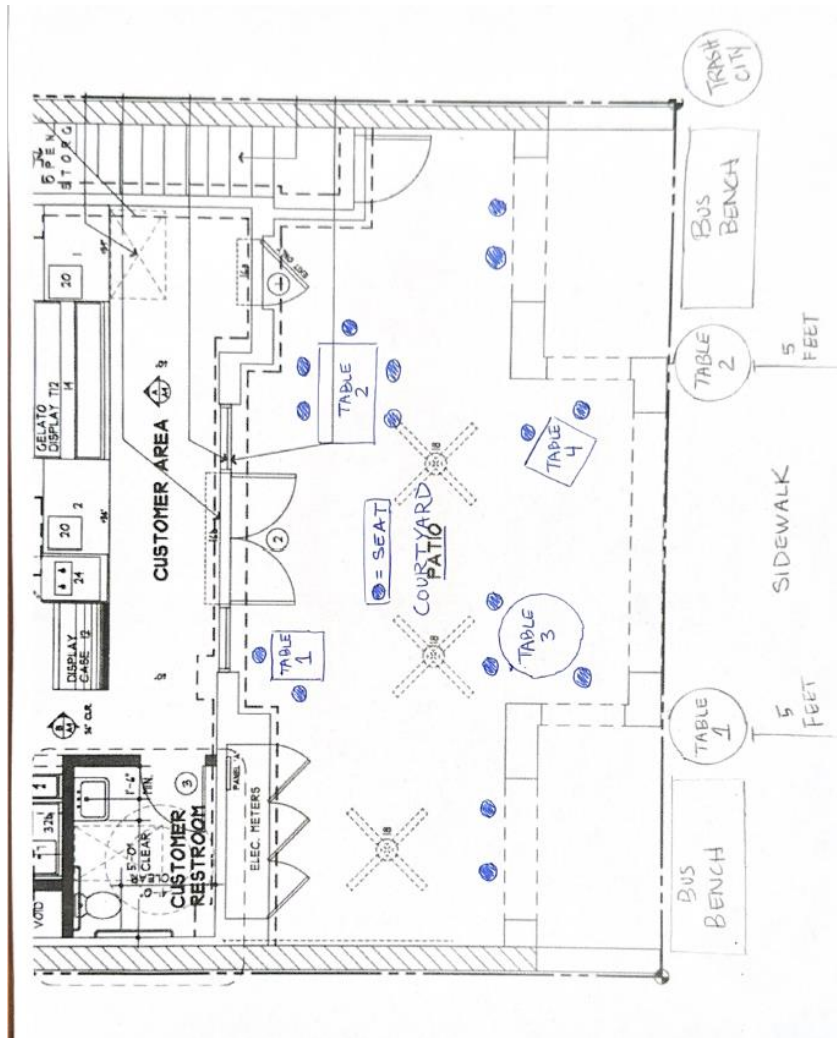
1. Outdoor Dining on Public Sidewalk
2. Tables and Chairs in Covered Private Patio
3. String Lighting in Covered Private Patio
4. Bar Tops in Covered Private Patio



# 1. Outdoor Dining on Public Sidewalk

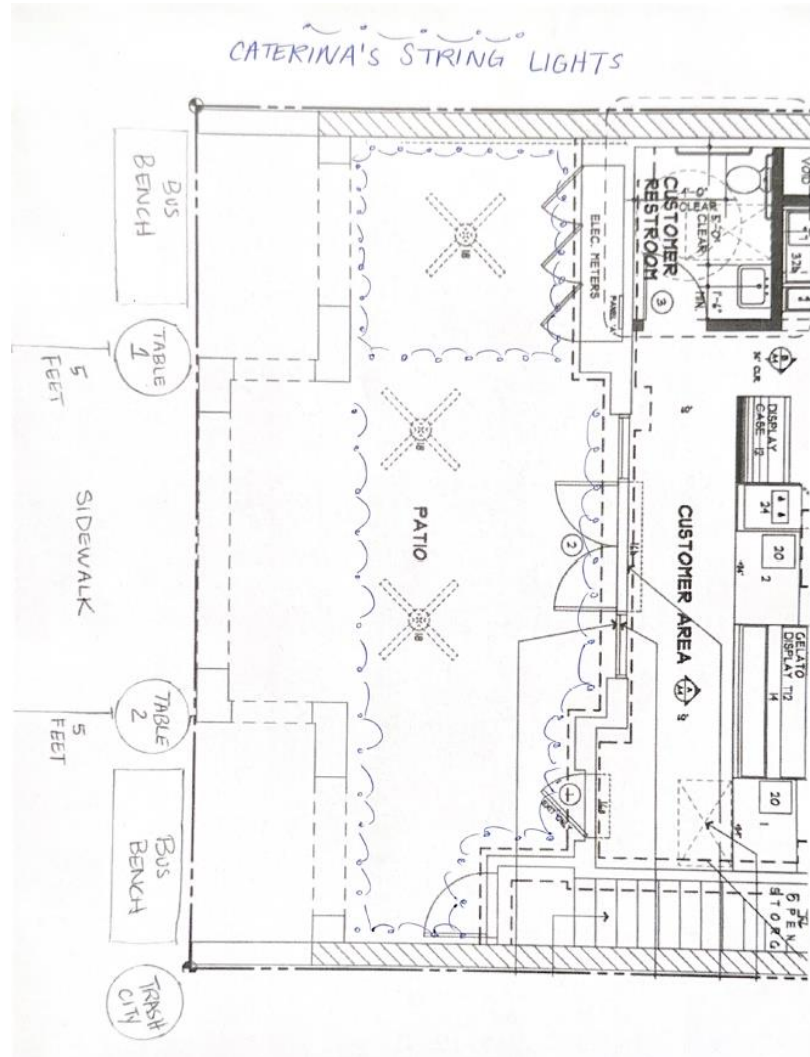


## 2. Tables and Chairs in Covered Private Patio





# 3. String Lighting in Covered Private Patio



# 4. Bar Tops in Covered Private Patio

