

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
December 4, 2019 @ 7:00 p.m.
Council Chambers
100 Avenida Presidio
San Clemente, California 92672**

1. CALL TO ORDER

Chair Ruehlin called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:21 p.m.

2. PLEDGE OF ALLEGIANCE

Chair pro tem Crandell led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Donald Brown, Jason Talley, Zhen Wu; Chair pro tem Barton Crandell, Vice Chair Michael Blackwell, Chair Jim Ruehlin

Commissioners Absent: Chris Kuczynski

Staff Present: Gabriel J. Perez, City Planner
Stephanie Roxas, Senior Planner
Joanne Baade, City Clerk
Kyle Webber, Community Development Technician
Matthew Richardson, Assistant City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS

None

5. MINUTES

A. Minutes from the Regular Planning Commission Study Session of November 20, 2019

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY COMMISSIONER BROWN, AND CARRIED 5-0-1, WITH CHAIR PRO TEM CRANDELL ABSTAINING, TO APPROVE THE MINUTES OF THE PLANNING COMMISSION REGULAR STUDY SESSION OF NOVEMBER 20, 2019, AS SUBMITTED.

B. Minutes from the Regular Planning Commission Meeting of November 20, 2019

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY VICE CHAIR BLACKWELL, AND CARRIED 5-0-1, WITH CHAIR PRO TEM CRANDELL ABSTAINING, TO APPROVE THE MINUTES OF THE PLANNING COMMISSION REGULAR MEETING OF NOVEMBER 20, 2019, AS SUBMITTED.

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

6. ORAL AND WRITTEN COMMUNICATION

Kortney Marrow, resident, requested staff notify residents both in writing and posting on the City's website at the time an application for a small cell site installation is received; stated the appeal fees were a disproportionate burden on residents and asked that they be waived, reduced, or residents given more time to pay; suggested the project is subject to CEQA due to a decision in another state; requested the City address cumulative RF impacts.

Kristine Neuhouse, no city of residence given, stated that notification 10 days ahead or 2 days for appeal is not sufficient as people might not check their mail or go on vacation; stated that 100 feet is not adequate and asked why San Clemente cannot follow the city of Encinitas' example and require 500 feet; advised that in her email correspondence with a doctor from Germany that found in a study that cancer rates tripled for those living within 1300 feet of cell sites, he has advised her against living within 700 feet of a cell site.

Ann-Marie Hines, resident, requested that the City include businesses in the 500 feet safety margin as people, including many young people whose bodies are not fully developed, spend the majority of their days at businesses; noted that the aesthetics in an area of Laguna Beach have been destroyed due to cell tower installations and requested the City not let that happen here.

7. CONSENT CALENDAR

None

8. PUBLIC HEARING

None

9. NEW BUSINESS

A. Installation of Three Ballot Drop Boxes in the City (Roxas/Baade)

A request by the Orange County Board of Supervisors to install three ballot drop boxes at various City-owned properties. The Planning Commission's recommended locations will be forwarded to the City Council for final approval.

Stephanie Roxas, Senior Planner, and David Goulding, Orange County Registrar of Voters, narrated a PowerPoint Presentation entitled, "Ballot Drop Boxes, San Clemente Planning Commission Presentation," dated December 4, 2019. A copy of the Presentation is on file with the City Clerk's office/Planning Division. David Goulding described the purpose of the new voting model, which was established by the California's Voter's Choice Act (VCA) in 2016; summarized the process of identifying potential locations; and described the new voting centers, which take the place of traditional polling stations. Stephanie Roxas provided an overview of the potential locations suggested by the Orange County Registrar of Voters, and requested the Commission to provide feedback on their preferred locations and specific ballot box placements.

In response to questions, Stephanie Roxas, Senior Planner, stated that due to this project's quick turnaround, staff was unable to involve Traffic Engineering, but can contact them with any concerns the Commission may have; speculated that the City could recommend temporary locations for a shorter period (1-year) than the 5-year agreement proposed. With regard to the potential Jim Johnson Memorial Sports Park location, she stated there is still adequate time for City and Orange County staff to review the Park and identify a ballot box placement before the recommendation is presented to Council for their review.

Joanne Baade, City Clerk, discussed locations being considered for the voting centers.

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

- Suggested staff consider potential to design placement of the ballot box to allow driver drop-off, similar to drive-up mail collection boxes;
- Suggested installation at Jim Johnson Memorial Sports Park rather than San Geronio Park. Staff facilitated a cursory review of the Jim Johnson Memorial Park layout through Google Earth and the Commissioners tentatively identified potential box placement locations.

- Suggested temporary installation of boxes, with locations/box placement to be revised based on review of effectiveness of the ballot box locations for the 2020 elections.
- Requested the County of Orange share ballot box and voting center usage information with the City once it is available.
- Established from Mr. Goulding that no box design changes can be made at this time; only County of Orange staff have access to the boxes; the program is not set up to pay property owners any fees/payments for the use of their property.
- Suggested most residents will post their ballots via their own mailboxes.
- Commented that the proposal seems rushed and inadequately researched; speculated additional time spent researching locations may yield alternative locations with better lighting, TV monitoring, better access, etc.
- Endorsed one-year agreements with the County of Orange to allow flexibility to change locations once usage has been determined.
- Confirmed the County of Orange will be providing signage for the sites during election periods.
- Reviewed potential ballot box placements at the Municipal Golf Course and recommended placing the box near a green utility box further setback from the street.
- Suggested the ballot drop box be installed at City Hall in the front of the building, rather than the rear, as a symbol of democracy.
- Elected to remove San Gorgonio Park from consideration as it is isolated, not pedestrian friendly, and may be closed off in the evenings.

Motions:

IT WAS MOVED BY CHAIR RUEHLIN, SECONDED BY COMMISSIONER BROWN AND CARRIED 4-0-2, WITH COMMISSIONER TALLEY AND COMMISSIONER WU ABSTAINING, TO RECOMMEND TO CITY COUNCIL INSTALLATION OF A BALLOT DROP BOX AT THE MUNICIPAL GOLF COURSE, LOCATED AT 150 E. AVENIDA MAGDALENA, ADJACENT TO THE GREEN POWER BOX.

IT WAS MOVED BY CHAIR TALLEY, SECONDED BY CHAIR PRO TEM CRANDELL AND CARRIED 4-2-0, WITH COMMISSIONER BROWN AND CHAIR RUEHLIN OPPOSED, TO RECOMMEND TO CITY COUNCIL INSTALLATION OF A BALLOT DROP BOX AT THE JIM JOHNSON MEMORIAL PARK, LOCATED AT 450 W. AVENIDA VISTA HERMOSA, AT A LOCATION TO BE CHOSEN BY STAFF.

IT WAS MOVED BY CHAIR RUEHLIN, SECONDED BY COMMISSIONER BROWN AND UNANIMOUSLY CARRIED, TO RECOMMEND TO CITY COUNCIL INSTALLATION OF A BALLOT

DROP BOX AT THE FRONT ENTRANCE OF THE SAN CLEMENTE CITY HALL BUILDING LOCATED AT 910 CALLE NEGOCIO.

Additional Recommendations:

- Staff requested to fine tune the best ballot drop box placement for each location.
- The agreements with the County of Orange should be for one-year maximum time periods for all installations.
- First placement choice for the City Hall location will be the front entrance; if not feasible staff will choose a location at the rear entrance.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL.]

10. OLD BUSINESS

A. 702 Avenida De La Estrella – Time Extension of Site Plan Permit 19-358 – Cornerstone Church Time Extension (Webber)

A request to consider a time extension for the modifications to an approved Site Plan Permit, Conditional Use Permit, and Minor Exception Permit for and existing church. The time extension would allow an extension up to 10 years for Phase II with amendments to the Master Plan Time Table outlined in the previously approved Conditions of Approval.

Kyle Webber, Community Development Technician, narrated a PowerPoint Presentation entitled, “Cornerstone Community Church Master Plan Time Extension 19-358, SPP 06-027/CUP 08-030/MEP 08-270,” dated December 4, 2019. A copy of the Presentation is on file in Planning Division.

Rob Williams, Architect with Studio 6 Architects, representing the Church, discussed challenges, revisions, and fundraising setbacks that have resulted in delay of completing the project; noted the Church building itself has been renovated as planned and permitted; noted the church is working diligently to move forward with the remaining elements.

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

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY COMMISSIONER TALLEY, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 19-040, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING A SECOND TIME EXTENSION FOR SITE PLAN PERMIT 06-027/TIME EXTENSION FOR CONDITIONAL USE PERMIT 08-

030/TIME EXTENSION FOR MINOR EXCEPTION PERMIT 08-270, CORNERSTONE COMMUNITY CHURCH, A REQUEST FOR A TIME EXTENSION OR AN APPROVED MASTER PLAN FOR AN EXISTING CHURCH LOCATED AT 702 AVENIDA DE LA ESTRELLA.

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

B. 1640 N. El Camino Real – Time Extension for Conditional Use Permit 17-322/Minor Cultural Heritage Permit 17-420/Minor Exception Permit 18-628 – La Colombiana (Perez)

A request to consider a two-year time extension for the modification to an existing restaurant use, including a full range of alcohol for indoor and outdoor consumption, minor exterior modifications to the existing structure, and parking waivers for an increase in indoor and outdoor restaurant seating.

City Planner Perez narrated a PowerPoint Presentation entitled, “La Colombiana Restaurant Expansion Time Extension 19-401 for CUP 17-322/MCHP 17-040/MEP 18-628,” dated December 4, 2019. A copy of the Presentation is on file in Planning Division. He confirmed the restaurant is currently in compliance with code.

Harold Alzate, applicant, discussed misunderstandings related to California Coastal Commission (CCC) approval and setbacks that resulted in delays in the City permit process; the need to address Orange County Fire Authority plan check comments, noted the project is ready to submit for the California CCC approval process. In response to a request for a waiver for the City processing fees, he was advised fee waivers are the purview of City Council.

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

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

- Suggested that due to the project’s parking waivers the timing of the length of the requested time extension should be reduced, as public parking in the vicinity may be impacted due to opening of new developments in North Beach including the anticipated redevelopment of the Miramar Theater.
- Established that the two-year time extension is reasonable as the Planning Commission considered build-out of other developments in the vicinity when the project’s parking waivers were approved and because of the time necessary to obtain building permits.

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY COMMISSIONER TALLEY, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 19-041, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE TWO-YEAR TIME EXTENSION REQUEST FOR CONDITIONAL USE PERMIT 17-322, MINOR CULTURAL HERITAGE PERMIT 17-420, MINOR CULTURAL HERITAGE PERMIT 17-420, MINOR EXCEPTION PERMIT 18-628, LA COLOMBIANA RESTAURANT EXPANSION, TO ALLOW EXPANSION OF THE EXISTING RESTAURANT USE TO INCLUDE FULL ALCOHOL SERVICE FOR ON-SITE CONSUMPTION INDOORS AND OUTDOORS, MINOR EXTERIOR MODIFICATIONS AND WAIVERS OF THREE PARKING SPACES LOCATED AT 1640 NORTH EL CAMINO REAL.

Amended as follows:

Page 1, Resolution title, insert "TIME" between "TWO-YEAR" and "EXTENSION"

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

11. REPORTS OF COMMISSIONERS AND STAFF

- A. Tentative Future Agenda
- B. Staff Waiver Memo and Reports
- C. Discuss cancellation of the January 8, 2020 Planning Commission meeting (Perez)

City Planner Perez advised City Council has canceled its January 7, 2020, Regular Meeting and noted lack of agenda items on the Commission's January 8, 2020, Regular Agenda. The Commission elected to cancel its January 8, 2020, Regular Meetings.

Commissioner Brown informed that City Council at its last meeting elected to continue the current structure and selection process of the Planning Commission.

Commissioner Wu requested City Planner Perez create the Design Review Subcommittee Committee (DRSC) Rotation Schedule for 2020. City Planner Perez agreed to have it for the Commission's next meeting.

Chair Ruehlin advised the Commission will be considering action on the City's Small Cell Ordinance at its next meeting; noted he has requested staff deliver the completed staff report to the Commissioners as soon as possible. The Commission elected to start its next Study Session at 5:00 p.m. and begin the Regular Meeting at 6:00 p.m. for the December 18, 2019, meetings.

Chair pro tem Crandell advised he will not be present at the January 22, 2020, Planning Commission meeting.

12. ADJOURNMENT

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY VICE CHAIR BLACKWELL, AND UNANIMOUSLY CARRIED TO ADJOURN AT 9:30 P.M. TO THE NEXT REGULAR MEETINGS OF THE STUDY SESSION AND PLANNING COMMISSION TO BE HELD ON DECEMBER 18, 2019, AT 5:00 P.M. IN COUNCIL CHAMBERS LOCATED AT 100 AVENIDA PRESIDIO, SAN CLEMENTE, CALIFORNIA.

Respectfully submitted,

Jim Ruehlin, Chair

Attest:

Gabriel J. Perez, City Planner

DRAFT