

These minutes will be considered for approval at the Planning Commission meeting of 12-18-2019.

**MINUTES OF THE
REGULAR MEETING OF THE STUDY SESSION
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
December 4, 2019 @ 6:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA 92672**

CALL TO ORDER

Chair Ruehlin called the Regular Meeting of the Study Session of the Planning Commission of the City of San Clemente to order at 6:03 p.m. in City Council Chambers, located at 100 Avenida Presidio, San Clemente, CA 92672.

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
Katie Crockett, Associate Planner
Cecilia Gallardo-Daly, Community Development Director
Andrew McCardle, Attorney
Eileen White, Recording Secretary

AGENDA

A. Small Cell Ordinance Discussion – (Crockett)

Key aspects of the ordinance will be presented for questions and discussion amongst the Planning Commission, as follows:

1. Facility Design – specific design criteria for small cell installations
 - a. Staff review of facility design
 - b. Commission questions and comments on facility design
2. Minimum Separations – from residential, schools, and from cell site to cell site
 - a. Staff review of minimum separations
 - b. Commission questions and comments on minimum separations
3. Process and Appeals – type of review, appeals, noticing
 - a. Staff review of process and appeals
 - b. Commission questions and comments

Katie Crockett, Associate Planner, narrated a PowerPoint Presentation entitled, "Small Cell Ordinance, Planning Commission Study Session," dated December 4, 2019. A copy of the Presentation is on file in Planning Division. She distributed a flyer indicating the City's Street Light Standards as well as maps demonstrating areas where small cells would be permitted to be installed using 100 to 1,000 feet buffers. She reviewed three key aspects of the Ordinance and requested Commission input.

In response to questions, Associate Planner Crockett advised that carriers wishing to install ground mounted equipment must apply for an exception; that although shrouding is preferred, it's not clear at this time whether shrouding of antennas can be used when/if the small cell sites are converted to 5G; that the support structure must be the same as the standard pole it is being put on. Staff recommendation for separation of small cells to residential properties is 100 feet. Residents have stated this is too close, and carriers have said that it is prohibitive. Carriers must apply for an exception if they wish to install a small cell site closer than 100 feet. The proposed Ordinance is a first step to regulating small cells; the City plans to update the City's Wireless Master Plan in the coming months which could include other regulations related to small cells.

Andrew McCardle, Attorney, updated the Commission on a 9th Circuit Court of Appeals case regarding coverage gaps and how that works with the FCCs limitations; explained situation whereby the City could request information on why an alternative site was considered technically infeasible.

Commissioners provided commentary as follows:

Facility Design

- Recommended language regarding requirements to shroud antennas as well as other pole-mounted equipment.
- Recommended shrouds and enclosures on poles be colored and textured the same as the pole.
- Recommended a minimum clearance from ground to any equipment that projects from mid-pole locations.
- Recommended a maximum width for slimline (stand-alone) poles be included in the Design Standards.

Minimum Separations

- Requested additional language to allow a 200-foot separation between cell sites only if existing/replacement poles are used; the 300-foot separation between cell sites should remain if a new (non-replacement) pole is proposed.
- Established that the City cannot require that multiple carriers use the same locations, but can express a preference for co-locating. Additionally, the City cannot express a preference for carriers that are set up for multiple users.

- Generally supported the proposed separations as recommended by staff with the modification to the site-to-site separation, as previously noted.

Process and Appeals

- Established from staff that the proposed 2-day appeal process is due to the Federally imposed shot clock timing. Also established that the shotclocks are calendar days, and include time for appeals.
- Suggested staff provide notice to residents when the application is submitted, or 10 days to 2 weeks before it is to be considered or the shot clock runs out, so that residents are aware of the decision being made, and also made aware that they only have 2 days to appeal a decision once it's been made.
- Commented that additional time for the appeal process would have allowed additional time for residents to gather signatures, do research, gather funds for appeal fees, etc. Established from staff that due to the shot clock timing, this would not allow staff adequate time to effectively process the application.
- Commented that preference would be that the Planning Commission or City Council have the purview to review the appeals, but due to shot clock timing and Brown Act Regulations, this is not possible.
- Recommended that "significant gap" language should be kept/left flexible in the Ordinance in the event this test is proven to be allowed.
- Suggested review of the Ordinance after one year to determine if potential to expand the appeals process.

Report received and filed.

COMMISSION COMMENTS

None

RECESS

The Commission recessed until the start of the regular session.

Respectfully submitted,

Jim Ruehlin, Chair

Attest:

Gabriel J. Perez, City Planner

DRAFT