

These minutes will be considered for approval at the Planning Commission meeting of 09-16-2020.

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
August 19, 2020 @ 7:00 p.m.
Teleconference Only via
www.san-clemente.org/live or Cox Channel 854**

CALL TO ORDER

Chair Ruehlin called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:01 p.m. The meeting was offered teleconference only due to the COVID-19 Pandemic, and available to the public via live stream from the City's YouTube Channel or live on Cox Channel 854.

2. PLEDGE OF ALLEGIANCE

Vice Chair Blackwell led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Donald Brown, Barton Crandell, Chris Kuczynski; Chair pro tem Zhen Wu, Vice Chair Michael Blackwell, Chair Jim Ruehlin (All Planning Commissioners participated via teleconference)

Commissioners Absent: None

Staff Present: *Gabriel J. Perez, City Planner
*Nestor Mangohig, Senior Civil Engineer – Traffic
*Jonathan Lightfoot, Associate Planner
*David Carrillo, Assistant Planner
*Kyle Webber, Community Development Technician
*Todd Leishman, City Attorney
*Eileen White, Recording Secretary

*Participated in meeting via teleconference

These minutes reflect the order in which items appeared on the meeting agenda and do not necessarily reflect the order in which items were actually considered.

4. SPECIAL ORDERS OF BUSINESS

None

5. MINUTES

A. Minutes from the Planning Commission Adjourned Regular Study Session of July 22, 2020

IT WAS MOVED BY COMMISSIONER CRANDELL, SECONDED BY CHAIR PRO TEM WU AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES OF THE PLANNING COMMISSION REGULAR STUDY SESSION OF JULY 22, 2020.

Amended as follows:

Page 2, first bullet, replace, "California Uniform Building Code (CUBC)" with "California edition of International Building Codes.

B. Minutes from the Planning Commission Regular Meeting of July 22, 2020

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY COMMISSIONER CRANDELL AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES OF THE PLANNING COMMISSION REGULAR MEETING OF JULY 22, 2020.

Amended as follows:

Page 2, 3rd to last paragraph, strike "Steve Schuler"; 2nd to last paragraph, insert "Steve Schuler" after "Lisa Weld"

C. Minutes from the Planning Commission Adjourned Regular Study Session of August 5, 2020

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY COMMISSIONER CRANDELL AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES OF THE PLANNING COMMISSION ADJOURNED REGULAR STUDY SESSION OF AUGUST 5, 2020, AS SUBMITTED.

6. ORAL AND WRITTEN COMMUNICATION

None

7. CONSENT CALENDAR

A. Convert Avenida San Pablo Parking Restriction to Parking Prohibition (Mangohig)

Nestor Mangohig, Senior Civil Engineer, reviewed the staff report, a request from nearby residents that the City install parking prohibitions along Avenida San Pablo to prevent the street from being used during day and night as a teen/young adult hangout, with documented instances of drug/alcohol use, drug sales, property vandalism, drag racing and other public nuisances.

In response to questions/comments from the Commission, Senior Civil Engineer Mangohig advised that the proposed parking prohibition will give

the Orange Council Sheriff's Department (OCSD) deputies the ability to issue citations and/or move loiters from this area at all times of day, not just limited overnight hours; noted that speed humps/cushions were requested by residents and considered by staff, but the street does not qualify for traffic calming based on the program criteria and minimum required point score; and exceeds local and national guidance for speed cushion installation due to its steep grade; advised the deputies typically use discretion in issuing citations, as the prohibitions are intended to prohibit public nuisances.

Chair Ruehlin opened the public hearing.

City Planner Perez acknowledged several letters and petitions from affected residents in support of the parking restrictions. There were no written communications in opposition.

Chair Ruehlin closed the public hearing.

One of the concerns expressed by Commissioners was the absence of a study on how much law-abiding members of the public use the public street to view sunsets from their cars. In addition, there were concerns expressed that the proposed restrictions by themselves will not do enough to solve the problems documented by residents, especially with regard to drag/street racing and unsafe driving; that additional measures to help resolve these issues should be considered; the City needs to reach out to the OCSD to ensure enforcement of street prohibitions and meaningful change to the lawlessness now occurring. Senior Civil Engineer Mangohig indicated that public use for sunset/ocean viewing was relatively light based on staff field observations at various times of day, and that the goal for an all-day parking restriction was that the location would no longer be considered a preferred hangout spot for loitering teens/young adults with continued enforcement.

IT WAS MOVED BY COMMISSIONER CRANDELL, SECONDED BY COMMISSIONER BROWN, AND UNANIMOUSLY CARRIED TO forward to the City Council a recommendation to convert the existing 10:00 p.m. to 6:00 a.m. parking restriction on the west side of Avenida San Pablo from the cul-de-sac tangent southerly for a distance of 1,120 feet, along the cul-de-sac to Avenida Acapulco, and on the east side of Avenida San Pablo from the beginning of curb return at Avenida Acapulco southerly for a distance of 350 feet; to a parking prohibition.

Amended as follows:

With the understanding that the parking prohibition is the first step in a multi-step process. Additional solutions shall continue to be researched by staff, and brought to the Planning Commission for consideration.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL.]

8. PUBLIC HEARING

A. 380 Avenida Pico – Conditional Use Permit 19-334 – Verizon Site at SC Treatment Plant

A request to construct a new monopalm cellular tower with accompanying ground mounted equipment in the City owned water treatment facility property at 380 Ave. Pico. The parcel is zoned as Public and is within the Coastal Zone overlay and the West Pico Corridor Specific Plan.

Chair Ruehlin recused himself from considering this item due to property ownership near the 500 foot radius of the site and left the teleconference. Vice Chair Blackwell assumed control of the meeting.

Jonathan Lightfoot, Associate Planner, narrated a PowerPoint Presentation entitled, "Verizon Wireless Monopalm, CUP 19-334, MAP 20-115" dated August 19, 2020. A copy of the Presentation is on file in Planning Division. Staff is recommending the addition of two Conditions: 1) "4.4 The applicant shall demonstrate to the City Planner that the project has secured approval from the California Coastal Commission." And 2) "4.16 The applicant must enter into a lease agreement with the City prior to erecting any antenna."

In response to questions, Associate Planner Lightfoot provided the following clarifications:

- Noted that the RF Energy emissions levels are regulated by the FCC and the City does not have jurisdiction over the health and safety concerns regarding RF levels;
- Advised the Commission could consider adding an additional condition requiring the applicant to provide a new RF emissions report at the time of installation and if a co-location is proposed in the future.
- Noted that it is the City Planner's purview to determine what is needed/necessary for collocation at existing facilities (per SCMC 17.28.070).
- Confirmed that the plans do not specify how the generator will be powered or the potential noise generated from this generator. Commented there may be additional equipment not depicted in the equipment enclosure that may be visible outside the enclosure and result in visual impacts
- Commented that the applicant is amenable to tapering the cell tower's "trunk" to the maximum extent possible as determined by a structural engineer..
- Commented that irrigation and technical specifications are not standard requirements during conceptual review of entitlements, but are required in the building plan check process.
- Clarified that the Public (P) zone within the West Pico Corridor Specific Plan does not specify a height limit and that the height and other development standards are determined through the

discretionary review process. Staff had recommended that the applicant not exceed 50-feet in their proposal. Staff referenced the height of nearby concrete manufacturing facilities as the tallest structures in the specific plan area at around 70-feet in height.

- Clarified that the “survey” of trees was simply a direct measurement of trees in the vicinity as a comparison. Those measurements of three existing trees are also shown on L-1 (p.80) indicating a height range from 35’ – 66’. Jacobs engineering employed a triangulating tool that they use to measure heights of street poles, etc. Responded that propagation maps are not a standard submittal requirement and that staff did not feel that this was necessary given the City’s Wireless Master Plan identifies this specific parcel as a preferred location for siting future wireless facilities.
- The applicant was able to provide updated wireless telecommunications facility propagation maps, however, just prior to the hearing. They indicated a coverage and load capacity gap in the target area. The maps displayed during the hearing and were forwarded to the Commissioners by email during the hearing. The maps are available with the Planning Division for review.

Vice Chair Blackwell opened the public hearing.

City Planner Perez read aloud a letter from Attorney Kevin Sullivan, partner at Gatzke, Dillon & Balance, LLP, stating the following 1) The RF Energy levels are compliant with FCC guidelines, and outside of City authority; 2) The project complies with all Health and Safety Regulations; 3) The cellular tower with its improved service is a much needed element of national critical infrastructure in the commercial sector; 4) The tower is needed to fill a significant gap in Verizon Network Coverage; 5) The proposed location has been identified as a preferred location for a cell tower in City Code; and 6) the cell tower has been designed and screened as much as possible to be inobtrusive.

City Planner Perez read aloud the written communications submitted from the public. Scott Cook, resident supported the installation in order to improve service in the area. Brad Hume, Steve Aman, Ann-Marie Hines, Kortney Morrow, Frances and Kendal Carsen, Andrew and Victoria Bennett, Sean Kading, Alison Hoeven, Kristy Neuhausen, Susan Smith, Ken Orr, Mark and Wendy Morgan, and Jennifer Dewdall opposed the proposed installation due to health concerns due to risk of radiation, proven higher risk of cancer in those living near similar installations, loss of property values due to the appearance and location of the monopalm, no need for improved coverage, and lack of a CEQA study.

Vice Chair Blackwell closed the public hearing.

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

- Request to have photos of the subject area before added simulation for comparison purposes.
- The species of palm to be planted for screening purposes should be the same or similar to the design of the monopalm.
- Questioned whether the antennas could be placed inside of the pole/trunk of the monopalm as an alternative to antennas visible and affixed to the monopalm pole/trunk.
- Comment that the project meets City requirements and has been fully vetted through the Planning and Design Review Subcommittee (DRSC) process.
- Comment that the required findings have been met.
- Comment that the required findings have not been met as the proposed monopalm is unattractive and not suitable for the City's scenic corridor, and the monopalm could be further improved to look more natural. In addition, generator details have not been provided.
- Supported continuance of the project to a future meeting to allow it to go back through staff, DRSC and Planning Commission review.
- Comment that the subject project has been through a thorough review and accommodating during the process. It would be an unfair burden to require the applicant to go back through the process again, and likely would put the timetable back a few months.
- Comment that the propagation maps to indicate a need for expanded service in the area.
- Comment that cell towers do provide a necessary public service.
- Comment that cell towers should be stealth.
- Suggestion that the project be approved with conditions requiring any future collocation to be subject to both DRSC and Planning Commission review when/if a co-locator is proposed.
- Comment that the project is subject to California Coastal Commission (CCC) review and approval.

IT WAS MOVED BY VICE CHAIR BLACKWELL to table this project to require redesign with help from staff and the DRSC in order to result in a more complementary, natural design, as well as allow the applicant to provide details missing from this project, such as photos of the site without simulated cell tower placement and details on the generator. This motion died for lack of a second.

IT WAS MOVED BY COMMISSIONER WU, SECONDED BY COMMISSIONER KUCZYNSKI, AND CARRIED 5-0-1, WITH CHAIR RUEHLIN ABSTAINING, TO ADOPT RESOLUTION NO. 20-019, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 19-334 AND MINOR ARCHITECTURAL PERMIT 20-115, VERIZON MONOPALM AT CITY YARD, A REQUEST TO ALLOW A NEW MONOPALM CELLULAR TOWER WITH ACCOMPANYING GROUND MOUNTED EQUIPMENT IN THE CITY OWNED PROPERTY AT 380 AVE. PICO.

Amended as follows:

Page 15, Section 4, Item 3.a., 2nd sentence, replace “For instance, the project...equipment” with “The project shall provide for collocation of future equipment if technically feasible”

Page 15, Section 4, Item 5.b., following WMP, insert, “as reviewed by the Design Review Subcommittee and Planning Commission”

Page 19, 5.5, add number 5 or modify number 1 to include, “5 living palm trees in varied heights with a minimum of 25 feet.”

Add the following conditions:

”4.4. The applicant shall demonstrate to the City Planner that the project has secured approval from the California Coastal Commission.”

“4.16. The project proponent must enter into a lease agreement with the City prior to erecting any antenna and the duration of the development is subject to terms within that lease agreement.”

“4.17. The site is suitable for collocated equipment; however, the Design Review Subcommittee and the Planning Commission shall review the final design of any proposal for collocation. A separate EME/RF report shall be provided for the collocated equipment.”

“5.14. Verizon Wireless or their consultant shall provide an EME/RF report after conducting initial tests of the equipment to verify that the field conditions are within the maximum permissible exposure (MPE) levels as regulated by the FCC.

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

Chair Ruehlin returned to the meeting an assumed control of the gavel.

- B. 612 Avenida Victoria, Suites A-E – Conditional Use Permit Amendment 19-405/Minor Cultural Heritage Permit 19-411/Minor Exception Permit 20-138 – La Galette Conditional Use Permit Amendment and Exterior Improvements (Carrillo)

A request to allow: 1) an amendment to La Galette’s Conditional Use Permit to expand the alcohol service area onto adjacent vacant suites; 2) exterior improvements, including additional seating on the sidewalk; and 3) two parking waivers. The property is in the Mixed Use 4 Zone and Architectural and Pedestrian Overlay Districts (MU4-A-P) within the Pier Bowl Specific Plan, and governed by the City’s Local Coastal Program.

David Carrillo, Assistant Planner, narrated a PowerPoint Presentation entitled, "La Galette CUP Amendment and Expansion Improvements, CUP 19-405, MCHP 19-411, MEP 20-138," dated August 19, 2020. A copy of the Presentation is on file in Planning Division.

Chair Ruehlin opened the public hearing.

City Planner Perez read aloud a letter from Mark McGuire, resident, in support of the proposed project.

Chair Ruehlin closed the public hearing.

Discussion ensued regarding the applicant's voluntary offer to pay the City in lieu fees of \$1,100 each, annually, if the two parking waivers were to be approved. Suggestions included forwarding the donation to local non-profit(s) in order to avoid a "pay to play" impression; remain silent as to the future of the donation; request City Council consider reinstating the City's In Lieu Fee program. Staff clarified to the Commission that the project's resolution findings do not include the applicant's interest to volunteer payment to the City as a basis for approving the projects. Staff also indicated that there is no active in-lieu parking program as an alternative to parking waivers.

IT WAS MOVED BY COMMISSIONER CRANDELL, SECONDED BY COMMISSIONER BROWN, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 20-020, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT AMENDMENT 19-405/MINOR CULTURAL HERITAGE PERMIT 19-411/MINOR EXEMPTION PERMIT 20-138, LA GALETTE CONDITIONAL USE PERMIT AMENDMENT AND EXTERIOR IMPROVEMENTS, TO ALLOW: 1) AN AMENDMENT TO LA GALETTE'S CONDITIONAL USE PERMIT TO EXPAND THE ALCOHOL SERVICE AREA ONTO THREE ADJACENT VACANT SUITES, AND TO ALLOW OUTDOOR DINING ON PUBLIC PROPERTY; 2) EXTERIOR IMPROVEMENTS, INCLUDING ADDITIONAL SEATING ON THE SIDEWALK; AND 3) TWO PARKING WAIVERS, FOR A RESTAURANT LOCATED AT 612 AVENIDA VICTORIA, SUITES A-E.

Raising a Point of Privilege to continue the discussion, Chair pro tem Wu suggested that the information about the donation should not be included in the staff report.

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

C. Zoning Amendment 20-258 – Lot Consolidation Ordinance (Webber)

A request to consider a Zoning Amendment to incorporate Section 17.24.230, Lot Consolidation, into the San Clemente Municipal Code. Section 17.24.230 establishes development standards and policies providing developers incentives for the consolidation of standard and substandard lots in compliance with objectives in the City of San Clemente Housing Element

Action Plan Program 2 with the goal to promote increased housing options in residential and mixed-use zones.

IT WAS MOVED BY COMMISSIONER CRANDELL, SECONDED BY COMMISSIONER KUCZYNSKI, AND CARRIED 4-0-2, WITH COMMISSIONER BROWN AND CHAIR RUEHLIN ABSTAINING, TO continue Zoning Amendment 20-258 – Lot Consolidation Ordinance to a date uncertain pending re-noticing.

[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]

9. NEW BUSINESS

A. El Camino Real/Esplanade Intersection Safety Improvement (Mangohig)

Senior Civil Engineer Mangohig summarized the staff report. In response to questions, he noted that a “No Left Turn” sign alone at the corner of Esplanade and the parking lot is not recommended to restrict turns since some vehicles will likely ignore signage; if turn restrictions were recommended there should be positive control such as delineators.; Esplanade has a higher number of recorded accidents than adjacent intersections, however it is acknowledged that not all accidents are reported; when considering alternatives, the absolute safest option removes conflict points; all-way stop control and traffic signal warrants are not met at this location; 7 or 8 parking spaces would be eliminated under Alternative 1.

Chair Ruehlin opened the public hearing.

City Planner Perez summarized the public communication. Zach Gilmer and Joyce Kimble, residents, supported Alternative 1 as it will improve the street safety conditions for residents on adjoining streets. Nick Buchanan, Cay Varholick, Bob Conrad, Burton Brown (representing the SC Chamber of Commerce), Ericka Young-Lancaster, and Sara Allen Paterson, residents and business owners, supported leaving the street the way it is, or selecting Alternative 2 in order to retain the existing street parking spaces, which are vital to adjacent businesses.

Chair Ruehlin closed the public hearing.

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

- In lieu of the two alternatives presented, it was suggested that staff consider installing Right Turn Only signs at the intersections corners with law enforcement monitoring and enforcing the signage for the first two weeks; supported selecting the Traffic Engineering Department’s first choice as they are the experts as to the best option to improve traffic. It was noted by staff that Alternative 1 was

recommended to offer an incremental approach for improvement while reflecting the results received from a public input request.

- Suggested eliminating up to 8 parking spaces was too drastic a proposal and damaging to the area businesses that rely on those spaces for their customers.
- Suggested bulb-outs, stop signs, or signal lights as alternatives; ascertained that staff is looking for a quick, inexpensive fix at this point in time and looking for grant funding to fund more expensive options in the future.
- Concurred to recommend Alternative 2 as it will improve traffic safety yet maintain the much-needed street parking for area businesses.

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY COMMISSIONER CRANDELL, AND UNANIMOUSLY CARRIED TO forward to the City Council a recommendation to implement Alternative 2, addition of delineators along El Camino Real centerline at Esplanade.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL.]

10. OLD BUSINESS

None

11. REPORTS OF COMMISSIONERS AND STAFF

- A. Tentative Future Agenda
- B. Zoning Administrator Minutes of July 23, 2020

City Planner Perez announced that the City Council will be joining the Planning Commission at its next Study Session on September 2, 2020, at 6:00 p.m. to hear a presentation on the Inclusionary Housing In-lieu Program.

Commissioner Kuczynski reported that at its last meeting, the Coastal Advisory Committee did not have any applications for its Sustainability Grant Program. He encouraged all non-profits/community groups to apply for the funds, as the unused funds will be issued at the next grant issuance in six months.

12. ADJOURNMENT

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY VICE CHAIR BLACKWELL, AND UNANIMOUSLY CARRIED TO ADJOURN AT 12:10 A.M. ON THURSDAY, AUGUST 20, 2020, TO THE REGULAR MEETINGS OF THE PLANNING COMMISSION TO BE HELD ON SEPTEMBER 2, 2020, AT 6:00 P.M. VIA TELECONFERENCE ONLY AND AVAILABLE TO THE PUBLIC VIA LIVE STREAM FROM THE CITY'S YOUTUBE CHANNEL OR LIVE ON COX CHANNEL 854.

Respectfully submitted,

Jim Ruehlin, Chairman

Attest:

Gabriel J. Perez, City Planner

DRAFT