

**MINUTES OF THE ADJOURNED REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
June 2, 2021 @ 6:00 p.m.
Teleconference Only via
www.san-clemente.org/live or Cox Channel 854**

CALL TO ORDER

Chair Ruehlin called the Adjourned Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:00 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

Commissioner Kuczynski 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: *Cecilia Gallardo-Daly, Community Development Director
*Jonathan Lightfoot, Economic Development Officer
*Matthew Richardson, Assistant City Attorney
*Eileen White, Recording Secretary

*Participated in meeting via teleconference

4. SPECIAL ORDERS OF BUSINESS

None

5. MINUTES

A. Minutes from the Planning Commission Regular Meeting of May 19, 2021

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY COMMISSIONER KUCZYNSKI AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES OF THE PLANNING COMMISSION REGULAR MEETING OF MAY 19, 2021, as submitted.

6. ORAL AND WRITTEN COMMUNICATION

None

7. CONSENT CALENDAR

None

8. PUBLIC HEARING

A. 610 Camino De Los Mares – Amendment to Site Plan Permit 19-203 – Plaza by the Sea – Removal of Condition of Approval 7.17 (Lightfoot)

A request to consider removing a condition of approval from the Site Plan Permit previously approved by Planning Commission on May 20, 2020 via PC Resolution 20-008. The condition stipulated reciprocal vehicular and pedestrian access between the neighboring commercial properties would be created and maintained in perpetuity. Due to challenges by current tenants, the property owners request that the site plan be modified to retain the existing wall separation and the corresponding Condition of Approval 7.17 be eliminated.

Jonathan Lightfoot, Economic Development Officer, narrated a PowerPoint Presentation entitled, "Plaza by the Sea, Amendment to SPP 19-203, dated June 2, 2021." A copy of the Presentation is on file in Planning Division.

Andrew Gracey and Kyle Godat, representing the applicant, Brixmor, were available for questions.

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

- Established that leaving the wall in place would not create any impediment to the continued improvement of the property.
- Established the market tenant has the authority through their lease to approve/deny common area improvements at will.
- Suggested delay of the wall demolition component (creation of a Phase 2 on the project) rather than removal to allow the applicant to continue working with the market in the hope that at some point in the future the market will allow the demolition, and the entitlement for the demolition can go forward. It was noted that the CUP allows three years for completion, and there is an option for a 2-year extension.
- Confirmed that removal of the wall demolition as a requirement does not preclude it from occurring.
- Established the market rejected a pedestrian-only access as an alternative to the wall demolition.
- Suggested additional review of the landscaping portion of the existing wall by the Design Review Subcommittee (DRSC) as well as a

pedestrian access component as a compromise for removing the condition requiring the wall removal.

- Commented that many people in the community support removal of the wall and cautioned there may be community backlash against the market for its refusal to allow the wall demolition.
- Suggested the proposed removal of Condition 7.17 may result in the project not meeting the findings in the original Resolution; noted there is no solution provided in the staff report to address the project not meeting the original findings.
- Suggested a new review/assessment of the project without the wall removal, addressing traffic, convenience, aesthetics, mobility, parking, impacts to other businesses within the center, etc.
- Established that the proposed drive-through component of the project will not go forward unless the wall demolition requirement is removed/revised to satisfaction.
- Suggested the project be continued to allow review of the original entitlement and/or introduction of mitigation from the applicant in exchange for removing the wall demolition requirement.
- Suggested the Commission refer the project to the DRSC to allow for additional review, especially with regard to improvements to the existing wall, and allow the DRSC the final authority to approve the project.
- Established the applicant is willing to come back with a landscape plan for the wall area in exchange for removal of the wall demolition requirement; the center improvements were completed voluntarily as a significant aesthetic enhancement for the sake of the community; requested approval in order to continue the status and success of the existing tenants.
- Commented that continued improvement/development of the center complies with the economic development of the General Plan.
- Suggested proposal of a time limit, 6 months to a year, for the applicant to continue discussions with the market tenant for approval of the wall demolition. Following expiration of the time limit, the applicant would be required to submit a landscape/wall design plan for the existing wall.

Actions:

First Motion:

IT WAS MOVED BY CHAIR PRO TEM WU, SECONDED BY VICE CHAIR BLACKWELL TO CONTINUE 610 CAMINO DE LOS MARES – AMENDMENT TO SITE PLAN PERMIT 19-203 – PLAZA BY THE SEA – REMOVAL OF CONDITION OF APPROVAL 7.17 TO THE REGULAR PLANNING COMMISSION MEETING OF JUNE 16, 2021, TO ALLOW THE APPLICANT TO DEVELOP A LANDSCAPE PLAN TO PROVIDE SOME BENEFIT IN CONSIDERATION OF THE LOSS OF THE WALL ISSUE.

Second (Substitute) Motion:

IT WAS MOVED BY COMMISSIONER CRANDELL, SECONDED BY COMMISSIONER BROWN TO REVISE RESOLUTION NO. PC 21-009, TO ALLOW CONDITION 7.17 TO REMAIN IN PLACE REVISED AS FOLLOWS:

Add to beginning of Condition no. 7.17:

"The Planning Commission supports removing the wall that divides Plaza by the Sea from Ocean View Plaza. Should the applicant secure consent from their tenant to remove then..."

Add to the end of Condition no. 7.17:

"If approval by the tenant is not attainable, then the applicant shall resubmit drawings for an alternate landscape plan and wall design."

Second (Substitute) Motion Vote: 3-3-0, motion failed. Commissioners Crandell, Kuczynski and Brown in favor; Commissioners Wu, Ruehlin and Blackwell opposed.

First Motion Vote: 2-4-0, motion failed. Commissioners Wu and Blackwell in favor; Commissioners Ruehlin, Crandell, Kuczynski and Brown opposed.

Following further discussion, it was determined that a result could be reached, and a third motion was put forth.

Third Motion:

IT WAS MOVED BY COMMISSIONER CRANDELL, SECONDED BY COMMISSIONER BROWN TO REVISE RESOLUTION NO. PC 21-009, TO ALLOW CONDITION 7.17 TO REMAIN IN PLACE REVISED AS FOLLOWS:

Add to beginning of Condition no. 7.17:

"The Planning Commission supports removing the wall that divides Plaza by the Sea from Ocean View Plaza. Should the applicant secure consent from their tenant to remove then..."

Add to the end of Condition no. 7.17:

"If approval by the tenant is not attainable, then the applicant shall resubmit drawings for an alternate landscape plan and wall design."

Third Motion Vote: 4-2-0, motion approved. Commissioners Crandell, Kuczynski, Ruehlin and Brown in favor; Commissioners Wu and Blackwell opposed.

Fourth Motion:

IT WAS MOVED BY CHAIR RUEHLIN , SECONDED BY COMMISSIONER BROWN AND CARRIED 4-2-0, WITH CHAIR PRO TEM WU AND VICE CHAIR BLACKWELL OPPOSED, TO ADOPT RESOLUTION NO. PC 21-009, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SITE PLAN AMENDMENT 21-078, MODIFYING THE PREVIOUSLY APPROVED SITE PLAN PERMIT 19-203 FOR PLAZA BY THE SEA DRIVE-THROUGH, A REQUEST TO REMOVE REVISE

CONDITION OF APPROVAL 7.17 FROM PC RESOLUTION 20-008 WHICH REQUIRED RECIPROCAL PEDESTRIAN AND VEHICULAR ACCESS BETWEEN PLAZA BY THE SEA AND THE ADJACENT OCEANVIEW PLAZA AS PART OF THE PREVIOUSLY APPROVED PROJECT TO DEVELOP A NEW SINGLE-STORY DRIVE-THROUGH COMMERCIAL BUILDING AT PLAZA BY THE SEA, 610-628 CAMINO DE LOS MARES REVISED AS FOLLOWS:

Condition 7.17 to remain in place with the following changes:

Add to beginning of Condition no. 7.17:

"The Planning Commission supports removing the wall that divides Plaza by the Sea from Ocean View Plaza. Should the applicant secure consent from their tenant to remove then..."

Add to the end of Condition no. 7.17:

"If approval by the tenant is not attainable, then the applicant shall resubmit drawings for an alternate landscape plan and wall design."

Although the Commission discussed potential to put a time limit on the applicant returning to the Commission with an alternate landscape plan and wall design, there were no time limits included in the last two motions.

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

9. NEW BUSINESS

None

11. REPORTS OF COMMISSIONERS AND STAFF

- A. Tentative Future Agenda
- B. Staff Waiver Memo and Reports

Chair Ruehlin requested and Cecilia Gallardo-Daly, Community Development Director, agreed to research and report back regarding City property/access to a southern portion of the Capistrano Shores road access, which currently has a fence barrier and "No Trespassing" signs, to determine whether the southern portion of the road access is City property and be opened up to public access and/or detail how the property is accessed for maintenance. Additionally, he noted the City's Landscape Ordinance is silent regarding future changes following installation of the 50% requirement for front yard landscaping. The Ordinance does not address follow-up if the front yard landscaping is changed after initial approval and installation. Community Development Director Gallardo-Daly will review and report back.

12. ADJOURNMENT

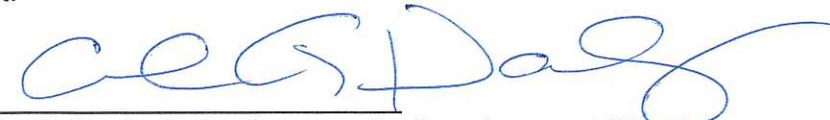
IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY COMMISSIONER KUCZYNSKI, AND UNANIMOUSLY CARRIED TO ADJOURN AT 8:10 P.M. TO THE ADJOURNED REGULAR MEETING TO BE HELD ON JUNE 16, 2021, AT 6:00 P.M. VIA TELECONFERENCE ONLY AND AVAILABLE TO THE PUBLIC VIA LIVE STREAM FROM THE CITY'S YOUTUBE CHANNEL OR LIVE ON COX CHANNEL 854.

Respectfully submitted,



Jim Ruehlin, Chairman

Attest:



Cecilia Gallardo-Daly, Community Development Director