



CITY OF CAMARILLO
PLANNING COMMISSION MINUTES

Regular Meeting
Tuesday, February 18, 2014 – 7:30 p.m.
City Hall Council Chambers, 601 Carmen Drive

The meeting was called to order by Chairman Hemmens at 7:30 p.m.

ROLL CALL

Present: Commissioners Boyce, Edsall, Lusk, Vice-Chairman Davis, and
Chairman Hemmens

Absent: None

Staff Present: Dave Norman, Director
Lisa Kurihara, Deputy City Attorney
Jackie Lee, Assistant Planner
Carlos Torres, Planning Technician
Tim Moran, Planning Technician
Laura Fox, Recording Secretary

The Pledge of Allegiance was led by Commissioner Lusk.

MINUTES - Regular meeting of February 4, 2014

There was a MOTION by Commissioner Lusk, a SECOND by Commissioner Davis, to approve the minutes as submitted. The Motion carried with a vote of 5 – 0.

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARING

CUP-154M(5), AT&T Wireless

An application has been received from Black & Veatch representing AT&T Wireless of Cerritos, California, requesting approval of a modification of a conditional use permit (CUP-154). The applicant is proposing the construction of a 217-square-foot enclosure to house an emergency generator. The modification also includes the addition of new underground conduits and the installation of an automatic transfer switch to an existing telecommunication facility located on a hilltop, south of Ridgeview Street at Conejo Creek, west of the northerly terminus of Margarita Avenue, in the OS (Open Space) Zone.

Planning Technician Torres gave an overview of the project utilizing a PowerPoint presentation.

Chairman Hemmens invited questions from the Commission.

Commissioner Boyce asked how many antennas already existing on the hilltop will be supported by this enclosure.

Mr. Torres responded that the enclosure will only be for AT&T.

Commissioner Boyce asked if the enclosure will be for three antennas.

Director Norman introduced the representative for the applicant and stated that she might be able to answer the question.

Chairman Hemmens then OPENED the public hearing and invited the applicant to speak first.

PUBLIC HEARING OPENED

Amy Ablakat, representing AT&T Wireless: Ms. Ablakat stated that the emergency generator will only be used during power outages and once a month for one to two hours for maintenance. Commissioner Boyce asked for confirmation that there would not be any additional antennas added.

Ms. Ablakat responded that there will not be any additional antennas.

Commissioner Lusk asked what the reason is for the need for the towers.

Ms. Ablakat responded that it is due to the increase in capacity and coverage as a result of more cell phone users. She said it is also due to different bandwidths.

Commissioner Lusk asked if there is an estimate on how many towers will be needed until build out.

Ms. Ablakat said she would not be able to answer that question, as it would be based off the radio engineer's analysis.

There were no further questions for the representative.

Chairman Hemmens asked staff if the new enclosure would be identical to the one existing, in terms of design and color.

Mr. Torres responded that there is a condition of approval that colors and textures are to match the existing enclosure.

There was no further comment from the public.

Mr. Torres clarified that there is a correction to the resolution in reference to the section of the Municipal Code.

Chairman Hemmens then CLOSED the public hearing.

PUBLIC HEARING CLOSED

Chairman Hemmens called for comments for the Architectural Review Committee report.

Architectural Review Committee

Vice-Chairman Davis reported that the committee found that the use of the texture, materials, and colors to blend in with the surrounding area and the structure does not appear to impact the neighboring uses. Vice-Chairman said the Committee recommends approval.

Chairman Hemmens called for comments from the Commission.

Commissioner Edsall commented that the photo simulation was helpful, and he supports the project.

Chairman Hemmens said that he went to the site and had a hard time seeing the existing enclosure, and since this project will be similar, he does not have a problem with it.

Commissioner Lusk stated he has no problem with the project.

Commissioner Boyce commented that he does not have a problem with the project, but does have a concern with the antennas, as they are not as camouflaged as some might like.

There were no further Commission comments.

In response to a call for a resolution by Chairman Hemmens, with an amendment to Section 1.B. to reflect the correct Municipal Code Chapter, Director Norman introduced Resolution No. PC 2014-04, approving a request by AT&T Wireless for a modification to a conditional use permit for the construction of a 217-square-foot enclosure to house an emergency generator, including the addition of new underground conduits and the installation of an automatic transfer switch, further described and set forth as CUP-154M(5). It was MOVED by Commissioner Lusk, SECONDED by

Commissioner Edsall, to waive further reading and adopt. With a unanimous vote of 5 – 0, the MOTION CARRIED.

CUP-185M(3), AT&T Wireless

An application has been received from Reliant Land Services of Orange, California, representing AT&T requesting modification of a conditional use permit (CUP-185). The applicant is proposing the placement of an additional wireless telecommunications facility incorporated into a new light standard within the Park-and-Ride lot located at the southeast corner of Las Posas Road at the southbound on-ramp of the U.S. Highway 101/Ventura Freeway. A similar light standard with wireless antennas and a mechanical equipment structure currently exists on site, approved as CUP-185.

Planning Technician Moran gave an overview of the project utilizing a PowerPoint presentation.

Chairman Hemmens invited questions from the Commission.

There were no Commission comments.

Chairman Hemmens OPENED the public hearing and invited the applicant to speak first.

PUBLIC HEARING OPENED

Stella Shih, representing AT&T Wireless: Ms. Shih made herself available for any questions.

There were no questions for the representative.

There was no further comment from the public.

Chairman Hemmens then CLOSED the public hearing.

PUBLIC HEARING CLOSED

Chairman Hemmens called for comments from the Commission.

Commissioner Edsall noted that of all the designs that have come before the Commission, this one is the most stealth and blends in.

There were no further Commission comments.

In response to a call for a resolution by Chairman Hemmens, with an amendment to Section 1.B. to reflect the correct Municipal Code Chapter, Director Norman introduced Resolution No. PC 2014-05, approving a request by AT&T for a modification to a conditional use permit for the placement of an additional wireless telecommunications facility incorporated into a new light standard, further described and set forth as CUP-185M(3). It was MOVED by Commissioner Boyce, SECONDED by Commissioner Edsall, to waive further reading and adopt. With a unanimous vote of 5 – 0, the MOTION CARRIED.

TT-5561M, Laro Properties

An application has been received from LARO Properties requesting modifications to certain conditions of approval to previously-approved Tentative Tract Map 5561. The request proposes to modify Condition No. 233 pertaining to the affordable housing requirements, specifically, the required timing of submittal of a pro forma for the construction of the affordable housing development and transfer of land to an affordable housing developer. No changes to the design of the subdivision or number of lots would occur.

Associate Planner Lee gave an overview of the project utilizing a PowerPoint presentation.

Chairman Hemmens invited questions from the Commission.

Commissioner Davis expressed his concern about having adequate safeguards to protect the City if the developer does not build the entire project or cannot find an affordable building for the project.

Commissioner Edsall agreed with Commissioner Davis and also asked that when the market units are being built, if the lot for the affordable units gets encumbered with the market unit financing.

Ms. Lee responded that the modifications being requested pertain to when the developer has to have approved grading and improvement plans, the timing in which they have to obtain financing, and the transfer of the land. She said that the actual timing of the affordable project will be set forth in the affordable housing agreement.

Chairman Hemmens asked if waiving the normal requirement of having the improvement and grading plans approved by the City prior to the recording of the map have to do with the affordable component.

Ms. Lee responded that it applies only to the affordable lot, and the improvement plans still need to be approved by the City prior to recording the final map for the entire tract.

Commissioner Boyce asked why Condition 232A, which states that the affordable units will be proportionately divided within the residential developments, was still in the conditions of approval.

Ms. Lee responded that the developer had the option of having them within the development with Condition 232, or by donating the lot through Condition 233.

Chairman Hemmens asked what other legal remedies does the City have that the affordable project will be built.

Deputy Attorney Kurihara responded that the affordable housing agreement could be enforced like any other contract, and the City would have all remedies available under contract law.

Commissioner Edsall asked if there was a problem with the market rate lot, if the affordable lot would be encumbered with the market rate or if it was a stand-alone project.

Ms. Kurihara responded that she believes that the affordable housing agreement only applies to the affordable housing portion of the project. She said that as she understands it, financing is separate.

There were no further Commission comments.

Chairman Hemmens OPENED the public hearing and invited the applicant to speak first.

PUBLIC HEARING OPENED

Alex Baharlo, representative of Laro Properties: Mr. Baharlo clarified that the applicant is not asking for any modifications to the conditions of approval, as far as the tract goes, and it is their intent to move forward and wrap things up as soon as possible. Mr. Baharlo reviewed the applicant's timeline for the project and explained that the application for the 4 percent tax credit application takes 12 to 18 months. He explained that when the conditions were written, they were not aware of the timing requirements, which have changed and are more difficult now.

Director Norman asked the applicant how much economic value is left on the table at the 158th unit.

Mr. Baharlo responded that it is projected to be \$85 million. He also added that all of the land development will be in as that is a requirement of Phase I, including the park and Ponderosa Drive. He said there is going to be a lot of up-front investment into the project.

Commissioner Boyce asked the applicant to summarize why they prefer to have the segregated units.

Mr. Baharlo answered that that was how it was conceived seven years ago with the Specific Plan. He said they set aside the two acres for affordable housing and everything was designed around that concept. Mr. Baharlo said that now, in speaking with affordable housing developers, they are in favor, as they like having the accommodations and the services they provide to be all on one site.

Chairman Hemmens asked the applicant if it was standard operating procedure for Laro to handle the processing for the application for the affordable as opposed to the builder who will be doing the affordable project.

Mr. Baharlo responded that since the application process is so complex, it would be best to approach a developer that specializes in this. He said that they are qualified to go after the tax credits, and they are set up to get the public financing, as they know the rules and the schedules. He said that they found it to best to partner with someone on a permanent basis, and it will be a much more successful project.

Chairman Hemmens asked if the affordable housing builder will be a party to the affordable housing agreement.

Director Norman responded that he believes that the Agreement will get recorded with the final map, and that whoever will be the owner of that property will become a successor in interest in that agreement. Director Norman confirmed that the Agreement runs with the land.

There were no further questions for the representative.

Kelly Boyer, representative of Laro Properties: Ms. Boyer gave a detailed overview on the issues of timing of the applications for affordable housing and the tax credits. She explained the different state agencies and the different applications involved in receiving the different sources of tax credits and other funds.

Commissioner Davis asked what the outlook was in getting the 4 percent credits.

Ms. Boyer responded that the outlook was actually very good. She said that during the housing crisis, there was no building, so the state was able to carry over the credits, and now has a surplus.

Commissioner Boyce asked about the acronym, "CDLAC," and asked if it could be spelled out.

Ms. Boyer responded that it stands for California Debt Limitation Allocation Committee.

Chairman Hemmens reiterated that the chances of not getting either the HOME loans or the tax credit is pretty minimal in this case.

Ms. Boyer said that the likelihood of getting the credits is very high, especially for a project like this. She said the HOME funds are very competitive, and the odds for getting them are probably one in three.

Chairman Hemmens asked if neither of those were available, if the project was still viable.

Ms. Boyer responded that the project is still viable as they ran the pro forma with just the tax credits, and there would be a gap; however, they have a plan to fill that gap. She said with the HOME funds, the rents can be lowered and reach those with a tremendous need.

Dennis Hardgrave, representative of Rancho Associates: Mr. Hardgrave said that Rancho Associates will be coming before the Commission soon with their own affordable project and thanked Ms. Boyer for her explanation. Mr. Hardgrave said that they have had the same experience that Laro has had with timing. He said that the modification will address the concerns that came up and indicated their support of the principle behind the modification.

There was no further comment from the public.

Chairman Hemmens then CLOSED the public hearing.

PUBLIC HEARING CLOSED

Chairman Hemmens called for comments from the Commission.

Commissioner Lusk asked for clarification on the definition of "pro forma" as it is used in the agenda report.

Director Norman responded that it is going to be a standard construction pro forma that shows the cost of construction and returns on investment.

Commissioner Lusk asked why the cost of construction would be delayed.

Director Norman responded that it is not entirely necessary to have it today with the recording of the map, and that it can follow later, closer to the time construction is beginning and when financing is closer to being in place.

Commissioner Lusk asked if the City uses the pro forma costs on an analysis that the City does.

Director Norman replied that it provides assurance that the project is feasible, in terms of its constructability.

Commissioner Edsall said that the presentations clarified things for him and feels much more informed to vote for the project.

Chairman Hemmens said that he understands the process much better and that he feels confident that the City has the protections that it will be built.

Commissioner Davis said he appreciates Ms. Boyer's explanation of the whole process and that he has a better understanding of why it is being done this way. He stated that if staff feels that the necessary assurances are in place, then he would be in favor of it.

There were no further Commission comments.

In response to a call for a resolution by Chairman Hemmens, Director Norman introduced Resolution No. PC 2014-06, recommending approval of a request by Laro Properties for a modification to condition of approval No. 233, a. thru n., pertaining to affordable housing for Tentative Tract Map 5561, further described and set forth as TT-5561M(1). It was MOVED by Commissioner Lusk, SECONDED by Commissioner Edsall, to waive further reading and adopt. With a unanimous vote of 5 – 0, the MOTION CARRIED.

DIRECTOR'S REPORT

Director Norman reported on the following:

- **Circulation Element** – The Planning Commissioners will be attending a Joint Study Session with the City Council on February 26 regarding the Circulation Element. The study session will begin at 6 pm. It is anticipated that the Commission will take action on the Circulation Element on March 18.
- **Goal Setting Session** – The City Council conducted its annual goal-setting session on February 7. Among the goals and objectives and projects that the Council is interested in includes exploring options for the re-use of the former library site, studying the feasibility of a public art program, developing a water master plan to ensure long-term water supply, exploring and implementing various measures to address the drought, develop alternative methods to move forward with housing and non-housing projects without Redevelopment tax increment financing, and working with hoteliers to develop options for the tourism program.
- **Conejo Creek** – The Conejo Creek Specific Plan Recirculated Draft Environmental Impact Report will be released for comment within the next 30 days with a comment period of 45 days. The consultant will then draft a response to comments. Then the Final EIR will be bound and circulated, after which the Final EIR will come to the Commission for hearing.

PUBLIC COMMENT

There was no public comment.

COMMISSION COMMENT

Commissioner Edsall explained that he will not be able to attend the Joint Study Session as he has a previous engagement.

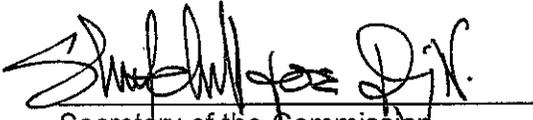
Commissioner Lusk said that he will be able to make the study session but may be a few minutes late.

There was no further Commission comment.

ADJOURNMENT

There being no further business to come before the Commission, Chairman Hemmens adjourned the meeting at 8:38 p.m.

Respectfully submitted,



Secretary of the Commission

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