

CITY OF CAMARILLO
PLANNING COMMISSION MINUTES

Regular Meeting
Tuesday, March 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
Tali Tucker, City Engineer
Steve Mitchell, Acting Principal Planner
Jackie Lee, Assistant Planner
Laura Fox, Recording Secretary

The Pledge of Allegiance was led by Vice-Chairman Davis.

MINUTES - Regular meeting of February 18, 2014

There was a MOTION by Commissioner Lusk, a SECOND by Commissioner Edsall, 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-354, AT&T Wireless

An application has been received from AT&T Wireless requesting approval of a conditional use permit for the construction of a wireless telecommunications facility within the parking lot of St. Columba's Episcopal Church located at 1251 Las Posas Road. The project proposes to construct a 48-foot high freestanding mono-elm with antenna arrays at the top of the pole and 12 panel antennas painted to match the faux elm tree. The project also includes an approximately 228 square-foot ancillary equipment shelter. The project is located on a 4.69-acre property within the City's RPD-4U (Residential Planned Development, 4 units per acre maximum) Zone.

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

Chairman Hemmens invited questions from the Commission.

Commissioner Boyce recalled a project at a church in the neighborhood and asked if that previous approval was for AT&T and if it were still active.

Ms. Lee responded that the location was the United Methodist Church, and that the applicant was Metro PCS. She explained that Metro PCS has done some restructuring and have no longer pursued the application.

Commissioner Boyce asked how long the structure will survive the elements before it needs maintenance.

Ms. Lee responded that there is a condition of approval (No. 35) which addresses that issue. She said that the applicant is present and may be able to explain it in more detail.

Chairman Hemmens asked if a palm tree was considered as a disguise for the wireless antenna.

Ms. Lee responded that she believes a mono palm was considered; however, there was only one palm tree on the property. She also stated that the design of the palms has not generally been good, so the preference was for the mono elm, as there are other similar types of trees that could better blend in to that type of design.

Chairman Hemmens asked about the possibility of upgrading the light poles and placing the antenna within, similar to the other parts of town.

Ms. Lee responded that that might be something that could be considered; however, the applicant was not required to prepare plans utilizing a light pole structure. Ms. Lee stated that this is a 48-foot structure, so given the height, it would be a pretty tall light pole. She further indicated that the other light poles in the parking lot are probably 25 feet in height, but that it might be feasible.

Chairman Hemmens related that he believes the other applicant for the other church was going to put the antennas in the light pole and asked if that would be shorter.

Ms. Lee responded that she did look at that project, but cannot recall the exact height, but that it was substantially shorter than 48 feet. She said that the applicant may be able to address the height needed for this installation.

Commissioner Edsall asked if it was ever discussed to build on the above-ground utility pole that is already in existence.

Ms. Lee responded that she does not believe that they had, but that it is a possibility.

Commissioner Lusk asked if it were known what the linear distance was from the mono elm to the nearest inhabited structure.

Ms. Lee responded that it is closer to the easterly property line and would be approximately 63 feet.

Commissioner Lusk asked what the FCC (Federal Communications Commission) restriction was regarding that.

Ms. Lee responded that she does not believe there is necessarily a distance; however, compliance with FCC regulations for the RF (radio frequency) signals and exposure are required.

Commissioner Lusk said that he assumes that in the future, additional capacity will be added to the mono elm and asked what the maximum would be.

Ms. Lee responded that facilities, such as this, where it is a mono elm, there is an ability to co-locate additional carriers; however, if that were to be proposed, it would come back before the Commission.

There were no Commission comments.

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

PUBLIC HEARING OPENED

Jerry Ambrose, representative for AT&T: Mr. Ambrose thanked Ms. Lee for her presentation and stated he would answer any questions. He indicated that the utility poles were not viable for a number of reasons. He explained that Edison does not allow them to put anything above the poles and eight-foot-high (8') antennas would not fit on a thin wood pole, so something as wide as what is being proposed would have to be built to support the weight. He said that the light poles in the parking lot are about 15 feet high, and they need to be 45 to 50 feet in height so that the antennas would be able to fit on the poles. He explained that older technology, or other

carriers, can sometimes locate above the light poles, but it is not viable for the new technology. He answered that this would be available for co-location and it depends on how strong the pole is built to determine how much would fit. He said at 48 feet, probably one other carrier would fit; however, they would be at about 30-35 feet high, which might be too low. He said that he does not actually have an answer to the sustainability of the branches and the leaves. He said to address that in other cities, such as in Ventura County, they are asked to set up a deposit, and inspections are done throughout the life of the conditional use permit for which there is a cap of 10 years.

Commissioner Boyce asked if the applicant's preference would have been to do more of a tower-type of an approach or a modification to the steeple.

Mr. Ambrose replied that from AT&T's perspective, the mono elm is better, as it is a free-standing structure, has easy access, is easy to construct, and has an easier process to maintain. He said that the owner of the property has a lot of input as to where things can go.

Commissioner Boyce complimented the plans and photos that were done, but would have liked to have known the kind of trees that were on the plans and their expected full-growth height, as well.

Chairman Hemmens asked for clarification on the statement regarding the light poles that if the church and applicant agreed to a new light pole, that would be old technology and would not work with this application.

Mr. Ambrose responded that the light pole canisters contain maybe three (3) antennas and AT&T has 12, and they are eight feet (8') high, so there would multiple light poles at 50 feet high and would look like a stadium. He said that is not practical and probably not functional.

Director Norman expounded that the effect in that situation would be a large, single pole stretching up into the sky with lights down at the 15-foot level to bring light to the parking lot.

There were no further questions for the representative.

Don and Denise Sturdevant, residents of Camarillo: Mrs. Sturdevant read a statement of their concerns about the project, including the placement of the wireless facility directly behind their home. Mrs. Sturdevant stated that as a voter, property owner, and a tax payer, she is requesting that the Commission decline the placement of the wireless facility within the property owned by the St. Columba's Episcopal Church, or whomever owns that property. She stated that the property is not maintained in the first place. Mr. Sturdevant added that the property is unkempt and out of control. He thanked the Commission for their patience and invited them to look at the project from their property's point of view.

Commissioner Boyce asked what their concern was regarding the trees.

Mr. Sturdevant responded that the trees are completely overgrown and grow over the property lines and into the neighbors' areas. He stated that the neighbors have addressed the church to have the trees trimmed, but that the church had refused due to the cost being thousands of dollars. Mr. Sturdevant again invited the Commission to look at the situation.

Chairman Hemmens asked Mr. Sturdevant if they have contacted the City Code Enforcement regarding the cars or the overgrown trees. Mr. Sturdevant replied that they have tried to be patient and be good neighbors with the church and have not called, but now they will.

Alex Mock, 1530 Paseo Barona: Mr. Mock said that he will not talk about the leaves and branches that fall on their house, as it was already brought up. He said that there are questions about having low levels of radiation routinely broadcasted into the neighborhood close to residential houses; not to mention that there is a preschool at the church with very young children who will be exposed constantly for 8 – 9 hours a day to low levels of electromagnetic radiation. He indicated that there are conflicting reports on whether they are harmful or not. Mr. Mock said

that now they will have that in the neighborhood 24/7 pumping out the emissions. He said that he does have Wi-Fi (Wide Fidelity) and a cell phone, which he can turn off. He questioned if other locations have been observed. He said he found a website with locations of other towers in the area and asked if these areas were considered for co-habitation versus building a new location right next to their property.

Pat and Glenn Sato, 984 Calabria Court: Mrs. Sato said that their concerns have been dealt with by those who have spoken. She said that they are concerned from a financial aspect and how it would depreciate their property, and also from a health point of view and how safe these emissions would be. She also said that aesthetically, there is nothing that stands up that high, and it will stick out like a sore thumb. Mrs. Sato stated that when she read Camarillo's development plan, it talked about making areas safe and pleasing and protecting home values. She feels that this is not in keeping with that development plan that was set out and that is the reason they live in Camarillo. She indicated that they are against the tower going up. Mr. Sato said he is not a health expert, but wonders what the long-term effects on people are of having a 48-foot tower emitting radio waves. He said that it might be in the City's best interest to investigate that further and look at alternative sites. He says that he understands that AT&T has to do what it has to do, but not at the expense to those who live in Camarillo, and maybe there is a compromise beneficial for them, as well as for the residents of Camarillo.

There was no further comment from the public.

Chairman Hemmens invited the applicant to respond.

Mr. Ambrose said that with regards to co-location with other carriers, they always look for co-location opportunities. He explained that the demand is mostly where people live, as they are using the devices in their homes. He added that they end up in a lot of churches, schools, and parks. He said that with this particular project, the area they are looking at is in close proximity to the church, and all there is around there are single-family homes; the church would be the probable location. He explained that the questions about the health issues are all controlled by the FCC, which has determined through studies that the emissions are safe and the cities do not have any say in those issues.

Chairman Hemmens asked if other locations were discussed, such as the rear of the property and away from the homes. Mr. Ambrose responded that AT&T has spent about a year with the church looking at various locations various and different designs and that this was determined to be the best design and location with the church's use of the property and being back from the street.

Commissioner Boyce asked if they had looked into the United Methodist Church location as Metro PCS has backed off its plans there. Mr. Ambrose responded that that could be too far out, but he did not know its exact location. He explained that as demand increases, the sites can only handle so much demand, which is why the carriers keep infilling.

Assistant City Attorney Lisa Kurihara explained that with regard to the RF frequency that the applicant is correct, and it is regulated by the federal government. She said that there is federal authority that prevents the City from making a determination based on RF frequency levels, as long as the applicant is in compliance, and that a report must be submitted to the City within six months indicating the applicant is in compliance with the standards.

Chairman Hemmens then CLOSED the public hearing.

PUBLIC HEARING CLOSED

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

Architectural Review Committee

Commissioner Davis reported that the Committee reviewed the plans and had a split opinion as to whether the design is appropriate. He said that in his opinion, the conditions of the branch separations, the variation in colors and the bark, and the treatment of the pole are substantially better than many antennas he has seen and was inclined to be in favor of the design. Mr. Edsall had concerns about the design and whether it would be appropriate at this location, and its impact on the area. Mr. Edsall explained that he had a problem with the tree design, as he had not seen one that looked good, and they look like a fake tree.

Chairman Hemmens asked the Architectural Committee about the sample that was provided which appears to not have a variation in color and is all one color, so maybe it would not blend in that well with the existing trees. Mr. Davis explained that the sample is just one color and that the condition would require there be a variation of color on the leaves.

Chairman Hemmens called for comments from the Commission.

Commissioner Boyce asked that the exhibit be made available to anyone in the audience for review. He then asked for confirmation from Ms. Lee that the distance to the nearest property line was 63 feet.

Ms. Lee responded that it would be 63 feet to the east. Commissioner Boyce wanted clarification that the people speaking are from the west and that would make them further away than the 63 feet. Ms. Lee explained that the mono elm would be about 120 feet to the westerly property line.

Commissioner Boyce stated that he prefers the aesthetics of clock towers and such, but he is not prepared to vote against it, as it seems like a reasonable proposal.

Vice-Chairman Davis said that this seems to be set back from the street with other trees in the area, and that the conditions mitigate the imposition of this in a neighborhood. He said he would support staff's recommendation.

Commissioner Edsall stated that he feels like it stands up and sticks out aesthetically, and he would not be able to support the project in this format.

Commissioner Lusk said anything that is done there will stick up due to the height and was happy that there were simulated pictures. He said that no matter what is done, the function overcomes the aesthetics. He concluded that if we need this as a way of life, it is something we will have to contemplate.

Chairman Hemmens said that he would prefer a light pole or tower, but understands those cannot always be done. He said that he does not have a problem with the mono elm, as it appears on the plans, as long as there is a variation of the color of the leaves. He said that he sees the need for the carriers to add capacity. He indicates that if he were a neighbor, he would be more concerned with the trucks and the trees that had not been pruned, and he indicated he can support it.

Commissioner Boyce mentioned that Condition No. 14 mentions a generator and thought that the project did not contain one. Ms. Lee said that there will not be a generator with this project, and if one were needed in the future, the applicant would have to apply for a modification. She said that Condition No. 14 does not apply. Director Norman said that that condition will be removed as an amendment to the resolution.

There were no further Commission comments.

In response to a call for a resolution by Chairman Hemmens, with an amendment to the conditions of approval by removing Condition No. 14, Director Norman introduced Resolution No. PC 2014-07, approving a request by AT&T Wireless for a conditional use permit for the construction of a wireless telecommunications facility within the parking lot of St. Columba's Episcopal Church, further described and set forth as CUP-354. It was MOVED by Commissioner Lusk, SECONDED

by Commissioner Boyce, to waive further reading and adopt. With a vote of 4 – 1, with Commissioner Edsall voting NO, the MOTION CARRIED.

Vice-Chairman Davis asked Director Norman to remind the audience of the appeal period.

Director Norman said that this action by the Planning Commission will be final, unless appealed within 10 days to the City Council.

Commissioner Boyce asked who has standing to make an appeal.

Director Norman answered that any interested person can appeal.

IPD-284M(3), Flynn Road Sidewalk Project (ST-12-02)

The City is proposing project ST-12-02 Flynn Road Sidewalk to construct a sidewalk to connect the gap in the sidewalk along the west side of Flynn Road north of Adolfo Road. The City needs right-of-way from the adjacent property owner to be able to construct the sidewalk. At the property owner's request, and in consideration of granting the right-of-way required for the project, the City proposes to modify IPD-284 project conditions by removing the requirements of Condition No. 3(a) that established a setback area for a future grade separation project at the Adolfo Road and Lewis Road intersection. All other development conditions listed in IPD-284 will remain in full force and effect.

Director Norman gave an overview of the project utilizing a PowerPoint presentation.

Chairman Hemmens invited questions from the Commission.

Vice-Chairman Davis asked what the likelihood would be of the State coming back and requiring the grade separation.

City Engineer Tali Tucker answered that the need for the original project is not there as the build out does not generate the traffic that was thought of originally.

Commissioner Boyce asked if there were any other crossings like this one in the County and knew of one in Oxnard.

Ms. Tucker says she knows of them in Orange County and in places that may get more train traffic, where people are stopping more often. She explained that they do exist, but feels with the traffic here, there is not a need.

Commissioner Boyce asked what the budget was for the project. Director Norman answered that the information was not available for this meeting.

There were no Commission comments.

There was no comment from the public.

Chairman Hemmens called for comments from the Commission.

Vice-Chairman Davis said that he thinks this is a fair trade-off and that the ability to have sidewalks in the industrial area has certainly become apparent.

There were no further Commission comments.

In response to a call for a resolution by Chairman Hemmens, Director Norman introduced Resolution No. PC 2014-08, approving a request for removal of Condition No. 3(a) in consideration of granting right-of-way for City project No ST-12-02, further described and set forth as IPD-284M(3). It was MOVED by Commissioner Edsall, SECONDED by Commissioner Boyce, 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:

- 1) Circulation Element: The Circulation Element will be coming to the Planning Commission on April 1 for review and recommendation.
- 2) Environmental processing has begun for three of the new General Plan Amendments.
- 3) Development Allotments: There will be approximately 525 to 550 units competing for allotments this year. Staff will be striving to start the allotment process in August, which will force the developers to get their designs done and into the review process.
- 4) Conejo Creek EIR – The environmental process continues with the Conejo Creek EIR. The recirculated draft should be released within the next 30 days.

PUBLIC COMMENT

There was no public comment.

COMMISSION COMMENT

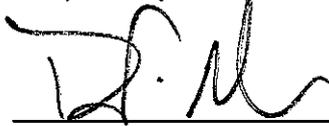
Commissioner Boyce said that it was hard to find the date of the original approval of the IPD staff review and suggested that the original date be placed on the conditions of approval for modifications.

There was no further Commission comment.

ADJOURNMENT

There being no further business to come before the Commission, Chairman Hemmens adjourned the meeting at 8:41 p.m.

Respectfully submitted,



Secretary of the Commission

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