



CITY OF CAMARILLO
PLANNING COMMISSION MINUTES

Regular Meeting
Tuesday, February 17, 2015
City Council Chambers, 601 Carmen Drive

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

ROLL CALL

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

Absent: None

Staff Present: Joe Vacca, Interim Director
Don Davis, Assistant City Attorney
Steve Mitchell, Principal Planner
Jackie Lee, Associate Planner
Laura Fox, Recording Secretary
Four (4) people in the audience

THE PLEDGE OF ALLEGIANCE was led by Commissioner Lusk.

MINUTES – Regular meeting of February 3, 2015

There was a MOTION by Commissioner Lusk, a SECOND by Commissioner Hemmens, to approve the minutes with the following corrections: Page 1 “Planning Commissioner Reorganization” section – change “nominated the new Commissioner” to “opened nominations for the new Commissioner”. The MOTION carried with a vote of 5 – 0.

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARING

CUP-153M(1), Edwards Theater Arcade / Dandy Amusements International, Inc.

An application has been received from Dandy Amusements International, Incorporated, representing Edwards Theater, requesting a time extension of the conditional use permit (CUP) for the operation of an existing video arcade. In addition, the applicant is requesting that Condition No. 24 requiring periodic time extensions be modified to allow future time extensions to be approved administratively. The arcade is within the 54,880-square-foot Edwards Theatre, located at the southwest corner of Ventura Boulevard and Factory Stores Drive, in the CPD (Commercial Planned Development) Zone. The CUP was originally approved in December 1994, for the operation of an arcade having approximately 400 square feet and a maximum of 25 video games on the second floor of the theater. The approval provided conditions governing the operation of the arcade and included a requirement for a periodic review of the use following approval, to ensure that the arcade is operating in accordance with the approved conditions. The Planning Commission last reviewed the arcade operation in February of 2010, and deemed it consistent with conditions and approved a five-year time extension to January 6, 2015.

Principal Planner Mitchell gave an overview of the project utilizing a PowerPoint presentation.

Chairman Davis invited questions from the Commission.

Commissioner Edsall asked if this item will come up on a tickler that the CUP is expiring so that it does not fall through the cracks. Mr. Mitchell responded that it does come up on a tickler.

Commissioner Valenzano stated that he had asked staff if there were other CUPs for arcades within the City and that he was told there were no other CUPs for arcades. He explained that there are numerous businesses with arcades.

Mr. Valenzano asked if Condition No. 24 could be deleted and modify Condition #17. Mr. Mitchell responded that that would be an option as the Planning Commission has the ability to change the conditions as they see fit.

Upon a request from Commissioner Valenzano, Mr. Mitchell gave a brief history of the arcades pursuant to the businesses in Camarillo.

There was no further Commission comments.

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

PUBLIC HEARING OPENED

There was no further public comment.

Chairman Davis then CLOSED the public hearing.

PUBLIC HEARING CLOSED

Chairman Davis called for discussion from the Commission.

Commissioner Valenzano suggested there be some sort of action that would incorporate the subject conditional uses into an ordinance that would cover all the arcades in the City versus a CUP permit for each property, and would allow Code Enforcement to maintain the standards at all the arcades. Commissioner Valenzano also stated that Condition No. 17 versus No. 24 would make more sense.

Commissioner Hemmens agreed that Condition No. 17 is what staff is requesting and to delete Condition No. 24.

Commissioner Edsall said the Commission would still have the authority for review if there are complaints, and he is not opposed to deleting Condition No. 24.

Commissioner Lusk stated he does not see a problem with it as there has been 10 years of successful operation.

Chairman Davis asked City Attorney Davis if the Commission is able to delete Condition No. 24 and rely on Condition No. 17.

Assistant City Attorney Davis recommended either modifying Condition No. 17 to add a time frame or just leave the conditions as they are.

There were no further comments from the Commission.

In a response to call for a resolution by Chairman Davis, Interim Director Vacca introduced Resolution No. PC 2015-13, approving a five-year time extension and with an amendment to delete Condition No. 24 and modify Condition No. 17 so that the Director of Community Development can approve time extensions from one to five years at a time for the conditional use permit for Dandy Amusements International, Inc. for the operation of an existing video arcade within Edwards Theater, further described

as CUP-153M(1). It was MOVED by Commissioner Valenzano, SECONDED by Commissioner Hemmens, to waive further reading and adopt. With a vote of 5 – 0, the MOTION CARRIED.

PUBLIC HEARING

ZOA: Title 19, Chapter 19.76 - Wireless Communication Facilities

The proposed amendments to Title 19 (Zoning) of the Camarillo Municipal Code would establish comprehensive regulations regarding the siting, design, development, and operation of wireless communication facilities throughout the City, including the public right-of-way.

Assistant City Attorney Davis gave an overview of the ordinance utilizing a PowerPoint presentation and explained the City's views regarding a letter that was received.

Chairman Davis invited questions from the Commission.

Commissioner Valenzano asked Assistant City Attorney Davis to address the SoCal Gas letter that was received. Attorney Davis replied that staff will be responding via a written letter, that SoCal Gas attended the industry meeting, and that staff met with them the week prior to discuss their proposed metering facilities. Attorney Davis said that it is the City's view, these metering facilities are not subject to the franchise agreement because they are not the gas distribution facilities that are contemplated in that agreement. He added that what SoCal Gas is proposing is consistent with the proposed regulations and the permits can be processed expeditiously.

Commissioner Valenzano asked if there was any requirement for notification on the stealth facility on the doorway of buildings where people work and to the surrounding residents. Attorney Davis replied that in regard to the setback requirement, that was intended for structural safety purposes and not as a disguise. He also said that what he has learned from the consultants is that the exposure is a fraction of the potential harm. Attorney Davis said that all new facilities outside of the right-of-way will require a conditional use permit that has a 300-foot radius mailing process and publication.

Commissioner Valenzano stated his concerns that the stealth facilities may be located where people are not aware of possible emissions and it is unknown how the technology may change, as technology might change and with possible significant effects on people. Attorney Davis said that staff carefully looks at where these facilities will be located during in the CUP process. Associate Planner Lee added that an RF report is required with the application submittal. Interim Director Vacca also clarified that an RF report will be required within 60 days of commencement of operation of the facility to confirm the thresholds are met.

Commissioner Edsall asked if there are a lot of pending applications. Ms. Lee responded that there is one pending application that will be located at Padre Serra Parish.

Commissioner Hemmens, referring to in regard to Page 12, asked if there are not alternative locations that would result in less disruption, then are they permitted to disrupt, and that it does not seem to be consistent with "F" on Page 16. Interim Director Vacca responded that in regard to the language on Page 12, it applies to staff's discretionary review in making sure that the facility is appropriate where it is proposed, He also explained that Page 16 deals with the maintenance and operation of an already approved facility.

Chairman Davis asked why new camouflage facilities are not permitted in commercial and industrial zones. Attorney Davis replied that it is preferred they be stealth and hidden in a building for aesthetic reasons.

Chairman Davis OPENED the public hearing.

PUBLIC HEARING OPENED

Marla Ventura, Public Affairs Manager representing SoCal Gas: Ms. Ventura stated her concerns about the ordinance and said they have been able to work with other cities without being subject to any wireless ordinance. She said that they are asking the City to exempt them from the ordinance.

Jesus Torres, Verizon: Mr. Torres thanked staff for their attention to Verizon's concerns and appreciates some of the recent revisions to the ordinance. He stated that Verizon still has concerns with the 150-foot setback as it may prevent the locations for a facility. He also stated other concerns including the requirements for submission of proprietary information.

Commissioner Valenzano asked Mr. Torres what the concern regarding the proprietary information about the number of users. Mr. Torres said that the information is a competitive marketing issue. Mr. Valenzano suggested that staff may be able to keep that information contained with an internal procedure. Mr. Torres questioned how useful the information was as maps showing signal strengths should be sufficient to show proof of coverage. Attorney Davis said that it is a factor the courts have said can be considered for service need, but is something that can be worked out with the applicants by perhaps stamping "proprietary" on the information and can be looked at on a case-by-case basis.

There were no further Commission comments.

There was no further public comment.

Chairman Davis then CLOSED the public hearing.

PUBLIC HEARING CLOSED

Chairman Davis called for a discussion from the Commission.

There were no further comments from the Commission.

In a response to call for a resolution by Chairman Davis, with an amendment to recommend 8½ cubic feet and a 6 feet above the pole tip, Interim Director Vacca introduced Resolution No. PC 2015-14, recommending approval to the City Council of amendments to certain definitions related to wireless communication facilities in Chapter 19.04, as well as references to such uses in Chapters 19.21, 19.22, and 19.62, and adding a new Chapter 19.76 (Wireless Communication Facilities) to Title 19 (Zoning) of the Camarillo Municipal Code. It was MOVED by Commissioner Edsall, SECONDED by Commissioner Valenzano, to waive further reading and adopt. With a vote of 5 – 0, the MOTION CARRIED.

DIRECTOR'S REPORT

Interim Director Vacca reported on the following:

- **February 11, 2015 City Council meeting:** The City Council adopted the Ordinance as recommended by the Planning Commission to update the Zoning Ordinance regarding modification reviews and procedures.
- **Planning Commission Academy:** The registrations have been completed.
- **Joint Study Session:** There will be a Joint Study Session on Wednesday, March 25, 2015, to review a proposed ordinance to allow for single-room occupancy units.

PUBLIC COMMENT

There was no public comment.

COMMISSION COMMENT

Mr. Edsall asked if the tour was still scheduled. Mr. Vacca replied that it was.

Mr. Lusk stated that in the many years he has been on the Commission, they have reviewed the radiation issue and he has never heard any evidence that correlates increase health issues with that kind of radiation.

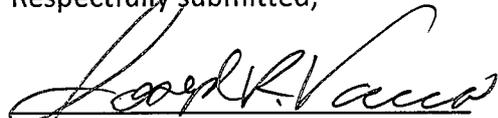
Mr. Valenzano said that staff has done a fabulous job on the ordinance. He also asked if there was a way to recommend some kind of change to City code to make it more relevant to how the businesses are utilizing the arcades. Following a discussion, the Commission directed staff to bring a report back to the Commission regarding this issue.

There was no further Commission comment.

ADJOURNMENT

There being no further business before the Commission, Chairman Davis adjourned the meeting at 9:04 p.m.

Respectfully submitted,



Secretary of the Commission

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