

PLACENTIA PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
August 10, 2010

The regular meeting of the Placentia Planning Commission of August 10, 2010 was called to order at 6:30 p.m. in the City Council Chambers, 401 East Chapman Avenue, Placentia, California by Chairman Perez.

ROLL CALL: Present: Michael Ebenhoch, Commissioner
Floyd Farano, Commissioner
Frank Perez, Commissioner
Christine Schaefer, Commissioner
John Scull, Commissioner
Vic Tomazic, Vice Chairman
Craig Green, Chairman

Absent: None

PLEDGE OF ALLEGIANCE: Led by Vice Chairman Tomazic

Others Present: Ken Domer, Assistant City Administrator
Monique Schwartz, Associate Planner
Andrew Arczynski, City Attorney
Sara Salazar, Administrative Assistant

Motion by Commissioner Scull, seconded by Commissioner Schaefer to APPROVE THE MINUTES of July 13, 2010. Passed by a 6-0-0-1 vote (Perez Abstain).

ORAL COMMUNICATIONS: The Chair invited the public to make oral comments on matters not on the agenda, but none were offered.

Public Hearings:

- Applicant: Tim Miller (Trillium Consulting)**
Location: 401 E. Chapman Avenue (City of Placentia Civic Center)

Use Permit (UP) 2010-08:

To permit the construction of a +/- 35 foot high freestanding T-Mobile wireless communication facility designed as a "Monopalm", consisting of nine (9) panel antennas with associated equipment cabinets within an adjacent equipment enclosure, located at 401 E. Chapman Avenue (City of Placentia Civic Center) in the Commercial Office "C-O" District.

Ms. Schwartz introduced the applicant to the Commission and gave the staff report.

Commissioner Schaefer asked about carriers that are not considered major wireless facilities. Ms. Schwartz responded they would require a Special Use Permit.

Commissioner Schaefer asked how many the City has. Ms. Schwartz responded there are several; however there have been no applications in the last five (5) years.

Commissioner Schaefer asked if T-Mobile will be using all of the space available to other carriers on this "Monopalm". Ms. Schwartz responded that she was not aware of a co-location and delegated the question to the applicant for response.

Commissioner Schaefer asked if there will be any covering on the roof of the structure. Ms. Schwartz responded that no, a roof has not been proposed for the structure.

Mr. Domer added that the Placentia Municipal Code contains a definition of 'Major Carrier' and that it would be provided to the Commission for their information.

Commissioner Farano asked if there would be any interference between the new "Monopalm" and the existing police antennas. Ms. Schwartz responded that for the past few months, a T-Mobile test facility has been on-site and no interference was received. Mr. Domer responded that the County was contacted to run tests as well and no interference was reported.

Commissioner Scull asked if T-Mobile is leasing the site from the City and for how long. Ms. Schwartz responded yes. Mr. Domer added that the lease is based on the template the City Council recently approved for another cell site. The standard lease is for five (5) years, renewable four (4) times.

Commissioner Scull asked if the lease is assignable. Mr. Domer responded that typically yes it is and referred the question to the applicant for response.

Commissioner Scull asked if the lease could be assigned without the approval of the City. Mr. Domer responded that the lease contains language to ensure that as long as the City is informed and the original lease conditions remain in effect, the City would be agreeable.

Chairman Green asked if consideration was given to locating the "Monopalm" on the back side of City Hall instead of in the courtyard area. Mr. Domer responded that consideration was given to the equipment location and cell tower with respect to required setbacks and clearances. Chairman Green asked if the equipment cabinet will also be used by police as a memorial wall. Mr. Domer responded yes.

Chairman Green invited the applicant to address the Commission.

Mr. Tim Miller of Trillium Consulting at 5912 Bolsa Avenue Huntington Beach, 92649 addressed the Commissions questions.

He stated that because of the low height, the "Monopalm" would probably not be a desirable co-location for other providers. He spoke about interference and stated that the cell site will run at 1900 MHZ whereas the Police bandwidth runs at 800 MHZ and therefore they are

completely separate. Testing will be conducted once the cell site is installed and the results will be submitted to the FCC for compliance. He addressed a lease transfer stating the only change would be the name on the check and that all other terms would remain in effect.

Chairman Green asked about the separation of the antennas. Mr. Miller clarified that if there is a co-location, a vertical separation of the antennas is required.

Vice Chairman Tomazic asked how the location was selected. Mr. Miller responded that the location is based on a wide range of data, including dropped calls and customer complaints.

Chairman Green asked if the Cell on Wheels (COW) has enhanced the signal at City Hall. Mr. Domer responded that yes it has as there was a complete absence of signal prior.

Commissioner Schaefer asked if the location of the "Monopalm" will be to the south of the main parking lot. Mr. Domer responded, that yes, it will be to the south.

Commissioner Schaefer asked how long the City has been using T-Mobile. Mr. Domer responded that the City switched over to T-Mobile a short time ago for financial reasons.

Mr. Domer added that special consideration to the "Monopalm" site was given so there would be no co-locations.

Commissioner Ebenhoch asked if the actual "Monopalm" will resemble the rendering that was provided. Mr. Miller responded that yes it will.

Chairman Green opened the Public Hearing.

Mrs. Carolyn Woolhouse of 115 Harvard Court, Placentia addressed the Commission. She expressed some safety concerns and explained that her husband has medical issues. Chairman Green responded that the applicant would respond to her concerns.

Mr. Tom Holland of 426 Marseille Drive, Placentia addressed the Commission. He asked about the location of the cell site. Mr. Domer provided the plans and explained the location.

Chairman Green closed the Public Hearing.

Mr. Miller addressed Mrs. Woolhouse's question and explained that the emissions are very low frequency. This cell site will only provide coverage to those within one quarter to one half mile.

Commissioner Ebenhoch asked if any medical information is available with respect to defibrillators and low frequency emissions. Mr. Miller responded that yes, information is available on the FCC website, WWW.FCC.GOV.

Vice Chairman Tomazic asked the safety of cell sites. Mr. Miller responded that an article was recently written concerning the increasing use of wireless facilities in medical offices. Chairman Green requested the article be provided to the Commission and staff.

Commissioner Schaefer asked if the new cell site will increase power usage or magnetic fields at City Hall. Mr. Miller responded that no, it will not increase power usage and any increase in emissions is negligible.

Mr. Domer added that in the four (4) months the C.O.W. has been on site, there have been no reported problems.

Mr. Miller added that cell sites are commonly placed on hospital rooftops.

Motion by Commissioner Ebenhoch, seconded by Vice Chairman Tomazic, TO ADOPT RESOLUTION NO. PC-2010-11 APPROVING USE PERMIT (UP) 2010-08, SUBJECT TO THE SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SET FORTH THEREIN. Passed by a 7-0 vote.

2. Applicant: City of Placentia

Amendment 2010-02:

Proposed amendments to Chapters 23.39, 23.47, 23.105 and 23.107 of Title 23 (Zoning Ordinance) of the Placentia Municipal Code pertaining to use conformity determination.

The purpose of this hearing is to consider amendments to Chapters 23.39, 23.47, 23.105 and Chapter 23.107 of Title 23 of the Placentia Municipal Code pertaining to findings and determinations to be made by the Planning Commission regarding proposed uses within various commercial and manufacturing zones, not specified in said Chapters, conform to the intent and purpose of said Chapters and to determine whether such proposed uses require a Use Permit or are determined to be Permitted Uses.

Mr. Domer presented the staff report.

Commissioner Ebenhoch thanked staff for bringing this to the Commission and then asked Mr. Domer to clarify the use of 'Intent' in the proposed language of the Amendment. Mr. Domer responded that staff will be looking to see if the proposed use fits the purpose of the zone. He further explained that more businesses are looking into locations in manufacturing districts because of the large space and affordable rent.

Commissioner Ebenhoch asked what recourse the City may take if it is determined that a business has been approved in a zone that does not fit the use. Mr. Domer referred the question to Mr. Arczynski.

Commissioner Schaefer asked if the Amendment will require that information concerning surrounding uses be provided for consideration. Mr. Domer responded that even without the Amendment, currently, if a Use Permit is requested, neighboring businesses are considered for use conformity. Commissioner Schaefer then asked for a cost comparison of the new cost with the Amendment vs. the old process. Mr. Domer responded that the Amendment

would cost approximately \$250.00 vs. Use Permits are currently totaling a minimum of \$4200.00.

Commissioner Farano asked how the new use conformity decisions will be brought before the Planning Commission. Mr. Arczynski responded that it would be brought before the Commission as a new business item and there would not be a public hearing.

Commissioner Farano asked how many decision choices the Commission will have. Mr. Domer responded that the Commission will have two (2) choices: yes, the use conforms to the permitted uses or no, it doesn't. He added that if the Commission decides the use does not conform to the permitted use, the applicant then has the option to apply for a Use Permit.

Commissioner Scull thanked staff and Council for their help in streamlining the process. He asked how the Commission will formally vote on these items. Mr. Domer responded that they will be treated as new business on the agenda, not as a public hearing. Commissioner Scull asked what will happen if the Commission is not unanimous in supporting the use conformity. Mr. Domer responded that a majority vote dictates the Commission decision. Commissioner Scull asked if there will be conditions. Mr. Arczynski responded that there may be conditions. Commissioner Scull asked if this is something that could allow an item to be brought before the Commission even though staff does not support it. Mr. Domer responded yes, it would, staff would justify its recommendation accordingly. Commissioner Scull asked if uses will be considered on an individual basis. Mr. Domer replied that yes, each use will be considered individually and no single determination sets precedent for the same type of use at another location.

Motion by Commissioner Scull, seconded by Commissioner Farano, TO ADOPT THE FINDINGS AND RECOMMEND APPROVAL OF ZONING CODE AMENDMENT 2010-02 TO THE CITY COUNCIL, AND DIRECT STAFF TO PREPARE AND TRANSMIT A REPORT OF THE FINDINGS AND RECOMMENDATIONS OF THE PLANNING COMMISSION TO THE CITY COUNCIL. Passed by a 7-0 vote.

Old Business:

None

New Business:

A presentation on AB 32 & SB 375 was given by Lindsay Felix, Development Services Intern.

Commissioner Farano asked for clarification on the sustainable community strategy and superseding of a City or County's general plan. Mr. Domer responded that Orange County Council of Governments, also known as OCCOG, develops a sustainable community strategy. He explained that this strategy would not supersede the City's General Plan or Housing Element.

Commissioner Ebenhoch asked if, once the Grade Separations are completed, the City

could receive Carbon Credits for the improvement in air quality and lower emissions. Mr. Domer responded that it was a very valid point and that he would look into it further.

Commissioner Schaefer referred to verbiage in the presentation pertaining to re-zoning and asked what the City is re-zoning. Mr. Domer responded that under SB 375, that verbiage would allow the State to mandate re-zoning.

PLANNING COMMISSION REQUESTS:

Mr. Domer spoke about the increase in wireless communication facilities. He stated that T-Mobile may apply for nine (9) or ten (10) more sites.

An update was provided on the progress of the gas station site at Yorba Linda Boulevard and Rose Drive. The lot line adjustment has been recorded and grading and improvement plans should be approved soon.

Mr. Domer stated that ETCO 125 has received grading permits and construction will begin soon.

Mr. Domer spoke about the City's acquisition of the property formerly known as Marques Automotive. This site will eventually become Affordable Housing.

Commissioner Farano requested a map of the Redevelopment Area. Mr. Domer responded that he would provide it to the Commission.

Commissioner Ebenhoch asked for an update on the Grade Separations. Mr. Domer responded that buildings have been demolished and utilities are being relocated. Commissioner Ebenhoch asked if the first dig might be completed by the end of March 2011. Mr. Domer responded that it may.

Commissioner Schaefer asked if the Schaener property is for sale. Mr. Domer responded that may be an indicator that the development negotiations they were thought to be in, have fallen through. He added that the property has many code violations and currently the City working to enforcing them.

Chairman Green adjourned the Planning Commission meeting at 7:55 p.m. to the next regularly scheduled meeting on September 14, 2010 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

Submitted by,

A handwritten signature in black ink, appearing to read "Monique Schwartz" with a stylized flourish at the end.

Monique Schwartz
Associate Planner