

ACTION MINUTES OF THE SANTA PAULA PLANNING COMMISSION

Tuesday, February 10, 2009
6:30 P.M.

CALL TO ORDER: Chairman Paul Skeels
PLEDGE OF ALLEGIANCE:
ROLL CALL:

Commissioners present: Steve Brown, Gary Nasalroad, Michael Sommer and
Chairman Paul Skeels

Commissioners Absent: None

Staff Present: City Attorney Karl Berger, Deputy Planning Director Stratis
Perros, Assistant Planner Caesar Hernandez and
Secretary Audrey Ellington

FINAL AGENDA: The Agenda was approved as final without changes.

PUBLIC COMMENT: Chairman Skeels read a letter of appreciation to the Plan-
ning Commission and staff from former Planner Commissioner Jesse Ornelas. The
Commissioners asked that the letter be attached as a part of the minutes of this meet-
ing.

CONSENT CALENDAR:

A. Minutes of the Planning Commission Meeting on January 27, 2009

ACTION: Commissioner Sommer moved for approval the Minutes of January 27,
2009. Commissioner Nasalroad seconded the motion that carried by a unanimous roll
call vote.

PUBLIC HEARING:

A. 2008-CUP-10: A request for a Conditional Use Permit to establish an un-
manned Wireless Communication Facility consisting of three GPS and nine
panel antennas in the Institutional/Civic (IN) zoning district. The General Plan
designation is Institutional and Civic. Staff has determined the project to be
Categorically Exempt from the California Environmental Quality Act (CEQA)
Guidelines per §15303 (Class 3, New Construction or Conversion of Small
Structures).

Location: 917 Montclair Drive, APN 100-0-300-025

Applicant: Vince Amaya, Delta Group, Contracting for Verizon

Chairman Skeels opened the hearing, read the project description as stated above, and
asked the Planning Commissioners if there were any exparte meetings or conflicts of
interest to report. Commissioner Nasalroad reported that he had met with his
neighbors, Jeff Steiger and Stephanie Lowe, and discussed the project with them.

Chairman Skeels called upon staff to present their report.

Staff Presentation – Assistant Planner Caesar Hernandez

Deputy Planning Director Stratis Perros introduced the project, explaining the permits being requested, and then called upon Assistant Planner Caesar Hernandez to present the staff report.

Assistant Planner Caesar Hernandez provided a comprehensive outline of the staff report dated February 5, 2009. Mr. Hernandez provided a description of the project plan, screening, landscaping, and fencing. Indicating that the project should improve the quality of service for local cell telephone users, he provided staff's recommendation to adopt Resolution 3639 approving the request subject to the Conditions of Approval identified within the Resolution, Alternative 1 of the staff report. Mr. Hernandez also read from the MPE Analysis the fact that Mitigation Measures would be required to meet FCC regulations.

City Attorney Karl Berger noted that staff was recommending changes to the Resolution which would add a Condition of Approval Number 21, under Building and Safety. Mr. Hernandez read the proposed Condition for the record: The applicant must comply with all mitigation provisions set forth in the Development Code entitled "Verizon Wireless Site: Elliott, 917 Montclair Drive, Santa Paula, CA 93060, prepared by Lawrence Behr Associates, Inc." (delete January 13, 2009, which are incorporated into this resolution by reference).

Mr. Hernandez responded to questions from the Planning Commissioners regarding the proposed tower height, pad elevations, screening, and fencing. Colored renderings were passed to the Planning Commissioners for review.

Applicant's Testimony

The applicant's representative, Vince Amaya, 2362 McGraw Ave., Irvine, addressed the Commission in support of the project. Mr. Amaya explained the benefits of better telephone service for the area and that Verizon's preferred location is to be near water tanks due to their height and government ownership. Mr. Amaya responded to questions from the Planning Commissioners.

Public Comment

Mr. Jeff Steiger and Ms. Stephanie Lowe of 643 N. Mill Street, owners of property at approximately 250 feet from the proposed towers; Mr. Alex Meyer, 900 Montclair Drive; and Mr. Jim Castro, 788 Monte Vista Drive, all spoke in opposition to the project indicating their concern for presumed health risks, and the lack of studies that there would be no possible health effects on current and future generations. They also felt that there would be a devaluation of the hillside properties. Ms. Lowe asked that the Planning Commission take a precautionary stance to deny the towers.

Discussion

Applicant Vince Amaya responded to public comments clarifying that the towers do not emit microwaves but are radio frequencies, and that the FCC has no study that proves these waves cause health risks.

City Attorney Karl Berger responded to a question from Mr. Meyer, indicating that the applicant would not be required to come back for another hearing if there were changes to the frequency range. Attorney Berger pointed out that the City's hands are tied with projects regulated with Federal controls such as FCC, and that the Planning Commission's authority regulates aesthetics and use of the property. He also noted that alternative sites were not provided because it is preferable to place these towers on public facilities such as the water towers.

Chairman Skeels closed the public comment portion of the hearing.

Chairman Skeels expressed his concern about the lack on information provided regarding possible health hazards and felt the hearing should be continued for further information.

The Planning Commissioners were in general agreement that the aesthetics of the project were acceptable with the proposed screening, and felt that they all understood the neighbors' concerns. Commissioners Nasalroad and Brown indicated that because of their background experience in electromagnetic fields, that the outputs from the towers were of a low transmittal frequency range that there would not be a health risk. Commissioner Sommer reiterated the fact that the Commission is bound by Federal laws that regulate the towers.

ACTION: Commissioner Sommer moved to adopt Resolution No. 3638 approving the requested Conditional Use Permit subject to the Conditions of Approval as stated in the Resolution (Alternative 1 of the staff report), with the addition of Condition 21, as recommended by staff. Commissioner Brown seconded the motion that carried by the following roll call vote:

AYES: Commissioners Nasalroad, Brown, and Sommer.

NOES: Chairman Skeels

HEARING CLOSED

CITY COMMUNICATIONS: Deputy Planning Director Stratis Perros advised the Planning Commission that the next meeting was February 24, 2009, and the Plaza Amistad project was the only item scheduled.

ADJOURNMENT: There being no further business to come before the Planning Commission, Chairman Skeels adjourned the meeting at 7:45 p.m.



Stratis Perros
Deputy Planning Director

NOTICE: Actions by the Planning Commission on the above items cannot be appealed to the City Council after **5:00 p.m. on Friday, February 20, 2009.** Be advised that if you bring a legal challenge to a Planning Commission decision, you may be limited to raising only those issues you or someone else raised at the meeting or in written correspondence delivered to the Planning Commission at or before the meeting.

These minutes approved by Planning Commission February 24, 2009.