

**MINUTES OF THE REGULAR MEETING
OF THE LOMPOC PLANNING COMMISSION
October 8, 2014**

ROLL CALL: Commissioner Federico Cioni
Commissioner Allan Clark
Commissioner Ron Fink
Commissioner Mary Leach
Commissioner Jack Rodenhi - Absent

STAFF: Planning Manager Lucille Breese
Associate Planner Jarrett Yanez
Assistant City Attorney Brandon Ward

ORAL COMMUNICATIONS: - None

PUBLIC HEARING ITEMS:

**1. CUP 14-01 – Conditional Use Permit
Continued from September 10, 2014 Planning Commission Meeting**

A request by Jay D. Higgins of SAC Wireless, representing Verizon Wireless, for Planning Commission review and consideration of Conditional Use Permit for the operation of an unmanned wireless telecommunication facility. The facility includes a 50-foot high monopole with nine (9) new panel antennas, an equipment shelter, and a generator. The project is located in the *Public Facilities (PF)* Zoning District at 1107 North V Street (APN: 093-070-037). This action is exempt pursuant to the California Environmental Quality Act (CEQA), Section 15301, Existing Facilities

Associate Planner Jarrett Yanez summarized the written staff report and noted two (2) sets of supplemental information had been provided to the Planning Commission, the applicant, were available at the rear of the room for the public, and had been posted on the City website.

OPEN PUBLIC HEARING

Phillip Gallanders, 1015 North W St. – summarized concerns provided in his e-mail dated October 5, 2014, covering: 1) aesthetics, 2) RFR emissions, and 3) height of the structure

Dr. Teresa Martinez-Baker – 1500 Aster Court – expressed concerns with RF exposure for her family; opposed the location and the appearance of the monopole; and suggested moving the monopole to the Wastewater Treatment Plant.

Bill Makens, 1110 North W St. – expressed concerns with placement of a monopole too close to residential area and suggested placement at another location.

Mike Martinez, resident – noted he currently works in an industry with a different radiating source; expressed concern that no one really understands long term impacts on health; and stated although his industry is within permissible exposure limits following exposure on a daily basis he has seen people suffer from long term effects.

Jay Higgins of SAC Wireless, representing Verizon Wireless – referred to his experience with the industry; noted Lompoc is historically underserved by the industry; referenced some of the older towers; noted population has a higher demand for in-home service from the variety of devices used by the modern family; submitted a photograph of proposed mono pine or mono eucalyptus to be installed; discussed logical placement to service customers; stated the monopole is proposed over 175 feet from the residential area; indicated FCC sets the standards for emissions; and, stated the CUP requires reports be submitted to the City proving the FCC standards are being met.

CLOSED PUBLIC HEARING

Chairman Fink – explained cell phone towers have improved immensely since they first came to Lompoc advised the audience there are older towers in the City which are very unattractive, however, there is one adjacent to Thompson Park which looks like the surrounding trees.

The Commission discussed the possibility of re-locating the tower to another location in the general vicinity; discussed the appearance of the proposed trees; considered if the proposed tower met the City regulations: and, noted the Conditions of Approval address the safety of emissions. Mr. Higgins stated alternative locations had been considered but this was the best location to serve the adjacent residential areas.

Chairman Fink – Allowed a 10 minute break for the audience to speak with Mr. Higgins regarding their concerns.

The Commission re-convened following the break.

Commissioner Cioni acknowledged the NIMBY concept as well as the need for technology to support the current lifestyle, and noted he would personally not be pleased if the monopole were proposed in his backyard but as a Commissioner he must look at the regulations and how the monopole conforms.

Commissioner Leach noted the issue is a planning issue and stated it was not a proper location; stressed previous locations had not been challenged; expressed concern with setting a precedent in residential area which could impact property values; and suggested relocating the monopole to another City location three (3) blocks to the north.

Commissioner Clark noted as a retired engineer he is not concerned with the RF emissions; stated the monotree will blend into the horizon; and expressed his understanding of the concerns by the neighbors.

Commissioner Fink noted when he bought his home the utilities in the neighborhood were all underground, when he moved in PG&E put a 90 foot pole within 50 feet of his home; stated the monopole is approximately 175 feet from the residential area; noted there are some impacts in the urban environment for the betterment of the community; referred to COA which require the operator to do regular surveys; and agreed initially the trees were unattractive however they have vastly improved and effectively camouflage the antennas.

MOTION: It was moved by Commissioner Fink, seconded by Commissioner Clark, that the Commission adopt Resolution No. 780(14) based upon the findings of fact in the Resolution with the changes recommended by staff:

- 1) The project is located on City owned property and for conformance with the approved COA for the site at the City Water Plant, the COA should read:

Delete: ~~P3. Applicant agrees to and shall indemnify, defend, protect, and hold harmless City, its officers, employees, agents and representatives, from and against any and all claims, losses, proceedings, damages, causes of action, liabilities, costs and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of Applicant, or its respective contractors, licensees, invitees, agents, sublessees, servants or employees, wherever on or adjacent to the Property the same may occur; (ii) any use by Applicant of the Property, or any accident, injury, death or damage to any person or property occurring in, or on or about the Applicant's lease premises, or any part thereof, or from the conduct of Applicant's business or from any activity, work or thing done, permitted or suffered by Applicant or its sublessees, contractors, employees, or invitees, in or about the Property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations on Applicant's part to be performed under the terms of this resolution, or arising from any negligence of Applicant, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees, agents and representatives, by reason of any such claim, Applicant, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City.~~

~~Applicant further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by Agency and City in such action(s), including reasonable attorney's fees.~~

Replace: P3. The City is the owner of the site on which Applicant's wireless antenna is to be installed. Applicant and the City have entered into a Land and Rooftop License Agreement dated as of (to be determined) in which the portion of the City's property which Applicant is authorized to use is referred to as the "Premises." Applicant shall indemnify, defend and hold harmless the City and each of its officers, employees and agents from and against any claim, damages, award, liability, court costs and reasonable attorney's fees (collectively, "Damages") resulting from personal injury, death or property damage arising out of Applicant's use of the Premises or exercise of rights and privilege pursuant to this CUP, except the obligation to indemnify, defend and hold harmless is limited and shall not include such claims or damages to the extent they may be due to or caused by the negligence or willful misconduct of the City or its officers, employees or agents; and provided, further, that Applicant's obligation to indemnify, defend and hold harmless are only to the extent Applicant or any of its officers, employees or agents caused any Damages.

Add: P27. The applicant shall include a mono (pine or eucalyptus) on the construction plans submitted to the Building Division. Planning Division staff shall confirm during the plan check process.

VOTE: The motion passed on a 3-1-1 voice vote, with Commissioner Leach voting no and Commissioner Rodenhi absent.

Chair Fink asked Planning Manager Breese to advise the audience of their appeal rights; she noted an appeal must be filed with the City Clerk on the City form with the appropriate fee within 10 calendar days and the form is available from staff or on the website.

NEW BUSINESS

1. Planning Commission Calendar – 2015 – no action taken

ORAL COMMUNICATIONS:

Phillip Gallanders, 1015 North W St. – stated the monopole exceeds the allowable height limit.

WRITTEN COMMUNICATIONS -- None

APPROVAL OF MINUTES: July 23, September 10 and September 24, 2014

MOTION: It was moved by Commissioner Fink, seconded by Commissioner Cioni, that the Commission adopt minutes of the July 23, September 10 and September 24, 2014 meetings; the motion was passed by voice vote 4-0-1 with Commissioner Rodenhi absent.

DIRECTOR/STAFF COMMUNICATIONS --

Planning Manager Lucille Breese advised the Commission:

- November 12 meeting – there are no business items, the meeting will be cancelled;
- There are business items for the December 10th meeting;
- At the request of Council, staff will return to the Council with the Industrial Parcels on Nov 18, the Council may direct they be returned to the Planning Commission; and
- Current Planning Activity is increasing.

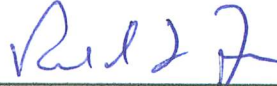
COMMISSION REQUESTS -- None

ADJOURNMENT

The Commission adjourned to the next regularly scheduled meeting at 7:37 pm.



Lucille T. Breese, AICP
Secretary



Ron Fink
Chair