

**MINUTES
PLANNING COMMISSION REGULAR MEETING
DECEMBER 15, 2009**

1.0 CALL TO ORDER

The Regular Meeting of the Planning Commission of the City of Highland was called to order at 6:00p.m. by Chairman Haller in the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present: Commissioners Randall Hamerly, Milton Sparks, Michael Stoffel, Trang Huynh and Michael Willhite, Vice Chairman John Gamboa and Chairman Richard Haller

Absent: None

Staff Present: John Jaquess, Community Development Director
Lawrence Mainez, City Planner
Sean Kelleher, Assistant Planner
Linda McKeough, Administrative Assistant III

2.0 COMMUNITY INPUT

There was none.

3.0 CONSENT CALENDAR

3.1 Minutes of August 4, 2009, Regular Meeting.

Approved, as submitted.

3.2 Minutes of August 18, 2009, Regular Meeting.

Approved, as submitted.

3.3 Minutes of October 20, 2009, Regular Meeting.

Approved, as submitted.

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3.4 Minutes of November 3, 2009, Regular Meeting.

Approved, as submitted.

3.5 Minutes of November 17, 2009, Meeting.

Approved, as submitted.

A Motion was made by Vice Chairman Gamboa and seconded by Commissioner Hamerly to approve the Items on the Consent Calendar, as submitted.

Motion unanimously passed on a 7 – 0 vote.

4.0 PUBLIC HEARINGS

4.1 A Conditional Use Permit Application (CUP 009-004) and Design Review Application (DRA-009-009) submitted by Verizon Wireless for the construction of a seventy-four foot (74') tall, Unmanned Co-locatable Wireless Telecommunication Facility (Mono-Eucalyptus), and associated Equipment. The property is located on the north side of Greenspot Road within Aurantia Park, approximately twelve hundred and fifty feet (1,250') east of Weaver Street, 29700 Greenspot Road. (APN 1210-371-12). Representative: Michelle Felten, Core Communications.

Chairman Haller introduced the item and called for Staff' presentation.

Commissioner Sparks stated he has stock in Verizon and had worked for the Company for thirty-five (35) years and then asked Staff if he should participate and Community Development Director Jaquess responded if he has any stock value that he should not participate.

(Note: Commissioner Sparks left the Dais and was escorted by City Planner Mainez out of the Council Chambers at 6:04p.m.).

(Note: Prior to the Meeting, Staff had distributed revised Conditions of Approval (COA) Nos. 18, 19 and 25, a 11"X17" Map and a sample of branch material to the Commission for their review.)

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Assistant Planner Kelleher gave the presentation from the Staff Report and noted there are three (3) color samples of a Mono-Eucalyptus trunk bark and distributed them for the Commission's review. He indicated the Applicant's Representative is in the audience and then concluded his presentation and stated the Applicant's Representative is here to answer any questions the Commission may have.

Chairman Haller asked if the Commission had any questions of Staff.

Commissioner Hamerly asked if the color of the bark sample would coincide with the color of the branches and Assistant Planner Kelleher responded that he would defer that question to the Applicant.

Commissioner Hamerly asked about why a Landscape Plan was not included and Assistant Planner Kelleher responded he approached the Public Works Department on that and for the maintenance of the Cellular Tower and stated indicated Aurantia Park is a native species Park and the Public Works Department is responsible for the landscape maintenance which would include the Cellular Tower landscaping.

Commissioner Hamerly said the context of the stealth towers needs to be believable and a seventy-four foot (74') Mono-Eucalyptus Tree should have two or three smaller Eucalyptus trees in a small grove immediately surrounding it. Assistant Planner Kelleher responded that he can add a COA. City Planner Mainez added that the City's Landscape Architect had advised not to plant Eucalyptus Trees which is a weak wood and branches tend to break off and is messy, but are sufficient in the background along a property line to give a backdrop, but not where people will be congregating.

Commissioner Hamerly responded if some of the people want to take out-of-the-way route to go to the Dog Park, most people go in the main Park and go straight up, as opposed to taking the far left path. If you put it up against the property line, at least you are putting it up against a backdrop of something that makes it more believable. If you look at a view from the north looking south is the Utility Shed that is completely exposed which is something that the Commission has not permitted historically and the Tower is sitting all by itself with no point of context. City Planner Mainez responded looking south, will stand out a little bit more, and said how Assistant Planner Kelleher was trying to show other Eucalyptus Trees in the general area, not close by, but at least in a background

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to make a finding that there are trees like that, that will grow fairly tall, but if you are standing in the Park looking that way. Commissioner Hamerly said it would be a lightning rod there all by itself. Assistant Planner Kelleher added the Equipment Shelter is the same material as the Restrooms. Commissioner Hamerly said usually requested creeping vines on the walls that are surrounding the enclosure and do something that will soften the enclosure from any areas where there is public traffic (parking lot and/or pedestrian areas within the Park). City Planner Mainez responded we could do that and then he said that he thought there was going to talk about graffiti because the material has a shiny coat on it and is a requirement by Public Works. So if you use the Restroom, or go up to that Facility, you will see there is a shiny substance on there. This is also Design Review, so that discussion could certainly come up tonight if the Commission wants to require some landscaping to hide the structures, we can certainly talk about that.

Chairman Haller asked if the Commission had any further questions of Staff. He asked if the arrays have to project out beyond the limits of the branches and asked if they will work with the second or third arrays, will it really look like a natural tree with these three (3) arrays on it or have big gaps in it with the line-of-sight access outward from the Tree itself. Assistant Planner Kelleher responded with the other Mono-Eucalyptus Trees that he has seen, he has not seen any gaps. Chairman Haller asked if the arrays projecting out from the beyond the limits of the branches so that somehow, they don't meet line-of-sight compared to other Cellular Towers. City Planner Mainez asked the Commission to review the Drawing for illustrations and Chairman Haller responded both the Mono-Palm Trees and Mono-Pine Trees stick out with the arrays beyond the limits of their branches and does not look natural. Commissioner Hamerly responded that would be dependant on how a Mono-Palm would be configured and where the array is located on it so it does not get tangled up on the Palm Frond. Typically, the Mono-Pines have the arrays within the branches. Assistant Planner Kelleher responded that is true with the Mono-pines that are located in Highland, and that the co-locatables are located within the branches and added there are not a lot of Mono-Palms and how the Mono-Palm Tree design is going by the wayside. Chairman Haller stated the Mono-Pine located behind Albertson's was showing gaps and Assistant Planner Kelleher responded the original Mono-Pine behind Albertsons was not a good design and the newer one is a much better designed Tree. Over the years, through Conditioning, they have been able to try and pull these things in and look more realistic. Vice Chairman Gamboa stated the Mono-Eucalyptus located on Church is similar to the one carrier located on Wabash / 10 Freeway and how he has driven past it and a person can drive past

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it and not notice it. He was also concerned with the other Tower that is under construction and wants assurance the Mono-Eucalyptus Tower will be presentable similar to the one located on Wabash and does not want it to be garbage.

Vice Chairman Gamboa then asked what is the \$1,000 Mile Maker Program Contribution listed on Page 9 of the Staff Report and Assistant Planner Kelleher responded it is a little bit of background about the Lease Agreement that is going to City Council which has been modified and have the Applicant donate to the Community Trails Committee or to City Parks and Staff is still working on that and indicated the City Council will make the final decision.

Vice Chairman Gamboa asked about COA No. 11 on Page 21 of the Staff Report will the construction of the Cellular Tower interfere in the Park operations or Park usage. Assistant Planner Kelleher responded when the light standards were constructed, they had a total of two (2) vehicles on-site associated with the Contractors and had some digging construction equipment on-site to run the lines underground, but of all that was maintained right around the Lease Area and it took only a couple of weeks for overall construction / completion and need to only construct the new Tower itself and trenching and connect the wiring between the Tower and the Equipment Shelter. There will be some construction, but it will be located within the area around the Equipment Shelter on the one-half on the left hand side of the parking lot and indicated it may be inaccessible for about two (2) weeks, maybe one (1) month. The general use of the Park will not be limited. Vice Chairman Gamboa responded the problem with 7:00 p.m. as the cutoff time and with houses located to the north, asked about the lighting to project onto the work at the job site and will interfere with what they see and especially on Saturdays and had concern for the nearby residents. Assistant Planner Kelleher responded that is a Standard COA in the EHR's C,C & Rs and has been acceptable with the 7:00 a.m. to 7:00 p.m. hours and that the Park's operation hours are from dawn to dusk. If the Commission desires to differ, then can modify it.

Chairman Haller asked if the Pole was a uniform diameter or natural tree and Assistant Planner Kelleher responded he would also defer that question to the Applicant.

Commissioner Huynh asked about a Maintenance Inspection Program after windy days, have someone go out and conduct an inspection. He has seen on windy days and how the wind blew the Mono-Palm Tree branches off and now all

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you see is the dish. Is the City or the Applicant monitoring that. Assistant Planner Kelleher responded the Mono-Eucalyptus Tower will be in a City Park and that it will be monitored with Public Works Staff and Code Enforcement and would pursue the Tower maintenance. Commissioner Hamerly asked if there is a Maintenance Provision and Assistant Planner Kelleher responded affirmatively and they are informed that they do have requirements to bring it into compliance.

Chairman Haller asked if the Commission had any further questions of Staff. Hearing none, he then opened the Public Hearing and asked if the Applicant would like to make a presentation.

Ms. Michelle Felten, of Verizon Wireless, 2903 H Saturn Street, Brea, California, who is the Applicant's Representative, addressed the Commission. She thanked the Commission for hearing the Project tonight and Assistant Planner Kelleher for the amazing Staff Report and how it has touched on about everything associated with the Project and with all the hard work Assistant Planner Kelleher has done and has been great. She stated the Applicant is requesting approval on the CUP and DRA Applications and is here to answer any questions the Commission may have. With regards to the branch color, they can match the paint color to the base of the structure so dependant on what the Commission chooses, the Applicant can work on that, as far as branches go.

Commissioner Hamerly said one (1) of the COAs stated how paint is unacceptable substitute for bark and is that just for the main trunk or for branches and Assistant Planner Kelleher responded that is for the main trunk. Ms. Felten added the Equipment Shelter and not proposing any changes at all and will stay exactly where it is and will trench over to the Mono-Eucalyptus. Will have to maintain a close proximity because the cables will go in and the Equipment Shelter is surrounded by rocks within the future Lease Area and unsure or feasible if that area can be maintained on the Public Works side or not. With regards to the arrays sticking out, different with arrays at the colocations, depends entirely on how many antennas are proposed and approved. Why the Mono-Palms stick out so far is because there are too many antennas. Typically, there are about three (3) antennas should stay within the Mono-Palm per sector and with the fourth antenna, that's when they start sticking out, looking out of place and looking odd. Ms. Felten suggested to the Commission when future colocations comes forward, the Commission might want to review if there are an abundance of antennas per sector, there is a chance of them sticking out are much higher than four (4) or below and the possibility of double stacking and flush mounting to the pole itself. Ms. Felten further explained how she saw a Mono-Eucalyptus where it was flushed mounted the antennas to the pole for some additional carriers and that worked, as well.

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Commissioner Hamerly asked about modifying the branch configuration based on the arrays below the main one are configured or is it locked in once it's installed and Ms. Felten responded once the branches are installed, it's really difficult to add anything, could take the branches out, but cannot add anymore to it once it is installed.

Commissioner Hamerly said with the present design, there are these two (2) locations and is lower than the sixty-four feet (64') selected as being where those two (2) additional providers would locate their arrays and Ms. Felten responded exactly and the branches themselves are RF emissions deterrent and should not interfere with the antennas and the RF emissions going out from it.

Commissioner Hamerly asked about the array installation and if the branch is configured in such a way that they could not get access to it, even though there is a clear sight through there, if that was an issue or take the branch off and install the array and then put it back on without damaging it. Ms. Felten responded they may be able to do that, and if it was built to have a branch there, they can take it out and put it back in. It is a matter of whether a branch was built to be there or not.

Chairman Haller asked since the Applicant does not know who the other vendor will be for the two (2) arrays, how do you accommodate the design and Ms. Felten responded allow space on the pole just like any other collocation. There are separation requirements for each carrier and they also can add a port to the pole, if not to the Facility, as well. Going in to collocation, you look at the pole as if you are going to be doing this yourself and then collocate onto it. That is as far as her experience goes with collocation and have gone onto some Mono-Pines and Mono-Palms and have to work with what is there. Commissioner Hamerly said then it is about vertical integration as opposed to two (2) arrays facing this way or four (4) arrays that are going to be six feet (6') out from the Mono-structure and Ms. Felten responded that the collocations would go down vertically and they cannot be on the same plane, or at least with not the technology that we have right now, maybe in the future and reiterated not with the technology right now.

Commissioner Hamerly said with the multiple configurations on the arrays on one (1) strata, or some that might have two (2) arrays and some might have four (4) or more and the more that gets on there, the ring gets bigger. Ms. Felten responded and said the arrays can be done in a different direction than what is above, but it would still go down vertically.

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Commissioner Hamerly explained if the number of units installed on that particular ring increases and that the diameter of the ring gets bigger and the diameter is twelve feet (12'), they will stick out past the branches. Do we have any type of control to say you can do a maximum of three (3) units on that particular array so they do not stick out more than six feet (6') from the body of the Tree so that they are not projecting past the branches. Assistant Planner Kelleher responded there is a Condition of Approval (COA) having a canopy of thirty feet (30') out from the center of the Tower and that is going to be a very large amount of arrays in order to exceed thirty feet (30'). Commissioner Hamerly responded but there are some bare areas and if designing the Tree to accommodate those two (2) other arrays, that will naturally be a bare area and is sharing his concern along with Chairman Haller in not wanting to see the arrays sticking out and being prominent at the top when they can be concealed very well with those next two (2) spots down the Tree are bare, they are going to stick out like a sore thumb. Ms. Felten responded when a new Applicant would come forward with collocation and present it to Staff, Staff could make that call to the Applicant saying you cannot go beyond the existing leaf and would need to pull in the five (5) antennas per sector and that too much will stick out and would also depend on where they are and what they look like. Assistant Planner Kelleher added future collocations are subject to a Minor Design Review process at Staff level.

Vice Chairman Gamboa said regarding future collocations, asked Staff about adding a COA of having no more than four (4) arrays. Commissioner Hamerly said or give as a Staff Directive to make sure that nothing is going to stick out more than an "X" amount of feet from the shaft of the Pole so that it does not project out past the branch canopy. City Planner Mainez responded might want to modify that so that it is for the Commission's review and have more specific details for each user that comes in so the Commission could decide the bar that would be acceptable for exposure of the arrays and Staff is assuming so many parameters and the Applicant had just said that the technology changes so fast which might result in something that goes beyond what we are discussing. Commissioner Hamerly gave an example of someone coming in with a five foot (5') dish and completely changes the rules. City Planner Mainez said correct and you might want to have the Commission look at it. Assistant Planner Kelleher responded and add a COA that any collocation(s) return to the Commission for review and said that is going above and beyond the permissible Code which is that you prefer and Commissioner Hamerly, Vice Chairman Gamboa and Chairman Haller responded that they liked that. Ms. Felten responded with the

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Commission's concerns based on the old Mono-Pine and Mono-Palm design, and the design that is actually on the photos they will do their best to simulate. Things are getting better and looking better, and they want to get out the best product possible and not wanting to return to the Commission and not be upset with them. As far as construction in the Park, Assistant Planner Kelleher answered it great in that there will be some trenching for the Tower. It is a quick process and will be maybe a month and you are done and they will try to ensure that it does not spill out into other areas in the front so others can have enjoyment of the Park. As far as the Pole, it is uniform with the Mono-Eucalyptus and is also stated on the Plans that the Applicant will not allow to cap off in the design so it will look like a real tree with progression of the branches. With regards to maintenance, in four to six (4 – 6) weeks and ensure the Site is clean and is functioning properly, paint is doing well on the Equipment Room door, make sure everything looks good, etc. and the City can also contact the Applicant. Ms. Felten said that's pretty much it and she is more than happy to answer any further questions the Commission may have.

Chairman Haller asked if the Commission had any further questions.

Commissioner Hamerly asked about if there are two (2) additional structures that are proposed, is that part of your Application that those are the proposed locations, or are those dependant on who the additional providers that would be coming in and Ms. Felten responded those would be dependant on the provider's size and also depend on the carriers that would come in and we just put them on there, as requested by Staff to show the Commission there is a potential for that.

Commissioner Hamerly asked if there needs to be a truck access to the Enclosure and Ms. Felten responded usually, will park and walk on the path, unless there is any equipment is down or equipment cabinet that would need to be swapped out, then there would need some sort of access to the Site. Assistant Planner Kelleher added the Park's path is accessible for vehicles and that is used by Public Works Department.

Commission Hamerly said he was concerned if we have Sheds that have equal aesthetic merit to the one that is already constructed there, and they are lined up three (3) in a row, it's not going to look that great. He suggested about pulling the Sheds away a bit from the path and install shrubs in between them to make it a little bit more presentable, that would be ideal. Assistant Planner Kelleher responded another option that we might look at as part of those future applications, is to require them to place in vaults or other alternative structures.

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Commissioner Hamerly responded so they would not have the same equipment requirements as the primary structure that services the tower or is there any technology where they can underground the whole thing. Assistant Planner Kelleher responded that he has seen different forms of technologic equipment associated with Towers placed on a 4' X 4' pad and was four foot (4') tall with another three foot (3') cabinet sitting on top of it and located within the existing leased space by another wireless carrier so it looked like a utility cabinet with a head on top of it.

Vice Chairman Gamboa asked about COAs and then returning to the Commission can we Condition it also for any further Equipment Shelters come back also. Assistant Planner Kelleher responded and indicated that would be part of that process and both City Planner Mainez and Community Development Director Jaquess added that would be a part of it. Commissioner Hamerly added the Equipment Shelter for this Application would be reviewed at Staff level. City Planner Mainez said about the last sentence on COA No. 26, regarding the Equipment Shed requiring a Major Design Review. Assistant Planner Kelleher responded that should not be in there at all and that is part of a carry over with the old process and said the last sentence of COA No. 26 be deleted and that the Equipment Shelter be as a COA No. 33. Vice Chairman Gamboa responded that he is fine with that.

Chairman Haller asked the Commission if there were any further questions of Staff. Hearing none, he then asked Staff to explain the three (3) modified COAs to the Commission. Assistant Planner Kelleher responded, apologized and then explained the proposed changes in COAs 18, 19, and 25 that were based on conversations between the Applicant and Applicant's Attorney, the City Attorney and Staff, and a request from the adjacent property owner (KCAL). In COA No. 18, KCAL requested language be inserted from Section 22.371 regarding the FCC's Rules and Regulations for AM directional arrays and their interference. The Applicant wanted additional clarification regarding future improvements to Tower technology and future laws to Tower technology. And primarily, changes the State, Federal and City laws. He then provided an example if the City was to enact a requirement that states that no Cell Tower shall be sixty feet (60') they wanted to ensure clarification that unless that new law stated "and is applicable to existing Towers", they would not be subject to it and wanted assurance that this COA would be applicable to only the Tower prior to being constructed or if the State law would require of all Cell Towers be collocatable.

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Commissioner Hamerly responded with FAA and FCC Conditions would have to be modified in a given time and asked about being retroactive to the existing Towers and Assistant Planner Kelleher responded COA No. 18 is related to the FAA and FCC and they potentially can be retroactive, if the new law states that it is a retroactive law, then all existing Towers be subject to it.

Commissioner Hamerly asked about COA No. 18 and the added verbiage, “and applicable to existing towers” that is primarily for Local Regulations, as opposed to FAA and FCC laws and Assistant Planner Kelleher responded it was for added clarification as to when the COA was implemented and explained to the Commission the old compliance at the time of construction or now with the added vested rights at time of construction. He then explained COA No. 19 is for due process and COA No. 25 was modified due to the desire of the Applicant to ensure if something occurs with the system and with 800 MHz, there is a process for them to go through in order to resolve the situation without immediately being fined or penalized in any way. They want to ensure that they are notified and resolve that issue. He reiterated that the Applicant, Attorney, Staff and City Attorney have reviewed this.

Commissioner Hamerly said with COA No. 20 was confusing to him and read “... Verizon Wireless’ portion of the Tower and related Facilities if abandoned for more than six (6) months.” and Assistant Planner Kelleher said that is correct. Commissioner Hamerly explained the last part was confusing and it sounded like you have to post a bond so if this thing (the Tower) does become abandoned and is not taken down, the City can come in and use the bond funds to take down the Tower. Assistant Planner Kelleher responded that the bond is posted with the City Clerk’s Office and there are bonds on every tower that have been constructed thus far and the six (6) month provision is there because if the Tower is abandoned for six (6) months, that is consistent with the Non-conforming Ordinance, as well as in the Wireless Telecommunication Ordinance and that language was directly taken from that location, as well and the only insertion was Verizon Wireless. Commissioner Hamerly stated it is just that the grammar is a little unclear because he knows that it is trying to define the period of abandonment and that is related to what causes the removal to take place. But this clause is talking about when / how the bond is posted and how much is the bond. The abandonment is defined pretty well in COA No. 21 and asked Staff to look at it. City Planner Mainez responded Staff will work on it and consult with the City Attorney, because it is referring to one (1) user and that’s the Verizon portion of it.

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Commissioner Hamerly said there is another clause that is further in that says if there are multiple users, and there is still one (1) active Site, then it is still not considered an abandoned Tower and then read COA No. 21.c. and both City Planner Mainez and Community Development Director Jaquess responded that Staff will work on it.

Vice Chairman Gamboa stated to leave COA No. 20 in and give direction to Staff to talk with the City Attorney and City Planner Mainez responded and to make sure of his (the City Attorney) intent.

Chairman Haller asked about COA No. 31 regarding the demolition of the existing Trash Enclosure and Assistant Planner Kelleher responded that is part of the other Mono-Eucalyptus Tower and COA No. 31 can be stricken. Chairman Haller responded the rest of the COA is okay and Commissioner Hamerly added it's just the landscaping may be effective by the construction and access to the Tower. Chairman Haller asked about if the natural vegetation would be restored and Assistant Planner Kelleher responded there is no natural vegetation in that area and it is barren dirt.

Chairman Haller asked about the trenching and Assistant Planner Kelleher responded the trenching will follow along the Trail.

Commissioner Hamerly asked if there is no risk of deleting all of COA No. 31, in this case and Assistant Planner Kelleher responded that is correct.

Commissioner Hamerly asked about if Public Works being in charge of the landscape design since they are the ones that are going to be maintaining it and that he has a little bit of an issue with that. He knows what they are trying to do at Aurantia Park, but with that being said, even using natural material and would like to see some, at least attempt, to put this thing in context and put some vegetation around the Structure, either the City is going to do that through Public Works or whether the Applicant has to purchase two (2) trees and the City Staff can figure out where best to place them for the purposes of putting them (the trees) in some form of context and make sense out of it. Assistant Planner Kelleher responded that can be included in the COA that the Applicant provide City Staff with two (2) thirty-six inch (36") box trees. Commissioner Hamerly responded he would like to see the whole picture instead of installing the Mono-Eucalyptus here and that is the only thing that is going to be around it. It has been said multiple times that it's just dirt and rock and it would be nice to spruce it up a little bit. He was unsure if that was something that you want to have the

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City's Landscape Architect consult with the Public Works and if that would be the best vehicle to handle this. Assistant Planner Kelleher responded this would be through the City's Landscape Architect with the trees near the Tower and not interfering with various activities. City Planner Mainez asked if Commissioner Hamerly's intent was to add more trees to the Park then and Commissioner Hamerly responded it's not for the purpose of the Park, if you look at Albertson's Cell Towers, they had to plant pine trees back there because there were no pine trees anywhere in the neighborhood, basically. So we said if they were going to put a Mono-Pine there, then plant four or five (4 or 5) trees and I know that a couple of them have died, but the original intent was to make it to be believable in that there are some trees back here instead of having flag poles sitting there. This is the exact same situation and is more prominent on this particular spot (Aurantia Park) even though there is one very tall element standing there even though it's a Mono-Eucalyptus Tree it would be nice to place it in a small grove of Eucalyptus Trees for believability and context. City Planner Mainez responded Staff can study that further and consult with the City's Landscape Architect and bring that issue back to the Commission if there would be an appropriate place to put a row of Eucalyptus Trees rather than have that rogue Structure out there. Commissioner Hamerly responded his concern if there is one (1) Eucalyptus Tree standing there by itself and that area is wide open to the wind. The branches are going to get stripped / peeled off and the leaves are going to blow all over the place. If there is more than a grove of Eucalyptus, they can share the impact of the wind and they don't get destroyed as quickly.

Chairman Haller added every other Applicant requires similar trees to be in a close proximity in order to make it more believable and Commissioner Hamerly added there has always been a Landscape Plan. Chairman Haller indicated may want to consider different trees other than Eucalyptus Trees since they are messy and Commissioner Hamerly said there are different (Eucalyptus) species in that some that have seed pods, different leaf structure, some shed bark, etc. and others are a little bit cleaner. He is no expert on Eucalyptus species, but that might be something the City's Landscape Architect may be aware of in that we don't want branches, we don't want seed pods, we don't want leaves going everywhere, but give us something that is tall. Chairman Haller stated with the Structure issue, the Commission can direct the Applicant to provide two (2) trees of minimum size (48" box) and locate per direction of the City's Landscape Architect and Public Works. City Planner responded the Property Owner who dedicated that property to the City had some strict guidelines on what can and cannot go in there and with the Park being a natural park, the species has to go

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through the family. Assistant Planner Kelleher added he had spoken with Mr. Charles Kiel and he felt very strongly with the DRB and Commission and felt overall, the City design and review of this would be appropriate and he accepted the City's opinion and whatever would be for the Park. City Planner Mainez asked Assistant Planner Kelleher about is that related to the design of the Structure or did he think they were going to plant more trees and Assistant Planner Kelleher responded that would be for the design and associated requirements that would be necessary in order for it to be implemented. City Planner Mainez said he would like to bring this Item back to the Commission, draft a Landscape Plan, going to need to know the irrigation system and coordinate with Public Works and the Commission may not be happy where we would put it. It seems that it would be a strong item for the Commission to create that visual and create that relationship or the Commission could go forward with the approval of the Entitlement, but will piecemeal it and just bring back that Tree/ Landscaping Plan.

Commissioner Hamerly also suggested a directive Staff working with the City's Landscape Architect, if there is another species of trees that does not require irrigation and is completely a native, that is going to have a canopy of thirty feet (30') in diameter and a mature height of fifty feet to sixty feet (50' – 60'), it would place it in context as a massing standpoint as opposed to species standpoint and would be personally comfortable with that. His biggest concern is that this thing (the Tower) sticks up there so tall all by itself and if there is another species of tree that is less maintenance and can get by with zero irrigation and can use the natural amount of moisture that is there. That is what we are trying to achieve at Aurantia Park - have all native species with very low maintenance and make it look like that it fits in and if that means that we can take this solitary Mono-Eucalyptus from being completely out of context and surround it with other materials that are believable, then it has less than an impact and would not stick out as much. City Planner Mainez asked if the Commission would like to review the location for the trees planted. Both Vice Chairman Gamboa and Commissioner Hamerly responded affirmatively and Commissioner Hamerly further stated he is less concerned about putting a backdrop with a Eucalyptus Tree because of them being messy and might run into problems with the function of the Park which I want to push them more towards the property line, but that does not buffer the view of the Mono-Eucalyptus when one is standing anywhere in the Park. Ideally, there were be something that would screen somewhere from the lawn / dog area and could create a little buffer around it, but that would be dependant on finding a species of tree that would not be a problem for maintenance standpoint or a mess standpoint that would work.

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Chairman Haller said you might want one (1) tree between the Property to the west, setbacks and also have a visual buffer. Commissioner Hamerly asked if Staff had enough direction and City Planner Mainez said sure. Chairman Haller then asked City Planner Mainez what about the Landscape Plan since he suggested to bring it back the Landscape Plan and so how does the Commission administratively do that. City Planner Mainez responded when the Commission takes a Motion action, pull the landscaping out and Assistant Planner Kelleher added there aren't any. Commissioner Hamerly then asked if a COA could be added stating the Landscape design portion would return to the Commission for further consideration and City Planner Mainez responded that is what he is suggesting because since it's not in there and that Staff would come in with a very natural park and it sounds like you want to create more of a relationship with more trees, to give the appearance there are other trees and more of a backdrop, but sensing more trees around the Tower, along the westerly property line somewhere between the parking lot and the Facility. If the Commission is comfortable with that, that's fine, but indicated it is a big Structure.

Commissioner Hamerly asked about COA No. 34 to have that (Landscape Plan) to come back in that there is a landscape element to the Application. Community Development Director Jaquess responded COA No. 34 will direct the Applicant to return with the Landscaping Plan for final approval.

Chairman Haller summarized the following COAs: modify 18, 19, 25, 26, delete 31 and add 33 and 34 and Assistant Planner Kelleher responded that is correct.

Commissioner Stoffel asked this will not slow down construction and Assistant Planner Kelleher responded and explained the process and Lease Agreement to the Commission and the Applicant will have to return with their Landscape Plan. Commissioner Hamerly asked if this process would have to be completed before submit to Building and Safety for the technical review and Assistant Planner Kelleher responded technically, no, but they do submit at risk which is something that the Applicant would do whether or not to go forward that way. City Planner Mainez added we've been starting with the Lease Agreement so, given how long it took the last time, months in that it took eighteen (18) months the last time. Commissioner Stoffel commented he does not like slowing things down and wanted assurance about not slowing things down and City Planner Mainez responded the Commission to keep in mind there is an existing Tower out there, is functional and will just improve on it so as fast as they go, we'll hone in on it we're not that busy, so it will not be held up.

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Chairman Haller stated there are only two (2) trees and is simple and then asked if the Applicant's Representative had any comments. Ms. Felten responded that she had one comment regarding the species and location and will work towards that in getting that ready and as far as the maintenance goes, would like to ensure that it stills remain with the Public Works Department and bring back a Landscape Plan. Assistant Planner Kelleher added he will consult with Public Works if they would be willing to maintain the trees.

There being no further comments or questions, of the Applicant's Representative or Staff, Chairman Haller then closed the Public Hearing and called for the question.

A Motion was made by Commissioner Hamerly and seconded by Vice Chairman Gamboa to:

1. Adopt a Negative Declaration and direct Staff to File a Notice of Determination with the San Bernardino County Clerk of the Board, and;
2. Adopt Resolution 09-027 approving Conditional Use Permit Application (CUP 009-004) and Design Review Application (DRA-009-009), subject to the recommended Conditions of Approval, as modified with the following:
 18. The proposed Tower and antennas and Site development must meet, or exceed current Standards and Regulations of the Federal Aviation Administration (FAA), and the Federal Communications Commission (FCC), and any other Agency of the State or Federal Government with the authority to regulate towers and antennas including Section 22.371 of the FCC's rules and regulations, which requires wireless companies to install and maintain detuning equipment on their towers as necessary to restore the proper performance of AM directional arrays located within 1.9 miles of a new wireless tower. If such Standards and Regulations are changed, and Applicable to existing towers, then the owners of the Tower and antenna governed by this Entitlement shall bring such Tower and antenna into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal Agency. Failure to bring the Tower and antenna into compliance with such revised Standards and Regulations shall constitute grounds for the removal of the Tower and antenna at the owner's expense according to due process.

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19. To ensure the structural integrity of the Tower, the owner of the Tower shall ensure that it is maintained in compliance with Standards contained in applicable State or Local Building Codes and the applicable Standards for towers that are published by the Electric Industries Association, as amended from time to time. If, upon inspection, the City concludes that the Tower fails to comply with such Codes and Standards and constitute a danger to persons or property, then upon notice being provided to the owner of the Tower, the owner shall have thirty (30) days to bring such Tower into compliance with such Standards. Failure to bring such Tower into compliance within said thirty (30) days shall constitute grounds for the removal of the Tower and antenna at the owner's expense according to due process.
25. Performance Standards. As required by federal law, no Wireless Telecommunication Facility shall interfere with the public safety radio communications system, including, but not limited to, the eight hundred (800) MHz trunking system. If such Facility is found to interfere with the public safety radio system, the City shall follow the notification process required by federal law and Federal Communication Commission regulations. Should the interference from this Facility create a substantial hazard to public health and safety, including preventing emergency dispatches from being received by public safety personnel, the Facility operator shall comply with any reasonable requests from the City to temporarily cease operations of the Facility until such time as the substantial hazard is resolved to the satisfaction of the City.
26. The Applicant shall enclose all ground mounted Facilities within a structure and all cable within an underground trench. Prior to the submittal of any application for Grading and Building Permits.
- ~~31. (NS) In the event landscaping is destroyed as part of the demolition of the existing trash enclosure and/or construction of the new Equipment Shelter / Trash Enclosure, the Applicant shall replace all existing landscaping within the area of damage.~~
33. (NS) Any co-location on the subject Wireless Telecommunication Facility shall be review an approved by the Planning Commission via a Design Review Application Process.

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34. (NS) Prior to the issuance of a Building Permit the Applicant shall submit and receive approval by the Planning Commission of a Landscape and Irrigation Plan.

and;

3. Adopt the Findings of Fact.

Motion carried on a 6 – 0 vote with the abstention of Commissioner Sparks.

Commissioner Hamerly said does the Commission have to pick of these (the “Bark” samples and Assistant Planner Kelleher responded that Staff will take as directive regarding the three (3) “Bark” samples and how the “B” Bark Sample is on the existing Tower now.

Vice Chairman Gamboa said he prefers “A” because it looks like what is typically on a Eucalyptus you see around here. He then said let’s do “A”, “B” and “C” on the sample Bark and Commissioner Hamerly said Bark Sample Eucalyptus “A”, Bark Sample Eucalyptus “B” and Bark Sample Eucalyptus “C”.

Commissioner Stoffel said he likes “A” because it looks like more like the ground.

Assistant Planner Kellerher stated the Bark “B” Sample that you are showing is the Bark is what they will be using on the Tower that is being constructed now because of all of the Eucalyptus Trees around that Site has bark of that nature. Commissioner Hamerly stated the ones on Greenspot Road looks like Sample “A” and indicated to go with Sample “A” and the branches need to be painted to match. Assistant Planner Kelleher will hold Bark “A” then that way, we don’t have to worry about nothing and will return Barks “B” and “C” to the Applicant. Ms. Felten then thanked the Commission and Chairman Haller thanked the Applicant.

(Note: Commissioner Sparks returned to the Dais at 7:00p.m.).

- 4.2 Environmental Review (CEQA) Clearance for Demolition of former County Library and former Federal Post Office (Negative Declaration) (ENV 009-004). The Project is located on the south side of Base Line approximately one hundred and fifteen feet (115') east of Cole Avenue, 27167 Base Line and 27169 Base Line (APN's 1192-421-01, 02). Representative: Joseph Hughes, City Manager

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Chairman Haller introduced the item and called for Staff presentation.

Assistant Planner Kelleher gave the presentation from the Staff Report and noted Staff did pursue a reduced fee from Fish and Game and that Fish and Game bought off on that, as well, and their acknowledgements were that there were no negative impacts on fish and wildlife. He then concluded his presentation.

Chairman Haller stated he read in the Highland Community News consideration for a TV Show demolition and what is the status on that and Community Development Director Jaquess responded that we were required to remove all of the asbestos that was in the Building before they could do anything that would disrupt or open up for potential asbestos dust. After removing the asbestos material, the Building was so affected by that and then the producers of the TV Show had no interest.

Chairman Haller asked when demolished, will it take the lot down to bare dirt, or what is going to be left after the Building is down and Assistant Planner Kelleher responded it will be taken down to bare dirt. Chairman Haller then asked about seeding temporarily and what is going to be used for erosion control and Assistant Planner Kelleher responded that we are looking to do a native species mix, irrigated temporarily until it establishes itself in order to keep dust and erosion down. Commissioner Hamerly asked if it would be a wildflower mix or native grasses and Assistant Planner Kelleher responded he was unsure if that determination has been made or not what would be used as a native mix

Commissioner Huynh asked about fencing and if the property was going to remain open and Assistant Planner Kelleher responded it will remain open and all of the utilities will be taken back to the Right-of-Way and the property will be bare. Community Development Director Jaquess added there will not be any attractive hazards or nuisances left on the property so there is no need to fence it in.

Chairman Haller asked if the Commission had any further questions of Staff. Hearing none, he then opened the Public Hearing and asked if anyone would like to speak on the Item. Hearing none, he then closed the Public Hearing and opened the floor for further discussion amongst the Commissioners.

Commissioner Willhite asked if the property is owned by the City now and Community Development Director Jaquess responded affirmatively.

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Chairman Haller said personally, it is a benefit to demo it now, otherwise it will become a public nuisance and Community Development Director Jaquess responded that is why we are trying to move ahead as quickly as we can.

Commissioner Hamerly asked about recycling the aggregate and Community Development Director Jaquess responded that is part of the normal contract requirements for demolition.

There being no further questions of Staff or discussion amongst the Commissioners, Chairman Haller then called for the question.

A Motion was made by Vice Chairman Gamboa and seconded by Commissioner Huynh to:

1. Approve Resolution 09-026 adopting a Negative Declaration for the Demolition of the abandon Highland Branch County Library and abandon Highland Branch United States Post Office (ENV 009-004), and;
2. Direct Staff to file a Environmental Notice of Determination with the San Bernardino County Clerk of the Board for ENV-009-004.

Motion unanimously passed on a 7 – 0 vote.

5.0 LEGISLATIVE

There were no Items.

6.0 ANNOUNCEMENTS

Community Development Director Jaquess explained the Items tentatively scheduled for the January 5, 2010, Commission Regular Meeting.

Discussion ensued between the Commission and Staff regarding temporary signage and Community Development Director Jaquess explained how a Sign Code Ad Hoc Subcommittee was established and had a lot of good input yesterday and the next Ad Hoc Subcommittee Meeting is on January 11, 2010.

Both the Commission and Staff wished each other Happy Holidays.

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7.0 ADJOURN

There being no further business, Chairman Haller declared the Meeting adjourned at 7:10 p.m.

(Note: After the Meeting, both Commissioner Stoffel and Chairman Haller advised Staff they will be unable to attend the January 5, 2010, Meeting.)

Submitted by:

Approved by:

Linda McKeough, Community
Development Administrative Assistant III

Richard Haller, Chairman
Planning Commission

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