

MINUTES OF THE REGULAR MEETING OF THE
STAFF SITE PLAN REVIEW COMMITTEE
COUNCIL CONFERENCE ROOM FULLERTON CITY HALL
THURSDAY, 9:00 A.M., JULY 20, 2006

CALL TO ORDER: Chairman Eastman called the meeting to order at 9:02 a.m.

COMMITTEE MEMBERS PRESENT: Eastman, Lopez, Tabatabaee, Thompson and Villagracia

COMMITTEE MEMBERS ABSENT: Petropolous

STAFF MEMBERS PRESENT: Kusch, Leopold and Mansfield

OTHERS PRESENT: John Koos

APPROVAL OF MINUTES:

MOTION made by Committee Member St. Paul, SECONDED by Committee Member Thompson and CARRIED unanimously by all voting members present to APPROVE July 6, 2006 minutes as submitted.

INTRODUCTIONS - COMMITTEE AND STAFF MEMBERS:

ACTION ITEMS:

Item No. 1

PRJ06-00217 – ZON06-00038. APPLICANT: ROYAL STREET COMMUNICATIONS; PROPERTY OWNER: CITY OF FULLERTON.

Acting Associate Planner Kusch presented a request for a wireless telecommunications facility consisting of one 55-foot tall monopine with six panel antennae and one microwave antennae, on property located at 3151 North Euclid Street (west of North Euclid Street, south and adjacent to the La Habra city border) (P-L zone) (Categorically exempt under Section 15303 of CEQA Guidelines) (Continued from June 15, 2006) (AKU).

Acting Associate Planner Kusch stated the antenna is proposed at 63 ft. in height. He stated the concern at the previous meeting was in regards to whether or not the applicant could co-locate to the existing antenna structures, which are in place. Staff discussed, at the previous meeting, a possible reduction in the lease rate to encourage co-location. An issue discussed was utilization of an existing utility trench, such that there would not be a need for CEQA (environmental) review. Acting Associate Planner Kusch stated he was notified this morning that the applicants will utilize the exiting trench; however, the issue of co-locating is still unresolved.

Acting Associate Planner Kusch noted that the suggested setback per the City code from Euclid Street based on the height of the structure is 315 ft. and the proposed setback is only approximately 155 ft. He presented a photo simulation of the area.

Acting Associate Planner Kusch stated he received comments from Engineering regarding the entrance from Euclid leading to the site. Comments included a need to install a block wall and lighting, a new wrought iron gate/hardware and a motor to replace the existing gate motor.

Chairman Eastman said there is currently an existing antenna at the site and asked if reconstruction or an additional antenna was approved previously? Acting Associate Planner Kusch stated there are two existing antennas. One is essentially a standard utility antenna (a three-arm array), which was consolidated into a monopine with two antennas, and is currently being constructed. The three-arm array pole will be removed. Chairman Eastman clarified there are currently two poles at the site, one which will be removed and consolidated into a new pole. There are three carriers at the site, as presently approved.

Chairman Eastman recalled that when the last project moved forward there were concerns with habitat issues and currently there is substantial gnatcatcher habitat and potential for other endangered species. He stated that rather than retrenching, which can cause damage to the habitat, the applicant was going to feed through the existing lines through the hill, as part of the mitigation. Acting Associate Planner Kusch said there is a condition to do a pre-construction survey conducted within a week prior to grading activity and the biologist did not identify any nesting habitat.

Chairman Eastman stated there is a slope between Euclid and the site, so there is a substantial visual barrier between the street/neighbors and the proposed site. Would the antennas be seen from anywhere else besides Euclid? Acting Associate Planner Kusch said yes, there is housing on the other side of Euclid, which is lower in elevation, the photo simulation indicates you would see the crown of the monopine. The housing on the North side is lower in elevation than the site, so they may see it and that is part of the reason to have it as a monopine. Chairman Eastman stated per code there is adequate site distance to the homes to the north. Acting Associate Planner Kusch stated the residents in the neighboring area were notified of the hearing, but staff did not hear of any objections or concerns for the proposal.

Acting Associate Planner Kusch clarified on the improvements regarding entry and replacing the electric gate motor. Staff discussed a need for repaving the entry possibly to be conditioned. Water engineering provided comments as to the need of replacing the existing gate motor, and installing a new wrought iron gate with essentially new hardware on the motor, presumably the hardware to be fire accessible. Acting Associate Planner Kusch stated Water Engineering commented on the need for a block wall, but was not clear of the intent.

Chairman Eastman asked the applicant how frequently the carrier will need access to the site for maintenance. The applicant stated the carrier will visit the site once a month for 20 minutes to maintain the frequency and make sure the poles are operating well.

Chairman Eastman asked how the applicant will have access in terms of keys? Real Property Consultant Linda Mansfield said the Engineering Department provides the applicant with access keys. The applicant must submit an application to Water Engineering and will issue the number of keys required.

Chairman Eastman asked John Koos, the applicant's representative, if he was informed about the condition of the gates and walls. Mr. Koos stated it was brought up at the last hearing and is a concern, but cannot agree to it today. He stated if the Committee is thinking of making it a condition, he will have to take it back to his client for approval. Mr. Koos stated his client would be concerned with being the fourth carrier and having to take responsibility of paying for the entryway, when they would only visit the site once a month. Chairman Eastman asked the applicant about the extent of the block wall. Chairman Eastman requested clarification on the block wall and paving needed. Acting Associate Planner Kusch said the intent is to have the block wall act as security as it connects to the actual gate, maybe support for the gate itself, so it wraps around to the North along Euclid, but it is indicated on the plans it does not continue to the full frontage along Euclid, only that portion at the entry.

Mr. Koos questioned the nexus for the gate and wall requirements. Chairman Eastman discussed requirements the City can make as part of the lease, regardless of the site plan application. He stated that from a planning perspective there is potentially a nexus to be considered at a certain point and when there are more carriers there is more impact in terms of the gate, access and motor. He stated at a certain point there will be more traffic. There is clearly an arguable case as to where nexus applies.

Chairman Eastman stated that he wasn't clear on the request from Water Engineering and therefore, does not want to make it a condition; but it is an issue that can be required through the lease agreement, if necessary. Real Property Consultant Mansfield stated that part of the security problem Engineering is having is with the providers and contractors entering the gate, which is currently there, and lifting it up off its hinges and entering without any notification to the City. This is the reason why Water Engineering has made this a part of the requirement because they are having such a problem with keeping track of contractors. The applicant stated he would prefer working with the Engineering Department as a part of the lease.

Chairman Eastman stated his concern with the dirt road on a public right-of-way is that dirt is tracked on to the street, which becomes a National Pollutant Discharge Elimination System (NPDES) issue. He suggested to the Committee having a shaker plate or minimal dimension of paving provided at the gate entrance to help minimize the amount of dirt that is tracked on the public right-of-way. Committee Member Lopez asked if part of the road was paved? The Committee thought that, it is all dirt. The applicant stated it is paved up to the gate.

Chairman Eastman stated there were several issues to consider for this review including the Water Engineering criteria for the gate and addressing security issues. He stated he had no problem conditioning gates as part of the approval. The requirement for paving is probably excessive as far as the nexus goes, a shaker plate may be necessary for NPDES issues. Chairman Eastman stated there are mitigating circumstances that would allow us to reduce the line of sight setback from public streets and the fact that a stealth antenna is being used, in regard to the recommended setback of 315 ft.

Mr. Koos said it would not be a problem to fix the security gate. He asked if it would be better to have this stated in the lease because the City may want to open it up for bid, unless staff is requesting the applicant build the gate. Mr. Koos stated the applicant can pay the capital contribution one-time payment as part of the lease. Chairman Eastman stated it would be less expensive if Mr. Koos' client would fix the gate, and it's an important aspect of the project. In addition, because the minor site plan application essentially runs with the land, someone else can obtain a lease agreement under this approval if Mr. Koos' carrier chooses not to follow

through with the lease. Therefore, it's a consideration that needs to be held in place with this approval, but leaving the details negotiated with Water Engineering.

Committee Member Thompson stated the Fire Department's standards apply to the stealth pole for fire access, and the client must be aware that the Fire Code requires an access road and a reliable water source at a structure. If the client would like to request a variance, they will have to submit an application to the Fire Marshall. The paved road must be an all-weather surface that will support 58,000 lbs.

Committee Member Thompson stated he has never seen the plans for the monopole that is under construction. Chairman Eastman stated a paved surface is a requirement by the Fire Department and there is a remedy to that requirement (i.e. a review by the Fire Marshall). It is an important factor to consider, if someone falls off the structure and requires medical aid. How will the Fire Department gain access? Chairman Eastman stated there has to be some Fire Considerations, but as a standard, it is not in the Committee's purview to deviate from that standard. The determination is made by the Fire Marshall through plan check and is made as a standard and a deviation from the standard pursuant to her authority. Chairman Eastman stated that in his opinion a block wall is not necessary as part of the approval, but addressing the security gate issue is. The block wall can be negotiated through the lease.

Chairman Eastman asked Senior Officer Rebert if he had any comments on this matter whether a block wall is better in terms of security or if the Police Department receives many calls out to that location? Senior Officer Rebert said they have not had any re-occurring problems or calls, but was concerned with someone being able to lift the gate.

Chairman Eastman stated the conditions that were reviewed were the following:

- The replacement of the electric gate and motor.
- A shaker plate to address NPDES issues and dirt being drawn out on the street. He clarified the condition would reflect that the shaker plate can be waived by the Director of Engineering. If pavement is required, a shaker plate would not be required, or if the NPDES issues are otherwise being addressed adequately to the public streets.

Acting Associate Planner Kusch reviewed the recommended standard conditions for cell antennas and notes on plans having to do with interference with the County Emergency frequency. Chairman Eastman stated the requirement to utilize existing boring or trenching. As part of the approval, there are mitigating situations to deviate from the suggested setback from Euclid and the location of the equipment as proposed on the plan is in an existing disturbed area and with the conditions would not have an impact on the environment.

Chairman Eastman stated there was an issue in terms of the condition for surveying a site prior to work for nesting. Acting Associate Planner Kusch said that similar to the previous proposal there would be a need to have a pre-construction survey by a licensed biologist to ensure there is essentially no nesting occurring within one week prior to grading activity.

Committee Member Villagrancia requested an initial deposit of \$5,000 for Engineering for all of the Royal PCS projects from the applicant. Staff discussed the deposit and Real Property Consultant Mansfield stated a \$2,000 application fee was paid, but a letter was sent to Royal

PCS requesting an additional \$5,000. Mr. Koos gave Committee Member Villagracia a business card and told him to contact him to discuss this matter further.

Acting Associate Planner Kusch reviewed the plan check conditions and stated they become automatic conditions as part of the project. Chairman Eastman reviewed the standard condition for monopines, which requires that the branches are not all one level, but staggered.

MOTION made by Committee Member St. Paul, SECONDED by Committee Member Villagracia to APPROVE project with conditions.

Chairman Eastman explained the 10-day appeal process.

MOTION made by Chair Eastman, SECONDED by Committee Member St. Paul and CARRIED unanimously to ADJOURN meeting at 9:40 AM as Staff Review Committee.

BY: _____
Ruth Leopold, Clerical Support