

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Thursday, December 17, 2015 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Chairman David Bratt
Commissioner John Davis
Commissioner Margie Green
Commissioner Tomas Molina
Commissioner Ted Ross
Senior Planner Marco Espinoza
Associate Planner Jennifer Williams
Planning Secretary Jan Sutton

CALL TO ORDER AND FLAG SALUTE

Chairman Bratt called the regular meeting of the Planning Commission to order at 7:00 p.m. and Commissioner Green led the flag salute.

CONSENT CALENDAR

1. Approval of Minutes: December 3, 2015

MOTION: Moved by Green, seconded by Ross to approve the Consent Calendar. Motion carried unanimously, 5-0.

COMMISSION BUSINESS

2. **CONSIDERATION TO ADOPT AN INTERIM POLICY AND PROCEDURES ON WIRELESS COMMUNICATIONS FACILITIES TO COMPLY WITH ASSEMBLY BILL 57 AND FCC ORDER 15-153**

Staff report presented by *Associate Planner Jennifer Williams* who stated Staff has prepared an interim policy in response to recent legislation that has limited local jurisdictions' zoning control over wireless infrastructure. FCC Order 15-0153 was adopted earlier in the year and AB57 becomes effective January 1, 2016. She went over the current wireless facilities ordinance that requires facilities to be camouflaged or public art, and requirements for DPRB review and collocation. She presented examples of existing facilities in San Dimas that met the requirements for screening or being concealed in the architecture of a building. She stated the facilities disguised as water towers were conducive to collocation because of their design. The only example of a tree in the City was the faux cypress trees in Via Verde with the equipment in

a building designed to look like the trash enclosure on-site. She also showed facilities that were inappropriate with inadequate or non-existent screening.

Associate Planner Williams stated in the early days of wireless Staff would want the carriers to demonstrate the need by showing coverage area, but the demand for today was capacity which is why the carriers wanted more of the smaller facilities, such as in a street light poles. She stated the FCC Order was a 155 page document that set out to do a great number of things but the item affecting local governments the most was the Spectrum Map of 2012, and explained that in further detail. She stated there is a written legal description of eligible facilities and explained about modifications, a bay station, and what constitutes a change. If it meets the criteria of the Order, then the City must approve. However, there is a condition that if the design of the facility would need to be modified, then the City could have discretionary review.

She stated under AB57 the State feels that wireless communications facilities have a statewide economic impact and limits local control. The bulk of the legislation deals with what is called the shot-clock ruling to keep government from delaying the installation of structures, and there are various timelines for different applications. Staff has created the interim policies and procedures to avoid the automatic grant of approval. She stated they are doing this and not amending the ordinance at this time because they are awaiting the outcome of several legal challenges filed against the FCC Order.

The current ordinance only deals with private property and not the public right-of-way which is another reason to create an updated policy. Staff is reviewing criteria used by other cities to assist in updating the ordinance. She went over the checklists to keep responses to the applicants moving in a timely manner. After the agenda package was prepared Staff received further comments from the Public Works Department, and those comments have been incorporated on Page 13 of the Resolution as passed out on the dais.

Commissioner Ross stated as far as the Distributed Antenna Systems (DAS) options, that seems to be evolving right now and thinks Sprint will be rolling out 70,000 of them, and asked if there are any specs on how far they would be from one another, or has that not been determined.

Associate Planner Williams stated they haven't had any contact with them at this point in regards to that. There are currently 20 small cell facilities within the City that were done in 2006 through NextG and Public Works. Staff is trying to improve upon past practices, so the interim policy is to have some criteria in place but they hope to have more detailed information when the ordinance is amended with examples of what they would be looking for.

Commissioner Davis stated then this is not the ordinance, this is just an internal policy that would be given to the Applicant for guidance. In the policy we are committing to turnaround times and asked if this was typical in other policies.

Associate Planner Williams stated yes, this is what we would give Applicants initially so they know everything they need to submit and the timelines Staff needs to respond by. The response also needs to be in writing and not just verbal. She stated usually the timeframe is more open but AB57 states that on formal applications there are set deadlines, and some of those are very limited.

Commissioner Davis asked what happens if a deadline is missed.

Associate Planner Williams stated the 15 business days is a number Staff has picked to complete a preliminary review by, but once you have a formal submittal, the Applicant can argue that if they do not receive a response by the set timeframe, then the application is deemed approved. These checklists are a way for Staff to stay on track and avoid those situations.

Commissioner Davis stated if the State has set a specific timeline, he can see that our policy would need to include that, but was concerned that if as an internal policy we are setting 15 days as the response date, we are setting up another hurdle for the Applicant to point to. He felt it would be better to soften that language by adding the word “approximately.”

Associate Planner Williams stated we can amend that for the screen check, but the other mandated timelines cannot be changed.

Commissioner Green asked how Staff felt about the timeline because it seemed rather short, and concurred that if they could soften it where possible, that would be helpful.

Associate Planner Williams stated the proposed timeframes are typical for what we currently practice, and that usually Staff has a response prepared in just a few days but this gives us some leeway.

Senior Planner Marco Espinoza stated this process is similar to how we now process solar power installations in that they mostly approve them for plan check submittal over the counter.

Commissioner Davis asked if there have been any situations where multiple carriers want to build a new facility at the same time at the same location.

Associate Planner Williams stated what is usually submitted are applications for collocation, and that infrequently goes before the Board or Commission because they are contained in an existing facility. There have not been many applications for new facilities. If there are multiple carriers involved, we try to have them coordinate their work together, such as at Arrow and Walnut.

Commissioner Molina asked if there was anything in the policy that addresses radio frequency emissions. He stated the public seems concerned with RF emissions and has seen where cities have had an outside consultant review the standards submitted by the Applicant. He added that the City of Malibu has pretty good standards regarding facilities on light poles that may be at the same level as two-story buildings, and in regards to aesthetics the City of Cerritos has good guidelines, especially for the tree styles.

Associate Planner Williams stated standards for RF emissions are set by the Federal Government and the City does not regulate that. The Engineer’s Statement should be done by an independent party, and for facilities in the public right-of-way there could be a requirement for review by an outside engineer, but it would just be to confirm that they comply with the Federal standards.

RESOLUTION PC-1555

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
SAN DIMAS ADOPTING AN INTERIM POLICY ON WIRELESS
COMMUNICATIONS FACILITIES TO COMPLY WITH AB 57 AND FCC
ORDER 14-153

MOTION: Moved by Davis, seconded by Green to approve Resolution PC-1555 as amended by adding the word “approximately” before “15 business days” in the second paragraph under the Preliminary Pre-Application Screen Check section. Motion carried unanimously, 5-0.

ORAL COMMUNICATION

3. Community Development Department

Senior Planner Marco Espinoza stated on the agenda for January 7, 2016 will be an item to consider modification of a parcel map condition for the rock house next to San Dimas Canyon Park. Other upcoming items in the New Year will be the code amendment for microbreweries, the CUP for the EV charging station at San Dimas Plaza, and a new home on Via Romales. He stated the final two spaces at the Costco center appear to be leased to a juice business and another restaurant.

4. Members of the Audience

No communications were made.

5. Planning Commission

Commissioner Davis stated the City of El Monte passed a regulation restricting smoking in multi-family residences and found that rather interesting.

Chairman Bratt asked about the previous discussion at Commission regarding AirBnB.

Senior Planner Espinoza stated that Staff is keeping an eye on that issue.

ADJOURNMENT

MOTION: Moved by Bratt, seconded by Green to adjourn. Motion carried unanimously, 5-0. The meeting adjourned at 7:33 p.m. to the regular Planning Commission meeting scheduled for Thursday, January 7, 2016, at 7:00 p.m.

John Davis, Vice-Chairman
San Dimas Planning Commission

ATTEST:

Jan Sutton
Planning Commission Secretary

Approved: February 4, 2016