



Planning & Economic Development Department

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PLANNING COMMISSION MINUTES

WEDNESDAY, JULY 14, 2010

7:00 P.M.

CITY HALL COUNCIL CHAMBERS
205 SOUTH WILLOWBROOK AVENUE

- 1) **PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was led by Commissioner Hill.

- 2) **ROLL CALL**
Commissioners Present: Juanita Green-Wright
Michael Hill
Cleo Turner
Kim Saunders

Staff Representatives Present: Derek Hull
Anita Aviles

- 3) **APPROVAL OF MINUTES** –April 14, May 27, and June 9, 2010. It was moved by Commissioner Turner that the minutes of April 14, May 27, and June 9, 2010 be approved. The motion was seconded by Commissioner Hill and carried unanimously.

1) **PUBLIC HEARING ITEM(S)**

- A. **CONDITIONAL USE PERMIT CASE NO. 2637** – A request of T-Mobile to construct a wireless facility consisting of a 65’ high mono-flag pole with 6 panel antennas and an equipment enclosure at 1909 W. Compton Blvd., Compton, in the C-L (Limited Commercial) zone.

Staff Representative Hull stated that the project is located at 1909 W. Compton Blvd., in the Fourth District. Nearest intersections are Compton Blvd. and Central Ave.

The project site land use designation is MU (Mixed Use), adjacent land uses are to the North are MU (Mixed Use) & LR (Low Density Residential), to the South is MU (Mixed Use), to the East is LR (Low Density Residential), and to the West is MU (Mixed Use).

The project current zoning is C-L (Limited Commercial). The adjacent zonings are to the North are C-L (Limited Commercial) & R-L (Low Density Residential), to the South are C-L (Limited Commercial) & R-L (Low Density Residential), to the East is R-L (Low Density Residential), and to the West is C-L (Limited Commercial).

The project is located in the Redevelopment Project Area and the Enterprise Zone overlay districts.

PLANNING COMMISSION MINUTES

JULY 14, 2010

PAGE 2 OF 12

Staff Representative Hull stated that T-Mobile is proposing to construct an unmanned wireless facility consisting of a 65 foot high concealed flag pole with six (6) panel antennas to be placed inside the pole, a small GPS antenna will be mounted on the outside of the pole and an enclosure will be constructed approximately 65 foot away from the flag pole to house all the related equipment. T-Mobile is proposing to lease two separate areas for the proposed wireless facility within Cal-State Steel (a steel fabrication company) property located at 1909 W. Compton Blvd. The first area to be leased is approximately 20 square feet. The location is approximately 75 feet from the front property line along Compton Boulevard and 405 feet from Central Avenue and will be used to place for the flag pole. The second area to be leased is approximately 359 square feet. It is located on the property line along Compton Boulevard and is setback approximately 410 feet east of Central Avenue.

The subject site is located on the northeast corner of Compton Boulevard and Central Avenue. The site consists of three parcels that total up to 8.9 acres. All of the properties are owned by Cal State Investments. This project is considered a Tier III application in accordance with 30-46.11 of the Compton Municipal Code. The nearest three existing T-Mobile wireless sites are as follows): at 1101 ½ N. Central Avenue, 971-B W. Rosecrans Avenue, and 722 W. Alondra Blvd.

Staff Representative Hull addressed the Project Analysis that included:

- That the project is Categorically Exempt in accordance with Section 15301 of the State CEQA Guidelines. (Class 1 Exemption).
- According to the location standards per the City's Personal Wireless Service Facilities (PWSFs) ordinance (30-46 C.M.C.), the subject site is neither an Avoidance Area nor Opportunity Site.
- The applicant is proposing a 65 foot high concealed flagpole with six (6) panel antennas.
- Alternative sites were unsuitable for the applicant: 1) providing inadequate height or 2) interfered with on-site circulation.
- The applicant has revised the equipment layout within the enclosure so that no equipment is located within the required 10' front setback. However, it is staff' belief that the intent still has not been met. Therefore, staff has conditioned that the entire equipment enclosure be relocated outside of the required 10' front yard setback.

Staff Representative Hull stated that the Planning and Economic Development Department recommends to the Planning Commission approve CUP NO. 2637 in accordance with the findings incorporated into the staff report.

The Applicant, Ed Gala for T-Mobile, Reliant Land Services, 1594 N. Batavia St., Orange, stated that they brought this case a couple of months ago and the concern that the



PLANNING COMMISSION MINUTES

JULY 14, 2010

PAGE 3 OF 12

Commission had was the visibility from the corner of Compton and Central. He stated that working with staff they moved it 400' away from Central and came up with the proposed design. There is an existing flag pole at this location and it will be replaced with the proposed flag pole.

Mr. Gala stated that he did have a question regarding Condition 9 were it talks about "That the height of the proposed PWSF shall be limited to the no higher than the height of the uppermost height of nearby buildings within 300 feet", is that intended to be height?

Staff Representative Hull stated that, that condition can be change. It is staff's recommendation is to keep it at 65 feet.

Mr. Gala stated that Conditions 15 and 16 states about lighting and 16 actually take care of it when you have a flag up night you have to light it per Federal Regulations. Typically T-Mobile keeps them up and changes them once a year.

Mr. Gala stated that the GPS antenna is going to be located on the equipment itself, it will be taken off the flag pole.

Staff Representative Hull stated that, that was one of staff's concerns because staff was trying to make sure the flag pole was concealed all the way.

There being no further comments, Commissioner Saunders moved to close the public hearing regarding **CONDITIONAL USE PERMIT CASE NO. 2637**. The motion was seconded by Commissioner Turner and carried unanimously.

Commissioner Turner moved to approved **CONDITIONAL USE PERMIT CASE NO. 2637**. The motion was seconded by Commissioner Saunders. **CONDITIONAL USE PERMIT CASE NO. 2637** was approved unanimously.

Chairperson Green-Wright stated that there were some changes to the conditions of approval and asked Mr. Hull for clarification.

Staff Representative Hull stated that Condition 9 shall be modified to read "That the height of the proposed PWSF shall be no higher than 65 feet."

Staff Representative Hull stated that Conditions 15 and 16 can be merged to read "That lighting of the PWSF shall be appropriately down-shielded to keep light within the boundaries of the site and meet the requirements of FCC, FAA or other applicable authorities."



PLANNING COMMISSION MINUTES

JULY 14, 2010

PAGE 4 OF 12

- B. CONDITIONAL USE PERMIT CASE NO. 2682**– A request of Clearwire to co-locate a wireless facility on an existing mono-pole located at 707 N. Alameda St., Compton in the M-L (Limited Manufacturing) zone.

Staff Representative Hull stated that the property is located at 707 N. Alameda St. in the Second District. Nearest intersections are Compton Blvd. and Alameda St.

Staff Representative Hull stated that the project site land use designation is MU (Mixed Use). The adjacent land uses are to the North is MU (Mixed Use), to the South is MU (Mixed Use), to the East is Public /Quasi-Public (P), and to the West is MU (Mixed Use).

Staff Representative Hull stated that the project site zoning is Limited Manufacturing (M-L). The adjacent zonings are to the North is M-L (Limited Manufacturing), to the South is M-L (Limited Manufacturing), to the East are M-L (Limited Manufacturing) and C-L (Limited Commercial), and to the West are M-L (Limited Manufacturing) and R-M (Medium Density Residential).

The project is located within the North Downtown Specific Plan Area overlay district.

Staff Representative Hull stated that Clearwire is proposing to co-locate a wireless facility, on an existing 100' high mono-pole. The applicant proposes to installation of 3 panel antennas, 3 microwave dishes and 3 TMA on the existing monopole at a maximum height of 102' and the installation of the related equipment within the existing Sprint/Nextel equipment enclosure at 707 N. Alameda St., Compton. Records indicate that the existing mono-pole was originally approved in 1986 by Conditional Use Permit Case No. 1711

Clearwire is an affiliate of Sprint/Nextel and is currently building a high speed wireless broadband network across the Greater Los Angeles area. Clearwire currently has no existing sites within the City limits of Compton. However, staff is currently processing several (approximately 10 cases) Clearwire applications.

The subject site is located on the southwest corner of Cedar and Alameda Street. The site consists of a rectangular shaped parcel of land approximately 16,150 square feet in size. This project is considered a Tier III application in accordance with 30-46.11 of the Compton Municipal Code, since it does not meet all location, siting design and safety standards of the wireless ordinance. The applicant is requesting a Conditional Use Permit to allow for the co-location of a wireless facility in accordance with Sections 30-26 and 30-46 of the Compton Municipal Code.

Staff Representative Hull stated that based on staff project analysis:



PLANNING COMMISSION MINUTES

JULY 14, 2010

PAGE 5 OF 12

- The project is Categorically Exempt in accordance with Section 15301 of the State CEQA Guidelines. (Class 1 Exemption).
- The proposed wireless facility is located within the North Downtown Specific Plan Area.
- Issues /Concerns: Co-location on existing mono-pole; readily visible; no concealment or camouflaging of any type.
- Alternative sites were unsuitable for applicant in that it did not provide the required RF for the desired area; staff would highly recommend that the applicant relocate to an opportunity site and be completely concealed/camouflaged.
- According to the location standards per the City's Personal Wireless Service Facilities (PWSFs) ordinance (30-46 C.M.C.), the subject site is neither an Avoidance Area nor Opportunity Site.
- Staff has conditioned that the Conditional Use Permit be limited to a 10 year term.

Staff Representative Hull discussed an issue with mono-poles activities. There has been some recent legislation from the state indicating that government municipalities cannot restrict new carriers from coming in and at the same time when dealing with mono-poles you cannot require the co-locator to make improvements to the facility. Staff is concerned about adding additional antennas to the existing but the antenna is already there what staff can do is limit the life of this co-location to 10 years per state law you have to have a minimum of 2 years for co-locations and at that time there could be some additional policies or ordinance amendments that would require for the actual pole itself to be redeveloped to a concealed cell tower.

Commissioner Saunders stated that there was a co-location request presented to the Commission before and the concern was that when they look at legislation and after speaking to counsel it would be the responsibility of Clearwire to conduct a study/research to determine the combined radio frequency.

Staff Representative Hull stated that there is no termination date for the existing mono-pole. At the time that it was approved in 1986 there was no termination date, therefore unless there is a new ordinance enacted it is permitted to stay at its current condition as long as the operator chooses to have it. This is only for the existing the new co-location can be limited to 10 years per State law.

Commissioner Hill asked if we have a limitation in how many antennas can go in this particular pole.

Staff Representative Hull stated that it could be as many as the pole can support.

Commissioner Saunders asked if Clearwire be the ones to make that determination if the pole can support additional panels.

Commission Hill stated that it would have to be an engineer to make that determination.



PLANNING COMMISSION MINUTES

JULY 14, 2010

PAGE 6 OF 12

Clearwater's Representative, Arvin Norouzi, stated that to proceed with co-locating in a tower an application has to be submitted to the tower owner who in this case is AT&T or American Tower and along with that application all the specs for the equipment has to be included in addition to spec sheets that have dimensions and weighs. Based on that the tower company that owns the tower conducts their own structural study and you cannot proceed with installing antennas until there is a passing structural conducted by the engineers from that tower company.

Commissioner Saunders stated that the Commission is being asked to make a determination without having the specifications that are going to be presented to AT&T that proves that the tower can support a co-location.

Mr. Norouzi stated that Ms. Danielle, the applicant will have all that information, but he believes that structural has already been conducted and he will provide that information if needed.

Staff Representative Hull stated that it can be put in as a condition of approval.

Mr. Norouzi stated that the Building Department will not issue a permit if they will not have a passing structural.

Mr. Norouzi stated that going back to the RF comment, there was a RF exposure study included in the package conducted by Hemet and Edison.

Commissioner Saunders moved to continue **CONDITIONAL USE PERMIT CASE NO. 2682**, so that the applicant can provide the Commission the approval from AT&T to co-locate at their existing site.

City Attorney Aviles stated that Section 30-46.9 states what the applicant has to submit states that a copy of the lease with the property owner and/or the structure owner the proposed PWFS must submitted whichever or both that apply.

Chairperson Green-Wright stated that there is motion on the floor and if there is a second.

The motion was second by Chairperson Green-Wright to continue **CONDITIONAL USE PERMIT CASE NO. 2682**.

Vote die due to tie in votes.

Staff Representative Hull stated that he will look in the file and see if a copy of the lease agreement was submitted with the application.



PLANNING COMMISSION MINUTES

JULY 14, 2010

PAGE 7 OF 12

Staff Representative Hull presented a copy of the lease agreement to the Commission.

City Attorney Aviles stated that a copy of the Site Lease was provided between new Cingular Wireless Headquarters LLC and Clearwire LLC seems like it's a long term lease with four renewal terms of 5 years each, commencing on February 8, 1986 with an additional term of the 5 years. Attorney Aviles stated that the lease is was executed on November 30, 2009. She stated that it is confusing between the commencing date and the execution date.

Mr. Norouzi stated that is a Site Lease Agreement and what typically happens is that AT&T owns the tower but do not physically own the ground that is on. So they, themselves will have a separate lease agreement with the property owner and is reference in Section 828 underlying lease commencing on February 8, 1986, that is referring underlying agreement between AT&T and that private landlord. This Site Lease Agreement is between Clearwire and the tower owner which is AT&T and is for 5 years with 4 renewals of five years each at total of 25 years, commencing November 30, 2009.

Commissioner Turner moved to approved **CONDITIONAL USE PERMIT CASE NO. 2682**. The motion was seconded by Commissioner Hill. **CONDITIONAL USE PERMIT CASE NO. 2682** was approved unanimously.

- C. CONDITIONAL USE PERMIT CASE NO. 2684** – A request of Clearwire to construct to co-locate a wireless facility on an existing mono-pole located at 198 W. Artesia Blvd., Compton, in the M-L (Limited Manufacturing) zone.

Staff Representative Hull stated that the project is located at 198 W. Artesia Blvd. in the Fourth Council District. Nearest intersections are Artesia Boulevard and Susana Road

Project site land use designation is I (Industrial). Properties to the North are N/A - City of Long Beach (residential uses), to the South is N/A – 91 FWY, to the East is N/A - City of Long Beach, and to the West is N/A – Caltrans R-O-W.

Project site zoning is C-L (Limited Commercial). Properties to the North are N/A – City of Long Beach (mostly residential uses), to the South is N/A – 91 FWY, to the East is N/A – City of Long Beach and to the West is N/A – Caltrans R-O-W.

The project is located in the Redevelopment Project Area and Enterprise Zone overlay districts.

Staff Representative Hull stated that Clearwire is proposing to co-locate a wireless facility, on an existing 62' high mono-pole. The applicant proposes to installation of 3 panel antennas, 3 microwave dishes and 3 TMA on the existing monopole at a maximum height of 58' and the installation of the related equipment within the existing Sprint/Nextel equipment enclosure at 198 W. Artesia Blvd., Compton. Records indicate that the existing mono-pole was originally approved in 1996 by Conditional Use Permit Case No. 2244.



PLANNING COMMISSION MINUTES

JULY 14, 2010

PAGE 8 OF 12

Staff Representative Hull stated that Clearwire is an affiliate of Sprint/Nextel and is currently building a high speed wireless broadband network across the Greater Los Angeles area. Clearwire currently has no existing sites within the City limits of Compton. However, staff is currently processing several (approximately 10 cases) Clearwire applications.

Staff Representative Hull stated that the subject site is located on the southwest corner of Susana Road and Artesia Blvd. The site consists of a triangularly shaped parcel of land approximately 52,300 square feet in size. This project is considered a Tier III application in accordance with 30-46.11 of the Compton Municipal Code, since it does not meet all location, siting design and safety standards of the wireless ordinance. The applicant is requesting a Conditional Use Permit to allow for the co-location of a wireless facility in accordance with Sections 30-26 and 30-46 of the Compton Municipal Code.

Presentation by Mr. Hull.

Staff Representative Hull stated that:

- The project is Categorically Exempt in accordance with Section 15301 of the State CEQA Guidelines. (Class 1 Exemption).
- The proposed wireless facility is located in a Redevelopment Project Area
- Issues/Concerns: Co-location on existing mono-pole; readily visible; no concealment or camouflaging of any type
- Alternative sites were unsuitable for applicant in that it did not provide the required RF for the desired area; staff would highly recommend that the applicant relocate to an opportunity site and be completely concealed/camouflaged.
- Staff has conditioned that the Conditional Use Permit be limited to a 10 year term.

Staff Representative Hull stated that the Planning and Economic Development Department recommends to the Planning Commission to approve CUP NO. 2684 in accordance with the findings incorporated into the staff report.

Deputy City Attorney Aviles stated that a letter of authorization was submitted for site located at 198 W. Artesia Blvd., Long Beach, CA. 90805 between American Towers Assets LLC and Clearwire.

Chairperson Green-Wright asked for clarification as to why it is listed as the City of Long Beach.

Staff Representative Hull stated that it is under the City jurisdiction because zoning and land use designations have been assigned.



PLANNING COMMISSION MINUTES

JULY 14, 2010

PAGE 9 OF 12

Deputy City Attorney Aviles stated that if the Commission doesn't feel comfortable taking action on an item that they believe might be in the City of Long Beach may continue the meeting until further clarification has been provided.

Commissioner Turner moved to continue **CONDITIONAL USE PERMIT CASE NO. 2684**. The motion was seconded by Commissioner Hill. **CONDITIONAL USE PERMIT CASE NO. 2684** was continued unanimously.

Staff Representative Hull asked for clarification as what will satisfy the Commission request.

Mr. Norouzi stated that there was a legal description submitted with the application.

Staff Representative Hull stated that based on the legal description it is in the City of Compton.

Deputy City Attorney Aviles stated that based on various documents that were provided, one from the County Assessor's database that shows for site address 198 W. Artesia Blvd., Compton, CA. 90220, Assessor's ID #7304-032-031 and a Title Report that indicates that it is in Compton, California, given an Instrument No. 043219106, dated December 6, 2004 which appears to be the Grant Deed for Partnership LP. to William Storage Portfolio, LLC and a Tract Map that does indicate that it is in the City of Compton.

Commissioner Hill moved to rescind **CONDITIONAL USE PERMIT CASE NO. 2684**. The motion was seconded by Commissioner Turner.

Commissioner Hill moved to approve **CONDITIONAL USE PERMIT CASE NO. 2684**. The motion was seconded by Commissioner Turner. **CONDITIONAL USE PERMIT CASE NO. 2684** was approved unanimously.

5) INFORMATIONAL ITEM (A Report of Previously Approved Cases)

6) OLD BUSINESS

A. Gateway Towne Center – Phase II update and ponding issues

Mr. Brook Morris, President, Prism Realty and IQ sponsors for the Gateway Town Center, and Erik Eklund, Vice-President.

Mr. Morris stated that Phase II is about 8.5 acres a triangular shape land that can fit about 85,000 sq. ft. The existing center is approximately 420,000 sq. ft., which the proposed is about 1/5 the size of the existing property. 2008 and 2009 was very little interest on the property, but this year it has started to improve with three national tenants expressing interest. In general there will be two large retail boxes on the site similar to a big box like a Ross or a BestBuy. Then there will be a full service sit down



PLANNING COMMISSION MINUTES

JULY 14, 2010

PAGE 10 OF 12

restaurant pad, similar to TGI Fridays, a free standing retail business, similar to where the Panda Express is located, one drive-thru pad, and shop building.

Chairperson Green-Wright if they have not received any interest from a super market?

Mr. Morris stated that they have, one super market that don't have any existing locations in Los Angeles County, they are just coming in into the market. That is good in the sense that it will be a fresh use, not just the relocation of warehouse. The bad news would be that to come into a market like LA County, Orange County, Riverside, they are going to need to open quite a few stores a once to justify the distribution cost of the big distribution center, the advertising budget advertise all those stores and change people shopping habits to leave other stores and come over to their place. They are currently working on assembling sites to make that possible and the Gateway Town Center is on the list of sites they are trying to make a deal with. Mr. Morris stated that hopefully in about 90 days they will be able to have a word on that. That size store is about 40,000 feet.

Chairperson Green-Wright stated that she is very happy with the Gateway Town Center that the only problem that she had was the standing water and the fence. She is also happy that it is 100% occupied.

Mr. Morris stated that the Gateway Town Center is one of the few centers that is 100% occupied in California and that possible thanks to the communities support.

B. Tower of Faith Project – Revisions to site.

Prentice Deadrick stated that the project was approved a few years ago. The project was submitted to plan check and was approved. Then the project was put on hold because the banks were freezing out in loaning money. Their financial advisor advised them that if they made their building green and made it a sustainable building there was government money available for that. The last 9 months they have revamped the building to make it a lead platinum structure. In making those changes to bring about the lead enhancements they had to take a storage room that was 400 sq. ft. and change it into a mechanical room that is 2400 sq. ft. and which it has a water reclamation system center inside the room and a mechanical chiller and cooler system which in effect takes 30 air conditioners off the roof, puts solar panels on the roof and a totally redesigned HFAC system that pushes air through the fusers rather than using individual units. A tremendous energy reduction. At the same time building that structure causes to loss 10 parking spaces. As a result of those 10 parking spaces being loss they took 2 rows of the balcony of their auditorium sanctuary to come into compliance with the parking ratio. All of the drawings were resubmitted, plan check did an initial review with 65 corrections, they resubmitted and brought it back with 25 corrections and with that

PLANNING COMMISSION MINUTES

JULY 14, 2010

PAGE 11 OF 12

one of the listing corrections was that Planning had to review the revisions and approve them.

Chairperson Green-Wright asked staff for information on the revisions.

Staff Representative Hull stated that the applicant needed describe the changes and that the information will be provided when the corrections are complete.

Mr. Deadrick stated that from a Planning Commission stand point it is a really simple matter. They took 10 parking spaces from the parking that were approved by conditional use permit that were based on a sitting capacity of 1335 since it was reduced by 10 they took 30 seats from the sanctuary. There are drawing that are approved and the current drawing that were sent to staff show were the rows of seats were taken out. It is really minor.

Chairperson Green-Wright asked after all the approvals are complete, when they expect to start construction.

Mr. Deadrick stated that was approved they should start construction by the end of the year and there is a 14 months schedule for construction.

Commissioner Saunders asked counsel if the previously approved conditional use permit transferrable to these new plans.

Deputy City Attorney stated that staff will have to take a look at the conditions of approval and the time period and see if it is still valid. If they are any modifications to the conditions then they will have to come back to the Commission as an amendment to that conditional use permit to take action.

7) NEW BUSINESS

Staff Representative Hull stated that he is working on the date of the mixer with the other cities.

Staff Representative Hull requests that the Commission make vote in who will be interested in attending the California Planning Conference that will be held in La Jolla, September 15-17, 2010.

Commissioner Saunders stated that she will be interested in attending the one that will be held at Carlsbad, November 1-4, 2010.

8) COMMISSION COMMENTS

Chairperson Green-Wright suggested that the meeting be adjourned in memory of Commission Darden's sister.



PLANNING COMMISSION MINUTES

JULY 14, 2010

PAGE 12 OF 12

9) AUDIENCE COMMENTS

None

It was moved by Commissioner Turner that the meeting be adjourned in memory of Commissioner Darden's sister. The motion was seconded by Commissioner Hill and carried unanimously.

**DEREK R. HULL, DIRECTOR
PLANNING AND ECONOMIC DEVELOPMENT**

**JUANITA GREEN-WRIGHT,
CHAIRPERSON**

