



Planning & Economic Development Department

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PLANNING COMMISSION MINUTES

WEDNESDAY, SEPTEMBER 8, 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
Lillie Darden
Michael Hill
Cleo Turner
Kim Saunders

Staff Representatives Present: Derek Hull
Anita Aviles
Kenya Wheeler

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

- 4) **PUBLIC HEARING ITEM(S)**
 - A. **STREET/ALLEY VACATION CASE NO. 10-01** – A request of Compton Senior Housing LP to vacate the southerly ~130 linear feet of Williams Avenue and southerly ~105 linear feet of alley between Linsley Street and Alondra Boulevard (City of Compton portion only) and ~320 linear feet of alley located between Frailey Avenue and Williams Avenue.

Deputy City Attorney Aviles stated that street vacations are governed by the Streets and Highways Code and there are very specific provisions regarding how they are to proceed depending whether they are general or summary vacations, but what is clear is that the statute defines the legislative body of who will making the decision which is the City Council. In some cities Planning Commission does play a role in the decision of whether of not to vacate a street but that is depending on the zoning ordinance and our zoning ordinance is silent in the Planning Commission’s role in street vacations that is why it is recommended that it be taken directly to the City Council.

 - B. **CONDITIONAL USE PERMIT CASE NO. 2675**– A request of Sprint to modify an existing wireless facility consisting of 3 panel antennas, 3 dish antennas, 3 TMA at a maximum

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height of 50' and the installation of the related equipment at 2201 N. Long Beach Blvd., Compton, in the C-L (Limited Commercial) zone.

Commissioner Turner moved that the public hearing regarding Conditional Use Permit Case No. 2675 be opened. The motion was seconded by Commissioner Saunders and carried unanimously.

Staff Representative Hull stated that the project is located at 2201 N. Long Beach Blvd. in the Second Council District. The nearest intersection is Orchard Avenue and Stockton Street.

Staff Representative Hull stated that the project site land use designation for the property is Mixed Use (MU). Properties to the North are N/A – City of Lynwood, to the South are Mixed Use (MU) and Low Density Residential (LDR), to the East are Mixed Use (MU), and to the West are Low Density Residential (LDR).

Staff Representative Hull stated that the project site zoning is Limited Commercial (C-L). Properties to the North are N/A – City of Lynwood, to the South are Limited Commercial (C-L), to the East are Limited Commercial (C-L), and to the West are Medium Density Residential (R-M).

Staff Representative Hull stated that the subject site is located on the west side of Long Beach Blvd between Orchard Avenue and Stockton Street. The site consists of a parallelogram shaped parcel of land approximately 25,000 square feet in size (.57 acres). 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 modification of an existing wireless facility in accordance with Sections 30-26 and 30-46 of the Compton Municipal Code. Records indicate that the existing Sprint wireless facility was originally approved in 2004 by Conditional Use Permit Case No. 2452. Sprint/Nextel is currently building a high speed wireless 4G broadband network across the Greater Los Angeles area.

Staff Representative Hull stated that the project is Categorically Exempt in accordance with Section 15301 of the State CEQA Guidelines (Class 1 Exemption). The project is located within the Redevelopment Project Area overlay district.

Staff Representative Hull stated that according to the location standards per the City's Personal Wireless Service Facilities (PWSFs) ordinance (30-46 C.M.C.), the subject site is in an Opportunity Site. Opportunity sites include: a) new utility poles in the City-owned right-of-way, provided such utility poles are dedicated to the City of Compton; b) Churches; and c) two-story commercial-industrial buildings with the potential of adding



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a screen or penthouse to house the PWSF. The project is located on an opportunity site however, the wireless facility as proposed will be readily visible.

Staff Representative Hull stated that staff's issues/concerns: The existing and proposed antennae are not camouflaged and are readily visible. Besides painting the antennae to match the building, no other concealment or camouflaging of any type is proposed at this time; 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; and staff has conditioned that the Conditional Use Permit be limited to a 10 year term.

Staff Representative Hull stated that staff recommends that the Planning Commission approve Conditional Use Permit Case No. 2675 subject to the findings and conditions of approval contained in the staff report.

Commissioner Saunders asked if there is place for another co-location at this moment.

Staff Representative Hull stated that it looks like it was originally approved in 2004. The staff report does not indicate if there is another co-location occurred between 2004 and 2010, but does not mean that another co-location existed.

Commissioner Saunders stated that there are panels in three different locations on the site as shown on the pictures.

Applicant Representative, John Moreland, Core Development Services, 2903 Saturn Street, #H, Brea, California, stated that he is not sure how many carriers are on the site because he just got the project a couple of weeks ago. On the site plan sheet one it shows that there are existing T-Mobile cabinets and other equipment enclosures to the west of T-Mobile, maybe AT&T or Verizon, including Sprint there are three carriers existing. The purpose of this application is to upgrade a Sprint facility from a 3-G site to a 4-G site with the I-Phones and all the smart phones coming out it is overloading existing system by all the data. These antennas will accommodate a 4-G network while existing antennas will handle cell phones network. Sprint has only one antenna per sector for a total of 3 antennas existing. We will be adding one additional antenna and 3 micro-wave dishes. Additionally they will be doing cabinet upgrades for the Sprints area. Mr. Moreland stated that they have a letter of authorization to work on behalf of Sprint.

Commissioner Saunders stated that the letter of authorization is to Clearwire, however there is a letter of co-location, therefore the application submission is flawed because it should have been a request to co-locate instead of a request to add.



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Mr. Moreland stated that he recently submitted a letter to Jessica Lopez (from the applicant) to authorize his firm to work on behalf of Sprint on the site. They are working in conjunction with Sprint's network to upgrade the site. Mr. Moreland stated that Sprint owns the majority of Clearwire.

Commissioner Saunders stated that she understands because Clearwire presented at least a half of dozen permit requests to the Commission for the same purpose, all over the City. Stating that this process has changed again and the sense that they did not do a co-location and a co-location is clearly what they want. This particularly site is the only site that has multiple co-locations already existing so it complicates the matter more because there are three sites, separate entities in one location and they are asking for a fourth co- location on the same site but it is not being called that.

Mr. Moreland stated that it could be considered a fourth entity operated by Clearwire but it does work with Sprint's network as well. All the other carriers do not share signals, data usage or anything like that they are completely separate. The upgrade of this antenna will work on Sprint phones that is why it was submitted by Sprint.

Commissioner Hill stated that it is probably is misunderstanding of how the words are actually defined in a more technical sense. The term co-located may suggest that they are trying to put antennas all over the place, but this is inter-connective network, the microwave signals provide interlink clean segment especially for data which is a much higher component of communication opposed to voice signals while the vertical antennas handles the voice signal. Unfortunately the terminology that is used in that regard does suggest that someone is trying to duck the landscape constantly they do have to improve this system and with Sprint apparently Clearwire was an independent company prior acquisition by Sprint. The terminology may have to be updated in order to explain how the phone and network work.

Chairperson Green-Wright stated that what is being presented is a fourth group of antennas and upgrading the existing Sprint antennas.

Mr. Moreland stated that it is really what the definition of co-location is because if it relates to cell phones it is not going to be a cell phone or store that says Clearwire resale cell phones. You will probably see a data cart that you can hook up into a computer or a lap top that would allow you to access the website wherever you get a signal. It all depends on the definition.

Chairperson Green-Wright stated that if approved instead of seeing three sets of microwaves there will be four sets when Clearwire comes on. There is no way to



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camouflage this because as it can be seen all around the sign, but she does understand that it needs to be upgraded.

Commissioner Saunders stated that as it relates to City's Personal Wireless Service Facility Master Plan for what they are recommending there is a process and procedure of how to submit the applications for permit for co-locations and this did not follow this procedure for co-location. They want to add-on and it is not called a co-location so that means going around the policies on co-locations and if it is co-location it has to be called a co-location so it can be mandated through the policies on co-locations, instead of saying I'm Clearwire under this request but I am Sprint under this other request.

Commissioner Hill stated that based on another meeting when a number of applications came forward for consideration one thing that was mentioned at that point was that perhaps the Personal Wireless Policy needs to not only be reviewed. It is essential for cities to have an in-house consultant that will allow them to adept to the changes. This particular location the biggest issue is that aesthetically it is ugly.

Commissioner Saunders stated that we need look at what is in place instead of our own narrative prospective of what we want to see before us is an issue that legal advice from our counsel. We may want certain things personally but we have City of look out for and citizens and we have process and procedures with our master plan that we need to stick with instead of going around it.

Deputy City Attorney Aviles stated that she gets the agenda packages at the time when the Commission receives theirs so there is not enough time for them to do the analysis. If the concern is that the analysis that is being presented in the staff report does not necessarily complies with what the code says we should be doing then she recommends that this matter be continue and give their office a chance to take a careful look at the staff report and make sure that it complies with the code.

Chairperson Green-Wright stated that the letter faxed to Ms. Lopez should also be included in the package.

Staff Representative Hull asked for clarification as to what exactly they are requesting.

Commissioner Saunders stated that her concern is that Sprint/Nextel and Clearwire is interchanging their entities to request the same thing but changing the language of their request. Clearwire's letter is included in 4B, 4C, and 4D a letter of co-location but Sprint/Nextel is asking to just upgrade to add-on to it. If it is the original site owner asking to upgrade there is a different set of criteria under the Personal Wireless Service Facility Master Plan that we have to look at versus a co-location. Are they requesting a co-location or are the owner of upgrade. The letter states that they want to co-locate



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but the request is that they want to add-on so there is a conflict. Also they say on Sprint/Nextel on one paper and Clearwire on another item. From the previous six requests for conditional use permits that have been submitted they are asking for exact same thing but changing how they want to go about it but they insert the same letter that is identical to all the others.

Staff Representative Hull stated that in terms of wireless facilities that already have antennas on them there are instances when the owner of the original tower or the co-locator may decide to upgrade their facilities which is not necessarily not a co-location that is just changing the panels and putting in new ones, which is considered upgrade/add-on. A co-location would be as defined in the ordinance when there isn't a carrier that is not located in the existing tower that brings in a new service that wants to co-locate into an existing tower to provide new service to the area. The questions will be if they are looking to exchange existing panels/upgrade them or are they looking to put in new facilities.

Mr. Moreland stated that on some (towers) they are looking to exchange antennas and that here there are three antennas total for Sprint/Nextel that will facilitate the 3G network so they are adding 4 more to support the 4G network.

Staff Representative Hull stated that based on the staff report indicates that there is service available on this particular facility. That does not necessitate a co-location or changing existing facility material/equipment and replacing it with new and improved. This particular one is not considered a co-location.

Commissioner Saunders stated that it is being conveniently reworded and he clearly stated that he is not changing any panels. He is not changing any existing panels for Sprint/Nextel prior to now he is adding on.

Staff Representative Hull stated that clarifying for the record that this is not a new facility that they are adding to. The existing applicant already has service on the tower.

Deputy City Attorney Aviles stated that she is concerned because it should be a clear record in writing of what is being asked from the Commission so that the public can sometime in the future want to see what the facts that were presented was inaccurate they are not going to get that what is being said orally. She recommends coming back with this making it clear what is being asked from the Commission if it is a co-location or just a modification, at the end the Commission might approve it but at least there will clear language of what the code requires.



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Commissioner Turner moved to continue **CONDITIONAL USE PERMIT CASE NO. 2675** to October 13, 2010. The motion was seconded by Commissioner Hill. **CONDITIONAL USE PERMIT CASE NO. 2675** was continued unanimously.

- C. CONDITIONAL USE PERMIT CASE NO. 2676**– A request of Sprint to modify an existing wireless facility consisting of 3 panel antennas, 3 dish antennas, 3 TMA on an existing mono-pole at a maximum height of 70’ and the installation of the related equipment at 301 W. Walnut St., Compton, in the M-H (Heavy Manufacturing) zone.

Commissioner Turner moved to continue **CONDITIONAL USE PERMIT CASE NO. 2675** to October 13, 2010. The motion was seconded by Commissioner Hill. **CONDITIONAL USE PERMIT CASE NO. 2675** was continued unanimously.

- D. CONDITIONAL USE PERMIT CASE NO. 2679**– A request of Sprint to modify an existing wireless facility consisting of 3 dish antennas, 3 TMA on an existing a mono-palm at a maximum height of 47’-6” and the installation of the related equipment at 302 N. Bowen Ave., Compton, Compton, in the C-L (Limited Commercial) zone.

Commissioner Turner moved to continue **CONDITIONAL USE PERMIT CASE NO. 2675** to October 13, 2010. The motion was seconded by Commissioner Hill. **CONDITIONAL USE PERMIT CASE NO. 2675** was continued unanimously.

- E. CONDITIONAL USE PERMIT CASE NO. 2685**– A request of Clearwire to co-locate a wireless facility consisting of 3 panel antennas, 3 dish antenna, 3 TMA on an existing a mono-pole at a maximum height of 49’ and the installation of the related equipment at 2710 N. Central Ave., Compton, in the M-L (Limited Manufacturing) zone.

Staff Representative Hull stated that the project is located at 2710 N. Central Ave. in the First Council District. Nearest intersections are El Segundo Blvd. and Central Ave.

Staff Representative Hull stated that Clearwire is proposing to co-locate on an existing wireless facility, a 60’ high mono-pole. The applicant proposes to install 3 panel antennas, 3 microwave dishes and 3 TMA on the existing monopole at a maximum height of 49’ and the installation of the related equipment within the existing equipment area at 2710 N. Central Ave., Compton. Records indicate that the existing mono-pole was originally approved in 1995 by Conditional Use Permit Case No. 2196. Clearwire and is currently building a high speed wireless broadband network across the Greater Los Angeles area.

The subject site is located on the east side of Central Avenue and north side of El Segundo Boulevard. The site is an L-shaped parcel of land approximately 131,116 square feet in size (3.01 acres). This project is considered a Tier III application in



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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 the project site land use designation is Mixed Use (MU). Properties to the North are N/A – Los Angeles County, to the South are Public/Quasi Public (P), to the East are Mixed Use (MU), and to the West are N/A – Los Angeles County.

Staff Representative Hull stated that the project site zoning is Limited Manufacturing (M-L). Properties to the North are N/A – Los Angeles County, to the South are Medium Density Residential (R-M), to the East are Limited Manufacturing(M-L), and to West are N/A – Los Angeles County

The project is located within the Redevelopment Project Area overlay districts.

Staff Representative Hull stated that based on staff's analysis that: Clearwire is proposing to co-locate on an existing wireless facility, a 60' high mono-pole. The applicant proposes to install 3 panel antennas, 3 microwave dishes and 3 TMA on the existing monopole at a maximum height of 49' and the installation of the related equipment within the existing equipment area; 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 Redevelopment Project Area; 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; issues/concerns: No concealment or camouflaging of any type is proposed at this time. No other improvements are proposed at this time. Staff recommends that the antennae (panel, dish and TMA's) be grouped closer together to minimized the visual impact; according to the applicant, alternate sites and locations on the subject site were not viable options in that the locations did not provide the required RF requirements for the desired area. Staff would highly recommend that this wireless facility be relocated to an opportunity site and be completely concealed/camouflaged; and staff has conditioned that the Conditional Use Permit be limited to a 10 year term.

Staff Representative Hull stated that staff recommends that the Planning Commission approve Conditional Use Permit Case No. 2685 subject to the findings and conditions of approval contained in the staff report.

Commissioner Saunders stated that staff recommends going forward with it but the City's Wireless Ordinance Section 30-46.15.a discourages both co-locations in tall mounts but we keep considering co-locations in tall mounts.



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Staff Representative Hull stated that the reason why the City's ordinance discourages co-locations because the intent of the ordinance when it was written in 2005 was to encourage private sector cell tower areas to locate facilities on public property and it is indicated in the Wireless Ordinance. Staff cannot direct wireless carriers to locate in our facilities and actually staff did an inquiry to see how many have actually located in public properties since that. Since the time of adoption of the ordinance only one had occurred. As he recommended before to the Commission that, that be removed because in fact we should encourage that they co-locate because it would allow for carriers to locate on existing towers and not continue to populate the community with free standing cell towers.

Commissioner Saunders stated that wouldn't it be better to encourage upgrades instead of co-location.

Staff Representative Hull stated that as with this carrier they do not own the actual tower and we cannot enforce them to do improvements to a tower that they do not own.

Commissioner Saunders stated that Sprint/Nextel stated that they were going to submit at least 10 requests to co-locate and they are Sprint/Nextel. At the point in time we have the opportunity to suggest upgrades to their current locations.

Mr. Moreland stated that based on the plans it does tell him who the owner is if it is a Sprint/Nextel's pole and who is doing the modifications to it. Based on the separation requirements it seems it is pole that is owned by Verizon. The issue that they have with any additional upgrades to this particular site is they would have to get authorization from Verizon to do any modifications. Also what would happen they would have to pay whomever owns the pole to do the modifications and Clearwire will get no ownership of the pole. If that was to happen they will be better of building their own tree instead of modifying an existing.

There being no further comments, Commissioner Turner moved to close the public hearing regarding **CONDITIONAL USE PERMIT CASE NO. 2685**. The motion was seconded by Commissioner Saunders and carried unanimously.

Commissioner Turner moved to approved **CONDITIONAL USE PERMIT CASE NO. 2685**. The motion was seconded by Commissioner Hill. **CONDITIONAL USE PERMIT CASE NO. 2685** was approved unanimously.

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



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Chairperson Green-Wright asked how much longer the Bedford Group's project is going stay inactive.

Staff Representative Hull stated that the applicant has requested assistance from the City and City has not acknowledged that they are willing to help.

6) **OLD BUSINESS**

Staff Representative Hull stated that the Commission had requested the presence of Mr. Julius Davis, Interim Director, Municipal Law Enforcement Department regarding questions on issues throughout the City.

Mr. Davis stated that he is available to answer any questions.

Chairperson Green-Wright asked regarding unsightly trash and trash container in the corner of Alondra Boulevard and Wilmington Avenue.

Mr. Davis stated that Code Enforcement has the responsibility to enforce the code. That property unfortunately has not been occupied since it was constructed. MLES' role is to make sure that it does not become unsightly and there is no accumulation of trash. He stated that he would have to go back and check the code to make sure there is not anything in the code that enforces trash containers. If there was a violation of Municipal Code they would be given a Notice of Violation then they would have a timeline (10 days) to correct the violation, after those ten days they have the authority to serve an abatement letter which is telling them that if the item is not removed within a certain timeframe they will forward the information to the City Attorney. The City Attorney will then go to court to get warrant to remove whatever is in violation of the code.

Chairperson Green-Wright stated that the property was sighted the end of last year.

Mr. Davis stated that he is not aware of the property being sighted but if not he will send an investigator out to check.

Chairperson Green-Wright asked about the vacant lot on Long Beach Blvd. and Alondra Blvd.

Mr. Davis stated that on Long Beach Blvd. there are some unsightly lot and they have dealt with those lots a couple of times but unfortunately what happens is that sometimes property owners do not continue to maintain their properties, then MLES has to go back through the process all over again. What recently occurred as a result of some of these lots is that the City Council passed a Municipal Code Ordinance that allows the City to charge up to a \$1000 per day to banks and insurance companies that do not maintain their property.



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That is currently going through the notification process and once the 30 day period has passed can start to enforce that ordinance. They will have to work it out with the City Attorney's office because there is a process that they would have to put in place in order to follow through with citing those locations.

Commissioner Saunders asked how are they dealing with the street vendors along Alameda Street and are they along the county strip.

Mr. Davis stated that MLES gets many complaints not only about that area but throughout the City. Unfortunately they do not have the resources to assign people permanently to deal with vendors. What they do is run details that allow them to address to vendor problems. On certain nights generally two to three nights a week his units go out and specifically target vendors. As a general practice when they see vendors they generally stop them and conform those they are illegal vendors. Mr. Davis stated that he will find out if it is in the County or in the City.

Chairperson Green-Wright stated that at the corner of Alondra Boulevard and Center Street after the door closes it becomes an outdoor café.

Mr. Davis stated that just give the Commission an idea level of enforcement they had from the 1st of the year, they have cited and confiscated over 432 vendors. The problem that they have that keeps them from confiscating is that there is no place to put all that stuff.

Chairperson Green-Wright asked if they are still citing people for unmaintained lawns because on Wilmington Avenue there are two houses between Caldwell and Greenleaf Blvd.

Mr. Davis stated that they have cited quite a few houses along Wilmington Avenue. Property maintenance is actually one of their busiest tasks. The things that go unnoticed by them is that among the 14 officers, any given day they have only 6 working and the reason behind that is because the citizens and the council desire that they work seven days a week so he stretch those 14 officers.

Commissioner Hill asked if they work in the connection with the community to get the word out and watch out for their community.

Mr. Davis stated that they do work with the Block Club Commission to get the word out to the community.

Commissioner Saunders asked about the businesses that on the weekends turn into clubs that is on Alameda Street and Compton Boulevard and Santa Fe Avenue.



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Mr. Davis stated that those are referred to the Sheriff's Department and they are the ones to enforce that.

Commissioner Hill stated that if he can speak to the City Manager about getting access to the garage down stairs on Planning Commission meeting night.

Mr. Davis stated that he has spoken to the City Manager in regards and has stated that no but what he can do is have a security in front on those days.

7) NEW BUSINESS

Staff Representative Hull stated that Council appointed Willie Norfleet, City Controller as the new City Manager.

8) COMMISSION COMMENTS

None

9) AUDIENCE COMMENTS

It was moved by Commissioner Turner that the meeting be adjourned. The motion was seconded by Commissioner Saunders and carried unanimously.

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

**JUANITA GREEN-WRIGHT,
CHAIRPERSON**

