



**MEETING MINUTES
PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
154 SOUTH EIGHTH STREET
GROVER BEACH, CALIFORNIA
TUESDAY, MARCH 11, 2014**

CALL TO ORDER : 6:31 p.m.

FLAG SALUTE: Vice Chair Blum

ROLL CALL: Commissioners Long, Rodman, Vice Chair Blum and Chair Laferriere were present. Commissioner Alex was absent.

Staff present: Community Development Director Buckingham, Planner II Reese, City Attorney Koczanowicz.

AGENDA REVIEW: Commissioner Long made the motion to accept the agenda as presented; Commissioner Rodman seconded the motion, and it passed unanimously.

PUBLIC COMMENTS: There was no one present that wished to speak.

CONSENT ITEMS:

1. Approval of Minutes of Planning Commission meeting of February 11, 2014.

Action: It was m/s by Vice Chair Blum/Commissioner Rodman to adopt the minutes as presented. The motion passed unanimously.

PUBLIC HEARING ITEMS:

2. Development Permit Application 12-16

Applicants – Crown Castle/AT&T

This Development Permit Application is a request to adopt a Mitigated Negative Declaration and Use Permit to modify an existing cellular monopole with an overall height of 60 feet to accommodate additional cellular antennas located at 1541 Hillcrest Drive (APN 060-581-041). Related equipment is proposed to be located within an existing equipment shelter adjacent to the monopole. The Planning Commission will consider adopting a Mitigated Negative Declaration that requires the replacement of the existing 60-foot monopole with a monopine and approving the Use Permit.

Planner II Reese presented the staff report. Director Buckingham and City Attorney Koczanowicz provided clarification regarding the adoption of the Mitigated Negative Declaration, stating that since the applicant does not agree with the mitigation measure identified in the Mitigated Negative Declaration, the Commission cannot adopt it.

Chair Laferriere opened the public hearing.

Tim Page, Crown Castle representative, pointed out inconsistencies between the visual analysis of the draft Mitigated Negative Declaration (MND) and existing conditions, emphasizing that the proposed project is not visible from some locations listed in the MND, and impacts are not as severe as portrayed.

Joseph Parker, Shustak & Partners, P.C., reviewed federal law related to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012. He stated that they are willing to replace the pole with a faux tree when a collocation comes forward.

The following persons spoke against the proposal as proposed, and in favor of the mitigation recommended in the draft Mitigated Negative Declaration:

- Bob Carr, Arroyo Grande resident
- Margaret Kersey, Grover Beach resident (gave time to Marsha Lee)
- Marsha Lee, Arroyo Grande resident
- George Rosu, Arroyo Grande resident
- Lee Beckstrom, Arroyo Grande resident

Director Buckingham addressed issues regarding the IS/MND raised by the applicant.

City Attorney Koczanowicz clarified that staff was not stating that the federal law is guidance, but the interpretation provided by the FCC is guidance, and that the argument is whether or not the proposed project is a substantial change or not.

Mr. Page stated that they are not disputing that the project has a visual impact, but disputing how visible the site is and the amount of the impact.

Mr. Parker stated that there has been case law that FCC guidance is binding and is not up for interpretation.

Chair Laferriere closed the public hearing. He asked why the proposed mitigation proposed the new monopine within 10 feet of the existing pole since the visual analysis was based on the current location. Director Buckingham stated that should the applicant accept the mitigation, it would be incorporated into the approved project plans and the environmental review could be revised accordingly. He asked how to deal with the verbal mitigation measure offers. City Attorney Koczanowicz stated that they could be included as a condition of approval.

Commissioner Long asked if the mitigation measures were different when there was also a proposed collocation. Director Buckingham stated no.

Vice Chair Blum stated that Mr. Page's presentation focused views from 101, but neglected views from the adjacent residential streets. He stated the monopine should be installed.

Commissioner Rodman stated that, when driving on Atlantic City Avenue, the pole is more visible than the water tanks.

Commissioner Long stated that CEQA applies to the project, with visual impacts mainly from the residential streets and an increase from a 3-foot diameter to a 16-foot diameter has an impact. The monopine would decrease the visual clutter.

Chair Laferriere stated that the mitigation measure of installing the monopine is creating other issues and mitigation measures that the project, as proposed, would not cause. He asked how to deal with that issue.

Director Buckingham stated that the level of the impact should be evaluated. The visual impact is a potentially significant impact. The measures that are related to disturbing the 400 square feet for construction of the monopine are standard conditions that a project exempt from CEQA would also be required to comply with.

Chair Laferriere requested clarification on the applicability of Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012. He also requested clarification on the required number of findings for approval versus denial.

City Attorney Koczanowicz stated that staff classified the project as a substantial modification, and therefore not subject to the regulation. Regarding the findings, City Attorney Koczanowicz clarified that, although there are multiple findings required to be made when approving a project, a denial only requires one finding.

Director Buckingham added that staff believes that findings 2 and 3 could be made. However, finding 1 cannot be made. In addition, the project cannot be approved because the project, as proposed, would have a potentially significant impact to visual resources and the applicant does not accept the mitigation measures.

Commissioner Long asked why the Mitigated Negative Declaration cannot be adopted.

City Attorney Koczanowicz stated that the applicant did not accept the mitigation measure identified in the document. He further stated that since the applicant is stating that a monopine is not necessary, a monopine cannot be considered.

Upon question from Commissioner Long, Director Buckingham stated that the applicant had indicated that there were not alternative antenna designs available.

Action: It was m/s by Commissioner Rodman/Vice Chair Blum to adopt Resolution No. 14-02, denying the Use Permit. The motion carried on the following roll call vote:

AYES:	Commissioner Long, Rodman, Vice Chair Blum and Chair Laferriere.
NOES:	Commissioner - None.
ABSENT:	Commissioner Alex.
ABSTAIN:	Commissioner - None.

Resolution No. 14-02: A Resolution of the Planning Commission of the City of Grover Beach Denying a Use Permit for Development Permit No. 12-16 (1541 Hillcrest Drive)

3. Development Permit Application 13-13

Applicant – Jose Jaime Medina

This Development Permit Application is a request to adopt a Use Permit for the operation of an automotive repair business. The project is located at 792 West Grand Avenue (APN 060-225-011) in the Central Business Open (CBO) Zone.

The Commission noted that a representative for the business was not present.

Action: It was m/s by Vice Chair Blum/Commissioner Long to continue the public hearing to the next regularly scheduled Planning Commission meeting scheduled for April 8, 2014 at 6:30 p.m. The motion passed unanimously.

REGULAR BUSINESS ITEMS:

4. Annual Report on the Status of the General Plan

Section 65400 of the Government Code requires the City Council be provided with an Annual Report on the status of the General Plan and progress in its implementation, including progress in meeting its share of regional housing needs. The 2013 Annual Report is due to the Office of Planning and Research and Department of Housing and Community Development in April.

Planner Reese provided a staff report.

The Planning Commission received and filed the report.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Director Buckingham stated that there would be a Housing Element Workshop on Wednesday March 19, at 6:00 p.m. He also stated that the draft Housing Element would be presented to the Commission in April.

ADJOURNMENT 8:38 p.m.

/s/ _____
CHAIR LAFERRIERE

/s/ _____
SECRETARY TO THE PLANNING COMMISSION
BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR

(Approved at PC Meeting: June 9, 2014)