

City of Yucaipa
Planning Commission Minutes
Regular Meeting of June 16, 2010

A regular meeting of the Planning Commission of the City of Yucaipa, California, was called to order in the Council Chambers, 34272 Yucaipa Boulevard, Yucaipa, California, on June 16, 2010, at 6:30 p.m.

PRESENT: Jerry Cape, Planning Commission Vice Chairman
Kathy Fellenz, Planning Commissioner
Jeff Lojeski, Planning Commissioner
Dennis Miller, Planning Commission Chairman
Jim Ott, Planning Commissioner
Denise Work, Planning Commissioner
John McMains, Director of Community Development
Nikki Moore, Assistant Planner
Tina Leuer, Planning Commission Secretary

ABSENT: David Alban, Planning Commissioner

CONVENE PLANNING COMMISSION:

The meeting was opened with the Pledge of Allegiance.

APPROVAL OF MINUTES:

Motion was made by Commissioner Ott to approve the minutes of June 2, 2010. The motion was seconded by Commissioner Cape. Motion passed 6-0-1-0.

PUBLIC COMMENTS:

None

PUBLIC HEARINGS:

SUBJECT: T-Mobile (Case No. 10-019/CUP); Conditional Use Permit for an unmanned telecommunications facility, including a monopine antenna tower forty-five (45) feet high; located at 10111 Juniper Avenue; APN: 0320-201-35

Nikki Moore, Assistant Planner, presented the Agenda Report.

RECOMMENDATION:

That the Planning Commission conduct a public hearing, and:

- A) Approve Conditional Use Permit No. 10-019, subject to the Conditions of Approval contained in the Agenda Report; and

- B) Adopt the Findings as contained in the Agenda Report; and
- C) Direct staff to file a Notice of Exemption.

PUBLIC COMMENTS:

The applicant's representative, Barbara Slidell, made a brief presentation. Ms. Slidell indicated that she had responded individually to the four people who wrote to the City in opposition of the project.

The property owner, Epi Salazar, was available for questions.

Thelma Hines spoke in opposition of the project. Ms. Hines is concerned about decreasing property values and asked why the City doesn't start constructing cell towers on City property for the income potential.

Hal Bacon spoke in opposition to the project based on research he had done on the internet. Mr. Bacon cited articles that discussed "major health concerns" for humans living in close proximity to cell towers. Mr. Bacon explained that he had lived in Yucaipa for 50 years, and the owner of the property where the cell tower is proposed has only lived in Yucaipa for 6 months.

Kevin Miskin spoke in opposition to the project based on health risks. Mr. Miskin cited articles he had read about cows in Germany living near cell towers that had experienced a reduction in milk production. Mr. Miskin explained that he had also read articles that said that a distance of 400 meters between humans and cell towers would be considered safe – not 300 feet.

Ben Richter voiced his concerns about the number of towers currently in Yucaipa and the potential health risks.

Bernadette Gerber reiterated the concerns of the other speakers, and felt that property values would decrease if the proposed cell tower was constructed.

Diana Richter stated that she felt that cell towers should go in industrial areas – not residential.

Brian Plein asked if the City would be liable in 20 or 30 years if residents get ill due to long term cell tower exposure.

Patti Spitzer agreed with Diana Richter that cell towers should go in industrial areas – not residential. Ms. Spitzer submitted to staff a 9 page printout from the internet regarding health risks associated with cell towers. Ms. Spitzer added that she understood that property owners would be held liable for lawsuits that may occur as a result of cell towers. Ms. Spitzer urged the Commission and staff to change the codes – that cell towers in Yucaipa were "getting out of hand".

Juan Cuevas explained that when he bought his home on Ivy Avenue, he never would have guessed that someone would put up a 45-foot tower in his neighborhood. Mr. Cuevas stated that he did not think any of the Planning Commissioners would want the tower in their neighborhood. In addition to the aesthetics issue, Mr. Cuevas voiced concerns with potential health risks.

Mario Quesada stated that he was opposed to the cell tower in his neighborhood due to health concerns and decreased property values. Ms. Quesada added that he felt that cell towers would be better suited in industrial areas.

B.J. Streeby explained that everything she has read about cell towers has been negative. Ms. Streeby added that she moved to the North Bench 10 years ago and some of her neighbors already have cancer. Ms. Streeby urged the Commission and staff to "put them on City property" and closed by asking the Commissioners if they wanted a tower in their backyard?

Amelia Herrman spoke in opposition to the project due to health concerns. Ms. Herrman added that she receives cell service on her street – so why is there a need for this tower?

Dave Long explained that T-Mobile had approached the other neighbors about putting a cell tower on their property and they all said "no". The only person that said "yes" was the person who just bought the property, and he just wanted to make money. Mr. Long urged the Planning Commissioners to vote "no" on this project.

Jim Burkhart explained that the North Bench is a special area with lots of horses and great people, and that this tower is a gain for one person and a loss for many. Mr. Burkhart felt that this tower could pose a major health threat and a "hit" to property values. Mr. Burkhart stated that he was denied a 30-foot RV garage, but this property owner wants to erect a 45-foot tower. Mr. Burkhart asked that an Environmental Impact Report be done, and urged the Commissioners to vote "no" on the project.

The applicant's representative, Barbara Slidell, responded to the speakers. Ms. Slidell explained that the Federal Government considers cell towers to be a critical part of an entire communication system. Ms. Slidell stated that health concerns have not been proven one way or the other, and added that there are strict regulations that T-Mobile must abide by. Ms. Slidell stated that T-Mobile is a public utility and as such, they provide a service to those who want it. In response to the question of need, Ms. Slidell explained that the current coverage is not sufficient inside the homes in the area. Ms. Slidell explained that radio waves have been in the atmosphere for over 100 years; T-Mobile has designed a tower that will have a lot of branches to blend in and the tower needs to be 45-feet high for adequate coverage. In response to the questions regarding co-locating, T-Mobile did look at various sites to co-locate, but those sites only offered duplicate coverage. Ms. Slidell added that there have been no documented cases where it was proven that cell towers cause cancer.

Commissioner Cape stated that the issue of co-location always seems to come up when there is a cell tower proposal before the Commission.

Ms. Slidell explained that T-Mobile shares towers frequently; however, the current one on Goldstone is at capacity. The proposed tower is designed to be shared.

Commissioner Cape asked Ms. Slidell how long she had been in the cell tower business, and what she sees in the future.

Ms. Slidell indicated that she has been in the industry since 1992, and has seen changes through the years – for example – towers used to be 100 feet high. Ms. Slidell explained that even the telephones on airplanes are supported by ground equipment.

Commissioner Work asked Ms. Slidell about the distance required between the signals. Ms. Slidell explained that the coverage has to overlap for the “mobile hand-off”, and that distance could be less than two miles based on the terrain and foliage. The FCC mandates “seamless” coverage.

Commissioner Work asked about emissions. Ms. Slidell explained that the cell phone batteries are a larger health concern than the cell towers.

Ms. Slidell also stated that the Federal Government considers the tower categorically exempt from environmental review, due to the height.

Commissioner Fellenz asked how the determination is made that a community needs more towers. Ms. Slidell explained that the need is determined by increased demand – the demand is not just for voice anymore. Towers have had to be upgraded to handle texting and the internet.

Chairman Miller asked about the height requirements for co-location. Ms. Slidell explained that a co-locator could require a tower to go higher than 45 feet – however, she is not aware of the other carrier’s requirements.

Commissioner Lojeski asked staff to clarify that the Commissioners could not deny the project due to health concerns, but could deny the project based on incompatibility with the neighborhood. Ms. Moore stated that was correct. Commissioner Lojeski stated that he did not think the tower was compatible with the neighborhood, and asked if co-location comes before the Commission. Ms. Moore explained that co-location requires a Land Use Compliance Review and is reviewed at staff level. Ms. Moore added that sometimes co-locations require a variance for an increase in height.

In response to Chairman Miller’s question, Ms. Moore explained that cell companies co-locate whenever possible, because it is less expensive. Chairman Miller asked how high the highest tower is currently in Yucaipa, and what is the maximum height allowed for residences. Director McMains explained the highest cell tower currently in Yucaipa is 67 ½ feet and the maximum building height is 35 feet.

Chairman Miller asked how many cell towers were currently in Yucaipa, and how many of those towers were co-located. Ms. Moore indicated that she did not have that information available, but could research it.

Commissioner Work asked staff how many different addresses were represented this evening by speakers on this project. Director McMains responded that there were 14.

Motion was made by Commissioner Work to deny Case No. 10-019/CUP. The motion was seconded by Commissioner Ott.

Director McMains asked for clarification. Commissioner Work explained that she believed that the tower was incompatible to the neighborhood due to the height of the tower and that the monopine does not look like a real tree. Motion passed 4-2-1-0.

SUBJECT: Diane Rank (Case No. 10-033/MJV); Major Variance for an enclosed garage to encroach 4.5 feet into the side yard setback at 13661 5th Street; APN: 0319-233-29

Nikki Moore, Assistant Planner, presented the Agenda Report.

RECOMMENDATION:

That the Planning Commission conduct a Public Hearing and take the following actions:

- A. Approve Major Variance No. 10-033; and
- B. Adopt the Findings as contained in the Agenda Report; and
- C. Adopt the Mitigated Negative Declaration; and
- D. Direct staff to file a Notice of Determination

PUBLIC COMMENTS:

None

Commissioner Cape asked staff for clarification on the encroachment. Ms. Moore explained that the structure is existing (house on the north side of the property) and is encroaching into the 10 foot side yard setback by about 4.5 feet. The applicant is applying for a variance to be able to enclose the existing carport. Commissioner Cape stated that he did not want the structure to get any closer to the neighbor's fence.

Motion was made by Commissioner Cape to approve Case No. 10-033/MJV. The motion was seconded by Commissioner Lojeski. Motion passed 6-0-1-0.

ANNOUNCEMENTS:

Director McMains invited the Planning Commissioners to attend the grand opening of the City's new transit center on July 12th at 5:00 p.m. prior to the City Council meeting.

Director McMains reminded those Commissioners that are scheduled to be on the bus trip Friday, June 18th, that everyone is meeting at City Hall at 8:00 a.m.

Director McMains stated that there would be a Planning Commission meeting on July 7th, and to please be prepared to go over the draft environmental report that was distributed to them at the June 2nd meeting.

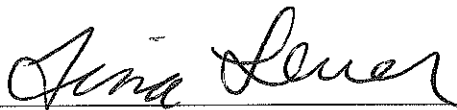
Director McMains announced that there would be a Development Review Committee meeting the following day, June 17, and that Commissioner Cape would be attending.

ADJOURNMENT:

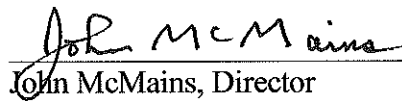
The Planning Commission meeting of June 16, 2010, adjourned at 7:50 p.m.

Submitted by:

Approved by:



Tina Leuer, Planning Commission Secretary



John McMains, Director