

City of Elk Grove

Minutes of the Planning Commission
Regular Meeting
Thursday, April 1, 2010

CALL TO ORDER/ROLL CALL:

Chairperson Nancy Chaires called the meeting to order at 6:30 p.m. with the following in attendance:

Present: Chairperson Chaires and Commissioners Maita, Villanueva, Harris, and Murphey

Absent: None

CONSENT CALENDAR

Motion: M/S Murphey/Villanueva to approve the consent calendar of April 1, 2010 as presented. **The motion passed by the following vote: Ayes: 5; Noes: 0:**

PUBLIC COMMENT:

None.

PUBLIC HEARINGS

A. DWIGHT ROAD ABANDONMENT CONSISTENT WITH THE CITY'S GENERAL PLAN:

Fritz Buchman, Project Manager presented the details of the project and answered questions of the Commission.

Chair Chaires declared the public hearing open.

Don Schmidt spoke in support of the abandonment.

Caroline Arciniega and Therese Gotto addressed roadside dumping concerns and also spoke in support of the abandonment.

Chair Chaires declared the public hearing closed.

Motion: M/S Maita/Harris that the Planning Commission adopt a Resolution deeming the abandonment Dwight Road, west of Portofino Drive is consistent with the City of Elk Grove's General Plan. **The motion passed by the following vote: Ayes: 5; Noes: 0.**

B. FOULKS PARK CLEARWIRE WIRELESS COMMUNICATION FACILITY #10-007 – CONDITIONAL USE PERMIT:

Commissioner Villanueva recused himself from this item due to his frequent visits to the park.

Mike Costa, Project Planning summarized the details of the project and answered questions of the Commission relating to the monopine pole design and chain link fencing.

Chair Chaires declared the public hearing open.

Jim Gillum, Project Applicant and the Commission discussed the projects fencing and the possibility of adding a condition for vines as opposed to slats or perhaps shrubs around the projects parameter.

There were no requests by the public to speak during public comment

Chair Chaires declared the public hearing closed.

In conclusion of Commission deliberations, there were no conditions changed or added to this project, but staff was directed to get feedback from the Police Department and CCSD concerning fencing and visibility of these types of projects and landscape issues when dealing with projects on properties that involve a lease.

Motion: M/S. Maita/Murphey that the Planning Commission adopt a resolution finding the project exempt from CEQA and approving a Conditional Use Permit for the Foulks Park Clearwire Wireless Communication Facility project (EG-10-007), subject to the findings in the resolution. **The motion passed by the following vote: Ayes: 4; Noes: 0; Recused; 1 (Villanueva).**

Commissioner Villanueva resumed his seat.

C. SUBARU OF ELK GROVE #10-009 – DESIGN REVIEW:

Sarah Kirchgessner, Project Planner summarized the details of the project.

Chair Chaires declared the public hearing open.

There were no comments by the applicant and no request to speak by the public.

Chair Chaires declared the public hearing closed.

Motion: M/S Villanueva/Maita that the Planning Commission adopt a resolution finding the project exempt from CEQA and approving a Design Review for the Subaru of Elk Grove project (EG-10-009) subject to the findings in the resolution. **The motion passed by the following vote: Ayes: 5; Noes: 0.**

D. ELK GROVE REGIONAL PARK CLEARWIRE WIRELESS ANTENNAS #09-046 – CONDITIONAL USE PERMIT:

Sarah Kirchgessner, Project Planner summarized the details of the project and answered questions of the Commission relating to existing site locations.

Chair Chaires declared the public hearing open.

Applicant Jeff Lienert explained that there are several sites coming to several cities in the area due to Clearwire's new Sacramento area market. He said Clearwire is new and has 400 project sites that cover a small footprint of about one-half mile radius of advanced high-speed internet 4G service with WiMAX technology. Mr. Lienert answered more questions of the Commission concerning adequate coverage heights for best frequency.

There were no requests of the public to speak during public comment.

Chair Chaires declared the public hearing closed.

Motion: M/S Murphey/Villanueva that the Planning Commission adopt a resolution finding the project exempt from CEQA and approving a Conditional Use Permit for the Elk Grove Regional Park Clearwire Wireless Antennas (EG-09-046) subject to the findings in the resolution. **The motion passed by the**

following vote: Ayes: 5; Noes: 0.

E. STRONG PARK CLEARWIRE WIRELESS ANTENNAS #09-047 – CONDITIONAL USE PERMIT:

Sarah Kirchgessner, Project Planner summarized the details of the project and answered questions of the Commission.

Chair Chaires declared the public hearing open.

Applicant Jeff Lienert described the fencing and landscape design around the site. Mrs. Kirchgessner reported that the Police Department requested chain link fencing for some visibility into the facility.

There were no requests by the public to speak during the public comment opportunity.

Chair Chaires declared the public hearing closed.

Motion: M/S Harris/Villanueva *The Planning Commission adopt a resolution finding the project exempt from CEQA and approving a Conditional Use Permit for the Strong Park Clearwire Wireless Antennas (EG-09-047) subject to the findings in the resolution. The motion passed by the following vote: Ayes: 5; Noes: 0.*

F. MEADOW SPRINGS SMUD SITE BIG HORN SUBSTATION CLEARWIRE WIRELESS MONOPOLE #10-006 – CONDITIONAL USE PERMIT:

Commissioner Harris recused himself from voting on this item.

Adam Petersen, Project Planner presented the details of the project and answered questions of the Commission. In response to concerns of radio frequency risks as addressed in the three public letters received for the project, Jennifer Alves, Assistant City Attorney read the Telecommunications Act of 1996 that defines local authority for these facilities. She further explained that as long as the facility meets Federal frequency emissions, local agencies cannot make a determination otherwise. In response to the remaining written concerns, Mr. Petersen clarified that this site is enclosed behind existing walls around the SMUD substation, will not conflict with any trails or pedestrian paths, that safety concerns will be handled by the Building Department through a building permit, that construction activity will have to comply with noise standards of the Municipal Code and that reported nuisances will be handled by Code Enforcement.

Chair Chaires declared the public hearing open.

Applicant Jeff Lienert, reported that Clearwire works with SMUD to locate in existing utility sites and always attempts to co-locate on existing towers first but that a new pole was proposed because it didn't work for this site due to habitat and safety issues.

Thomas Gillaspay expressed concern about radiation exposure to residences within 30 yards of the site. He requested the Commission consider a different location.

Marcene Gandolfo expressed concerns of health risks and the negative affect on home values. She said that the SMUD station is built on wetlands and an historic building site and asked about zoning clearances for distance to homes.

Bobbie Lewis also expressed concern of the affects of home values and asked if alternative sites were available.

Jazmine Varrett was concerned of health risks, home values and historic site impacts as well and asked about the length of the lease.

During a brief discussion with the Commission and members of the public, it was determined that the mentioned historic site was a plaque naming a previous ranch site with an old rail system. Eric Norris clarified that a plaque is not an historic resource and without a building there would be no environmental impact. In response to a question by Commissioner Maita, Mr. Petersen stated that the site was secure.

Marsha Scribner also had concerns of health risks and home values. She stated that the project is within a Nature Preserve area and near an existing Swainson's hawk nest site and asked about the environmental impacts. Ms. Scribner also stated that there were schools and lots of kids near the site.

Jennifer Alves explained that this project is exempt as small structure project. She told the Commission that if there were environmental issues that were not addressed, the hearing should be continued.

Jeff Leinert reported that the State Historic Preservation Office was notified of this project as part of a full NEPA review required by the FCC and that if there are impacts to historic sites they would not be allowed to construct. He also noted that there were no wetlands issues because the proposed site is inside a developed and completely paved existing SMUD facility.

Chair Chaires declared the public hearing closed.

Jennifer Alves advised that if the Commission felt that enough environmental information was provided, they could vote on the project.

Based on the uncertainty of potential environmental issues, Commissioner Maita felt the hearing should be continued, but the majority of the Commissioners felt they could move forward with taking action having heard information provided by staff and the applicant and also taking into consideration that health risks have already been evaluated several times with past projects.

Motion: M/S Villanueva/Murphey *The Planning Commission adopt a resolution finding the project exempt from CEQA and approving a Conditional Use Permit for the Meadow Spring site Clearwire Wireless Monopole (EG-10-006) subject to the findings in the resolution. The motion passed by the following vote: Ayes: 3; Noes: 1 (Maita); Recused: 1 (Harris).*

G. HAMPTON INN CLEARWIRE WIRELESS ANTENNAS #10-008 – CONDITIONAL USE PERMIT:

Commissioner Harris recused himself from voting on this item due to his position on the Association Board even though there was no clear conflict of interest.

Adam Petersen, Project Planner summarized the details of the project.

Chair Chaires declared the public hearing open.

There were no comments of the Applicant and no requests by the public to speak during opportunity.

Chair Chaires declared the public hearing closed.

Motion: M/S Villanueva/Maita *The Planning Commission adopt a resolution finding the project exempt from CEQA and approving a Conditional Use Permit for the Hampton Inn Clearwire Wireless Antennas (EG-10-008) subject to the findings in the resolution. The motion passed by the following vote: Ayes: 4; Noes: 0; Recused 1 (Harris).*

Commissioner Harris resumed his seat.

H. HOLIDAY INN EXPRESS CLEARWIRE WIRELESS ANTENNAS #10-010 – CONDITIONAL USE PERMIT:

Adam Petersen, Project Planner summarized the details of the project.

Chair Chaires declared the public hearing open.

There were no comments of the Applicant and no requests by the public to speak during the public comment opportunity.

Chair Chaires declared the public hearing closed.

Motion: M/S Maita/Murphey *The Planning Commission adopt a resolution finding the project exempt from CEQA and approving a Conditional Use Permit for the Holiday Inn Express Clearwire Wireless Antennas (EG-10-010) subject to the findings in the resolution. The motion passed by the following vote: Ayes: 5; Noes: 0.*

PLANNING DIRECTOR'S REPORT:

Eric Norris presented the Planning Director's Report which consisted of the Planning Commission/City Council tentatively scheduled items. He also announced that the City is looking for applicants to sit on the Sustainability Element Advisory Committee. This was an informational item only, no actions were taken.

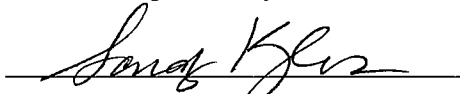
PLANNING COMMISSION MATTERS:

Commissioner Villanueva encouraged public participation in the upcoming zoning code amendments workshop.

Jennifer Alves mentioned that in June the Commission will have an opportunity to discuss standards for cell site examples.

ADJOURNMENT

The meeting was adjourned at 8:51 p.m.



Prepared by Sandy Kyles

Planning Commission Clerk

APPROVED: April 15, 2010