

PLANNING COMMISSION MEETING

In compliance with Americans with Disabilities Act, If you need special assistance to participate in this meeting, please contact the Planning Secretary at (805) 524-1500 ext. 113, 48 hours prior to the meeting in order for the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

No New Business will be Considered by the Planning Commission after the Hour of 11:00 p.m. unless a Majority of the Planning Commission Determines to Continue beyond that Hour.

Memorandums: Memorandums relating to agenda items are on file in the Planning Department. If you have questions regarding the agenda, you may call the Planning Dept. (805) 524-1500 ext. 113 or visit the Planning Dept. in City Hall for information. Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Planning Dept. in City Hall during normal business hours.

AGENDA

- | ITEM | REFERENCE |
|---|-----------|
| 1. CALL TO ORDER | |
| 2. PLEDGE OF ALLEGIANCE | |
| 3. ORAL COMMUNICATIONS | |
| 3a. This is the opportunity for citizen presentations or comments not related to agenda items, but within responsibility of the Planning Commission (please do not exceed 5 minutes per topic). | |
| 4. CONSENT CALENDAR | |
| 4a. Minutes of the May 18, 2011 Regular Planning Commission Meeting. | Copy |
| 5. PUBLIC HEARING | |
| 5a. Development Permit 11-02 (DP 11-02), Minor Conditional Use Permit 11-02 (MCUP 11-02), Proposal for a Wireless Telecommunications Facility. | Memo |
| Location: 310 "A" Street | |
| Zoning: Manufacturing/Industrial | |
| Applicant: Delta Groups Engineering (representing Verizon Wireless)
2362 McGaw Ave.
Irvine, CA 92614 | |

Purpose: Review the item and receive public testimony.

Recommendation: Adopt Planning Commission Resolution No.11-867, **Reso**
Approving DP 11-02, subject to Conditions of Approval.

Adopt Planning Commission Resolution No. 11-868, Approving MCUP 11-02. **Reso**
subject to Conditions of Approval.

6. REPORTS and COMMUNICATIONS

- 6a. Community Development Director **Oral**
- 6b. Planning Commission **Oral**

7. ADJOURNMENT

7a. The Planning Commission adjourns to the next regular Planning Commission meeting scheduled for June 22, 2011, 6:30 p.m., in the City Council Chambers, 250 Central Ave., Fillmore, CA 93015.

**Next Regular City Council Meeting
June 28, 2011**

PLEASE NOTE: If you challenge the actions of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in the public notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing (Calif. Gov't Code § 65009).

Any legal action by an applicant seeking to obtain judicial review of the Planning Commission's decision on a hearing listed on this agenda may be subject to the 90-day filing period of, and governed by, Code of Civil Procedure Section 1094.6.

MINUTES

CALL TO ORDER

6:30 p.m., Chair Tucker called the Planning Commission meeting to order and led the assembly in the Pledge of Allegiance. Commissioners present were: Chair Douglas Tucker, Vice Chair Tom Fennell, Tim Holmgren and Vance Johnson. Staff present were: Community Development Director Kevin McSweeney, City Attorney Theodore Schneider, City Engineer Tom Scott and Planning Secretary Denise Beauduy. Absent: Commissioner Mark Austin.

ELECTIONS

Planning Commission Chair

It was moved by Commissioner Johnson and seconded by Commissioner Fennell to nominate Douglas Tucker for Chair. Ayes: Fennell, Holmgren, Johnson and Tucker. Absent: Austin. Motion Carried 4:0

Planning Commission Vice Chairman

It was moved by Commissioner Johnson and seconded by Commissioner Tucker to nominate Tim Holmgren for Vice Chair. Ayes: Fennell, Holmgren, Johnson and Tucker. Absent: Austin. Motion Carried 4:0

ORAL COMMUNICATIONS

There were no comments.

CONSENT CALENDAR – Approved with corrections.

The Consent Calendar consisted minutes of the April 20, 2011 regular scheduled Planning Commission meeting. Commissioner Fennell stated he had corrections but had given them to the secretary. It was moved and seconded to approve the minutes with corrections. Motion: Fennell; Second: Johnson. Ayes: Fennell, Holmgren and Johnson. Noes: None. Abstain: Tucker. Absent: Austin. Motion Carried 3:0. (The corrections were on page 1: adding the name: Tim Holmgren to Commissioners present for the meeting when it was called to order, and to strike “McCall” and insert “Holmgren” for approving the Consent Calendar).

PUBLIC HEARING

Termination of Development Agreement for Tract 5474-2 for Lots 36 – 69, Heritage Valley Parks Specific Plan, Phase 1A, Tract 5474-2, Applicant: Griffin Home Building Group.

6:35 p.m., Chair Tucker opened the public hearing and Mr. Schneider presented the report. Mr. Schneider stated the City of Fillmore is seeking to terminate the Development Agreement for lots 36 through 69 for the portion of The Bridges subdivision, known as Oakhaven. Mr. Schneider said the City entered into an agreement with Griffin Home Building Group for the Heritage Valley Parks

Project (The Bridges) in 2002. In 2010, Griffin filed bankruptcy, but prior to the bankruptcy, Griffin transferred ownership of Phase 2 and Phase 1B to Hearthstone Builders. Phase 1A was transferred to separate entities through bankruptcy foreclosure. Mr. Schneider said Bank of America held the note on some of the lots that were owned by Griffin, and they lost those lots when the Bank of America foreclosed on the properties. Mr. Schneider said Bank of America is entitled to the protection of the Development Agreement because they were the mortgagee when Griffin defaulted on the loan. Comerica Bank is the mortgagee for other lots that are owned by Griffin but Comerica has not foreclosed. However, because Griffin transferred ownership of Phase 1A, Griffin is in default, and the City is seeking to terminate the agreement. Mr. Schneider spoke about the Development Agreement in relation to Development Impact Fees. Mr. Schneider stated that under the Development Agreement, the DIF's are \$26,000 - \$27,000 per unit. The DIF's without the protection of the Development Agreement are approximately \$34,500 per unit. The purpose of the ordinance in the packet is to dissolve the Development Agreement for the Oakhaven portion of The Bridges subdivision and when a developer comes forward to develop that area, the developer will be paying the most current fees. Mr. Schneider stated Griffin breached the Development Agreement and filed for bankruptcy, and the Development Agreement gives the City the power to terminate the agreement under those circumstances. Mr. Schneider said a copy of the ordinance describing the process for termination of the Development Agreement is in the packet and a spread sheet of the DIF's is in the packet as well.

Commissioner Johnson posed the question of what would be the advantage of terminating the Development Agreement. Mr. Schneider responded there is a developer in the wings, who is ready to develop Oakhaven, but he wants to pay the DIF's that are under the Development Agreement; the developer is willing to pay those fees, but the City Council wants to terminate the agreement and have developers pay the DIF's at the current rates.

Commissioner Johnson asked Mr. Schneider if he could explain the reasoning behind the decision. Mr. Schneider said he believed the main reason was the fees and the large gap between the current fees and the fees in the Development Agreement.

Chair Tucker stated, for the purpose of clarifying Mr. Schneider response, the next developer could not make the same type of agreement once this agreement has come to term. Mr. Schneider said the next developer could enter into an agreement, but the City Council will only accept the current fees.

There were no other questions from the Commission for Mr. Schneider.

6:41 p.m., Chair Tucker invited public comment. There were no speakers and Chair Tucker closed the public hearing.

Planning Commission Discussion.

Commissioner Johnson stated he does not support terminating the Development Agreement. The City needs money now said Commissioner Johnson, and he is not satisfied with the idea of raising the fees; especially when there is a developer who wants to develop now.

The consensus of the Planning Commission did not support terminating the Development Agreement.

Commissioner Tucker asked if there was any conversation with the developer about paying the difference. Mr. Schneider responded the developer is not willing to pay the higher fees.

Commissioner Tucker stated he agreed with Commissioner Johnson's comments. Commissioner Tucker said in the long term, if the lots were developed, the property tax revenues to the City would catch up to the loss we are facing now. While terminating the Development Agreement appears to be beneficial to the City, the City is in a declining financial situation right now. If there is no development there will be no tax revenue. Commissioner Tucker said he would like to see further discussions to try to reach a compromise.

Commissioner Fennell asked if the developer mentioned when he would like to start building. Mr. McSweeney responded the developer is ready to submit plans for 31 units now, but he would probably build in sets of 7 units. Commissioner Fennell said he agreed with the comments made by Commissioners Johnson and Tucker and he would also like to see further discussions.

Commissioner Holmgren said he concurred with the Commissioners comments. Commissioner Holmgren said he was leaning toward recommending the City Council terminate the agreement when the item was presented, but after listening to the comments, he agrees that there should be further discussions.

Mr. Schneider said the action for this item is approval to terminate the Development Agreement, but the Planning Commission can recommend the City Council not terminate the Development Agreement and proceed with the current fees.

ACTION

Planning Commission Resolution No. 11-866, Not to Terminate Development Agreement, was Adopted.

Commissioner Johnson motioned to recommend the City Council proceed with the current Development Agreement and not vacate the current Development Agreement for lots 36 – 69 of Tract 5474-2

Discussion of the Motion:

Chair Tucker, said he would like to add to the motion that it is strongly recommend the City Council try to negotiate with the developer to reach a compromise. Mr. Schneider said the City had discussions, and as sort of compromise, the developer has agreed to pay a fee in excess of the Development Agreement.

Commissioner Johnson said while it is not part of his motion, he would like an explanation of the City Council's decision; just to have an understanding of why they would like to terminate the agreement.

Chair Tucker reiterated if there is development then there is no property tax revenue.

Second to the Motion

Commissioner Tucker seconded the motion by Commissioner Johnson to adopt Planning Commission Resolution No. 11-866, recommending the City Council proceed with the current Development Agreement for lots 36 – 69. Motion: Johnson; Second: Tucker. Ayes: Fennell, Holmgren, Johnson and Tucker. Noes: None. Abstain: None. Absent: Austin. Motion Carried 4:0.

BUSINESS ITEM

Compliance Review, Development Permit 07-08, Auto Repair/Impound Yard, 1515 Ventura St., Applicant: United Shah Corporation.

6:50 p.m., Mr. McSweeney presented the report and stated the project has been under construction for quite some time and the Commission had asked for a progress report. The Community Development Department had also received citizen complaints regarding the construction of the project that it appears to be stalled. Mr. McSweeney said the project is active and the building permits for the project are active because the Applicant has been receiving inspections. Mr. McSweeney explained that with every inspection approval the permit is automatically extended for six months. The Applicant is trying coordinate with Southern California Edison to get power to the building. Mr. McSweeney said the Applicant has stated that he wants to modify the project and remove the dilapidated garage and demolish the residence that is located on the property. The project was approved by the City Council as a temporary business location for the term of five years, and the City Council added conditions to the project permit. Mr. McSweeney said the Applicant would like to remain on the property permanently, and he discussed the modification with Planning staff. Staff gave him a list of requirements; however, the Applicant has not yet submitted an application for the modification. Mr. McSweeney said vehicles are being stored on the property, which is screened by landscape. All project conditions must be met by temporary Certificate of Occupancy, and the Applicant is not ready for temporary occupancy of the building, but the project is in compliance with the Conditions of Approval. Mr. McSweeney said he had met with the Applicant, Mr. Shah, and Mr. Shah is sympathetic to the community's concerns. Mr. Shah will move the trailer and try to get the office inside of the building. Mr. McSweeney gave Staff's recommendation to have another compliance review in August 2011.

Zahid Shah, 1515 Ventura St., Applicant. Mr. Shah stated the project is active, and the building is complete, but he working toward receiving approval from Edison. Edison approved a plan for the project but then Mr. Shah said he decided to remove the house and garage, and it became an issue with Edison regarding the transformer. The second issue, said Mr. Shah, is the telephone service. The telephone lines are on the south side of Highway 126, and it will take AT&T approximately five months to go under the highway to come across the highway. Mr. Shah said he could move into the building with temporary electric meter, but other than that he is stuck. Mr. Shah half of the driveway is black top where the electric panel is located, but there other side is still dirt because of the trenching.

Commissioner Fennell asked Mr. Shah if it would it be difficult to move the trailer to the back of the building and place some Chip Seal for dust control. Mr. Shah said he would be able to do that.

Commissioner Johnson stated he can attest that Edison moves along at their own pace, and the applicant is has done everything to move the project along as quickly as possible, but now he is kind

of stuck. Commissioner Johnson said the Chip Seal was a great suggestion for the dust control, and he said he was pleased that the house and the garage will be gone. Commissioner Johnson said he is satisfied with the Applicant's progress. Commissioner Johnson stated the entitlements are based on obtaining permits, and state law extends the permit 180 days per each inspection not 6 months.

Commissioner Fennell said the property is a gateway to the city and advised the Applicant to do whatever he could to improve the esthetics of the property.

Chair Tucker commended Mr. Shah for working with the City. Chair Tucker said he also liked the suggestions for dust control and improving the property.

ACTION

It was moved by Chair Tucker to follow the recommendation to remove the construction trailer by August 18, 2011; set a compliance hearing for the September 21, 2011. Chair Tucker added the recommendation of installing the Chip Seal to control the dust. The motion was seconded by Commissioner Fennell. Ayes: Fennell; Holmgren; Johnson and Tucker. Noes: None. Abstain: None. Absent: Austin. Motion Carried 4:0.

BUSINESS ITEM

Screening 11-02, Proposal for Commercial Uses Within an Existing Vacant Building.

7:08 p.m., Mr. McSweeney presented the report. Mr. McSweeney stated the item before the Planning Commission is a screening. The Applicant does not own the property, but he has presented concept to City staff to buy the property and subdivide it into four separate lots for four separate businesses along the highway. Mr. McSweeney said the project includes fast food location, restaurants and the demolition of most of the former dealership. Mr. McSweeney said the concept was reviewed by staff and the one of the comments from staff was for the Applicant to install a grass parkway, but there are existing Palm Trees that would be in the way of moving the sidewalk and it would be expensive to do. Mr. McSweeney stated the grass parkway is a desired look, but it is not required by the Zoning Ordinance or the Ventura Street Design Guidelines. Mr. McSweeney said there are grass parkways and sidewalks in some areas of Ventura Street: the Medical Center, Balden Town Plaza and Super A shopping center. Mr. McSweeney said the Applicant has not submitted a formal application yet, but he would like direction from the Planning Commission to determine if he will submit a formal application. Mr. McSweeney said there is another issue with a driveway throat and in relation to the queuing of vehicles. Mr. McSweeney stated City staff wrote a list of requirements for the Applicant, and he agrees with all of them except the parkway and the length of the driveway throat for the queuing of vehicles 50 feet from the highway.

Commissioner Johnson asked if the throat issue was a design standard or required by the Zoning Ordinance. Mr. McSweeney responded that it was not a requirement of the Zoning Ordinance nor the Ventura Street Design Guidelines, but it could be a traffic safety issue, which would be reviewed by a traffic safety engineer.

City Engineer Tom Scott stated that in recent years we have required a parkway and it is a policy issue and the policy changes from time to time. Regarding the throat distance, Mr. Scott stated the 50 foot is not hard and fast, but the last project built along the highway, The Groves, was reviewed

50 foot is not hard and fast, but the last project built along the highway, The Groves, was reviewed by a traffic engineer and he said the 50 foot was an industry standard. Mr. Scott said he will meet with the traffic engineer, who will be the consultant for the applicant, and the traffic engineer will provide recommendations after he reviews the project, and the Planning Commission will have the ultimate decision as to what the City should be doing.

Tom Davies, Applicant, said he was trying to negotiate transactions with four tenants based on a low-cost alternative. Mr. Davies said he is trying to make the site plan as friendly as possible for their customers. Mr. Davies said he wants the traffic consultant to meet with staff and discuss the throat. Mr. Dvies said he is trying to provide something very friendly to customers and make it acceptable to tenants because if they don't like the site plan they will go somewhere else.

Roger Campbell, Representing Applicant. Mr. Campbell said if you look at the theme of the highway, the area was designed to accommodate Queen Palms. When Crown Dodge was designed, they installed the Queen Palms with the construction. Mr. Campbell said there are no parkways west of this site; there are houses and properties are against the sidewalk. There is a dogleg by El Pescador and it is not attractive. Mr. Campbell said the Applicant willing to improve landscaping, but not install the parkway.

Chair Tucker asked about reciprocal access into the 7/11 Property. Mr. McSweeney said if the property owners agree, it will be through the front of the property.

Commissioner Johnson said the reciprocal access agreement would be advantageous for 7/11 to agree. People who want to buy gas are not going to drive all the way around the block to gas up at 7/11. Commissioner Johnson said the parkway is not a deal breaker, he can live without it. The throat, Mr. Johnson said he would like the traffic engineer to justify why a shorter one would not work. The property was already developed and has hardscape already in place. Commissioner Johnson said we need more businesses along the north side of the highway. Commissioner Johnson said he would like to see the clean up of the property. It looks awful. Mr. McSweeney interjected and said the site has been cleaned up and the water has been turned on for the landscape. Commissioner Johnson mentioned tightening the conditions to address noise. Commissioner Johnson said there had been complaints from homeowners regarding noise from the paging system.

Commissioner Fennell stated the site is already developed and he does not support the installation of a parkway; the project was designed to accommodate parking along Ventura Steet. The Applicant could work out some nice landscaping.

Vice Chair Holmgren concurred with the comments from the other commissioners, and said he is excited about new restaurants on the north side of the highway.

Chair Tucker asked if there would be an issue with the expansion of Ventura Street. Mr. McSweeney said the developer would be required to dedicate the 14 feet for expansion. Chair Tucker said he had met with the Applicant and his representative. Chair Tucker stated he concurred with the other commissioners that the parkway was not necessary and recalled the Planning Commission giving leeway to El Pescador when they were asked to provide a parkway; he was glad to see the recommendation to address noise. There were discussions about allowing more drive-thru's along the highway, but this would be the only drive-thru located on the north side of the

highway at this time. Chair Tucker said he is interested to see how reciprocal access will work. Chair Tucker said he understands the rent is a concern but the Commission does not want to compromise quality for low rent.

Chair Tucker summarized the Commission's comments:

The Parkway – the Commission does not support the requirement for installing a parkway.

The 50 foot Throat – this will have to be brought back to the Commission.

Noise – address this in the Conditions of Approval.

Reciprocal access – the Commission needs more information.

Quality - don't compromise quality for cost.

REPORTS and COMMUNICATIONS

7:28 p.m., Mr. McSweeney gave an update on the following projects:

Cell tower proposal – a cell tower has been proposed for the Super Seal and Stripe location. The proposed cell tower is 65-foot tall. Staff will require camouflage so it cannot be seen, and the applicant is proposing a water tower design. Plans have been submitted and staff has had corrections. The project should be ready for the next Planning Commission meeting.

The Bridges - Capital Pacific has submitted plans for 7 units on River St and plans have been submitted for 2 units on River St. in the River Walk subdivision. The plan check almost complete. Permits could be issued as early as June. The school construction is underway in The Bridges.

Chevron Screening (Old Texaco refinery) – City Council supported Planning Commission's comments. Chevron will submit an application for annexation in August. They have to clear, grub and clean the site. Trees have to be removed. The County assessed \$48,000 for trees. Chevron requested the \$48,000 be spent on trees in the city. They will give trees to Historical Museum. The City Council would like to see Palm Trees replaced on Central Avenue, but the County will not support that. Staff is working on another location.

Family Auto Center – the new auto business opened on the NE corner of Ventura Street and Central Avenue.

Screening on the former Masonic Temple site – There is a meeting on Friday 8:00 a.m. for the proposed project.

970 Ventura St., The Grove - The project has been sitting vacant for two years and now they have a tenant. The project has not received Certificate of Occupancy yet, and the developer has now requested C of O. The DIF's are \$423,000 and are being paid in installments

Commissioner Johnson said it is ironic that we are talking about removing Palm Trees from Fillmore, which are part of our unique character. Commissioner Johnson said it does not make sense to remove the Palm Trees so that we can look like any other place in the world. Commissioner Johnson said he personally does not like Palm Trees but they are part of Fillmore's unique character.

Commissioner Johnson said he notices there were no microphones on staff desks and said staff should have microphones.

Car wash property (next to De La Rosas) – the project is dead and the property is in foreclosure. There have been a number of code enforcement complaints against the property. There was a fire and the City would like to have those

Chair Tucker asked about the approved cell tower project by the Auto Zone. Mr. McSweeney said the applicant never followed through.

Carrerra Boats – the deadline is July 12, 2011 for the boat business to vacate the property on Santa Clara. An application has been submitted, but public improvements are required, and applicant does not have funding for improvements. The applicant does not have permits to be located there.

Commissioner Johnson asked if the City provided RDA assistance. Mr. McSweeney said he received RDA funding when the business relocated from the Parkview Apartment site to the site behind the Sheriff's Department. Then he moved to the Balden site. Mr. McSweeney said the applicant thought he could store the boats at the current location. Commissioner Johnson commented that it is not the way to show appreciation for assisting the business.

ADJOURNMENT 7:40

p.m., There being no further business to come before the Planning Commission , Chair Tucker adjourned the Planning Commission meeting to the next regular meeting scheduled for June 22, 2011, at 6:30 p.m., in the City Council Chambers, City of Fillmore, 250 Central Avenue, Fillmore, CA, 93015.

Denise Beauduy
Planning Secretary

1. "To provide new LTE (4G) radio frequency service in the 700 MHz frequency;
2. "To provide safe, effective and reliable levels of service coverage along Telegraph Rd., A Street, Ventura Street, and Highway 126."
3. "To offload network traffic from the existing "Big Mountain" site and provide coverage to the "Big Mountain" site once it is decommissioned."
4. "To increase the RF signal quality and reliability to the residential and commercial neighborhoods surrounding the site."

Furthermore, Verizon Wireless states in its Project Narrative that the "site will comply with FCC regulations regarding interference with the reception or transmission of other wireless facilities within the city and surrounding community." The narrative also states that the site "will operate in compliance with all applicable Federal regulations, including safety."

ANALYSIS:

Surrounding Uses:

The subject property is located within the Manufacturing/Industrial Zone and is surrounded by the following land uses:

North: Manufacturing/Industrial, Saticoy Lemon Packing House

South: Manufacturing/Industrial, Single Family Residence

West: Commercial Office, Fast food Mexican Restaurant, Multi-Family Housing

East: Manufacturing/Industrial, Coachcraft Automobile Body Shop

Location:

The facility is proposed to be located toward the northwest corner of the subject property, approximately 100 ft. south of the existing railroad tracks. The proposed location of the facility allows for the existing circulation aisles, parking and outdoor storage areas related to the existing business to remain unchanged and unobstructed.

The lease area is 47' in length by 20 ft. in width and is proposed to be enclosed by a 6'0" high chain link fence. This chain link fence has been conditioned to be screened from public view with yellow trumpet vine (*Macfadyena Unguis-Cati*). One existing Eucalyptus tree will need to be removed to make room for the proposed lease area. As proposed, the project has been designed in compliance with site development standards for wireless telecommunication facilities in the Manufacturing/Industrial Zone required in 1994 Zoning Ordinance Section 6.04.1805.2.D, Cellular Radiotelephone Communication Facilities and Section 6.04.0815, General Standards, Manufacturing/Industrial Zones.

Design:

The remaining Eucalyptus trees west of the lease area and palm trees east of the lease area will assist in maintaining a sense of scale to the proposed 65' faux water tank. The water tank itself

will be used to house and conceal the mounted antennas which will not be visible from public view. The exterior enhancements to the water tank including a simulated wood finish, steel banding, metal roof, and "Fillmore" sign will help make the structure more compatible with the surrounding area including the adjacent railroad tracks and Saticoy Lemon Packing House. The equipment building has also been conditioned and designed to match the exterior finish of the existing office building. As proposed, the project has been designed in compliance with design standards for wireless telecommunication facilities in the Manufacturing/Industrial Zone required in 1994 Zoning Ordinance Section 6.04.1805.2.D, Cellular Radiotelephone Communication Facilities.

Zoning and General Plan:

The subject property is zoned Manufacturing/Industrial per the 1994 Zoning Ordinance. The zoning classification is consistent with the 2003 General Plan Land Use Designation of Manufacturing/Industrial. Wireless Telecommunication Facilities are allowed subject to the approval of a Development Permit per Zoning Ordinance Section 6.04.6610.1 and a Conditional Use Permit per Zoning Ordinance Section 6.04.0810.7.

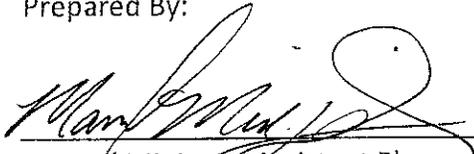
California Environmental Quality Act:

The proposed project has been reviewed for compliance with CEQA and has been determined to be Categorical Exempt per Section 15303(c), New Construction.

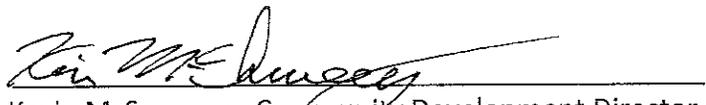
FISCAL IMPACT:

No financial impact is anticipated.

Prepared By:


Manuel Minjares, Assistant Planner
Planning Department

Reviewed By:


Kevin McSweeney, Community Development Director
Planning Department

- Attachment 1: Plans (Title Sheet, Site Survey, Overall Site Plan, Enlarged Site Plan & Antenna Layout, Elevations)
- Attachment 2: Project Narrative
- Attachment 3: Planning Commission Resolution 11-867, Approving DP 11-02
- Attachment 4: Planning Commission Resolution 11-868, Approving MCUP 11-02
- Attachment 5: Conditions of Approval

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**CITY OF FILLMORE
PLANNING COMMISSION RESOLUTION 11-867
GRANTING
DEVELOPMENT PERMIT 11-02 (DP 11-02)
FOR
INSTALLATION OF A WIRELESS TELECOMMUNICATIONS FACILITY
310 "A" STREET
VERIZON WIRELESS, APPLICANT**

WHEREAS, The Planning Commission has been petitioned to grant a Development Permit No. 11-02 (DP 11-02), for the purpose of approving a wireless telecommunications facility at 310 "A" Street, and;

WHEREAS, the Community Development Director caused a notice of date, hour and place for a public hearing on Wednesday, June 22nd, 2011, at 6:30 p.m., in the City Council Chambers located at 250 Central Avenue, Fillmore, CA, 93015. The notice was mailed to the applicant and all property owners within 300 feet of the exterior boundaries of the subject property in accordance with Section 6.04.8025 of the Fillmore Zoning Ordinance; and

Based upon the evidence presented, the Community Development Director makes the following findings of fact:

1. The subject property is identified as Assessor Parcel Number 053-0-060-350.
2. The property is currently owned by Brenda Hampton-Ortiz, 318 Foothill Dr., Fillmore, CA. 93015.
3. The project has been reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt under CEQA Guidelines Section 3 15303(c), New Construction.
4. The proposed use is in conformance with the adopted elements of the 2003 General Plan Update.
5. The proposed use conforms to the applicable zoning regulations contained in the Development Permit § 6.04.66 of the Zoning Code incorporated in Ordinance 94-701 adopted November 22, 1994.
6. The application for the installation of a wireless telecommunication facility requires a Development Permit pursuant to 6.04.6610 (1) in that:
 - a. "For a new structure or use listed as subject to a "Development Permit" (D) in the applicable zoning district."
7. The Planning Commission is the review authority per Zoning Ordinance Section 6.04.5001, Table IV-1, footnote 1 which states, "the Director may refer any entitlement application to the Commission for final determination.

8. As the review authority, the Planning Commission is required to hold a public hearing for the proposed project per Section 6.04.6625 of the zoning ordinance.
9. The Development Permit is authorized pursuant to the provisions contained in the Development Permit section of ordinance 94-701 as identified below:
 - a. The proposed development is one permitted within the subject zoning district and complies with all of the applicable provisions of the Zoning Ordinance, including prescribed development/site standards/guidelines and any applicable design guidelines; in that, the proposed wireless telecommunications facility is a permitted use in the Manufactured/Industrial zone per Section 6.04.0810.7 of the 1994 Zoning Ordinance. In addition, the project has been conditioned to meet all of the Property Development standards per Section 6.04.1805(2.D), Cellular Radiotelephone Communication Facilities and Section 6.04.1805(3, 4 & 5) to ensure all applicable standards and guidelines in the 1994 Zoning Ordinance are met.
 - b. The proposed use is consistent with the intent of the 2003 General Plan Update, in that the proposed project is a permitted use in the Manufacturing/Industrial Zone with the approval of a Development Permit and Conditional Use Permit;
 - c. The proposed development would be harmonious and compatible with existing and future developments within the zoning district and general area, as well with the land uses presently on the subject property; in that, the wireless telecommunication facility has been conditioned to meet all applicable City standards and design guidelines per Section 6.04.1805(3) Design Considerations.
 - d. The approval of the Development Permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA); in that, the project has been determined to be categorically exempt from CEQA review and has been conditioned to meet all applicable Federal safety regulations. In addition, the project has been conditioned to submit a radio-frequency (RF) report to demonstrate that the facility complies with current Federal RF emission standards;
 - e. There will be no potential significant negative effects upon environmental quality and natural resources that could not be properly mitigated and monitored; in that the project is considered small commercial construction (New Construction) and determined to have no environmental impact.
 - f. The subject site is physically suitable for the type and density/intensity of the use being proposed in that the project has been reviewed and conditioned to be designed in a safe and efficient manner with regard to site access, parking, loading and drive aisles. Additionally, the project consists of an unmanned facility to be constructed on an existing, developed property.
 - g. There are adequate provisions for public access, water, sanitation and services to ensure that the proposed use would not be detrimental to public health and safety in

that the wireless telecommunication facility is unmanned and therefore will not require water and sanitation services beyond the service that exists today for the Super Seal and Stripe asphalt stripping business.

- h. The design, location, size and operating characteristics of the proposed use are compatible with the existing and future land uses and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses operating nearby or adverse to the public interest, health, safety, convenience or welfare of the City; in that, the wireless telecommunications facility has been conditioned to comply with city standards governing design, construction, installation, treatment, operation, and maintenance per sections 6.04.1805(2.D), Cellular Radiotelephone Communication Facilities, Section 6.04.1805(3) Design Considerations, Section 6.04.1805(4) Dust and Dirt, and Section 6.04.1805(5) Environmental Resources /Constraints.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby grant approval of the Development Permit 11-02, subject to Conditions of Approval (Exhibit COA) and based on the above-mentioned information, public review, and documentation.

PASSED AND ADOPTED by the Planning Commission of the City of Fillmore on this 22nd day of June, 2011.

Douglas Tucker,
Planning Commission Chair

ATTEST:

Denise Beauduy,
Planning Secretary

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**CITY OF FILLMORE
PLANNING COMMISSION RESOLUTION 11-868
GRANTING
MINOR CONDITIONAL USE PERMIT (MCUP) 11-02
FOR
INSTALLATION OF A WIRELESS TELECOMMUNICATIONS FACILITY
310 "A" STREET
VERIZON WIRELESS, APPLICANT**

WHEREAS, The Planning Commission has been petitioned to grant a Minor Conditional Use Permit No. 11-02 (MCUP 11-02), for the purpose of approving a wireless telecommunications facility at 310 "A" Street, and;

WHEREAS, The Community Development Director caused a notice of date, hour and place for a public hearing on Wednesday June 22nd, 2011 before the Planning Commission in the City Council Chambers located at 250 Central Avenue, Fillmore, CA, 93015. The notice was mailed to the applicant and all property owners within 300 feet of the exterior boundaries of the subject property in accordance with Section 6.04.8025 of the Fillmore Zoning Ordinance; and

Based upon the evidence presented, the Planning Commission makes the following findings of fact:

1. The subject property is identified as Assessor Parcel Number 053-0-060-350.
2. The property is currently owned by Brenda Hampton-Ortiz, 318 Foothill Dr., Fillmore, CA. 93015.
3. The project has been reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA) and has been determined to be categorically exempt under CEQA Guidelines Section 3 15303(c), New Construction.
4. The proposed use is in conformance with the adopted elements of the 2003 General Plan Update.
5. The proposed use conforms to the applicable zoning regulations contained in the Development Permit § 6.04.66 of the Zoning Code incorporated in Ordinance 94-701 adopted November 22, 1994.
6. The Conditional Use Permit is authorized pursuant to the provisions contained in the Conditional Use Permit section of ordinance Section 6.04.7020 as identified below:
 - a. The proposed use is conditionally permitted within, and would not impair the integrity and character of, the subject zoning district and complies with the

purpose/intent of this Ordinance; in that, the proposed wireless telecommunications facility is a permitted use in the Manufactured/Industrial zone per Section 6.04.0810.7 of the 1994 Zoning Ordinance. In addition, the project has been conditioned to meet all of the Property Development standards per Section 6.04.1805(2.D), Cellular Radiotelephone Communication Facilities and Section 6.04.1805(3, 4 & 5) to ensure all applicable standards and guidelines in the 1994 Zoning Ordinance are met.

- b. The proposed use is consistent with the intent of the 2003 General Plan Update, in that the proposed project is a conditionally permitted use in the Manufacturing/Industrial Zone with the approval of a Development Permit and Conditional Use Permit;
- c. The approval of the Minor Conditional Use Permit for the proposed use is in compliance with the requirements of the California Environmental Quality Act (CEQA) in that the project has been determined to be exempt per Section 3 15303(c), New Construction.
- d. There will be no potential significant negative effects upon environmental quality and natural resources that could not be properly mitigated and monitored; in that, the project has been determined to be categorically exempt from CEQA review and has been conditioned to meet all applicable Federal safety regulations. In addition, the project has been conditioned to submit a radio-frequency (RF) report to demonstrate that the facility complies with current Federal RF emission standards;
- e. The design, location, size and operating characteristics of the proposed use is compatible with the existing and future land uses and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses operating nearby or adverse to the public interest, health, safety, convenience or welfare of the City; in that the unmanned facility will be constructed on an existing, developed property zoned Manufacturing/Industrial.
- f. The subject site is physically suitable for the type and density/intensity of the use being proposed; in that the project has been reviewed and conditioned to be designed in a safe and efficient manner with regard to site access, parking, loading and drive aisles. Additionally, the project consists of an unmanned facility to be constructed on an existing, developed property.
- g. There are adequate provisions for public access, water, sanitation and services to ensure that the proposed use would not be detrimental to public health and safety; in that the wireless telecommunication facility is unmanned and therefore will not require water and sanitation services beyond the service that exists today for the Super Seal and Stripe asphalt stripping business.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission does hereby approve Conditional Use Permit 11-02 based on the above mentioned information, public review, documentation, and subject to Exhibit "COA" (Conditions of Approval).

ADOPTED by the City Council on this 22nd day of June, 2011 by the following votes:

Douglas Tucker,
Chair

ATTEST:

Denise Beauduy
Planning Clerk

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EXHIBIT "COA"

CONDITIONS OF APPROVAL DEVELOPMENT PERMIT 11-02 & MINOR CONDITIONAL USE PERMIT 11-02 VERIZON WIRELESS, APPLICANT

RECITALS

A. AUTHORITY FOR THIS DOCUMENT

The conditions and terms contained in this exhibit are applied to permit DEVELOPMENT PERMIT 11-02 & Minor Conditional Use Permit 11-02, (THIS PERMIT) and are applied under the City's authority regarding discretionary permits (Section 6.04.5001 Table IV of the Fillmore Municipal Code).

B. IDENTIFICATION OF THE SUBJECT PROPERTY

The subject property is located at 310 A Street and is identified as Assessor Parcel Number 053-0-060-350. The subject property is subject to the conditions and terms contained in this exhibit.

C. DESCRIPTION OF PROJECT AUTHORIZED BY THIS PERMIT

The PROJECT consists of the installation of a wireless telecommunications facility designed as a water tower. All conditions of this permit are applicable upon implementation of Phase I, unless so specified in this document.

D. RESPONSIBILITY OF APPLICANT

The following conditions are the responsibility of the Applicant (Delta Groups Engineering), or any of their successors or assigns.

E. BASIS UPON GRAPHIC ILLUSTRATIONS ("THE PLANS")

This permit is based on the following graphic illustrations referred to as, "P" (PHOTO SIMULATIONS), "E" (EXTERIOR BUILDING ELEVATIONS), "S" (SITE PLAN). These exhibits represent the minimum information that is to be expected on subsequent construction documents that are used to implement the project. All interpretations and construction documents shall be based on the above Exhibits (dated June 22nd, 2011).

F. BASIS UPON WRITTEN DOCUMENTS

THIS PERMIT is based on the following written documents referred to as EXHIBITS "COA" (CONDITIONS OF APPROVAL) and, "SR" (STAFF REPORTS). All activity on the subject property is to be in compliance with all requirements and direction, as set forth in the above Exhibits.

The conditions and terms in this document shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections and the like, which may or may not be shown on the PLANS.

G. LIFE OF THIS DOCUMENT

The conditions and terms contained in this document apply to the subject property indefinitely or, until such time that this document is modified according to the process identified in paragraph "I" of this document. THIS PERMIT IS NOT TRANSFERRABLE TO ANOTHER PROPERTY.

H. TIME TO EXERCISE PERMIT

THIS PERMIT shall be substantially initiated or it shall expire on June 22nd, 2012. Substantial initiation of THIS PERMIT shall be determined at the sole discretion of the CITY. Any extension of THIS PERMIT shall be processed per Section 6.04.6645 of the Fillmore Municipal Code.

I. PROCEDURE FOR MODIFICATION OF THIS DOCUMENT

Any proposed modification of this document shall be processed per Section 6.04.6650 of the Fillmore Municipal Code.

J. INDEMNIFICATION AND HOLD-HARMLESS STATEMENT

The APPLICANT shall indemnify, exonerate and hold harmless, the CITY and all officers and employees thereof, against all claims, demands, and causes of action arising out of improvements constructed within the project.

The APPLICANT agrees as a condition of approval of this permit, to defend, at the sole expense of the APPLICANT, any action brought against the CITY based upon approval of this permit. The APPLICANT shall reimburse the CITY for any costs and attorney's fees that the CITY may be required to pay as a result of any such action. The CITY may, as its sole discretion, participate in the defense of such action, but such participation shall not relieve the APPLICANT of the above obligations.

Any activity or structure pursued by the APPLICANT, authorized by this permit shall further constitute acceptance of all conditions and obligations imposed by the CITY on this permit. The APPLICANT, by said acceptance, waives any challenges as to the validity of these conditions.

K. COMPLIANCE WITH THIS DOCUMENT PRIOR TO AUTHORIZED ACTIVITY/USE

The APPLICANT shall comply with and satisfy all applicable conditions of this permit prior to being authorized to begin construction activity or prior to being allowed to occupy any structures.

Authorization to begin construction is to be granted by the Building Official upon presenting the Administrative Clearance Form to the Building Official with all required signatures.

Authorization for occupancy is to be granted by the Building Official upon having a final occupancy inspection conducted by the Project Planner, the Building Inspector, and the Fire Chief, and then having the Building Official issue a Certificate of Occupancy. Any required public improvements are to be completed to the satisfaction of the City Engineer prior to the Building Official issuing a Certificate of Occupancy.

Authorization shall not be granted if the proper and requested information is not presented in a neat and timely manner.

L. COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS

All activity and construction pursuant to this permit shall comply with all applicable codes and regulations including, but not limited to, the Fillmore General Plan, the Fillmore Zoning Ordinance, the California Building Code (2010 version), the Uniform Fire Code, and the "Standard Specifications for Public Works Construction".

M. PAYMENT OF FEES/DEPOSITS

All required Fees shall be paid by the APPLICANT prior to the issuance of a building permit.

CONDITIONS

The following conditions are organized by CITY Department.

ENGINEERING

E1. Approval of this project is conditioned upon payment to the City of all applicable impact fees and connection fees, as provided in Chapter 6.07 of the Fillmore Municipal Code.

E2. Impact fees shall be imposed as a condition of approval of all development projects. No tentative or final subdivision map, parcel map, grading permit, building permit, final inspection or certificate of occupancy shall be approved unless the provisions of this section have been fulfilled.

E3. Impact fees shall be imposed by including the following language in any document of development approval: Approval of this project is conditioned upon payment to the City of all applicable impact fees and connection fees, as provided in Chapter 6.07 of the Fillmore Municipal Code.

E4. Impact fees, if imposed, shall be calculated and collected by the City Engineer at the time, and as a condition, of issuance of a building permit, except that the connection fees shall be calculated and collected at the time of application for connection to the utility system. The calculation of impact fees due shall be based on the fee schedule in effect at the time of application for a building permit.

E5. Any street, alley, sidewalk, or curb that is damaged by the Applicant or the applicants' agent(s)/employees, shall be repaired by the applicant.

E6. The Applicant shall be responsible for all actions of his contractors and subcontractors until such time as the improvements have been accepted by the City of Fillmore.

E7. The Applicant shall not commence any construction until a pre-construction conference

has been held between the Applicant, the Applicant's engineer, contractor and subcontractors, and the City Engineer or City staff appointed by him.

E8. All utility plans within the public right of way shall be coordinated with the respective utility companies. Preliminary utility designs shall be submitted for review and approval by the City Engineer prior to final utility design. Cable, electric and telephone utilities shall be placed in conduit and not be direct burial wire. All utility boxes shall be precisely located on the utility plans.

FIRE

F1. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and Ventura County Environmental Health Department, the Fire Department, the Sheriff's Department and the City Inspector shall be notified immediately. Work shall not proceed until the clearance has been issued by all these agencies.

F2. On site and/or boundary water mains, fire hydrants and services shall be installed according to City of Fillmore Public Works Department specification.

F3. The Applicant shall obtain two certified fire flow test at the Applicant's expense to determine and check for compliance with fire flow requirements. The first test shall be conducted prior to approval of improvement plans and the second test after construction of the subject improvements but prior to issuance of a certificate of occupancy. The tests must be certified by a Fire Protection Engineer. A minimum fire flow of 1,500 gallons per minute shall be provided at the subject site.

F4. Fire hydrants shall be installed and be in service prior to any combustible construction and shall conform to the minimum standards of the Ventura County Water Works Manual and the City of Fillmore Public Works Department Standards.

Each hydrant shall be a Clow model 960, or equivalent, with two, 2 ½ inch outlets and one, 4-inch outlet for Commercial construction or A Clow model 950, or equivalent, with one 2 ½ inch outlet and one 4 inch outlet for residential construction. Required flow shall be achieved at no less than 20 psi (pounds per square inch) residual pressure. Fire Hydrants shall be spaced 500 feet on center, and so located that no structure will be farther than 250 feet from one hydrant. Hydrants shall be located no less than three (3) feet nor more than five (5) feet from any curb.

F5. All roof covering materials shall consist of State Fire Marshall-approved, noncombustible, fire retardant materials.

F6. The Applicant shall provide on-site fire protection, as determined by the Fire Chief. Adequate fire protection shall be installed and be in service, prior to obtaining any building permits. The Applicant shall maintain passable vehicular access to all buildings and fire hydrants as required by the Fire Chief.

- F7. Smoke detectors, approved by the State Fire Marshall, shall be installed in all areas leading to sleeping rooms.
- F8. Automatic fire sprinklers shall be provided as required by the Fillmore Fire Chief.
- F9. Fire hydrant valves shall be maintained free of all obstructions in a manner deemed satisfactory by the Fire Chief.
- F10. All driveways and canopies shall have a minimum vertical clearance of 13 feet, 6 inches.
- F11. No burning of combustible refuse material shall be permitted the subject property.
- F12. A permit shall be obtained from the Fillmore Fire Chief and the Ventura Country Air Pollution Control District (APCD) for the handling, storage and use of all flammable, combustible and hazardous materials.

BUILDING & SAFETY

B1. With the first submittal of construction documents, a reproduction of this document (Exhibit "COA") shall be incorporated as a full-sized page into all sets of the construction documents.

B2. Before starting any work, the Applicant shall designate in writing an authorized representative who shall have complete authority to represent and act for the applicant. Such written authorized shall be submitted to the Community Development Department. Said authorized representative shall be present at the site of work at all times while work is actually in process on the development. During periods when work is suspended, arrangements acceptable to the City shall be made for any emergency work that may be required.

URGENT WORK – Whenever orders by the City to the applicant's representative, Superintendent, or Foreman, to do work required for the convenience and safety of the general public because of inclement weather or any other dangerous condition, and said orders are not immediately acted upon by such person, the City may do, or have such work done, by others at the applicant's expense.

NUISANCE WORK – When the project causes a nuisance to the public and the City notifies the Applicant in writing of the nuisance, the Applicant shall resolve the problem causing the nuisance within 36 hours. If the Applicant fails to correct the nuisance in a timely manner the City may do or have such work done by others at the Applicant's expense.

B3. FUGITIVE DUST

The applicant shall be required to comply with the provisions of Rule 55, Fugitive Dust, as adopted by the Ventura County Air Pollution Control Board on June 8th, 2008. Rule 55 applies to any disturbed surface area, or man-made condition capable of generating fugitive dust,

including bulk material handling, earth-moving, construction, demolition, storage piles, unpaved roads, track-out, or off-field agricultural operations.

Copies of Rule 55 may be obtained at www.vcapcd.org under Rule Development (Current Rules and Regulations).

RESOURCE MANAGEMENT

- R1. As part of initial project description and design all solid waste components and management plans for those materials that will enter the waste stream, as defined in chapter 8.04 of the City Municipal Code, shall be identified. The subsequent management plan which is developed shall be included as part of the specific notes both in the project description and as part of the plans for the project under the heading Resource Recovery, Recycling and Trash Management (plan). These plans and notes placement shall conform to the requirements of City Council Resolution 99-2369.
- R2. Design of Waste Stream Material Storage and Handling shall conform to Section 8.04.050c of the City Municipal Code and The City of Fillmore Zoning Ordinance section 6.04.18 pages III 21, 22, 23, and 24.
- R3. Prior to Plan Check Clearance conditions R1 and R2 shall be completed or, a specific Resource Recovery, Recycling and Trash Management Plan shall be approved.
- R4. Prior to completion or occupancy clearance, any and all documentation required by the Resource Recovery, Recycling and Trash plan shall be filed and approved.
- R5. Prior to occupancy clearance, a subsequent Resource Recovery, Recycling and Trash plan shall be submitted and approved for project operations. This plan shall conform to the requirements set forth in City Council Resolution 99-2369
- R6. All Resource Recovery, Recycling and Trash plans will include any requirements of other departments.
- R7. If the use for the project includes both commercial and residential aspects, Waste Stream Material Storage must allow for separate containers for each use.
- R8. And special waste streams that are identified and managed in a method different or unique must be quantified for the purposes of the Resource Recovery, Recycling and Trash Plan. This quantification should include quantity or weight, and disposition.

SPECIAL CONDITIONS

- S1. Prior to Building Permit issuance, the Community Development Director shall approve the font, lettering style and materials of the "Fillmore" sign on the water tower. The objective is to create a historic appearance.

- S2. All equipment, appurtenance and landscaping shall be maintained in good condition.
- S3. All unused/obsolete equipment/towers shall be removed from the site within 6 months after their need/operation has ceased and all altered landscaping and paved areas shall be returned to the previous state from which they were altered.
- S4. The applicant shall be required to install proportional bird spikes along all ledges and sign structures to prevent birds from roosting and defecating on the tower.
- S5. The property owner shall be responsible for the maintenance of the tower in the event the applicant ceases the operation of the wireless telecommunication facility.
- S6. The applicant shall be required to perform a preliminary Radio Frequency Radiation (RFR) Study for the sole purpose of verifying compliance with the FCC radio frequency emission standards, an emissions report which measures the predicted and actual, if available, levels of electromagnetic field radiation emitted by the proposed facility operating alone and in combination with radiation emitted from other existing or approved facilities that can be detected at the proposed facility site prior to occupancy. Radiation measurements shall be based on all proposed (applications filed and pending), approved, and existing facilities operating at maximum power densities and frequencies. It is the responsibility of the applicant to determine the location and power of existing facilities.
- S7. The applicant shall be required to finance all costs for future Radio Frequency Radiation studies to be performed by a third party consultant selected by the City in the event of a change to the FCC radio frequency emission standards.
- S8. Applicant shall install a back-up power supply emergency generator for the wireless telecommunications facility included in the initial building plan submittal. The fuel supply for the generator shall be a minimum of 132 gallon diesel tank.
- S9. The applicant shall be required to screen all ground based equipment within the lease area from public view.
- S10. The project shall be required to comply with the 1994 Zoning Ordinance Sections 6.04.1805.2.D, Cellular Radiotelephone Communication Facilities and Section 6.04.0815, General Standards, Manufacturing/Industrial Zones.
- S11. The maximum height of the water tower cannot exceed 65' in height per Section 6.04.1805.2.D.5 of the 1994 Zoning Ordinance.

IN ACKNOWLEDGEMENT & UNDERSTANDING

Douglas Tucker
Planning Commission Chair

Date

Bill D'Agostino, Jr., Regional Executive Director
Verizon Wireless, Applicant

Date

Brenda Hampton Ortiz, Property Owner

Date

END OF CONDITIONS

DATE: 01/26/11

SUBJECT: Verizon Wireless "Fillmore" Telecommunications
Facility located at 310 A Street, Fillmore, CA 93015

Project Narrative

Purpose and Need

Verizon Wireless is working to provide improved wireless communication service to the City of Fillmore by adding the "Fillmore" site to its network. The property is zoned Manufacturing/Industrial (M-1), and the proposed facility consists of 12 antennas on 3 arrays mounted on a 65' high monopalm. The proposed facility complies with Development Standards for the zone, and is processed through a Development Permit.

The monopalm will be located on an asphalt stripping business and the associated equipment will be located in a pre-fabricated equipment shelter mounted on a concrete slab within a chain link fence. The proposed use is located in an ideal location to minimize visual impacts, within the area. Verizon Wireless is specifically proposing a monopalm structure that would be compatible with existing trees in the surrounding area to help minimize any visual impacts. Photo simulations are included with this application to show the compatibility of the proposed use.

The proposed Verizon Wireless "Fillmore" site has several objectives, all of which are designed to address a significant gap in service coverage to Highway 126 in this area of Fillmore. The area Verizon Wireless is attempting to provide coverage to is comprised of mostly residences, commercial neighborhoods, and the central business district.

The objectives are:

1. To provide new LTE (4G) radio frequency service in the 700 MHz frequency;
2. To provide safe, effective and reliable levels of service coverage along Telegraph Road, A Street, Ventura Street, and Highway 126.
3. To offload network traffic from the existing "Big Mountain" site and provide coverage to the "Big Mountain" site once it is decommissioned.
4. To increase RF signal quality and reliability to the residential and commercial neighborhoods surrounding the site.

Verizon's "Fillmore" site will comply with FCC regulations regarding interference with the reception or transmission of other wireless facilities within the city and surrounding community. It will operate in compliance with all applicable Federal regulations, including safety.

The propagation plots attached in this application depict the general geographic area of Verizon Wireless' coverage objectives. Just as radio waves do not stop at an arbitrary physical boundary, the general geographic area in which coverage is sought cannot be bounded. Moreover, RF coverage is not static, and is subject to fading as result of the morphology and topography of the area. As a result, Verizon Wireless cannot quantify the size of the area in units of square miles to define the "significant gap" in service coverage that the "Fillmore" site seeks to remedy.

As noted above, there are a number of objectives that this site is designed to fill. Although there will be new coverage added in the 700 MHz frequency range over a physical area, a "significant gap" in service coverage can exist for a variety of other reasons. For this particular area, the "Fillmore" site will significantly improve a gap in service coverage by addressing the lack of sufficient capacity for all calls and data routing through the cell sites in the area, or insufficient reliability of RF signal in the area due to interference or other issues. For the reasons noted above, these "significant gaps" in service coverage may not necessarily be depicted on a propagation plot. Other than stating that a "significant gap" in service coverage exists when Verizon Wireless cannot provide safe, adequate and reliable levels of service coverage to its users, the definition of what constitutes a "significant gap" is site specific.

Although limited by the above factors, propagation plots provide important information regarding the level of signal, and therefore the anticipated coverage provided by a cell site. For a cellular system to work properly, each cell site must provide areas of discrete coverage as well as overlapping coverage with neighboring sites. Coverage exists when there is sufficient radio frequency ("RF") signal strength to provide safe, effective and reliable levels of coverage in a particular geographic area. As user travels between the discrete coverage areas of two or more sites, a handoff is triggered within the zone of overlapping coverage. If the handoff is successful, it is transparent to the user and results in seamless coverage. If the handoff is not successful, the call is lost and must be reestablished once the user gets within range of the next site. Without adequate RF signal, there is no reliability in the ability to make or receive voice calls, and data throughput speed is limited. This is especially significant in that Verizon Wireless, as an FCC licensee, is mandated to provide enhanced 911 services to its users. The strength of RF signal coverage is measured in decibel level and is noted as a dBm level. As decibel level is degraded (i.e. signal level is weakened), it is reflected in increasingly larger negative numbers. Hence, -75dBm is a stronger signal than -85dBm, which in turn is stronger than -95dBm.

In order to identify a potential site to fill this gap coverage, Verizon Wireless engineers have created a search ring that represents an area in which a potential cell site can be located to begin the process of identifying and evaluating potential locations for a site. The specific requirements for this site are captured in the document called a Search Area Review Form (SARF). The SARF depicts the area in which a site needs to be located in order to obtain the needed coverage. As previously mentioned, the goal for this particular site has several coverage objectives mentioned above.

Co-Location Information

Verizon Wireless always pursues co-location opportunities as a priority. There were no existing wireless facilities on the property. If any other potential existing facilities had been identified, Verizon would have contacted the existing carrier to pursue co-location opportunities. Verizon's future monopole will be constructed to allow future co-location on the structure. There is also available space inside the subject property for another carrier's associated equipment.

Visual Impact Information

The application includes four photo simulations that were produced to show the visual impact after the site is constructed. Please see the attached aerial map (Index Map) that shows photo simulation locations as well as additional photos from perspectives in the surrounding area. The simulations were taken from northwest, south, east, and southwest vantage points. As the simulations show, the proposed wireless facility is located in an ideal location because there are existing trees and palm trees to help minimize visual impacts and blend with the existing landscape for compatibility. In addition, the site is located in an industrial zone.

