CITY OF CHULA VISTA

City of Chula Vista Boards & Commissions

Planning Commission

Minutes

REGULAR MEETING OF THE PLANNING COMMISSION
OF THE CITY OF CHULA VISTA

March 22, 2017
6:00 p.m.

Council Chambers
276 Fourth Avenue,
Chula Vista, CA

CALL TO ORDER

MEMBERS PRESENT Calvo, Liuag, Nava, Zaker and Chair Gutierrez

MEMBERS ABSENT: Anaya

MOTION TO EXCUSE Anaya

MSC: Calvo/Liuag **Motion Passed: 5-0-1**

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

OPENING STATEMENT:

1. **Approval of Minutes**

   February 22, 2017

   MSC: Liuag/Zaker Motion passed: 5-0-1

2. **PUBLIC HEARING:** **CUP15-0032 CONSIDERATION OF A CONDITIONAL USE PERMIT TO INSTALL, USE, AND MAINTAIN AN UNMANNED WIRELESS TELECOMMUNICATIONS FACILITY (WTF) CONSISTING OF TWELVE (12) PANEL ANTENNAS MOUNTED ON A 43-FT. HIGH ANTENNA STRUCTURE DESIGNED TO RESEMBLE A PALM TREE (MONOPALM) AND ASSOCIATED EQUIPMENT LOCATED AT 409 TELEGRAPH CANYON ROAD.**

   Applicant: Verizon Wireless
   Project Manager: Jeff Steichen, Associate Planner

Staff Recommendation: **That the Planning Commission adopt Resolution PCC15-0032, approving the proposed unmanned Wireless Telecommunications Facility, based on the findings and subject to the conditions contained therein.**

Jeff Steichen, Associate Planner and Project Manager, gave a short presentation showing photos/renderings of the current mono-flag pole and the proposed mono-palm. The new facility would consist of twelve (12) panel antennas mounted on a 43-foot high antenna structure designed to resemble a palm tree. He also showed a location map for the project located at 409 Telegraph Canyon Road.

The 0.8-acre project site is a commercial retail center located on the north side of Telegraph Canyon Road directly west of Interstate 805. The project is proposed to be at the east end of and adjacent to the existing commercial building. The existing surrounding land uses include a) residential condos b) Telegraph Canyon Road c) I-805 Freeway and d) a commercial site – gas station. The replacement is necessary in order to provide expanded and greater capacity than the existing wireless facility is capable of providing.

Questions to Staff:

Nava – Is there any storage for equipment at the location and is the location of the pole going to be adjusted?

Steichen – There is currently storage inside the existing commercial facility and there will be no change in the exterior location

PUBLIC HEARING OPENED

Lucila Garcia, representing Hilltop Village, spoke to the Commission regarding their concerns which included:

1. 12 additional panels – are they to be moved toward the community complex?
2. Additional radio frequency waves – no discussion of environmental status/effects.
3. Can it be placed somewhere else; were other locations discussed?
4. They would like a map of the cell phone towers in Western Chula Vista.

Ms. Shelly Kilbourn, representing Verizon addressed the community concerns:

1. The mono-palm will be moved only a few feet closer to the residential complex – it will still be at least 70 feet from the residential area. The additional height is due only to the ornamental “palm fronds”.
2. The 12 additional antennas will provide full strength and the best capacity for the cell tower. The FCC regulates the radio frequency capacity and Verizon has followed the guidelines. They would agree to do a study and provide the report.
3. This is the preferred site because one of the requirements is that it be in a commercial area and it is already zoned as CN (Commercial Neighborhood).

PUBLIC HEARING CLOSED

COMMISSION DELIBERATIONS

There was discussion by the Commission regarding the inclination to approve the resolution if the applicant would provide a study to the City and homeowners. Ms. Garcia requested that, if a study is done, it be forwarded to the Hilltop Village Homeowner's Association. City Deputy Attorney Silva stated that per the amended Telecommunications Act of 1996, the City is preempted from making a decision based directly or indirectly on the environmental impact of radio frequency issues.

It was asked what would happen to the American flag which is being removed. Kilborn stated that it was the property of Verizon, but that she did not know what would happen to it. Several of the Commissioners said they would be happy to have it placed in their neighborhood. ☺

MSC: Liuag – with the condition added to the resolution that a radio frequency study be done and provided to the City and the Homeowner's Association.
Seconded by Calvo
Vote: 5-0-1

******In consideration of a timely presentation for the applicants, the order of Item 3 and Item 4 was reversed so that Item 4 was heard prior to Item 3.

Commissioner Calvo recused herself from Item 4.

4. PUBLIC HEARING DESIGN REVIEW (DR16-0021) TO CONSTRUCT 179 MULTI-FAMILY UNITS AND 418 PARKING SPACES ON 13.4 ACRES WITHIN THE VILLAGE 3 MASTER PLANNED COMMUNITY.

Applicant: HomeFed SH Otay, LLC.
Project Manager: Janice Kluth, Sr. Project Coordinator

Staff Recommendation: That the Planning Commission adopt Resolution DR16-0021 for the development of a multi-family project, based on the findings and subject to the conditions contained therein.

Project Manager Janice Kluth gave a slide presentation that included a location map, a description of the project i.e. 179 multi-family dwelling units, 418 parking spaces and 55,000 square-feet of open space. The presentation also provided site plan elements and a project analysis.

PUBLIC HEARING OPENED

John Vance, with Shea Homes, spoke in favor of the project and thanked Staff for helping two developers combine their efforts on one site. The partnering with Brookfield Homes is working well and they are both coming up with a quality home product. He continued to describe the project and stated that it would benefit all involved. Finally, he asked for the Commission's support.

PUBLIC HEARING CLOSED

Commissioner Questions/Deliberations

Q. Are these all apartments/condos and is there a Homeowner's Association
A. There will be a Master Association and then sub-Associations

Q. There is a concern about garages and making sure residents use them properly
Q. How will the open space be utilized and maintained?
A. There will be a Management Company overseeing the site and the Homeowner's Association will also enforce rules regarding upkeep, outside area maintenance – i.e. no towels draped, no clutter left outside. They are looking for young professionals who want to keep their surroundings nice and also the enforcement of the Homeowners' Association.

Q. There was a question about "walkability" and the possibility of a "transportation corridor" to allow young parents to get out and interact with their children in the outdoors.
A. Trying to blend two product types and where they could they used the tri-plex so they could have backyard to backyard or townhomes that have courtyard. Corridors run between buildings and have trees lining a walking path. The connectivity to the whole Master Plan allows for more interaction.

Q. There is 95% parking on-site. Where is the rest?
A. Around the perimeter there are three sides for additional street parking.

Q. There are two architectural designs – Spanish and Farmhouse. How are they blended?
A. The row-homes contain Ranch and Spanish themes; the tri-plex contains Ranch, Spanish and Farmhouse styles. They are all part of the Master Plan and run according to the architectural guidelines therein. Mr. Vance reviewed the slides to show the Commission the cohesion of the design.

MSC: Liuag/Nava
Vote: 4-0-1-1 Anaya absent; Calvo abstained

**** Item 4 taken out of order**

3. PUBLIC HEARING MPA17-0001 - ADOPTION OF AN ORDINANCE AMENDING CHAPTER 19.14 OF THE CHULA VISTA MUNICIPAL CODE (CVMC) BY ADDING A NEW SECTION CREATING AN INITIATION PROCESS FOR AMENDMENTS TO THE GENERAL PLAN, SECTIONAL PLANNING AREA PLANS, GENERAL DEVELOPMENT PLANS, SPECIFIC PLANS, PRECISE PLANS (LAND USE PLANS) AND FOR REZONING

Staff Recommendation: That the Planning Commission adopt Resolution MPA17-0001 recommending City Council approval of the proposed Ordinance.

Brought to the Commission by Kelly Broughton, Director of Development Services

At a previous meeting there had been discussion regarding the revision of several City Ordinances and the desire for the Commission to be kept informed on the progress of those items. City Council has directed Director Broughton to bring this forward based on matters that had come before the Commission and also several applicants that had approached the City on projects that would require changes to large planning documents. The discussions that occurred were around finding a way to get some earlier input before the applicants spent a lot of time and money without having any understanding of what issues were before them.

This Ordinance will create a formal process whereby an initiation can be requested by an applicant, not require them to go through extensive technical studies and get an idea from the City Council whether they should move forward. It does not commit to a decision on a matter, but it does give Council a vehicle to talk about their concerns and perhaps hear from the public who may also have concerns prior to the time the applicant prepares all the technical studies and materials required.

COMMISSIONER QUESTIONS

Q. Would public notification be required?
A. It would come to the City Council as a Public Hearing and it would require a Notice of Application as would any regular project.

There was Commission discussion about the process and concerns were voiced.

1) The project would go to the City Council for an opinion without any technical studies.
2) If trying to consolidate costs, this seems counterproductive in adding another process.
3) Concern that the City Council does not have the expertise that would be represented by the Planning Commission and if you bypass the Planning Commission, you would bypass the concerns they have with a project due to their experience and knowledge of the technicalities.

Examples of the procedure being beneficial would be:

1) Urban Core Specific Plan zone change – consistent with land use, but density was questionable. In this case it gave the applicant information as to whether there were concerns from the Council or public before they did the technical studies. This may allow some issues that could be brought to light to slide through.

2) General Plan rezone to change from industrial to residential; the General Plan had identified the zone as residential, but the zoning had not been changed when the update came forward.

This process could save the applicant time and money if they knew the concerns of the Council and what problems they would be up against. The only other vehicle to get this kind of input is to go to Councilmembers individually where the City would like that conversation to be transparent and out in the public.

There was further discussion on the pros and cons of a new method to allow applicants voluntarily get a feel for whether a project would have insurmountable problems and/or

challenges or whether it was worth bringing it forward. A concern of some of the Planning Commission is that the applicant should have the option of starting the initiation process with either the Planning Commission or City Council – or go before both.

A Commissioner voiced a concern that, while the intention is well meant, it seems to go against the consolidating process that was put in to effect a few years ago.

MSC: Motion by Gutierrez to recommend the process to the City Council with a change to the Ordinance to say City Council and/or Planning Commission with a 1-year sunset review. Seconded by Zaker
Vote: 4-1-1 (Calvo nay; Anaya absent)

OTHER BUSINESS

5. DIRECTOR'S COMMENTS

There were none

6. COMMISSIONERS'/BOARD MEMBERS' COMMENTS

Calvo: Can you provide an update on applications for the vacant seat?

Broughton: The closing date has been extended as there were not enough applicants.

Gutierrez: Can you provide an overview/update of what other Ordinances are being looked at?

Broughton: We are starting the Oversight Committee review of the Ordinances and believe they are starting with Food Truck Ordinance, changes to the Second Accessory Dwelling Unit regulations, the Fair Housing Regulations being regulated by the State, and the Appeals process being consistent across all of the appeals bodies.

ADJOURNMENT at 7:25 p.m**.** to the regular meeting on April 12, 2017 at 6:00 p.m. in the Council Chambers at 276 Fourth Avenue in Chula Vista, California.