

IRWINDALE COUNCIL CHAMBER
5050 N. IRWINDALE AVENUE
IRWINDALE, CALIFORNIA 91706

November 16, 2022
Wednesday
6:30 P.M.

The Irwindale **PLANNING COMMISSION** met in regular session at the above time and place.

CHAIR GOMEZ Please stand for the Pledge of Allegiance and continue standing for Invocation.

COMMISSIONER
FUENTES We had a flag.

CHAIR GOMEZ I know but...

ADMINISTRATIVE
SECRETARY
HERNANDEZ So we are having issues with the flag. That will stay on the whole time nothing else will change from that.

PLEDGE OF
ALLEGIANCE I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

INVOCATION
COMMISSIONER
FUENTES Dear heavenly Father, we just come before you this evening thanking you so much for your love (Unintelligible).

CHAIR GOMEZ Roll call.

ROLL CALL: Present: Commissioners; Robert E. Hartman; David Fuentes; Richard Chico; Vice Chair Enoch Burrola; Chair Suzanne Gomez

Also present: Julian Miranda, City Manager; Adrian Guerra, City Attorney; Marilyn Simpson, Community Development Director; Brandi Jones, Senior Planner; Martin Romero, Planning Technician; Jesus Hernandez, Administrative Secretary

ANNOUNCEMENTS

CHAIR GOMEZ Now we are on Announcements. Do we have any Announcements this evening from any of the Commissioners or any of the Staff?

COMMISSIONER
FUENTES I have not an announcement, it is a request. I would like the flag back in here if we can. I mean that is like looking at a fireplace on TV, to me. I would like to...

CITY MANAGER
MIRANDA Absolutely.

ADMINISTRATIVE
SECRETARY
HERNANDEZ Just because we have a little bit of technical, issues if everybody could just speak into the mic, thank you.

**SPONTANEOUS
COMMUNICATIONS**

CHAIR GOMEZ

Now moving onto the Spontaneous Communications and Mr. Hernandez will review the outline for Spontaneous Communications at this time.

ADMINISTRATIVE
SECRETARY
HERNANDEZ

This is a time set aside for members of the audience to speak on items not on this agenda. State law prohibits any Commission discussion or action on such communications unless 1) the Commission by majority vote finds that a catastrophe or emergency exists; or 2) the Commission by at least four votes finds that the matter (and need for action thereon) arose within the last five days. Since the Commission cannot (except as stated) participate it is requested that all such communications be made in writing so as to be included on the next agenda for full discussion and action. If a member of the audience feels he or she must proceed tonight, then each speaker will be limited to 3 minutes, unless such time limits are extended. We are currently in a hybrid format, so we have both in-person and hybrid audience members and they will participate in the following order. Tier 1: In-person attendees. Tier 2: Teleconference attendees. Tier 3: In-person attendees who have not previously provide comments on the matter(s) being discussed by the legislative body, and Tier 4: Teleconference attendees who have not previously provide comments on the matter(s) being discussed by the legislative body.

CHAIR GOMEZ

At this time, do we have anybody on Spontaneous Communication for Tier 1? Spontaneous Communication for Tier 2?

ADMINISTRATIVE
SECRETARY
HERNANDEZ

We do not.

CHAIR GOMEZ

Thank you. Do we have anybody for Tier 3 or Tier 4?

ADMINISTRATIVE
SECRETARY
HERNANDEZ

No, we do not.

CONSENT CALENDAR

CHAIR GOMEZ

So let's move onto the Consent Calendar and those are for the Minutes of the Regular Meeting held April 20, 2022. Do we have any discussion or comments on them that need to change, if not we need a motion to approve? I motion.

COMMISSIONER
HARTMAN

Second.

PLANNING COMMISSION MINUTES
REGULAR MEETING

November 16, 2022
PAGE 3

CHAIR GOMEZ	Roll call.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Chico.
COMMISSIONER CHICO	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Fuentes.
COMMISSIONER FUENTES	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Hartman.
COMMISSIONER HARTMAN	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Vice-Chair Burrola.
VICE-CHAIR BURROLA	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Chair Gomez.
CHAIR GOMEZ	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Thank you.

NEW BUSINESS

No Items

PUBLIC HEARINGS

CHAIR GOMEZ

Now we move on to Public Hearings and a Conditional Use Permit No. 01-2022; wireless telecommunications facility, mono-pine, at 13201 Ramona Boulevard, John McDonald, Agent for AT&T, Eukon Group. So we are going to open the Public Hearing for our presentation and Staff Report.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON

Thank you Chair and Commission, this item will be presented by our Planning Technician, Martin Romero.

CHAIR GOMEZ

Thank you.

PLANNING
TECHNICIAN
ROMERO

Good evening Honorable Chair and members of the Planning Commission. We will be discussing a Conditional Use Permit for the property located at 13201 Ramona Blvd. The applicant is John McDonald of Eukon Group, an agent for AT&T. The property owner is Westport Irwindale LLC. The applicant is requesting a Conditional Use Permit for the construction of a new wireless telecommunications facility, at the property at 13201 Ramona Blvd. The site is bounded by the Vulcan Durbin pit to the north, Ramona Boulevard on the south, the City of Baldwin Park to the east, and an industrial business park to the west. The site is located in an A-1 (Agricultural) Zone, with a General Plan designation of Quarry Overlay. The proposed project is categorically exempt from CEQA per Section 15303 Class 3; New Construction or Conversion of Small Structures. The site is currently used as a mini-storage. The proposed mono-pine will be constructed on the parking lot on the eastern edge of the property. There is an existing mono-pine on the northeastern edge of the property. This mono-pine is fully developed and can no longer be collocated. If you can see that red buffer, that is the existing mono-pine. The new mono-pine would help service a "significant gap in coverage" in the area, and will help ease overloading of the surrounding towers. This facility will also be equipped with FirstNet. The facility sits on the northeastern side of the property. The facility's enclosure is 15 feet from the property line, which complies with A-1 rear setbacks. The tower itself will sit 34 feet 11 inches from the property line. The facility will be enclosed by an 8 foot screened chain-link enclosure. The mono-pine itself will stand at 75 feet tall. Three (3) California native pines will be planted near the facility to help stealth the mono-pine. Before the installation of the facility, we can see the "significant gap in coverage" that I had mentioned. After the proposed installation, we can see how coverage will improve in the area. Staff recommends to adopt Resolution No. 817(22) recommending that the Planning Commission approve Conditional Use Permit No. 01-2022, subject to the proposed Conditions of Approval. This concludes my presentation. I believe the applicant has a presentation as well. One second.

COMMISSIONER FUENTES	Martin, excuse me, I am sorry. Can you go back where you were showing where the existing one is at, and just point to where the new one is going to be? I don't see it on here. I mean you got this but I'd like to see it...
PLANNING TECHNICIAN ROMERO	Yeah, for sure. As we can see the red buffer that is the existing. The new facility will be somewhere right here. Do you have a copy of your site plan with you?
COMMISSIONER FUENTES	Yeah, I do. The reason I am asking, it looks like it is more towards the center.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Fuentes, do you mind speaking closer to the mic?
COMMISSIONER FUENTES	Oh I am sorry. In the site plan it looks like it is more to the center, more than 15 feet or 30 feet off the property line, that is all. That is why I was asking.
PLANNING TECHNICIAN ROMERO	Oh, so the rear property line for this property is the northern property line. So it is 15 feet away from the Vulcan/Durbin pit property line.
COMMISSIONER FUENTES	Okay. Alright cool.
PLANNING TECHNICIAN ROMERO	Do you have any further questions?
COMMISSIONER FUENTES	No.
PLANNING TECHNICIAN ROMERO	Okay.
CHAIR GOMEZ	Please, step forward and state your first and last name for the record.
ALEXIS DUNLAP	Good evening Chairwoman Gomez and Planning Commissioners. My name is Alexis Dunlap. I am here representing AT&T. I greatly appreciate you having this entire Planning Commission Meeting just for our one (1) cellphone tower. I appreciate you all meeting out here with us tonight. I will also like to thank Martin Romero and Planning Staff for helping us get to this point. He gave a great presentation. I really don't have a lot to add to what he brought up. I am happy to answer any questions that you have. I do have one question, a request for clarification, and perhaps a modification to one of the Conditions of

Approval that I will bring your attention to, the Community Development Department Conditions Condition No. 2. As Mr. Romero mentioned this tower will house FirstNet antennas. Just in case everybody on the Planning Commission or in the City is not aware, FirstNet is a federal contract that provides priority cellphone coverage to FirstNet, um excuse me, emergency responders. I am aware that the City of Irwindale and definitely the County of L.A. are subscribers of the FirstNet Network. Once these towers go on air, we are required by other federal agencies to keep the towers on air; otherwise, we could be fined by other federal agencies in the event of an emergency or a national disaster, where our towers are not able to be accessed from people that are trying to call for emergency services. Condition No. 2 states that, in the event interference is determined, the Applicant shall cease operation until further clearance by the applicable governmental entity. So the clarification or the potential modification that AT&T would like to request to this condition, is that if it would be possible to further define the word determine. I don't know if you have a City Attorney here tonight. Hey. Thank you. So the modification that AT&T would like to propose is instead of just saying "if interference is determined," if we can explain how that is determined. Our suggestion would be that if interference is determined by a third party radio frequency engineering company. Instead of you know next door neighbor Joe coming up and saying, "Hey your cellphone tower is interfering with my television," if we can get a certify agency to determine that interference, AT&T would be willing to pay for that third party. Radio frequency report, we could provide that report with a valid suggestion to the City that there might be interference. Once that interference is determined in that manner, then if we are not in compliance and it is determined that we are actually causing interference, then we would have to cease operation of the tower because then we would not be in compliance with our FCC license.

CHAIR GOMEZ

Okay, so let's have some feedback from our attorney.

CITY ATTORNEY
GUERRA

In concept, I don't have an issue with that, I think that is fair. At this point the language is somewhat vague, as to who would make the determination if there is interference. I think that is a fair request. Maybe I will word it while you are having the Public Hearing. The three points I will add are: number one: it would be a third-party certified engineer, number two: it will be an engineer selected by the City, and number three: all cost relating to the engineer would be borne by the applicant.

CHAIR GOMEZ

And if you read further on that particular one on the Community Development two, "The Chief of Police has the authority to determine whether to have a facility that causes." Now will we change that or will we continue with the body of this particular paragraph or will you alter it further?

ALEXIS DUNLAP	I would recommend that, that one be altered as well. My husband is a cop. He has no idea whether or not we would be interfering with his towers.
CHAIR GOMEZ	Thank you, but I would actually like it to stay. Our Police of Chief, we are a small community and we are well aware of our emergency, our complex, and apparatus. However, whatever the attorney recommends we will definitely go with that.
CITY ATTORNEY GUERRA	Okay, I will take a look at that.
ALEXIS DUNLAP	And then I am happy to answer any other questions that you might have.
CHAIR GOMEZ	Thank you.
COMMISSIONER FUENTES	I have a question.
CHAIR GOMEZ	Please go ahead.
COMMISSIONER FUENTES	It is an AT&T tower, do you sub it out to others like say Verizon or T-Mobile? Do they use it also, or is only for AT&T?
ALEXIS DUNLAP	It will be available for co-location by other carriers. As Mr. Romero mentioned there is already a cellphone tower on this lot that houses T-Mobile and Sprint. It is possible. I don't know where Verizon's towers are located, but in the future if Verizon wants to join on our tower it is structurally capable. I know that the City has a preference for co-location on existing towers. We would certainly be willing to sub that out to another carrier.
CHAIR GOMEZ	Any other questions from the Commission at this time, whether, as to Staff or the AT&T representative?
VICE-CHAIR BURROLA	(Unintelligible)
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Burrola, do you mind speaking into the mic?
VICE-CHAIR BURROLA	Can you hear me now? Yeah? Okay. So the engineer, you guys going to have some qualifications to go with that engineer to make sure that he is qualified to do this report?
CITY ATTORNEY GUERRA	Yes.

VICE-CHAIR BURROLA	Is that something we put here, or is that something that Staff would go over and suggest?
CITY ATTORNEY GUERRA	That would be something that the Staff would make that determination, as to whether they are qualified. I would assume Staff would likely go through an informal RFP process, maybe in consultation with the applicant to determine the qualified firms that are capable of doing it. I don't think we need to specify it here. I will word it in a way that it gives the Staff discretion to make that determination.
VICE-CHAIR BURROLA	Okay, thank you.
CHAIR GOMEZ	Excuse me?
VICE-CHAIR BURROLA	Go ahead.
CHAIR GOMEZ	Any other questions before we move on to open the Public Hearing? At this time, I will be opening the Public Hearing.
OPEN PUBLIC HEARING	At 6:50 p.m., Chair Gomez opened the Public Hearing.
CHAIR GOMEZ	Do we have anybody in the audience who would like to speak? Anybody on Zoom?
ADMINISTRATIVE SECRETARY HERNANDEZ	We do not.
CHAIR GOMEZ	Okay. At this time, we will be closing the Public Hearing and opening it up for discussion by the Commission.
CLOSE PUBLIC HEARING	There being no speakers, Chair Gomez closed the Public Hearing at 6:50 p.m.
COMMISSIONER CHICO	I have one question. Is there any contact between, will there be any contact between the two (2) towers being that they are different operators?
ALEXIS DUNLAP	No. So one of the reasons why the two (2) towers aren't right next to each other, they have to be at least one hundred feet away to avoid interference. I have worked in the industry for several years; all the carriers work very well together because if AT&T were interfering with T-Mobile, T-Mobile would be interfering with AT&T. We want to get far enough away from each other so that no interference is caused between the two towers.

CHAIR GOMEZ	Any other questions?
VICE-CHAIR BURROLA	I have a question for Staff. Martin, what kind of operation is going on there? I know that it is going to be taking some parking spaces. Is that going to interfere with the requirements as far as parking?
PLANNING TECHNICIAN ROMERO	Currently it is a mini-storage, a US Storage, I believe. I think they have enough parking for their use.
VICE-CHAIR BURROLA	Can you look into that and make sure that we...
PLANNING TECHNICIAN ROMERO	Yeah, I will look into that.
VICE-CHAIR BURROLA	Yeah, because I just want to make sure that if they are taking stalls away that, you know, we still have the required amount.
COMMUNITY DEVELOPMENT DIRECTOR SIMPSON	Thank you Chair and Commission, the area where the tower is going, that is considered part of the storage. They do have adequate parking. It is not usurping any required parking.
VICE-CHAIR BURROLA	Okay, thank you.
CHAIR GOMEZ	Any other questions?
COMMISSIONER FUENTES	I got questions/comments. I know we are looking at our General Plan, and we are looking at our housing and places for housing. I know that this area there, it was brought up for that, that is a possibility for housing. I didn't go to the last meeting. Will this tower at all, let's just say we decided to use that area there, would it affect housing what so ever for the units that we are planning on putting in, possibly?
PLANNING TECHNICIAN ROMERO	That site has been identified by the housing site, as you have mentioned. Per our housing consultant it would not interfere with what we would require for housing.
COMMISSIONER FUENTES	Oh, you looked into that already. Okay. Thank you.

CHAIR GOMEZ	Okay at this time, I was reviewing this and I really wanted to point out that I want to applaud AT&T because one of the things they are doing with the proposal, it meets all the Development and Design Standards including adding additional trees, I understand, to make it look visibly pleasant. Which is very nice because we go to other cities, often towers don't have fake trees or other trees. I do appreciate that they have met all the Development and Design Standards. A nice presentation, thank you. So can I have a motion?
COMMISSIONER FUENTES	I have a follow up question. The trees, they are real trees that are to be planted, or are they artificial?
ALEXIS DUNLAP	There are three (3) live trees that will be planted around the faux tree to further screen it.
COMMISSIONER FUENTES	Irrigation system to keep them watered, is that included?
ALEXIS DUNLAP	It is. We submitted a landscape plan. I don't know it off the top of my head, but it was included with the plans that were submitted.
COMMISSIONER FUENTES	Okay. Thank you that is it.
VICE-CHAIR BURROLA	One quick question, did you get an easement for this?
ALEXIS DUNLAP	We obtained the necessary access and utility easements through our lease agreement with the underline property owner.
VICE-CHAIR BURROLA	So they know if you need to go make, do maintenance on the...
ALEXIS DUNLAP	Access, utility, water, all of that would be included in our underline lease agreement with the property owner.
VICE-CHAIR BURROLA	Okay, good so you can go in there and they won't have any restrictions to you guys.
ALEXIS DUNLAP	Correct.
VICE-CHAIR BURROLA	Okay good, thank you.
ALEXIS DUNLAP	Thank you.

- CHAIR GOMEZ So we are moving to a motion for Resolution No. 815(22) A resolution of the Planning Commission of the City of Irwindale for the Conditional Use Permit No. 02-2021 for the outdoor storage and onsite, I am reading the wrong one. Sorry about that. A resolution for...
- CITY ATTORNEY GUERRA Madame, did you want to respond on the Condition of Approval before the Commission takes a vote?
- CHAIR GOMEZ Yeah.
- CITY ATTORNEY GUERRA So what I would propose for the Condition of Approval, is on the second sentence, I would change it to, "If such interference is determined by a qualified third-party certified engineer as selected by the Director of Community Development, with all cost to be borne by the applicant, the applicant shall cease operations blah blah blah." So that would be the first change. The second change is the last sentence. Currently it is the Police Chief; I actually feel that, that should not be an administrative decision because if it constitutes removal of property, there should be due process involved with that. What I would recommend is it come to the Planning Commission, and they can have the right to be heard before the Planning Commission determines it should be removed, and have the right to appeal it to the City Council. What I've proposed is, "The Planning Commission, or on appeal the City Council, shall have the authority to determine whether to have a facility, that is determined to have caused interference as described above, fixed or removed." If that is acceptable to the Commission, I would ask that the applicants representative confirm on the record that, that is acceptable to her.
- CHAIR GOMEZ I think that is excellent. I just had one question because when I read it, it seems to me that interfering with operation and the use of Irwindale Police or Los Angeles County Fire Department's communications operation. I was thinking that it would be an emergency situation, because if it was, you know, a regular situation there was interference, then we contact them, we discuss it, but if it is an emergency situation and this is applicable to that situation particular, would that language still be enough?
- CITY ATTORNEY GUERRA Yeah, I think it would. I mean the issue....
- CHAIR GOMEZ Then we would have an emergency Planning Commission to decide if the interference was justifiable?

CITY ATTORNEY
GUERRA

Yes and no. So what would happen is we would get some report, maybe the applicant can probably speak on it better than I can, but I would assume we get some type of report, some type of notice that there is some interference going on. Staff would hear about this, we would consult with the applicant, if we are hearing it is a problem we would get a consultant to come out and explore, to see exactly what is happening. If it something that can easily be fixed and it was some error, I would assume they would fix it. If it is something that is significant, that is going to be ongoing and it is going to be problematic, I assume at that point we consider, we would have to do something, maybe that's when we would consider removal or fixing it.

CHAIR GOMEZ

Okay, but I totally agree under normal conditions, but what I am thinking is does this apply if it is a critical emergency situation in our City and in our area, would it be applicable that the Chief of Police cannot or the County Fire Department Head make a decision? I am not talking about interference, I am talking about a serious condition that identifies from whatever it may be. That is just my concern, but if you feel that that is adequate then we can move forward.

CITY ATTORNEY
GUERRA

Yeah, so if you read the middle paragraph it does, or sentence I should say, it does say that if the installation or the operation in any way interferes with the operation of PD or LA County Fire, the applicant shall immediately cease to operate.

CHAIR GOMEZ

We are keeping that in the language?

CITY ATTORNEY
GUERRA

That is staying in there.

CHAIR GOMEZ

Okay.

CITY ATTORNEY
GUERRA

So I would ask the applicant if my revision is acceptable to the applicant.

ALEXIS DUNLAP

Yes, thank you very much for helping us modify that. I will just add a quick clarification to help explain this. It would be highly unusual that the AT&T tower was interfering with any Police or other individual radio television communications, because the frequencies that AT&T towers operate under every single frequency has to be license specifically by the FCC, who regulates it and says, "Okay AT&T operating under this 800 megahertz. It won't cause any interference with nearby radio frequencies," which are significantly much lower like fourteen-degree frequency. Also the AT&T tower, since we are contracted by the federal government to provide the FirstNet services the Federal government and the FCC are partnered together, to make absolutely certain that the frequencies under which the AT&T towers operate are not going to interfere with any other police communication. So the clarification or modification request is only as to whom makes the

determination of the interference. AT&T just asks that it would be a radio frequency engineer instead of the Chief of Police, who may not be necessary qualify to make that determination of the interference.

CHAIR GOMEZ	Thank you we appreciate that. Thank you. So we are going to move on to our motion for, I will read it correctly, Resolution No. 817(22) a Resolution of the Planning Commission of the City of Irwindale approving Conditional Use Permit No. 01-2022 for the construction and operation of a wireless telecommunications facility (mono-pine) on property located at 13201 Ramona Boulevard, Irwindale, CA in the A-1 (Agricultural) Zone, subject to conditions as set forth herein and making findings in support thereof and finding the project exempt from CQA. Do I have a motion?
COMMISSIONER HARTMAN	Motion to approve as amended.
CHAIR GOMEZ	Second?
COMMISSIONER CHICO	Second.
CHAIR GOMEZ	Roll Call.
CITY ATTORNEY GUERRA	To clarify, it is the proposed resolution with the amendment to the Condition that we stated previously.
CHAIR GOMEZ	Correct.
ADMINISTRATIVE SECRETARY HERNANDEZ	Okay, Commissioner Chico.
COMMISSIONER CHICO	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Fuentes.
COMMISSIONER FUENTES	Yes.
ADMINISTRATIVE SECRETARY HERNANDEZ	Commissioner Hartman.

COMMISSIONER
HARTMAN Yes.

ADMINISTRATIVE
SECRETARY
HERNANDEZ Vice-Chair Burrola.
VICE-CHAIR
BURROLA Yes.

ADMINISTRATIVE
SECRETARY
HERNANDEZ Chair Gomez.
CHAIR GOMEZ Yes.

ADMINISTRATIVE
SECRETARY
HERNANDEZ Thank you.

CHAIR GOMEZ Thank you for coming out today and your presentation, we appreciate that.

**DISCUSSION ITEMS/
PRESENTATIONS**

CHAIR GOMEZ Okay, now we are moving on to Number 4, Discussion Items or presentations.

DEVELOPMENT
DIRECTOR
SIMPSON Thank you Chair and Commission, there are no presentations tonight.

**COMMUNITY
DEVELOPMENT
DIRECTOR REPORT**

CHAIR GOMEZ Also then we will move forward to Community Development Director Report.

COMMUNITY
DEVELOPMENT
DIRECTOR
SIMPSON Thank you Chair and Commissioners, the draft Housing Element has been put out for public review and you will find on the dais a copy of the draft document and a memo for that. We tentatively have it scheduled to come before you at the December meeting. While you have the paper copy, we have a dedicated webpage and you can find it there if you are more techy, for that. Let's see, December 1st just a reminder, the holiday party if you have not RSVP'd you can still RSVP with Berlyn Aguila. That is going to be held 12-2 on Thursday, December 1st at the California County Club in Whittier. That is it.

CHAIR GOMEZ Thank you.

Yeah, we are getting ready to adjourn.

PLANNING COMMISSION MINUTES
REGULAR MEETING

November 16, 2022
PAGE 16

COMMISSIONER
FUENTES

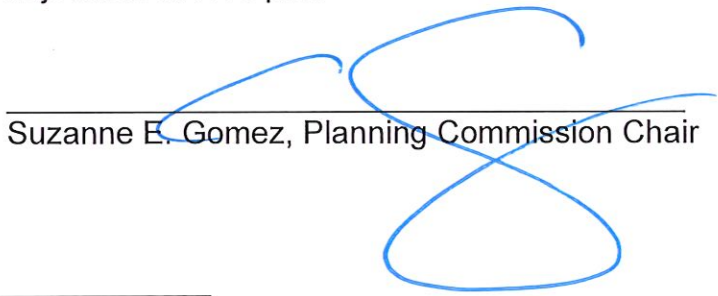
I'd like to have this meeting adjourned to a longtime resident, who passed away last week, Mr. Woody Pusey. If would we could adjourn this meeting in his memory?

CHAIR GOMEZ

We adjourn in his honor. The meeting is now adjourned. Thank you so much, happy Thanksgiving.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 7:05 p.m.



Suzanne E. Gomez, Planning Commission Chair

Attest:



Jesus Hernandez, Administrative Secretary

Approved as presented at the meeting held April 19, 2023