



City of
Santa MonicaSM

MINUTES

REGULAR MEETING OF THE PLANNING COMMISSION OF THE CITY OF SANTA MONICA

WEDNESDAY, February 21, 2018
7:00 P.M.

CITY COUNCIL CHAMBERS
ROOM 213, CITY HALL

1. **CALL TO ORDER:** Chairperson Fresco convened the meeting at 7:06 p.m.

2. **PLEDGE OF ALLEGIANCE:**
Associate Planner Gina Szilak led the Pledge of Allegiance.

3. **ROLL CALL:** Present: Amy Anderson
Mario Fonda-Bonardi
Nina Fresco, Chairperson
Jennifer Kennedy
Leslie Lambert
Richard McKinnon
Jason Parry [left at 7:13 p.m.]

Also Present: Susan Cola, Deputy City Attorney
Kyle Ferstead, Commission Secretary
Paul Foley, Principal Planner
David Martin, Director of Planning & Community
Development Department
Michael Rocque, Associate Planner
Gina Szilak, Associate Planner
Jing Yeo, AICP, Manager, City Planning Division

4. **PLANNING DIRECTOR'S REPORT:**
Mr. Martin gave the Director's Report. He announced the forthcoming Commission meetings as follows: March 7 with hearings on 2929 Pico Boulevard and 401 Ocean Avenue; March 17, the Commission's Retreat; March 21, discussion on the Draft Land Use Plan for the Local Coastal Program and the 17th Street Cycle Track; and April 4th, an appeal. He further announced that on February 27, City Council will hold a Mobility Study Session and the Big Blue Bus.

Mr. Martin read the following emergency existing instructions into the record:
In the event of an emergency, please exit the council chambers either by the main doors & proceed down the hall, down the stairs, out the front doors & wait for an all-clear at the far end of the fountain by main street. The alternate exit is through the east door by the dais & down the fire escape stairs.

Commissioner Lambert asked staff about something she heard that City Council would be having a discussion on the Housing Accountability Act. Ms. Yeo responded that Council will be receiving an Information Item on this topic and it can be distributed to the Commission when it is made available.

5. PLANNING COMMISSIONER ANNOUNCEMENTS: None.

6. APPROVAL OF MINUTES: None.

7. STATEMENTS OF OFFICIAL ACTION: Consent Calendar
 Commissioner McKinnon made a motion to approve the Consent Calendar items 7-A and 7-B. Commissioner Kennedy seconded the motion. The motion was approved by unanimous voice vote.

7-A. 2903 Lincoln Boulevard, Development Review 16ENT-0034.

7-B. 2225 Broadway, Development Review 17ENT-0095 and Major Modification 17ENT-0256.

7-C. 1318 Lincoln Boulevard. Development Review 16ENT-0102.
 Chair Fresco asked for an amendment on 7-C, specifically for the removal of the word “some” from the project description because the Applicant had stated in the record their agreement to changing the project description. There were no objections to this amendment.

8. PUBLIC HEARINGS: Consent Calendar
 Commissioner McKinnon made a motion to approve both items on the Consent Calendar with their Statements of Official Action. Commissioner Kennedy seconded the motion, which was approved by unanimous voice vote.

8-A. 2305 Ocean Park Boulevard, Conditional Use Permit 17ENT-0270. A Conditional Use Permit (17ENT-0270) to allow for a 635 square-foot expansion of an existing 1,853 square-foot general market into an adjoining commercial office space, totaling 2,488 square feet located within the Multi-Unit Residential (R3) District. [Planner: Michael Rocque] **APPLICANT/PROPERTY OWNER: George Salem.**

8-B. 1244 14th Street, Vesting Tentative Tract Map 17ENT-0306. The applicant requests approval of a Vesting Tentative Tract Map to create a five-unit residential condominium air space subdivision on a single parcel for the purpose of constructing a two-story with mezzanine condominium development in the R3 (Medium Density Residential) Zoning District. [Planner: Gina Szilak] **APPLICANT/PROPERTY OWNER: Jennifer Wen.**

9. PUBLIC HEARING:**9-A. 1128 Ocean Park Boulevard, Appeal 17ENT-0280. Appeal 17ENT-0280 of the Zoning Administrator's Denial of Minor Use Permit 17ENT-0045 to allow for a new wireless telecommunications facility located on the roof of an existing three story residential building within the Medium Density Residential (R3) zoning district. [Planner: Michael Rocque] **APPLICANT: J5 Infrastructure Partners, Agents of T-Mobile. PROPERTY OWNER: 1128 Ocean Park Blvd, LLC.****

The Commission made the following *ex parte* communication disclosures:

- Commissioner Parry disclosed he lived within 750-feet of the subject site and recused himself from voting on this appeal. He left the meeting following his disclosure.
- Commissioner Kennedy disclosed she received an e-mail from an adjacent property owner, Ralph Mechur, in support of the denial recommendation.
- Commissioner Lambert disclosed she received a similar e-mail from Bruria Finkel.
- Chair Fresco disclosed she lives within the service area cited in the appeal, however not within the 750-foot radius of the site and she is not a T-Mobile customer.

Associate Planner Michael Rocque gave the staff presentation. Present to answer questions was the City's telecommunications expert, Dr. Jonathan Kramer, Esquire with Telecom Law Firm PC.

The Applicant/Appellant Team was represented by Amiee Weeks. She handed out new map information as part of her presentation.

Commissioner McKinnon asked for clarification from Ms. Weeks regarding the reason this particular site was chosen by T-Mobile. Ms. Weeks explained the coverage issues, including the unique topography in Ocean Park. Commissioner Lambert asked why not a location further east on Ocean Park Boulevard, perhaps at Sixteenth Street, would work. Ms. Weeks stated that location is too far away from the service area and there are issues with trees and buildings. Commissioner McKinnon commented that Mr. Kramer has stated the appeal statement contains virtually no facts to support the request. Ms. Weeks cited the maps generated by service records indicate weak signals and gaps in coverage. Commissioner McKinnon asked why this information was not given to the City's consultant. Ms. Weeks stated she has no other information.

Commissioner Kennedy asked the City Attorney to comment on the maps received at this meeting from the Appellant and were not part of the staff report and were not analyzed by staff. Deputy City Attorney (DCA) Cola acknowledged that the maps have not been analyzed and this can be stated for the record and should be considered as the Commission decides how to proceed.

Commissioner Anderson stated her understanding that the City's Zoning Ordinance

does not allow cellular towers in residential zones, except as related to the Federal Telecommunications Act, which states that if the tower is needed to fill a significant gap in the provider's coverage area, then the request cannot be denied by the City. She further stated that the goal of this application is about "capacity off-load and in-building coverage," which does not sound like a gap. Ms. Weeks explained the site is needed to "off-load high traffic" so customer service is better with the ability to stream on their devices, use data service, and there are less dropped calls. Commissioner Anderson sympathized with customers who have the negative experience, however the proposal is in a place which is not permitted under the City's Zoning Ordinance and the need has not been demonstrated with factual materials.

Commissioner McKinnon noted that Ms. Weeks just stated this site is not the only solution and others are available that may be more costly. Ms. Weeks responded that most jurisdictions encourage finding opportunity sites and T-Mobile is trying to achieve more with less.

Commissioner Fonda-Bonardi commented on the topography issue and the valley that runs along Fifth and Sixth Streets from Pico Boulevard to Ocean Park Boulevard. He asked if the hotel could be used as a site instead. Ms. Weeks responded that the site could be shared. Commissioner Fonda-Bonardi commented that the proposed site does not appear to fully cover the area in question. Ms. Weeks responded that T-Mobile is trying to achieve as much possible.

The following members of the public addressed the Commission: Idelle Musiek, David Swedelson, Kathy Knight, Joe Faris, Melanie Wise, and Helen Stevenson.

Ms. Weeks waived her response to the public comment.

Commissioner Lambert asked Ms. Weeks if she is saying T-Mobile does not have a significant gap. Ms. Weeks answered in the affirmative.

Commissioner McKinnon made the motion to deny the appeal and uphold the Zoning Administrator's denial of 17ENT-0045.

Commissioner Lambert seconded the motion.

Commissioner McKinnon stated this is the weakest appeal he has ever seen as a Commissioner, that no data has been given and their point has not been proven. He stated there is apparently no gap in coverage and the proposal is a quick fix.

The Commission discussed the lack of information supplied by the Applicant / Appellant. Dr. Kramer offered some legal precedents regarding gaps in coverage.

The motion to deny the appeal was approved by the following vote:
AYES: Anderson, Fonda-Bonardi, Fresco, Kennedy, Lambert, McKinnon.
ABSENT: Parry.

10. DISCUSSION:**10-A. Discussion on the Planning Commission retreat, including, but not limited to, scheduling and agenda topics for discussion.**

Chair Fresco opened the discussion on the proposed Commission retreat and handed out a revised agenda item list. She stated the date has been set for Saturday, March 17, 2018 at 10:00 a.m. She asked staff if a facilitator for the retreat has been secured. Ms. Yeo responded she is still working on this.

Chair Fresco expressed the need for three hours instead of two hours. Commissioner Anderson suggested reducing the number of agenda topics instead. Commissioner Fonda-Bonardi suggested that items not discussed at the retreat could be continued to a regular Commission meeting. Commissioner Kennedy volunteered to have her item on staff report efficiency discussed at another meeting or directly with staff. She expressed support for the three hours.

Commissioner McKinnon expressed the opinion that everything should be discussed in the public view and it is the Commission's high responsibility to do the best job possible as the Commission's decision effect the whole City. He also opined that the retreat should be held in the Council Chambers. Ms. Yeo stated that staff can look into other venues, including the Council Chambers.

The Commission generally favored extending the retreat time from two hours to three hours.

Commissioner Anderson commented that the Commission seems comfortable with having a study session on the Housing Accountability Act rather than as a retreat topic. She also commented it might be useful to parse the time for the agenda items. Chair Fresco suggested the Commission prepare for discussing the retreat items in advance of the meeting.

Ms. Yeo welcomed the suggestions and invited the Commission to share more via e-mail or telephone.

Chair Fresco stated that #6 on her list, the discussion on the Housing Accountability Act, will now be a study session at a regular Commission meeting. Ms. Yeo commented that the Information Item to City Council can be proved to the Commission and there will not be a presentation to City Council on this item. She also commented on the original request was for a discussion on the legal process for permits in terms of requirements for findings. DCA Cola commented the initial request had come from Commissioner Parry and her observation recently has been that motions lump together multiple permits and specific findings are often needed for a specific permit. She noted that the findings are often cited in the Statement of Official, but sometimes it would helpful if certain findings are clarified in the record for the specific permit, including whether some findings are not favored by the Commission. Per the Housing Accountability Act, there is an assumption that certain

objective criteria must be made as part of the findings.

Ms. Yeo recapped the proposed retreat agenda as follows:

1. Mission Statement
2. Commission Education
3. Interactions with other City Commissions
4. Framework for staff to report back on project lifecycle and outcomes
5. Legal process questions for the City Attorney

11. WRITTEN COMMUNICATIONS: None.

12. FUTURE COMMISSION AGENDA ITEMS:

Commissioner McKinnon commented that he attended the Architectural Review Board float-up special meeting on the Frank Gehry project on Ocean Avenue and Santa Monica Boulevard, which was unanimously endorsed by them.

13. PUBLIC INPUT: None.

14. ADJOURNMENT: The meeting was adjourned at 8:55 p.m.

APPROVED: MARCH 21, 2018