

Draft July 20th 2015 MAC Meeting Summary

Steve Offerman of Supervisor Steve Bennett's Office called the roll. MAC members Terry Wright, Todd Wilson, Jill Borgeson, Chris Cohen, and Chair Joseph Westbury were present.

Under public comment, Jim Pawlowski thanked the MAC, Supervisor Bennett, and Caltrans for the rapid response to the request for repair of streetlights on Highway 33 and the trimming of trees in Casitas Springs. Steve Offerman noted that the MAC-Highway 33 Committee has been effective in working with Caltrans when citizens raise issues such as these.

Laurence Nicklin of the Ojai City Planning Commission reported on the activities of the Commission. In addition to various remodeling projects, major projects include a new restaurant at the Ojai Valley Inn and a conceptual review of a modification of the Ojai Community Hospital.

The summary of the April 20th MAC meeting was approved 3-0 on a motion by Terry Wright, seconded by Todd Wilson, with Jill Borgeson and Chris Cohen abstaining.

Aaron Engstrom of the County Planning Division provided a Powerpoint presentation regarding federal, State, and County law governing cell antennas. Aaron noted various pre-emptions of local authority that are contained in federal law, including precluding local governments from preventing construction of an antenna that is needed to fill a coverage gap, preventing an addition to an antenna, or regulating regarding radiation. Supervisor Steve Bennett inquired about the meaning of "non-commercial" antennas, and Aaron said that this referred to the provisions for allowing amateur radio.

Next, Hai Nguyen of the County Planning Division provided a presentation on a proposed Verizon cell antenna in Mira Monte. He said that while the applicant had sought a 60' high antenna, the Ojai Valley Area Plan limits antenna height to 40'. The antenna would be concealed within a faux Eucalyptus tree that is lower than other nearby trees. Work on the project could not transpire during the summer bird nesting season.

Jerry Ambrose representing project applicant Verizon described the coverage gap that the antenna would fill, the seven sites that were considered, and the rationale for selection of the preferred site: it fills the gap in coverage at the intersection of Highways 33 and 150, is in a commercial zone, is not alongside the highway where it would stick-out in the public viewshed, it blends visually with nearby trees and buildings, and is at least 110 feet from the nearest home. He said that greatly increasing cell phone usage is driving the need for additional cell antennas locally and nationwide, and that meeting demand for bandwidth requires multiple antennas near the demand, rather than a few antennas placed high on ridges as had worked in the past. He said that the County has discouraged locating antennas in residential zones or lining the highway with cell antennas and has instead sought setback, stealth design, and location in commercial zones.

Jill Borgeson asked how the antenna panels would be mounted within the faux Eucalyptus and the applicant responded. Neighboring home owner Charles Nordstrom said that the project would interfere with the view from his home and property value and suggested several other locations. Neighboring resident Ron N. said that the large trees that were nearby were on his property and were in poor health and may need to be removed. He is also concerned about radiation. Deborah Pendry asked if there is an arborist's report on neighboring trees. Aaron Engstrom said there is not, but that generally, any required new or replacement trees must be capable of growing to similar height. Aaron stated that the County Zoning Ordinance only addresses public views from public places, and not views from individual homes. George Ramsay, owner of an adjoining business, said that the

property owner of the antenna site, Charles Seymour, has refused to cooperate on the cost of repaving the shared driveway. Jerry Ambrose said that this matter has been raised with the property owner. Tiobe Barron asked why, if the antenna can be added on to for an additional 20' under federal law, wasn't the full 60 feet under consideration. Hai Nguyen said that Planning can only address the proposal before them, but that any future addition would have to match the tree, and that there are pending legal challenges to the federal preemption.

Jill Borgeson asked about placing the antenna on an existing power pole. Jerry Ambrose said that only one or two panels could be placed on a power pole, not the 12 that are needed for coverage and bandwidth. Terry Wright inquired about the difference in elevation between the antenna site and homes behind. Jim Pawlowski suggested that perhaps something narrower than a Eucalyptus such as a palm tree, wind mill, or power pole might better preserve homeowners' views. Todd Wilson thought that a Eucalyptus would look better.

Chris Cohen inquired about how the federal preemption regarding filling coverage gaps would work, and Aaron said it would be resolved by engineers and attorneys. Terry Wright pointed out a large vacant nursery property to the south of the area. Jerry Ambrose said that it is too far from the coverage gap, and that it might also be opposed by the homeowners nearby. Jerry noted that there are homes behind the length of the highway commercial strip. Terry Wright pointed out that the former orchard lot is deeper. Jerry said that property owner willingness and utility availability are also factors. Joe Westbury asked for information on the alternative sites that were considered. Jerry Ambrose said that the site must be near the coverage gap and that typically antennas must be no more than ½ mile apart and located near the customer demand.

Joe Westbury made a motion to recommend that Verizon explore additional locations in light of the neighborhood dissatisfaction with the proposed site. The motion was seconded by Jill Borgeson and approved 4-1 with Terry Wright dissenting. Jerry Ambrose asked what the expectation is of other sites, and Joe Westbury said that a greater number should be considered.

The next item of business was a request for a 20-year time extension of the CUP for operation of Ojai Valley Muffler in Oak View. Kristina Boero described the proposed addition of landscaping, reconfiguration of parking, and use of the existing front office as an office. Kunkle Street resident Westly Peters said that there is a safety concern with cars being parked too close to the intersection of Kunkle and Highway 33, and that the operating hours are not followed, and that cars without mufflers drive rapidly on Kunkle Street. Proprietor Jim Clark said that his employees including his son work on their own cars after hours, and that he will enforce employee discipline to assure that cars without mufflers are not driven on Kunkle and that cars are not parked at the intersection. Jim said he has installed a "No Right Turn" sign at the Kunkle exit.

Todd Wilson questioned whether the number of parking spaces is in compliance with the Zoning Ordinance- yes with approval of a reduction by the Planning Director; the Planning Director believes there are enough spaces. Terry Wright questioned whether landscaping would be installed over the property line- unclear; there is limited room for new landscaping. Steve Offerman asked Jim Clark whether curb stops, poles or something else could be installed to prevent parking at the intersection. Mr. Clark offered to paint a No Parking area. Joe Westbury made a motion to recommend approval of the project with the addition of a painted No Parking area at the intersection. The motion was seconded by Terry Wright and approved unanimously.

The meeting adjourned at 9:20 PM.