

Commissioner Lyons added that the report also states that you must be within 18 feet before you are even in the 'hot zone' and the tower will be 50' above the trail. Also, there is no power density increase between 4G and 5G.

Todd Litfin, City Attorney, explained the FCC regulations and federal standards pertaining to health and safety concerns.

There were no other speakers; the public hearing was closed.

A motion was made by Commissioner Lyons, second by Commissioner Darnell to adopt Resolution No. 5398 approving Conditional Use Permit 2019-25 AT&T Mobility subject to the attached conditions of approval. The motion carried (5-0) with the following roll call vote:

AYES: Bernstein, Masterson, Lyons, Pease and Darnell
NOES: None
ABSENT: None
ABSTAIN: None

A minute's motion was made by Commissioner Lyons, second by Commissioner Darnell approving Design Review 2019-11 AT&T Mobility subject to the attached conditions of approval. The motion carried (5-0) with the following roll call vote:

AYES: Bernstein, Masterson, Lyons, Pease and Darnell
NOES: None
ABSENT: None
ABSTAIN: None

Director Brantley advised this action by the Planning Commission this evening is final unless it is appealed to the City Council within 15 days through the City Clerk's office.

3. PUBLIC HEARING RE: ZONING CODE AMENDMENT 2019-02 CITY OF YORBA LINDA: A request to provide a recommendation to the City Council regarding ZCA 2019-02, to amend Article VIII of Chapter 18.20, of the Yorba Linda Municipal Code, related to Community Care Facilities.

CEQA STATUS: Exempt from CEQA review pursuant to CCR Title 14 § 15061 (b)(3).

MEASURE B APPLICABILITY: a) Vote – No; b) Public Notice – No

TRAFFIC COMMISSION REVIEW: No

RECOMMENDATION: To adopt a resolution recommending approval of City Council.

Director Brantley explained the various types of community care facilities and the services they provide. Staff would like to make a recommendation to the City Council to amend the ordinance to impose a 650 foot separation standard between any proposed new large community care facility (facilities with 7 or more residents) and any other existing small or large facility in order to avoid negative impacts and clustering in residential neighborhoods.

Chair Pro Tem Masterson asked whether or not staff has considered increasing the separation beyond 650'.

Mr. Litfin advised the facilities are protected by Fair Housing Act and Americans with Disabilities Act and recommended staying with the 650-foot standard.

Staff discussed the wording of subsection 1, paragraph D and agreed to add "*except as otherwise noted herein*" at the end of the first sentence.

Chairman Bernstein asked if small care facilities can move within 650 feet of a large care facility.

Director Brantley stated yes because small facilities are permitted by right and the City is preempted from any regulatory authority; the separation applies to large care facilities only.

Mr. Litfin stated there have been a number of efforts at the state level to make state legislation applicable to the smaller facilities. There are 20 different categorizations of facilities and the legal landscape is still questionable as to whether or not the smaller facilities should be further regulated.

Chair Bernstein opened the public comment portion of the meeting; seeing no one approach, he brought it back to the Commission.

A motion was made by Commissioner Pease, second by Chair Pro Tem Masterson adopting Resolution No. 5399 recommending City Council's approval of Zoning Code Amendment 2019-02 City of Yorba Linda with the change to subsection 1 as discussed.

AYES: Bernstein, Masterson, Lyons, Pease and Darnell
NOES: None
ABSENT: None
ABSTAIN: None

NEW BUSINESS

4. DESIGN REVIEW 2019-14 YORBA CANYON SHOPPING CENTER – A request to modify and upgrade the exterior building facades, materials, and colors of the existing Yorba Canyon Shopping Center located at the southeast corner of Yorba Linda Boulevard and New River Road, within the CG (Commercial General) zone.

CEQA STATUS: Categorical Exemption (Class 1, Existing Facilities)

MEASURE B APPLICABILITY: a) Vote – No; b) Public Notice – No

TRAFFIC COMMISSION REVIEW: No

RECOMMENDATION: Minute Motion to approve the project, with conditions.