

PLANNING COMMISSION
MINUTES
JULY 13, 2010

INITIATION:

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ROLL CALL:

Commissioners: Seibert, O' Leary, Chen, Horton, Valenzuela

Also Present: City Attorney Ball, Community Development Manager Lambert, Associate Planner Liu, and Planning Secretary Venters

4. REORGANIZATION OF PLANNING COMMISSION

- A. Community Development Manager Lambert calls for nominations for a new Chairman. Stated that he would like to thank Chairman Seibert for the years of service that he has dedicated to the Planning Commission as Chairman.

Chairman Seibert – Made a motion to nominate Vice Chairman O'Leary for Planning Commission Chairman, there were no other nominations, the motion was seconded by Commissioner Chen, and unanimously carried.

- B. Chairman O'Leary conducts nominations for new Vice-Chairman.

Commissioner Seibert – Made a motion to nominate Commissioner Valenzuela for Planning Commission Vice Chairman, there were no other nominations, the motion was seconded by Commissioner Horton, and unanimously carried.

Chairman O'Leary - Stated that he would like to thank Commissioner Seibert for his assistance to the Planning Commission and as Planning Commission Chairman.

5. TIME FOR THOSE IN THE AUDIENCE WHO WISH TO SPEAK:

No one came forth at this time.

6. CONSENT CALENDAR:

ALL CONSENT CALENDAR ITEMS MAY BE APPROVED IN A SINGLE MOTION AS RECOMMENDED, UNLESS REMOVED FOR FURTHER DISCUSSION.

IF MEMBERS OF THE COMMISSION OR PERSONS IN THE AUDIENCE WISH TO DISCUSS ANY MATTERS LISTED ON THE CONSENT CALENDAR, (AGENDA ITEM A), PLEASE ADDRESS THEM AT THIS TIME.

- A. APPROVAL OF MINUTES: JUNE 22, 2010

RECOMMENDATION: APPROVE AS SUBMITTED

Commissioner Seibert – Made a motion to approve the Planning Commission Meeting minutes dated June 22, 2010, seconded by Vice Chairman Valenzuela and unanimously carried.

7. UNFINISHED BUSINESS:

A. CONTINUED PUBLIC HEARING: A CONDITIONAL USE PERMIT TO ALLOW THE ESTABLISHMENT OF A PRESCHOOL AT 5700-B ROSEMEAD BOULEVARD. THE FLOOR AREA FOR THE BUSINESS WILL BE 3,300 SQUARE FEET. THE PROPOSED MAXIMUM OF STUDENTS IS 60 AND THE PROPOSED HOURS OF OPERATION ARE FROM 7:00 AM TO 6:00 PM. THE SUBJECT SITE IS LOCATED IN THE C-3 ZONE AND IS DESIGNATED COMMERCIAL BY THE CITY'S GENERAL PLAN MAP.

SUBJECT SITE: 5570-B ROSEMEAD BOULEVARD, UNIT F

CASE NUMBER: CONDITIONAL USE PERMIT 10-1756

APPLICANT: TRACY LIU
THE LEARNING CENTER
5570 N ROSEMEAD BLVD
TEMPLE CITY, CALIFORNIA 91780

PROPERTY OWNER: WAI HON LAI
138 FANO STREET, #B
ARCADIA, CALIFORNIA 91006

RECOMMENDATION: 1) HEAR STAFF REPORT
2) HEAR THOSE FOR AND AGAINST
3) FIND THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO SECTION 15301
4) ADOPT ONE OF TWO DRAFT RESOLUTIONS

Chairman O'Leary – Asked for a Staff Report.

Community Development Manager Lambert – Gave the Staff Report dated July 13, 2010.

Associate Planner Liu – Gave a PowerPoint presentation.

Chairman O'Leary – Asked if there were any questions or comments from the Planning Commissioners for the Staff. The Planning Commissioners had questions at this time.

Commissioner Seibert – Asked Associate Planner Liu why a photograph of the learning center, is shown in the PowerPoint presentation.

Associate Planner Liu – Stated that she took a photograph of the learning center because it is proposed that it share the same building as the preschool, however, the preschool would not share the same unit as the learning center.

Chairman O'Leary – Asked if there were any additional questions or comments from the Planning Commissioners for the Staff. The Planning Commission did not have any additional questions at this time. Invited the applicant to speak.

Frank Yuan, 5570 Rosemead Blvd. #F, Temple City CA 91780 – Stated that he is representing the applicant. Stated that the applicants request had previously been denied by the Planning Commission due the inadequate square footage for a play area. Stated that a waiver from the department of Social Services would allow flexibility. Stated that the department of social services requires 75 square feet of open area per student and that a 1,200 square foot play area would allow 16 students to play outside at one time. Stated that the applicant is willing to reduce the number of students from 60 children to 48 children and would like her hours of operation to be from 7:30 a.m. to 11:30 a.m. Stated that he checked with the department of social services for approval from the State of California, and would need to be approved by the Planning Commission in order to be approved by the state and would like to have reconsideration regarding this request.

Chairman O'Leary – Asked Mr. Yuan if the applicant is still requesting to have 48 students at her preschool.

Frank Yuan, 5570 Rosemead Blvd. #F, Temple City CA 91780 – Stated that the applicant would like to be allowed to have 48 students at her site.

Vice Chairman Valenzuela – Asked Mr. Yuan if the applicant had plans to improve the open space, as the proposed play ground resembles an unattractive basketball court.

Frank Yuan, 5570 Rosemead Blvd. #F, Temple City CA 91780 – Stated that the applicant currently has no plans to modify the proposed play area, however, if her request is approved she would take improvements into consideration.

Community Development Manager Lambert – Stated that Mr. Yuan is correct and that the Community Development Department does not have any current requirements for the play area. Stated that if the Planning Commission has any concerns regarding the play area they should address their concerns.

Chairman O'Leary - Asked if anyone from the public would like to speak in favor or against the proposed request. No one came forth at this time.

Commissioner Seibert – Made a motion to close the Public Hearing, seconded by Commissioner Chen and unanimously carried.

Commissioner Chen - Stated that he would vote in favor of the draft Resolution that supports the applicants request and would also like to allow the applicant to accommodate 48 students as to allow the applicant an opportunity to meet the requirements set forth by the State of California. Stated that he would like to add a condition to improve the playground area.

Commissioner Seibert - Stated that he is not in favor of a preschool at the proposed location. Stated that the State of California may, or may not approve a waiver and that the children would resemble caged animals in the playground.

Commissioner Horton – Asked Community Development Manager Lambert if the City has an Ordinance or jurisdiction to address and enforce the minimum size ratio of playground space per child.

Community Development Manager Lambert – Stated that the City does not have an Ordinance or jurisdiction to address and enforce the minimum size ratio of space per child, however, if the Planning Commission allows a certain amount of children and the State of California allows less, then the State requirement would take precedent.

Commissioner Horton – Stated that he could make the findings to vote in favor with the revised condition of approval to allow 30 students at the proposed preschool.

Vice Chairman Valenzuela - Stated that the revised proposed preschool is an improvement to the original proposal, however, he still does not believe that the circumstances are not right. Stated that he cannot make the findings to vote in favor of this request.

Chairman O'Leary - Stated that feels that the department of social services should decide upon what circumstances are appropriate for children. Stated that he could make the findings to approve this request.

Commissioner Seibert – Made a motion deny Conditional Use Permit 10-1756, seconded by Vice Chairman Valenzuela, and carried out by Roll Call Vote:

ROLL CALL VOTE

Commissioner Chen	Nay
Commissioner Horton	Nay
Commissioner Seibert	Aye
Vice Chairman Valenzuela	Aye
Chairman O'Leary	Nay

Commissioner Chen – Made a motion to approve Conditional Use Permit 10-1756 with a maximum of 30 students with an added condition requiring an improved playground suitable for children, to be reviewed by department Staff, and to find that

this project is categorically exempt from CEQA pursuant to section 15301, seconded by Chairman O'Leary and carried out by Roll Call Vote:

ROLL CALL VOTE

Commissioner Chen	Aye
Commissioner Horton	Aye
Commissioner Seibert	Nay
Vice Chairman Valenzuela	Nay
Chairman O'Leary	Aye

8. NEW BUSINESS:

A. PUBLIC HEARING: A MODIFICATION OF CONDITIONAL USE PERMIT 96-1282 TO ALLOW THE ALTERATION OF AN EXISTING ROOF-MOUNTED WIRELESS FACILITY LOCATED AT 6264 ROSEMEAD BOULEVARD. THE PROPOSED PROJECT INCLUDES INSTALLING ADDITIONAL SIX (6) PANELS, SIX (6) RRUS, ONE TELCO DISH ANTENNA, AND REINFORCEMENT OF THE SUPPORTING STRUCTURE. THE SUBJECT PROPERTY IS LOCATED WITHIN THE GENERAL COMMERCIAL (C-2) DISTRICT AND IS DESIGNATED AS COMMERCIAL BY THE CITY'S GENERAL PLAN.

SUBJECT SITE: 6264 ROSEMEAD BOULEVARD

CASE NUMBER: MODIFICATION OF CONDITIONAL USE PERMIT 96-1282

APPLICANT: SPRINT NEXTEL

APPLICANT'S REPRESENTATIVE: CORE COMMUNICATION
2903 H SATURN STREET
BREA, CALIFORNIA 92821

PROPERTY OWNER: LOUIS SMALDINO
1360 E. WHITTIER BOULEVARD
WHITTIER, CALIFORNIA 90605

RECOMMENDATION: 1) HEAR STAFF REPORT
2) HEAR THOSE FOR AND AGAINST
3) FIND THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO SECTION 15301
4) ADOPT RESOLUTION TO DENY

Chairman O'Leary – Asked for a Staff Report.

Community Development Manager Lambert – Gave the Staff Report dated July 13, 2010.

Associate Planner Liu – Gave a PowerPoint presentation.

Chairman O'Leary – Asked if there were any questions or comments from the Planning Commissioners for the Staff. The Planning Commissioners had questions at this time.

Vice Chairman Valenzuela - Asked City Attorney Ball if by mentioning that the additional improvements to the cell site would have a negative impact on aesthetics, would it automatically require an additional environmental review.

City Attorney Ball – Stated that CEQA is concerned with significant impacts on the environment, therefore, this item would still be categorically exempt from CEQA.

Vice Chairman Valenzuela – Asked Community Development Manager Lambert if aesthetics are one of the factors that are considered by CEQA.

Community Development Manager Lambert – Stated that aesthetics are included on the environmental checklist, and that Staff was careful not to use content that included language from CEQA in discussing aesthetics. Stated that Staff uses their judgment to prepare an environmental checklist, it is not necessarily a CEQA requirement to process a Negative Declaration.

Chairman O'Leary – Asked if there were any additional questions or comments from the Planning Commissioners for the Staff. The Planning Commission did not have any additional questions at this time. Invited the applicant to speak.

Patty Mejia, Core Communication, 2903 H Saturn St., Brea, CA 92821 – Stated that she would like to emphasize that her company has worked hard to avoid building the triangular structure, however, the entire antennae structure would have to be reconstructed in order to have the proposed testing site for 4G standards. Stated that the intent is to install the antenna and to have it erected up for a year and they would be willing to take down the triangular structure once it was no longer usable.

Commissioner Horton – Asked the applicant if her company had considered installing the additional antennas on a monopalm.

Patty Mejia, Core Communication, 2903 H Saturn St., Brea, CA 92821 – Stated that she could not utilize the nearby monopalm, as it is owned by another cellular carrier. Stated that the intent of the 4G test site would be to construct the tower quickly and to take it down if the technology is undesirable. Stated that Core Communications does not wish to negotiate with other carriers at this point.

Chairman O'Leary - Asked if anyone from the public would like to speak in favor or against the proposed request. No one came forth at this time.

Commissioner Seibert – Made a motion to close the Public Hearing, seconded by Commissioner Horton and unanimously carried.

Commissioner Seibert - Stated that the existing antennas were originally approved because the property owner had intended to develop apartments at the site. Stated that the triangular structure is unattractive, and he is unsure that the additional weight could be held on the roof of the commercial building.

Community Development Manager Lambert – Stated that the Planning Commission could review this item in one year to determine if the triangular structure should remain intact.

City Attorney Ball – Stated that this case would be less complicated if the City could issue a Temporary Use Permit so this item could be reviewed in one year. Stated that the City could also revoke the Conditional Use Permit in one year.

Commissioner Chen - Stated that he concurs with Staff, however, reviewing this item seems favorable as well.

City Attorney Ball – Stated that the applicant may wish to retain the triangular structure, however, if they could not abide by the conditions of approval, the Planning Commission would have to consider what would be required to be removed and what could remain.

Commissioner Seibert – Stated that the City could have the option to revoke the Conditional Use Permit or to keep the conditions of approval intact.

Community Development Manger Lambert – Stated that it is difficult to revoke a Conditional Use Permit.

Vice Chairman Valenzuela – Stated that he concurs with Staffs assessment and felt that a temporary Conditional Use Permit would become problematic. Stated that he cannot make the findings to vote in favor of this request.

Commissioner Horton - Stated that improved cell phone reception is a desirable goal as it would improve the quality of communication for subscribers, however, the cost of aesthetics seems considerable. Stated that an alternative would be to redesign and in particular to double up antennas on a monopalm. Stated that the goal is to reconcile aesthetics preservation or improvements with phone service improvements. Stated that he could not make the findings to approve this request.

Chairman O'Leary - Stated that there are already existing antennas and that he did not feel that adding the triangular structure would make a great difference. Stated that he could make the findings to approve this request.

Commissioner Chen – Stated that the conditions of approval are bound to the property, and that a condition could be added to review this item in a year.

City Attorney Ball – Stated that she would not recommend to add a condition that this item be reviewed in a year. Stated that it is possible to add a condition of approval to have this item reviewed in a year, however, the City would have to be cautious that the language would be in sync with the current code.

Commissioner Seibert – Stated that he could not make the findings to approve this request.

Commissioner Seibert – Made a motion deny Modification of Conditional Use Permit 96-1282 seconded by Vice Chairman Valenzuela, and carried out by Roll Call Vote:

ROLL CALL VOTE

Commissioner Chen	Aye
Commissioner Horton	Aye
Commissioner Seibert	Aye
Vice Chairman Valenzuela	Aye
Chairman O'Leary	Nay

9. COMMUNICATIONS: NONE

10. MATTERS FROM CITY OFFICIALS: NONE

11. ADJOURNMENT:

Chairman O'Leary – Adjourned the meeting at 8:23 p.m. to the next Planning Commission meeting of July 27, 2010 at 7:30 p.m.

Next Scheduled Meeting of:

City Council:	July 20, 2010
Parks & Recreation Commission:	July 21, 2010

Chairman

Secretary