

PLANNING COMMISSION
MINUTES
OCTOBER 13, 2009

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 Murphy, Community Development Manager Lambert, Associate Planner Gulick, and Planning Secretary Venters

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

No one came forth at this time.

5. **CONSENT CALENDAR:**

- A. APPROVAL OF MINUTES: September 22, 2009

RECOMMENDATION: APPROVE AS SUBMITTED

Vice Chairman O' Leary – Made a motion to approve the minutes dated September 22, 2009, with minor corrections seconded by Commissioner Valenzuela and unanimously carried.

6. **UNFINISHED BUSINESS:** NONE

7. **NEW BUSINESS:**

- A. PUBLIC HEARING: A TENTATIVE PARCEL MAP AND CONDITIONAL USE PERMIT TO ALLOW A LOT SPLIT SUBDIVISION, CREATING TWO LOTS FROM ONE. THE SUBJECT PROPERTY IS LOCATED IN THE SINGLE FAMILY RESIDENTIAL (R-1) ZONE AND IS DESIGNATED AS RESIDENTIAL LOW DENSITY ON THE CITY'S GENERAL PLAN LAND USE MAP.

SUBJECT SITE: 10624 OLIVE STREET

CASE NUMBERS: TENTATIVE PARCEL MAP 70941

CONDITIONAL USE PERMIT 09-1736

OWNER: CLASSIC HOME PROPERTY, LLC
255 E. SANTA CLARA STREET, # 200
ARCADIA, CALIFORNIA 91006

ENGINEER: CAL LAND ENGINEERING, JACK LEE
576 E. LAMBERT RD.
BREA, CALIFORNIA 92821

RECOMMENDATION: 1) HEAR STAFF REPORT
2) HEAR THOSE FOR AND AGAINST
3) FIND THAT THE PROJECT IS CATEGORICALLY
EXEMPT FROM CEQA PURSUANT TO SECTION
15315
4) ADOPT RESOLUTION

Chairman Seibert – Asked for a Staff Report.

Community Development Manager Lambert – Gave the Staff Report dated October 13, 2009.

Associate Planner Gulick – Gave a PowerPoint presentation.

Chairman Seibert – Asked if there were any questions from the Planning Commissioners for the Staff. The Planning Commissioners did not have questions at this time. Invited the applicant to speak.

Kevin Thai, 576 E. Lambert Rd., Brea, CA 92821 – Stated that he would like to answer any questions of the Planning Commission and that he is willing to comply with the conditions of approval.

Chairman Seibert - Asked if anyone from the public would like to speak in favor or against the proposed request. Two people came forth at this time.

Tom Reifer, 8225 Longden Ave., San Gabriel, CA 91775 – Stated that when it rains, water will flow from neighboring properties onto his property and that the proposed development may increase flooding onto his property. Stated that the County of Los Angeles requires that the drainage will flow to the street, however, the City has an ordinance that contradicts the County's standards.

Community Development Manger Lambert – Stated that the southerly wall at the project site would have weepholes, which is a standard condition in the City. Stated it is common practice to back fill the lots to get them to drain in a pattern that would not go with the natural slope of the land, as all drainage in Temple City flows south, however, the County of Los Angeles would like all of the drainage to go to the street. Stated that the City has found a solution to conflicting drainage requirements between the City and the County by conditioning that sump pumps and weepholes in the block walls are to be a part of the

development in order to prevent flooding and to prevent stagnant water from forming. Stated that Mr. Reifer would like to omit the weepholes from the southerly block wall so that the drainage from the new development would not flow onto his property. Stated that generally the natural flow of drainage is not supposed to be hindered, thus the City requires that many new developments have sump pumps that are to be maintained by the property owner and weepholes in all walls. Stated that additionally, the City has required a back up generator for this project in the event that the sump pumps fail in order to ensure that the drainage will flow to the street.

Tom Reifer, 8225 Longden Ave., San Gabriel, CA 91775 – Stated that he would be willing to sell a small easterly portion of his property so the water could flow to Freer Avenue. Expressed concern that the residents will not maintain the sump pumps and that they will become clogged in time.

Vice Chairman O'Leary – Asked Mr. Reifer if his property floods during regular rain storms.

Tom Reifer, 8225 Longden Ave., San Gabriel, CA 91780 – Stated that due to little percolation, the lot to the west of his property has a large pool that overflows on to his property when it rains and that it is also affected when a neighbor leaves the sprinklers on for too long. Expressed concern that the property owner may want to put a pool at one of the residences.

Jackie Berkhammer, 10671 Freer St., Temple City, CA 91780 – Stated that Mr. Reifer has a legitimate concern as the various properties in the area suffer flooding when it rains.

Community Development Manager Lambert – Stated that the City complies to the drainage requirement mandated by the County of Los Angeles in two manners 1) build up the rear of the lot, or 2) require a sump pump system. Stated that the building pad cannot be greater than 12 inches from the natural grade, so it has been the policy by the Planning Commission that the walls are not to hinder cross lot drainage, so new drainage issues are avoided.

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

Chairman Seibert – Asked the applicant if he would like to address the concerns of the public.

Kevin Thai, 576 E. Lambert Rd., Brea, Ca 92821 – Stated that this project meets the requirements mandated by the City, that the conceptual drainage plans comply with the Los Angeles County standards, and that sump pumps and a back up generator will be installed on the property to ensure proper drainage.

Community Development Manager Lambert – Stated that a condition could be added to omit the weepholes from the southerly wall and to retain the weepholes on all other walls so that drainage could still occur, however, the water would be contained on the subject property.

Commissioner Chen – Made a motion to close the public hearing, seconded by Commissioner Horton and unanimously carried.

Commissioner Horton - Asked Community Development Manager Lambert if there is a passive drainage system, such as a layer of sand that would run along the southerly wall that would provide high capacity percolation drainage.

Community Development Manager Lambert – Stated that a French Drain could be required, however, in his experience he has found that it would not provide sufficient drainage capacity in these types of developments.

Commissioner Horton - Stated that the applicant has met the zoning code standards set forth by the City, therefore he could make the findings to vote in favor of this project.

Commissioner Valenzuela – Expressed concern regarding excess drainage flowing onto properties and drainage flowing onto the neighboring property. Asked Community Development Manager Lambert what a resident could do regarding a neighbor's landscaping and what a resident could do if it impedes drainage on their property.

Community Development Manager Lambert – Stated that it would be a civil issue if water from a rain storm would drain onto a neighboring property, however, the question of cross lot drainage and the right to hinder or not to hinder drainage is a state law. Stated that in heavy rain storms the City will intervene by providing sandbags to residents. Stated that new cross lot drainage is avoided in new developments and this development would not increase cross lot drainage as they are containing all of their own drainage.

Commissioner Valenzuela – Asked Community Development Manager Lambert if the residents of this development would have to make sure that the sump pumps are maintained if weep holes were closed.

Community Development Manager Lambert – Stated that an incentive would be created for the residents to maintain sump pumps if there were no weepholes in the walls at all.

Commissioner Valenzuela – Stated that he could make the findings to vote in favor of this project as long as there are no weep holes on the southerly wall.

Vice Chairman O'Leary – Asked Community Development Manager Lambert if Mr. Reifer's property had a private driveway on the southerly portion of the lot that leads to three residences.

Community Development Manager Lambert – Stated that Mr. Reifer owns three to four residences on a legal non conforming property in an R-1 Zone. Stated that his neighbor on the southerly side of the property has created landscaping that causes water to pool on Mr. Reifer's property.

Vice Chairman O'Leary – Stated that he can make the findings to approve this project.

Commissioner Chen – Stated that he could make the findings to vote in favor of this request.

Chairman Seibert – Stated that he concurs with his fellow Commissioners. Stated that he could make the findings to approve this project with the added condition that the weepholes are closed along the southerly wall.

Commissioner Horton – Made a motion to approve Conditional Use Permit 09-1736 and Tentative Parcel Map 70941, with the added conditions and find that the request is categorically exempt from CEQA per section 15315, seconded by Commissioner Valenzuela and unanimously carried.

Chairman Seibert – Stated that the application was approved 5-0 and stated that there is a 15-day appeal/review period.

B. PUBLIC HEARING: A CONDITIONAL USE PERMIT TO ALLOW THE INSTALLATION OF A WIRELESS TELECOMMUNICATIONS FACILITY THAT WOULD BE CAMOUFLAGED AS A “MONOPINE” (PINE TREE). THE PROPOSAL WOULD ALSO INCLUDE THE SUB-LEASING OF A 308 SQUARE FOOT AREA ADJACENT TO THE MONOPINE THAT WOULD HOUSE EQUIPMENT CABINETS RELATED TO THE WIRELESS FACILITY. THE SUBJECT SITE IS ZONED SINGLE FAMILY (R-1) RESIDENTIAL AND IS DESIGNATED AS INSTITUTIONAL ON THE CITY’S GENERAL PLAN LAND USE MAP.

SUBJECT SITE: 5221 EL MONTE AVENUE

CASE NUMBER: CONDITIONAL USE PERMIT 09-1747

APPLICANT’S REPRESENTATIVE: RELIANT LAND SERVICES
1594 N. BATAVIA ROAD, #1/D
ORANGE, CALIFORNIA 92867

APPLICANT: T-MOBILE WEST CORPORATION
3257 E. GUASTI ROAD, #200
ONTARIO, CALIFORNIA 91761

PROPERTY OWNER: VICTORY IN JESUS CHURCH AND INTERNATIONAL MINISTRIES
5221 EL MONTE AVENUE
TEMPLE CITY, CALIFORNIA 91780

- RECOMMENDATION:**
- 1) HEAR STAFF REPORT
 - 2) HEAR THOSE FOR AND AGAINST
 - 3) ADOPT THE NEGATIVE DECLARATION
 - 4) ADOPT RESOLUTION

Chairman Seibert – Asked for a Staff Report.

Community Development Manager Lambert – Gave the Staff Report dated October 13, 2009.

Associate Planner Gulick – Gave a PowerPoint presentation.

Chairman Seibert – Asked if there were any questions from the Planning Commissioners for the Staff. The Planning Commissioners did have questions at this time.

Chairman Seibert – Asked Associate Planner Gulick for the distance of the monopine to a neighboring property.

Associate Planner Gulick – Stated that the monopine is approximately 90 feet away from the neighboring property.

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

Maryanne Harwood, 1594 N. Batavia Rd. #1-D, Orange, CA 92867 - Stated that she is representing T-Mobile Wireless and gave her contact information should anyone from the public have any questions regarding this request. Stated that she has read the conditions of approval, however, wanted to make one comment regarding the lease area. Stated that she would like to indicate that that a separate lease area exists for the tree and the cabinet, and that the total lease area is 14 feet by 22 square feet.

Chairman Seibert – Asked the applicant if she would be willing to comply with the amendment to the condition requiring that the equipment is surrounded by a decorative block wall instead of a wrought iron fence.

Maryanne Harwood, 1594 N. Batavia Rd. #1-D, Orange, CA 92867 - Stated that she finds the amended condition acceptable.

Chairman Seibert - Asked if anyone from the public would like to speak in favor or against the proposed request. Three people came forth at this time.

Cynthia Diaz, 10662 Freer St., Temple City, CA 91780 – Stated that she resides adjacent to the proposed location of the monopine and was previously concerned regarding the location of the monopine and the amount of radiation that it would emit, however, the applicant has sufficiently addressed these matters. Asked Community Development

Manager Lambert if the monopine could be damaged by high speed winds and how often the monopine would be maintained.

Community Development Manager Lambert – Stated that the monopine would be maintained on a monthly basis, and that it could resist 100 mile per hour winds.

Pete Serdarwsich, 5319 Persimmon Ave., Temple City, CA 91780 – Expressed concerned regarding radiation transmitted by the monopine and that the transmittal waves may affect the safety of children and adults. Asked Chairman Seibert who would receive the revenue from the monopine, how much T-Mobile is paying to lease the proposed area, who would maintain the monopine and the cabinet, and why this particular site was chosen.

Chairman Seibert – Stated that another cellular tower is located near the football field at Temple City High School, and that it has been proven that the waves that are transmitted are proven to be safe. Stated that the lease agreement is confidential, this site was chosen to prevent loss of service in that area, and that the monopine would be maintained on a monthly basis.

Gwo Jong, 10657 Freer St., Temple City, CA 91780 – Stated that he is not in favor of this request as the monopine may cause his property to decrease in value and that he may get cancer from the radiation that would be transmitted from the site.

Chairman Seibert – Stated that the applicant could give him a pamphlet regarding radiation that the monopine emits.

City Attorney Murphy – Stated that he would like to remind the Planning Commission that economic consideration regarding projects could not be taken into consideration.

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

Chairman Seibert – Asked the applicant if she would like to address the concerns of the public.

Maryanne Harwood, 1594 N. Batavia Rd. #1-D, Orange, CA 92867 - Stated that she would like to address the concerns of the public by addressing that T-Mobile will visit the site on a monthly basis to maintain the facility, she has a pamphlet regarding RF Emissions that she could provide for the public, the antenna's are located 45 feet up the cellular tower and stated that they emit less radiation than a baby monitor, the purpose for the site is to fill a gap of coverage, and the lease agreement is confidential information. Stated that in Title 22 section 704 of the 1996 telecommunications act it justifies that a jurisdiction cannot deny a cellular case based upon RF Emission concerns.

Chairman Seibert – Stated that he would like the applicant to send information regarding cellular towers to those who may have questions or concerns regarding this project.

Vice Chairman O'Leary – Made a motion to close the public hearing, seconded by Commissioner Chen and unanimously carried.

Vice Chairman O’Leary – Stated that he could make the findings to approve this request.

Commissioner Chen – Stated that he could also make the findings to approve this request.

Commissioner Valenzuela – Stated that he is concerned regarding the aesthetics of this project. Stated that he feels that the tower is unsightly and that it is not appropriate for the proposed location, therefore he could not make the findings to vote in favor of this request.

Commissioner Horton – Stated that he could make the findings to approve this request.

Commissioner Chen – Made a motion to approve Conditional Use Permit 09-1736 and the Negative Declaration, seconded by Vice Chairman O’Leary and carried by Roll Call Vote.

ROLL CALL VOTE

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

Chairman Seibert – Stated that the application was approved 4-1 and stated that there is a 15-day appeal/review period.

COMMUNICATIONS: NONE

MATTERS FROM CITY OFFICIALS: NONE

10. ADJOURNMENT:

Chairman Seibert – Adjourned the meeting at 8:29 p.m. to the next Planning Commission meeting of October 27, 2009 at 7:30 p.m.

Chairman

Secretary