

PLANNING COMMISSION
MINUTES
FEBRUARY 9, 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 Murphy, Community Development Manager Lambert, Associate Planner Liu, 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:** January 26, 2010

RECOMMENDATION: APPROVE AS SUBMITTED

Vice Chairman O'Leary – Made a motion to approve the minutes dated January 26, 2010, seconded by Commissioner Valenzuela and unanimously carried.

6. **UNFINISHED BUSINESS:** NONE

7. **NEW BUSINESS:**

- A. **PUBLIC HEARING:** A MODIFICATION OF CONDITIONAL USE PERMIT 03-1546 TO ALLOW THE EXPANSION OF A TUTORING BUSINESS (KNOWN AS A-PLUS LEARNING CENTER) AT 9677 LONGDEN AVENUE. THE BUSINESS CURRENTLY OCCUPIES FOUR CLASSROOMS ON THE SUBJECT SITE AND IS ALLOWED TO TUTOR UP TO 30 STUDENTS. THE PROPOSAL IS TO INCLUDE AN ADDITIONAL FOUR CLASSROOMS ON THE SECOND FLOOR (490 SQUARE FEET EACH) AND TO TUTOR UP TO 60 STUDENTS TOTAL, AND TO EXPAND THE HOURS OF OPERATION. THE SUBJECT SITE IS DESIGNATED INSTITUTIONAL ON THE CITY'S GENERAL PLAN AND IS ZONED LIGHT MULTIPLE-FAMILY RESIDENTIAL (R-2) BY THE CITY'S ZONING MAP.

SUBJECT SITE: 9677 LONGDEN AVENUE

CASE NUMBER: MODIFICATION OF CONDITIONAL USE PERMIT
03-1546

PROPERTY OWNER: TEMPLE BETH DAVID OF SAN GABRIEL
9677 LONGDEN AVENUE
TEMPLE CITY, CALIFORNIA 91780

APPLICANT: BELLING INT'L INC.
641 W. DUARTE ROAD.
ARCADIA, CALIFORNIA 91007

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 FOR APPROVAL

Chairman Seibert – Asked for a Staff Report.

Community Development Manager Lambert – Gave the Staff Report dated February 9, 2010.

Associate Planner Liu – Gave a PowerPoint presentation.

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

Vice Chairman O'Leary - Asked Community Development Manager Lambert how parking would be affected if the amount of students would be doubled.

Community Development Manager Lambert - Stated that the parking lot throughout the day is generally empty. Stated that on the site there is one ingress driveway and one egress driveway, however, if there are 60 parents parked on Longden Avenue at the same time it could become an issue. Stated that there is a van that will pick up the students from various schools and that the applicant could elaborate regarding this service if she chooses. Stated the Church of Latter Day Saints have allowed the applicant to utilize their parking lot across the street via a verbal agreement. Stated that Staff is not recommending that the students are picked at that lot, however, parents do have the option of waiting for their child across the street.

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

Betty Kong, 9677 E. Longden Ave., Temple City, CA 91780 – Stated that she is the current director of the A Plus Learning Center and that she is proposing to increase the number of students from 30 students to 60 students. Stated that if this request is approved she would have two sessions, one from 3 p.m. to 4:30 p.m. and another session from 4:30 p.m. to 6 p.m. Stated that her company has a vehicle to pick up approximately 15 children at a time in order to relieve traffic.

Chairman Seibert – Asked the applicant if she had read and accepts the conditions of approval.

Betty Kong, 9677 E. Longden Ave., Temple City, CA 91780 – Stated that she has read and accepts 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.

Ken Gross – Stated that he is the President of the Synagogue and would like to answer any questions posed by the Planning Commission.

Kenneth Krollenberg, 1322 N. Golden West Ave., Temple City, CA 91780 – Stated that he is not present to speak in opposition of this request, however, he would like to address his concerns regarding the report that was drafted by Staff as well as concerns regarding this request. Stated that the applicant would like to increase the number of students from 30 children to 60 children, however, he does not find it clear if there would be a maximum of 60 children in one classroom. Stated that the Staff Report indicates that there are 29 onsite parking spaces, however, he visited the site and did not count 29 onsite parking spaces. Stated that the plan submitted by the applicant indicates that there are four parking spaces on the easterly side when there are actually five parking spaces, that there are three parking spots near Longden Avenue, however, these parking spaces are reserved. Stated that if this business utilized the parking spaces across the street there would be approximately 50 parking spaces, nevertheless he did not find 29 parking spaces located at the business site. Stated that he could not locate an emergency escape for the children and the van blocks access for emergency vehicles. Stated that there is not anything in the Staff Report that reflects an environmental impact study in regards to parking. Stated that there are no ramps or elevators onsite and feels that since this is a commercial use, this business should be required to follow all of the current building and safety standards for commercial buildings. Stated that there is one restroom upstairs and another restroom downstairs, and the Staff Report does not indicate how these restrooms would specifically be used. Stated that a commercial use is allowable in an institutional area within a residential area, however, it should not be exempt from commercial requirements. Stated that there are trash bins currently in the street that are as wide as a vehicle, and that motorists have to drive into the other lane to proceed. Stated that there are requirements when condominiums are developed, and that the increase of students and personnel will jeopardize our sewer system. Stated that the Staff Report should be corrected.

Community Development Manager Lambert – Stated that the private school would be allowed to have a maximum of 60 children on site at any one time. Stated that this type of business requires one parking space per teacher or administrator and therefore, the parking requirements are met. However, if the Synagogue were developed under today's requirements, it would require additional parking. Stated that there is a ten foot distance from the building to the west property line to allow access for emergency vehicles to the property. Stated that this project is considered categorically exempt from CEQA, therefore, it does not require an environmental checklist. Stated that only multiple family projects require a sewer impact fee of starting from \$2,500 dollars per unit to a flat rate of \$25,000.00 dollars for anything above three units. Stated that although this is a private school located at the Synagogue, the General Plan designation is Institutional and this type of use is consistent with the land use designation. Stated that this business use would not be considered any differently if the Synagogue were holding classes and that there have been several private school applicants that have been denied in commercial areas due to lack of pick up or drop off areas, and several other elements.

Chairman Seibert – Stated that the operation of the bathrooms are up to the school, the Board of Education, and the Health Department.

Community Development Manager Lambert – Stated that if an applicant has to go before the Planning Commission, they will not be allowed to go to Building Plan Check without first obtaining approval from the Planning Department as doing so would imply that they could automatically increase the amount of children. Stated that the applicant will have to submit a full floor plan which could potentially result in such onerous conditions that the applicant may not be able to utilize the second floor.

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.

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

Commissioner Valenzuela - Stated that he can make the findings to concur with Staff's recommendation, however, would like to condition that this case will be reviewed in six months or that the Planning Commission could exercise the option to review this case in the future as the student capacity would be doubled, and because there are several homes nearby.

Commissioner Horton - Stated that page two items three, four, five, and seven in the draft Resolution seem to require outside agencies or departments of the county to influence the conditions of approval and would like to know if the CUP would be void if there are public safety offenses.

Community Development Manager Lambert – Stated that the applicant would have the option to make the necessary modifications, however, if the conditions could not be fulfilled, then the CUP could not be exercised.

Commissioner Horton – Stated that when he reviewed condition three it stated that the second floor classrooms and offices shall be utilized by students older than a certain age as required the by the Uniform Building Code. Asked Community Development Manager Lambert if the building code has a set number of students, why then is that number not stated.

Community Development Manager Lambert – Stated that an excerpt is attached to the Staff Report from the Building Code. Stated that if an automatic sprinkler system as well as certain other requirements are made in this type of a building, that it could be used for students from Kindergarten through Second Grade.

City Attorney Murphy – Stated that if the State decides to amend the Uniform Building Code the requirements of the CUP would be compliant to the current code.

Community Development Manager Lambert – Stated that if this request is approved, building plans would have to be drawn as if it were a commercial building and submitted to the Los Angeles County Department of Public Works and routed to the County Fire Department. Stated that the building would be inspected annually by the Los Angeles County Fire Department and if they are required to make improvements to the building, the City Building Inspector would verify that the work was done in a proper manner.

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

Vice Chairman O'Leary – Stated that he concurs with fellow Commissioner Valenzuela in regards to adding a condition to review this item at a later date as traffic could be affected.

Commissioner Chen - Stated that he concurs with his fellow Commissioners and could make the findings to approve this request.

Chairman Seibert Stated that he could also make the findings to vote in favor of this request.

Commissioner Valenzuela – Made a motion to approve the amended Modification of Conditional Use Permit 03-1546, and find that this project is categorically exempt from CEQA pursuant to section 15301, seconded by Vice Chairman O’Leary 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 ZONE CHANGE AND GENERAL PLAN AMENDMENT TO RE-ZONE AND RE-DESIGNATE THE GENERAL PLAN DESIGNATION FOR AN EXISTING R-2 PROPERTY. THE EXISTING ZONING OF THE SUBJECT PROPERTY IS R-2, AND THE EXISTING GENERAL PLAN DESIGNATION IS MEDIUM DENSITY RESIDENTIAL. THE RESULTING ZONING WOULD BE M-1, LIGHT INDUSTRIAL AND THE RESULTING GENERAL PLAN DESIGNATION WOULD BE INDUSTRIAL.

SUBJECT SITE: 4910 ENCINITA AVENUE

CASE NUMBERS: ZONE CHANGE 09-1751 AND GENERAL PLAN AMENDMENT 09-01

PROPERTY OWNER)/
APPLICANT: EDWARD CALVERT
8844 ARDENDALE AVENUE
SAN GABRIEL CA 91775

RECOMMENDATION: 1) HEAR STAFF REPORT
2) HEAR THOSE FOR AND AGAINST
3) CONSIDER RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION
4) ADOPT RESOLUTION FOR APPROVAL

Chairman Seibert – Asked for a Staff Report.

Community Development Manager Lambert – Gave the Staff Report dated February 9, 2010.

Community Development Manager Lambert – Gave a PowerPoint presentation.

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

Chairman Seibert – Asked Community Development Manager Lambert who had initiated this request.

Community Development Manager Lambert – Stated that a gentleman named Ed Calvert had initiated this request.

Commissioner Valenzuela – Asked City Attorney Murphy if the Planning Commission can consider the impact of spreading the light industrial zone, or if the lot in question could only be considered.

City Attorney Murphy – Stated that it would be improper to consider general themes of zones such as the light industrial, commercial, or residential areas, therefore, the Planning Commission has to concentrate on the lot in question.

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

Edward Calvert, 8844 Ardenale Ave., San Gabriel, CA 91775 – Stated that he had purchased this property approximately one year ago with the intention to develop a duplex, however, the dogs at a neighboring kennel bark on a consistent basis. Stated that most of the realtors have suggested to convert this property to an M-1 Zone as it had been originally. Stated that this property is currently zoned R-2 even though the property to the north is zoned M-1. Stated that this property should be rezoned to M-1, as there is a railroad, other industrial businesses and a dog kennel nearby.

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

Jim Law, 4917 Encinita Ave., Temple City, CA 91780 – Stated that this property as well as the property to the south of this property should be converted to an M-1 Zone as the City recognizes that a commercial property is revenue generating. Stated that the dogs from the kennel do not make very much noise unless they are disturbed by a siren. Stated that he was informed that in 1967 a gentleman had to fight with the City to have his dogs in a manufacturing zone. Stated that there is a property neighboring his residence that is zoned for manufacturing, however, should be converted to R-2 as the lot is 90 feet deep. Stated that at one time a resident had her grandson and his three children move in with her and wished to add on to her property, however, a Moratorium inhibited residential development in her zone. Stated that he is in favor if rezoning this property into an M-1 Zone.

Sandy Saijo, 8331 E. Beverly Dr., San Gabriel CA 91775 - Stated that she is the applicant's realtor and felt that it would be difficult for the property owner to convert this lot into a duplex as the noise caused by the neighboring dog kennel would be bothersome. Stated that she is in favor of this property being rezoned from R-2 into M-1, as a better suited use for this property would be to convert this residential lot into a small quiet warehouse.

Bernadette Quercio, 4916 Encinita Ave., Temple City, CA 91780 - Stated that that she is the business owner of the dog kennel and would like to state that she is in favor if this request as the property in question is surrounded by the M-1 Zone with manufacturing businesses nearby.

Richard Flores, 4909 Fratus Dr., Temple City, CA 91780 – Stated that he would like to state that the rezoning of this property from R-2 to M-1 would add to the ongoing noise and nuisance. Stated that the noise caused by the numerous dog kennels on Encinita Avenue, and the illegal emission of air pollutants from auto body shops are an on-going problem. Stated that he is a full

time resident while the other public speakers either are business owners or do not reside in this area of the City. Stated that this item should be postponed and continued to a later date.

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

Ed Calvert, 8844 Ardenale Ave., San Gabriel, CA 91775 – Stated that if this property were rezoned to M-1, it would not mean that there would be another dog kennel, nor should traffic increase as this lot is already surrounded by a manufacturing zone.

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 cannot make the findings to recommend approval of this request. Stated that a lot should not be upzoned due to a certain situation that a property owner is in.

Commissioner Chen - Stated that he would like to follow Staff’s recommendation, however, could see both sides to this request and would like to hear what the other Commissioners have to say regarding this item.

Commissioner Horton - Stated that he could see both points regarding to this request and would like to hear comments by the remaining Planning Commissioners as well.

Commissioner Valenzuela - Stated that he would like to thank Barbara Garrison for the correspondence so that it could be submitted into the public record. Stated that he is concerned in recommending approval of this request, as it could create adverse consequences to the surrounding residential area and questions whether it would create an inconsistency with the General Plan, although it was not addressed in 1986 if that area should be re-designated. Stated that he concurs with Vice Chairman O’Leary and could not make the findings to vote in favor of this request.

Chairman Seibert – Stated that the area in question should be looked at in whole, however, the Planning Commission can only make a decision on the requested lot. Stated that in 1986 when the General Plan was revised, the City strived to convert all of the residential areas in the City to be zoned R-1. Stated that much of the City was converted to R-1 because it is what the public wanted, not because it was good zoning. Stated that that the area in question is not a good area for R-1 zoning, and that the area should be either zoned all R-2 or zoned M-1. Stated that the request to convert the property in question to an M-1 Zone is not undesirable, as the value of the land is negligible, it would have more value as M-1 zoned property. Stated that this property cannot be properly developed as an R-2 zoned lot and abuts another M-1 property, therefore he is in favor of the zone change. Stated that if this zone change is granted, it would be done by the City Council. Stated that if the Planning Commission would not recommend approval of the zone change, this body is only making a recommendation to the City Council and the City Council will make the final decision.

Vice Chairman O'Leary – Made a motion to recommend denial to the City Council Zone Change 09-1751 and General Plan Amendment 09-01, seconded by Commissioner Valenzuela and carried by Roll Call Vote.

City Attorney Murphy – Stated that the direction from the Planning Commission to the Staff would be to bring back a Resolution recommending that the City Council deny this request and to adopt that Resolution.

ROLL CALL VOTE

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

Chairman Seibert – Stated that the motion had been to recommend denial of the request to the City Council 3-2.

8. COMMUNICATIONS: NONE

9. MATTERS FROM CITY OFFICIALS: NONE

10. ADJOURNMENT:

Chairman Seibert – Adjourned the meeting at 8:37 p.m. to the next Planning Commission meeting of February 23, 2010 at 7:30 p.m.

Chairman

Secretary