

PLANNING COMMISSION
MINUTES
JUNE 22, 2010

INITIATION:

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ROLL CALL:

Commissioners: Seibert, O' Leary, Chen, Valenzuela

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

Absent: Commissioner Horton

Commissioner Valenzuela – Made a motion to excuse Commissioner Horton for due cause seconded by Commissioner Chen and unanimously carried.

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: JUNE 8, 2010

RECOMMENDATION: APPROVE AS SUBMITTED

Vice Chairman O'Leary – Made a motion to approve the Planning Commission Meeting minutes dated June 8, 2010, seconded by Commissioner Chen and unanimously carried.

6. UNFINISHED BUSINESS: NONE

7. NEW BUSINESS:

A. PUBLIC HEARING: A ZONE VARIANCE TO ALLOW THE INTENSIFICATION OF AN EXISTING USE WITHOUT PROVIDING ADDITIONAL PARKING. THE PROPOSAL IS TO DESIGNATE A 3,200 SQUARE FOOT SECOND FLOOR COMMERCIAL SPACE AS A MEDICAL USE INSTEAD OF THE PERMITTED RETAIL/OFFICE USE. THE SUBJECT PROPERTY IS LOCATED AT 5546 ROSEMEAD BOULEVARD AND IS IN THE HEAVY COMMERCIAL (C-3) ZONE.

SUBJECT SITE: 5546 ROSEMEAD BOULEVARD

CASE NUMBER: ZONE VARIANCE 10-1759

PROPERTY OWNER/ JOHN TSAI

APPLICANT: 10050 GARVEY AVE.
EL MONTE, CALIFORNIA 91733

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 June 22, 2010.

Associate Planner Liu – Gave a PowerPoint presentation.

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

Chairman Seibert – Asked Associate Planner Liu what time the photographs of the subject parking lot were taken.

Associate Planner Liu – Stated that the photographs of the parking lot were taken at approximately 11 a.m. on a weekday.

Commissioner Valenzuela – Asked Community Development Manager Lambert what kind of businesses would be considered an approved office use.

Community Development Manager Lambert – Stated that businesses such as law firms, accounting businesses, or consultants, would be considered approved office uses.

Commissioner Valenzuela – Asked Community Development Manager Lambert if a general office would fulfill current parking requirements of the zoning code.

Community Development Manager Lambert – Stated that a general office would fulfill the current zoning code parking requirements.

Chairman Seibert – 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.

Jeffery Talbot, 1613 Chelsea Rd. #336, San Marino, CA 91108 - Stated that he would like to speak on behalf of the applicant who is the current and also the original owner of the property. Stated that this commercial property has had vacancies since the building was developed, that this property currently has a thirty percent (30%) vacancy rate, and that seventy five percent (75%) of that vacancy rate is located on the second floor. The high vacancy rate is not due to lack of parking for medical businesses, but retailers do not wish to occupy a second floor on a heavily trafficked street. Stated that he has visited this site several times and has found that the parking lot has never exceeded fifty percent (50%) occupancy. Stated that if this Zone Variance is granted, space for a medical use would be allowable and would allow the property owner to achieve stability for this development.

Chairman Seibert – Asked Mr. Talbot if the commercial property has an elevator.

Jeffery Talbot, 1613 Chelsea Rd., 396 San Marino, CA 91108 – Stated that there is an elevator onsite.

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

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.

Commissioner Valenzuela – 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 vote in favor of this request because being three parking spaces short should not stop a property owner from being able to have tenants.

Commissioner Valenzuela – Stated that he believes that the approval of a Zone Variance should be a rare occasion, however, a deficiency of three parking spaces would not harm the business site, therefore, he could make the findings to approve this request.

Commissioner Chen – Stated that he concurs with Staff’s recommendation and could make the findings to vote in favor of this request.

Chairman Seibert – Stated that he also concurs with Staff and would like to see this property with no vacancies.

Vice Chairman O’Leary – Made a motion approve Zone Variance 10-1759 and find that this project is categorically exempt from CEQA pursuant to section 15301, seconded by Commissioner Chen, and unanimously carried.

- B. PUBLIC HEARING:** A CONDITIONAL USE PERMIT TO ALLOW THE ESTABLISHMENT OF A PRESCHOOL AT 5570-B ROSEMEAD BOULEVARD UNIT F. 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-B 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 RESOLUTION FOR APPROVAL

Chairman Seibert – Asked for a Staff Report.

Community Development Manager Lambert – Gave the Staff Report dated June 22, 2010.

Associate Planner Liu – Gave a PowerPoint presentation.

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

Commissioner Valenzuela - Asked Associate Planner Liu if unit #F at the subject site could be accessed from the rear of the building.

Associate Planner Liu – Stated that unit #F could be accessed from the rear portion of the property.

Chairman Seibert – 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.

Tracy Liu, 5570-B N. Rosemead Blvd., Temple City, CA 91780 – Stated that she would like to open a preschool to fulfill the requests of the children's parents at her current establishment and create additional jobs for the teachers. Stated that parents have always dropped children off in the rear of the building.

Chairman Seibert – Asked the applicant if there is a play yard for the children.

Tracy Liu, 5570-B N. Rosemead Blvd., Temple City, CA 91780 – Stated that a small play area would be available for the preschool children.

Commissioner Valenzuela – Asked Chairman Seibert if all of the activity at this site is supposed to take place indoors.

Chairman Seibert – Stated that those conditions only apply to the existing tutoring center.

Chairman Seibert – Asked if anyone from the public would like to speak in favor of or against the proposed request. One person came forth at this time.

Community Development Manager Lambert – Read a letter submitted by the Casa Sultana Homeowners Association expressing their concerns regarding this request.

Theresa Chessner, 9236 Flaherty St., Temple City CA 91780 - Stated that she is concerned regarding the proposed play area, as 75 square feet of outdoor open space per child is required per Title 22, mandated by the State of California. Stated that parking would be infringed upon, and understands that parents need a place for their children, however, she is concerned about the location of this proposed preschool.

Chairman Seibert – Asked Ms. Chessner if she was aware of what entity at state governs the requirement for open space for preschools.

Theresa Chessner, 9236 Flaherty St., Temple City CA 91780 - Stated that the Department of Social Services governs the requirements for open space for preschools.

Chairman Seibert – Asked the applicant if she has obtained a license through the State of California to operate a preschool.

Tracy Liu, 5570-B N. Rosemead Blvd., Temple City, CA 91780 – Stated that she had not, as she wished to obtain approval from the Planning Commission first.

Chairman Seibert – Stated that the applicant would need to receive approval from the state in order to operate a preschool. Asked the applicant how she intended to meet the requirements of the state.

Tracy Liu, 5570-B N. Rosemead Blvd., Temple City, CA 91780 – Stated that she would be willing to have children attend at different times to meet the state requirements.

Vice Chairman O’Leary – Asked the applicant if she would like to have a license to operate a preschool prior to approaching the Planning Commission.

Tracy Liu, 5570-B N. Rosemead Blvd., Temple City, CA 91780 – Stated that she would like to have approval from the Planning Commission prior to obtaining a license through the state.

Vice Chairman O’Leary – Asked the applicant if she is aware of what should be completed prior to operating a preschool.

Tracy Liu, 5570-B N. Rosemead Blvd., Temple City, CA 91780 – Stated that she would like to develop the site before she approached the state to obtain a license for a preschool.

Chairman Seibert – Stated that if the Planning Commission were to approve this request, the applicant would still have to go through the state, and would have difficulties meeting the playground requirements.

Tracy Liu, 5570-B N. Rosemead Blvd., Temple City, CA 91780 – Stated that the children from the tutoring center could play in the same area as the children from the preschool.

Chairman Seibert – Stated that the children from the tutoring center cannot play in the same area as the children from the preschool.

Tracy Liu, 5570-B N. Rosemead Blvd., Temple City, CA 91780 – Stated that the play area is not being used by the same tutoring center and is aware that there are requirements for preschools.

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.

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

Commissioner Chen – Stated that the business would still be held accountable if the request were to be approved to obtain proper state licensing.

Community Development Manager Lambert – Stated that the requirements from the State of California supercedes the City’s requirements. Stated that if this request were to be approved, the City would have to add a specific condition of approval to meet the state requirements.

Commissioner Chen – Stated that he is not aware of what the requirements are for preschools, however, he does know that tutoring businesses have yet to be defined by the State of California.

Stated that he could make the findings to concur with Staff's assessment if a condition were added to require this business to obtain approval from the State of California prior to operation.

Vice Chairman O'Leary – Stated that he would like to have approval from the Department of Social Services before approving this request. Stated that he cannot make the findings to approve this request at this time.

Commissioner Valenzuela – Stated that he is concerned about the outdoor play area and about parking. Stated that he cannot make the findings to vote in favor of this request.

Chairman Seibert – Stated that he cannot vote in favor of this request as there are multiple problems that the approval of this request would cause, such as the lack of an outside play area separated from the tutoring school, the lack of parking an independent play area would create, and that the applicant has not applied for a license to operate a preschool through the State of California.

City Attorney Ball – Stated that the Planning Commission may continue this item and return to the next meeting with a Resolution to deny this request formally.

Commissioner Valenzuela – Made a motion continue Conditional Use Permit 10-1756 to allow Staff to craft a Resolution denying this request, seconded by Vice Chairman O Leary, and unanimously carried.

8. COMMUNICATIONS: NONE

9. MATTERS FROM CITY OFFICIALS:

Community Development Manager Lambert - Stated that Planning Commission reorganization is scheduled to take place at the next meeting and that Chairman Seibert and Vice Chairman O'Leary were reappointed by the City Council for two year terms.

10. ADJOURNMENT:

Chairman Seibert – Adjourned the meeting at 8:15 p.m. to the next Planning Commission meeting of July 13, 2010 at 7:30 p.m.

Next Scheduled Meeting of:

City Council: July 6, 2010
Parks & Recreation Commission: July 21, 2010

Chairman

Secretary