

**MINUTES
REGULAR MEETING
SANTA FE SPRINGS PLANNING COMMISSION
September 08, 2014**

1. CALL TO ORDER

Chairperson Johnston called the meeting to order at 4:31 p.m.

2. PLEDGE OF ALLEGIANCE

Chairperson Johnston called upon Commissioner González to lead the Pledge of Allegiance.

3. ROLL CALL

Present: Commissioner González
Commissioner Ybarra
Commissioner Zamora
Vice Chairperson Madrigal
Chairperson Johnston

Staff: Wayne Morrell, Director of Planning
Steve Skolnik, City Attorney
Cuong Nguyen, Senior Planner
Kristi Rojas, Planning Consultant
Paul Garcia, Planning Consultant
Gurdeep Kaur, Planning Intern
Elijio Sandoval, Planning Intern
Luis Collazo, Code Enforcement Officer
Teresa Cavallo, Planning Secretary

4. ORAL COMMUNICATIONS

Oral Communications were opened at 4:32 p.m. There being no one wishing to speak, Oral Communications were closed at 4:32 p.m.

5. APPROVAL OF MINUTES

Minutes of the July 14, 2014 Planning Commission Meeting

Vice Chairperson Madrigal moved to approve the minutes of the July 14, 2014 meeting; Commissioner Ybarra seconded the motion. The minutes were approved by the following vote: In favor: Johnston, Madrigal, Ybarra, and Zamora; Opposed: None; Abstained: González.

**6. PUBLIC HEARING (Continued from August 11, 2014 Planning Commission Meeting)
Conditional Use Permit Case No. 750**

A request to allow the construction and operation of a new 50-foot tall digital billboard with display area of 14'x48' on property located at 13711 Freeway Drive (APN: 8069-015-055), zoned M-2-FOZ, Heavy Manufacturing-Freeway Overlay Zone. (Bulletin Displays, LLC).

Zone Variance Case No. 76

A request for a reduction of the 5-acre minimum size requirement as set forth in Section 155.384

(H)(7) of the Zoning Regulations for properties with a digital billboard and specifically for the property located at 13711 Freeway Drive (APN: 8069-015-055), zoned M-2-FOZ, Heavy Manufacturing-Freeway Overlay Zone. (Bulletin Displays, LLC).

Chairperson Johnston requested a motion to continue Item No. 6 to the next regularly scheduled Planning Commission meeting on October 13, 2014.

Commissioner Zamora moved to continue Item No. 6; Commissioner Ybarra seconded the motion, which was unanimously approved.

7. PUBLIC HEARING

Conditional Use Permit Case No. 694-5

Request for an amendment of Conditional Use Permit (CUP) Case No. 694 to allow various changes to the original development plans for the development of a new 50-unit residential condominium project on a 2.67+/- acre property located at 9830 Jersey Avenue (APN: 8005-002-059), 9841 Alburtis Avenue (APN: 8005-002-016) and 9851 Alburtis Avenue (APN: 8005-002-058), in the R-3 PD, Multiple-Family Residential – Planned Development, Zone. (Astani Enterprises)

Chairperson Johnston opened the Public Hearing at 4:34 p.m. for Item No. 7. Senior Planner Cuong Nguyen presented Item No. 7 before the Planning Commission. Present in the audience on behalf of the applicant was Shane Astani and Greg Nordbak.

Vice Chairperson Madrigal inquired about the removal of the walk-up entrance for homes along Jersey Avenue and Alburtis Avenue. Senior Planner Cuong Nguyen responded that removing the walk-up entrance does not remove or add additional units.

Vice Chairperson Madrigal also inquired about the abandoned well and if it was a water or oil well. Senior Planner Cuong Nguyen indicated that it was an oil well and that the area above the well would essentially be used for parking but it will need to meet fire code standards and may possibly need to be vented but that would be up to the Fire Department to make that decision.

Applicant Shane Astani indicated that the well was discovered when they demolished the site. Upon further investigation they found that the well was abandoned in the 1940's. Although, DOGGR (Department of Oil, Gas & Geothermal Resources) is the state authority over abandoned wells the Fire Department is the local authority governing the well. However, Shane Astani indicated that they are playing it safe and developing 10 feet away from the well and that the completed housing development design accommodates the abandon well.

Commissioner Ybarra inquired if Planning Staff has received any responses to the public hearing notices sent out on this matter. Senior Planner Cuong Nguyen replied that no responses via phone or by written response were received.

At this time, concerned resident Janette Wolfe addressed the Planning Commission with her concerns regarding parking.

Senior Planner Cuong Nguyen indicated that in addition to the two-car garages provided for each unit, the development will have 19 additional guest stalls; however, a condition of approval indicates that parking shall be prohibited along the east curblin of Jersey Avenue in front of the complex and the west curblin of Alburtis Avenue in front of the complex.

City Attorney Steve Skolnik indicated that the 2-car garage and the 19 guest stalls meets the City's Development Standards and indicated that the City just doesn't make up these numbers.

Commissioner Zamora inquired if the development was gated. Senior Planner Cuong Nguyen indicated that it was being developed as a gated community.

Having no further questions, Chairperson Johnston closed the Public Hearing at 4:46 p.m. and requested a motion for Item No. 7.

Commissioner Zamora moved to approve Item No. 7; Vice Chairperson Madrigal seconded the motion, which passed unanimously.

8. UNFINISHED BUSINESS

Conditional Use Permit Case No. 757

A request for approval to allow the establishment, operation and maintenance of a temporary wireless telecommunications facility and related equipment on property located at 10805 Orr and Day Road (APN: 8017-001-035), within the C-4, Community Commercial, Zone. (Coastal Business Group for AT&T Mobility)

Modification Permit Case No. 1245

A request to allow the proposed temporary wireless facility to be designed in a manner that is deem not stealth, as per required by the Wireless Telecommunication Antennas Guidelines.

Director of Planning Wayne Morrell presented Item No. 8 before the Planning Commission; however, before Wayne Morrell's presentation, Commissioner Ybarra asked if Item No. 8 was the same item that was previously denied.

Director of Planning Wayne Morrell indicated that it was the same matter; however prior to the Mr. Morrell's presentation he gave a brief background with regards to what has occurred since this matter was denied, provided the Planning Commissioners with additional information that was provided by the applicant that was not provided before and introduced the following representative's for AT&T: AT&T Representative Brittany Pell, and Nancy Pe, Caltrans Senior Traffic Engineer.

During Mr. Morrell's presentation, he provided the Planning Commissioners with a copy of a letter received by concerned resident Sylvia Vetrone who objects to this project.

City Attorney Steve Skolnik wanted the minutes to reflect that the staff report was prepared with specific City Council instructions to allow the issuance of these permits.

Commissioner González was intrigued by this issue and commented that the letter was well written but what would he know since he is a teacher and grades third grade papers.

Commissioner Ybarra commented about the letter and indicated that maybe it was written at a fifth grade level.

Commissioner González also inquired about a permanent location. Director of Planning Wayne Morrell indicated that AT&T is seeking a permanent location as close as possible to the original location and once this matter is approved a stealth cell tower will be proposed as required by City Code.

Commissioner González also inquired if the cell tower generated income for the City. Director of Planning Wayne Morrell replied that the only revenue that would be generated would be through the permitting process only.

Nancy Pe, Caltrans Senior Traffic Engineer addressed the Planning Commission and indicated that AT&T is currently renting from a property owner at this location and Caltrans is not receiving any revenue from AT&T; however, Caltrans is taking the property by eminent domain due to the I-5 widening and that this matter is not about revenue nor rents but about the I-5 widening that is impacting the cell tower. AT&T, as tenants, have rights under Federal Law that would allow them to relocate and keep the cell tower.

City Attorney Steve Skolnik indicated that the State cannot relocate AT&T or force another property owner to accept AT&T's cell tower.

Commissioner Ybarra asked for an I-5 widening status from Nancy Pe. Ms. Pe indicated that Caltrans has been trying to relocate the utilities for this location since May and that the cell tower is in a critical location and is hindering the I-5 widening project from moving forward.

Commissioner González stated that he understands what the state needs but the state didn't think about our city's needs when it took redevelopment funds from the cities and he understands that a majority of people want the I-5 widening; however, he is thinking about his children's children and until it knocks on your door and we don't ask why this cell tower can't be relocated to the old Powerine site, to allow a local business to generate revenue, or at the Gemco site in Downey, which I believe would be a good site.

Director of Planning Wayne Morrell indicated that there are many reasons why this site was chosen and referred to the Propagation Maps provided by AT&T which indicates that the old Powerine site is too far to provide coverage gap and that this site was the best location to provide coverage for AT&T's customers.

Vice Chairperson Madrigal indicated that he was not happy how this item was approached but by saying that the state has rights but we as a city don't and that the city can't generate revenue from this cell tower and the only one making money from this is AT&T does not add up. Vice Chairperson Madrigal then inquired if AT&T can add or expand onto this tower.

Director of Planning Wayne Morrell indicated that if AT&T proposes to expand in the future they would have to come back before the Planning Commission for approvals but that the Obama Middle Class Tax Relief Act limits the Planning Commission ability to regulate the cell tower sites.

Vice Chairperson Madrigal inquired if the cemetery site was even considered or if a stealth cell tower, even if temporary, was even considered for this location.

Director of Planning Wayne Morrell indicated that in two years AT&T will have to come back before the Planning Commission once a permanent location has been selected.

Vice Chairperson Madrigal inquired if Caltrans would be finished with the I-5 widening project at that site.

City Attorney Steve Skolnik commented that there seemed to be a miscommunication regarding the two year window that needs to be cleared up.

Caltrans Senior Traffic Engineer Nancy Pe indicated that construction should take about one year but that construction does not have to be completed before a permanent location can be approved.

AT&T Representative Brittany Pell addressed the Planning Commission and expressed that AT&T did not come to Caltrans' door and understood that the City's residents do not want a temporary cell tower at this site but AT&T has to move their cell tower to this temporary site so that Caltrans can move forward with construction, then AT&T will move the cell tower to a permanent location and will work with the City to build a cell tower by the City's guidelines.

Vice Chairperson Madrigal indicated that this isn't the only project by AT&T and Caltrans that had to be relocated but that the Planning Commission would like something that would make less of an impact upon the City's resident and look cosmetically pleasing.

AT&T Representative Brittany Pell indicated that it is more than cosmetics that has to be addressed without breaking ground and that it would take a lot more time and environmental studies before AT&T could relocate. Ms. Pell also expressed that AT&T did not want to be relocated to this temporary cell site since their network was built around this cell tower location which was built a long time ago. Ms. Pell also indicated that moving this cell tower 300 feet away from its current location is already causing coverage problems.

Caltrans Senior Traffic Engineer Nancy Pe commented that delaying this project costs the state and taxpayers \$3,300.00 a day.

Commissioner Ybarra commented to disregard the money and who is paying what but to focus on this cell tower site being an eyesore and will continue to be an eyesore for two years.

Terri Grisenti, AT&T Site Acquisition Specialist, addressed the Planning Commission and indicated that a temporary stealth cell tower does not exist. The fact is this cell tower is temporary. To construct a stealth cell tower would require ground penetration which would take 6-9 months of public resources.

Director of Planning Wayne Morrell commented that staff realizes that yes this cell tower is not stealth but that what will be occurring at this site will make this cell tower minimal. Mr. Morrell referenced a photo taken of a cell tower in the City of Norwalk along the I-5 that is similar to the situation that is being addressed before the Planning Commission.

Commissioner Ybarra commented on the photos and indicated that this cell tower would still be an eyesore.

AT&T Representative Brittany Pell commented about the staging area for this site due to the I-5 widening and about the construction that will be on going during this time.

Commissioner González commented that he understood that Ms. Pell is doing her job on behalf of AT&T and that Gemco or other cities don't want these cell towers but that the State has gutted our City budget and devastated our City when Caltrans sent letters, regarding the I-5 widening, to our City residents without providing any notification to our City or Council who got the phone calls and had to deal with all the residents who were affected by this I-5 widening. Commissioner González further stated that Caltrans actions does not build good relationships but thanked God that Caltrans was able to make those residents, who lost their homes, equal again and that he prefers

that the Federal or State Government shove this down the City's throat before he would have to vote on this matter.

Terri Grisenti, AT&T Site Acquisition Specialist, expressed that she could only begin to imagine what the residents went through, but that AT&T is also losing its home and people do depend on the coverage that has been provided by this site and that it would make her job a lot easier if everyone would agree upon the cell towers location; however, she also understood the residents angst about this temporary cell tower, the City being upset over the loss of Redevelopment and the State's position but she asked that we separate the issues and focus on the temporary cell tower and that AT&T will relocate the cell tower once a permanent location is approved and that AT&T will install a stealth cell tower or install a cell tower that the City would approve of.

Commissioner Ybarra referenced the photos provided in the PowerPoint and inquired if they were an approximate simulation to what the temporary cell tower would look like at that site.

Ms. Grisenti indicated that the photos provided were generated to scale.

Concerned resident Steven Vetrone addressed the Planning Commission and commented that he did not appreciate the Planning Commissioners comments with regards to his wife's letter. He further stated that his wife, Sylvia Vetrone, busted her hump to earn her Ph.D. degree. Mr. Vetrone commented that as for the cell tower he understood that we had to face it with regard to the I-5 widening but that this cell tower is being done by people in a rush since AT&T dragged their feet on this. Mr. Vetrone commented that just because photos are in a PowerPoint does not make this matter right nor correct. He further stated that the letter his wife submitted was heartfelt and was written with civic pride and he hopes that the Planning Commission when voting takes their residents into consideration.

Commissioner Ybarra addressed Mr. Vetrone and apologized for his comment and inquired where Mr. and Mrs. Vetrone lived.

Mr. Vetrone commented that he would have to see the cell tower every day when he is outside his home.

Director of Planning Wayne Morrell commented that before the Planning Commission take a vote if they had an opportunity to read the letter from AT&T's attorneys.

City Attorney Steve Skolnik commented that he said something at the last meeting about the location of this temporary cell site but stated that he was an eminent domain attorney for many years before becoming a City Attorney but that Caltrans has an urgency to relocate this cell tower and AT&T has an existing contract but that Caltrans cannot move forward until this cell tower is relocated. Mr. Skolnik further stated that the truth of the matter is that AT&T can stay where they are currently located but that Caltrans has to pay their relocation costs since they are requiring them to relocate the cell tower.

Having no further questions or comments, Chairperson Johnston closed the Public Hearing at 5:41 for Item No. 8 and requested a motion.

City Attorney Steve Skolnik explained the Planning Commissioners options with regards to a motion on this matter.

Vice Chairperson Madrigal moved to deny Item No. 8. No one seconded the motion.

City Attorney Steve Skolnik indicated that Vice Chairperson Madrigal's motion is removed since no one seconded the motion.

Commissioner Ybarra moved to approve Item No. 8; Commissioner Zamora seconded the motion.

City Attorney Steve Skolnik requested a roll call vote to approve Item No. 8. Item No. 8 was approved by the following vote: In favor: Johnston, Ybarra, and Zamora; Opposed: Madrigal and González.

9. CONSENT AGENDA

Consent Agenda items are considered routine matters which may be enacted by one motion and roll call vote. Any item may be removed from the Consent Agenda and considered separately by the Planning Commission.

A. CONSENT AGENDA

Conditional Use Permit Case No. 184-11

A request to amend condition #6 within the existing conditions for Conditional Use Permit Case No. 184 that allows an asphalt and concrete crushing operation and an open storage yard use at 11927 Greenstone Avenue, in the M-2, Heavy Manufacturing, Zone, and within the Consolidated Redevelopment Project Area. (Dan Copp Paving, Inc.)

City Attorney Steve Skolnik asked the Planning Commissioners if they required a presentation or if the staff reports were sufficient.

With no one requesting a presentation, Chairperson Johnston requested a motion.

Commissioner González moved to approve Item No. 9A; Commissioner Zamora seconded the motion, which unanimously passed.

10. ANNOUNCEMENTS

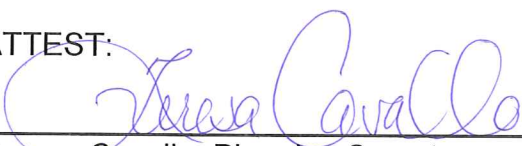
- ♦ Commissioners
Vice Chairperson Madrigal announced that his son finally got married.
- ♦ Staff
Senior Planner Cuong Nguyen introduced Paul Garcia as the new Planning Consultant through Lilley Group.

Senior Planner Cuong Nguyen also introduced Elijo Sandoval as Planning's new Intern.

11. ADJOURNMENT

At 5:48 p.m. Chairperson Johnston adjourned the meeting to Monday, September 22, 2014 at 4:30 p.m.

ATTEST:



Teresa Cavallo, Planning Secretary



Chairperson Johnston