

CITY OF FOUNTAIN VALLEY
REGULAR MEETING OF THE PLANNING COMMISSION

September 9, 2009

MINUTES

CALL TO ORDER

The Fountain Valley Planning Commission meeting was called to order at 7:00 p.m. in the City Council Chambers.

SALUTE TO THE FLAG

Commissioner Drilling led the salute to the flag.

ROLL CALL

Commissioners present: Drilling, Frank, Gaston, Jensen, Walker, Proctor
Commissioners absent: None
Staff members present: Andrew Perea, Planning Director; Steven Ayers, Planner;
Matt Jenkins, Assistant Planner; Doug Dare, Management Intern

APPROVAL OF MINUTES

The Planning Commission minutes of August 12, 2009, were approved, as amended.

Chair Drilling stated that it was customary for Commissioners to visit applicant sites; that unless any Commissioner had further disclosure statements at this time, it may be stated that no contact was made during the site visit with the applicant, his/her agent, or neighbors of the proposed project.

PUBLIC HEARINGS

1. ARCO GAS – CONDITIONAL USE PERMIT NO. 1649, PRECISE PLAN NO. 495, AND VARIANCE NO. 266
Petition submitted by WD Partners to demolish an existing Arco gas, canopy and AM/PM convenience store and build a new Arco gas, canopy and single story

AM/PM convenience store including beer and wine sales on an approximately 40,000 sq. ft. parcel of land located at 18480 Brookhurst Street, as well as a variance to reduce the required landscape setback along Brookhurst Street from fifteen (15) feet to ten (10) feet.

Chair Drilling opened the public hearing.

Steven Ayers, Planner, presented the staff report.

Andrew Perea, Planning Director, informed the Commission that conditions 35, 36, 38, 51, 52, 53, 54, 55, and 56 were recommended for deletion.

Mr. Ayers suggested the addition of four conditions; 1) that beer shall only be sold in packaged units of 6 packs or more, not in individual cans or bottles; 2) that no fortified or high potency wines shall be made available for sale; 3) that no wine or distilled spirits shall be sold in bottles smaller than 750ml or less than a 4-pack of wine coolers; and 4) that the sale of alcohol be restricted from 6 a.m. to 2 a.m., seven days per week.

Commissioner Walker asked if the proposed conditions came from staff and if the applicant has had a chance to review the changes.

Mr. Perea replied that the inclusions were determined tonight and that the deletions are fees that the applicant would otherwise have to pay.

Vice Chair Jensen asked Mr. Ayers if she heard him correctly that no distilled spirits shall be sold, as it was her understanding that the application is only for the sale of beer and wine.

Mr. Ayers said that she is correct and that 'distilled spirits' can be removed from the conditions.

Alex Gurski, representing the applicant for WD Partners, 16808 Armstrong Avenue #100, Irvine, CA, 92606 addressed the Commission. Mr. Gurski said that the project has been a long time in the making; that it has been a pleasure to work with staff; that they believe they have a good project; that they wish to eliminate two of the four existing curb cutaways closest to the intersection; that they believe it will be safer and more maneuverable; that the existing gasoline pumps and storage tanks will be replaced; that the proposed plan calls for a three-foot landscaped berm that should screen the parking from the arterial streets; and that the proposed colors for the new Arco are earth tones that they feel will be a good fit for the City.

Commissioner Frank voiced a concern that vehicles may not be able to see over the three foot tall berm.

Mr. Ayers informed the Commission that the berm would taper approaching the driveway.

Commissioner Frank asked if vehicles exiting the station would be able to see oncoming traffic.

Mr. Perea said that there is a fifteen foot line of sight requirement so visibility shouldn't be an issue and that the three foot berm is typical for many of the developments along the arterials in the City.

Commissioner Walker asked if there would be landscaping on the rear portion of the property.

Mr. Gurski replied that it would be and that the existing remediation equipment would have to stay but that it will be screened with landscaping.

Commissioner Walker said that he is very happy to see that two of the driveways have been eliminated and asked the applicant if they have completed a queuing study.

Mr. Perea said that the traffic study is in the packet.

Commissioner Walker said that it isn't clear whether vehicles will queue off of Ellis, off of Brookhurst, off of both, if there are going to be arrows on the islands, or if it will be a free for all.

Mr. Gurski replied that BP's design requirements for widths and dimensions are generally more restrictive than the City's; and that in this case they are able to meet the City's requirements; that there is 29 feet from the parking areas to the dispensers; that there is another 18 feet to allow for two-way traffic; that they feel arrows don't work but aren't opposed to including them if the City requires it; that customers can come in off of Brookhurst or Ellis, but that they can only make a right turn out, so that it's essentially "right in, right out"; and that they always try to allow for a pass through lane.

Commissioner Proctor stated that she saw four lanes on Brookhurst Street on the site map shown on the overhead and asked if that is an error or if there are any changes planned to Brookhurst Street.

Mr. Perea replied that he doesn't believe that there are any changes planned to Brookhurst Street.

Commissioner Proctor said that there is currently a bus stop on Brookhurst between the two driveways and asked if the proposed changes would create any additional problems.

Discussion ensued regarding the bus stop and how it impacts traffic on northbound Brookhurst Street due to the absence of a turn out lane.

Chair Drilling asked the applicant if a landscape plan had been completed for the project.

Mr. Gurski said that they will prepare a landscape plan and conform to the City's requirements.

Mr. Perea told the Commission that they are adding quite a bit of landscape compared to what currently exists and that there is virtually no existing landscape on the site.

Chair Drilling said that she feels a landscape plan is very important at this juncture.

Commissioner Walker remarked that he believes that this is a zero lot line building and asked about the ficus trees at the car wash adjacent to the property and if they are going to be trimmed back or removed.

Mr. Perea replied that if they are taken out, they would have to be replaced, and that they cannot do this without consent of the neighbor.

Jim Kinnu, 18684 Santa Mariana Street, asked if fuel trucks are going to be able to turn into the property from Brookhurst Street or Ellis Avenue.

Mr. Gurski responded that the design calls for the trucks to enter from Brookhurst and exit on Ellis and make a right turn onto Brookhurst.

Chair Drilling closed the public hearing.

Commissioner Frank moved to adopt Resolution No. 09-42, approving Conditional Use Permit No. 1649; and commented that he is happy that they are going to increase the amount of landscaping.

Commissioner Walker seconded the motion.

By a unanimous vote, the Planning Commission adopted Resolution No. 09-42, approving Conditional Use Permit No. 1649.

Commissioner Frank moved to adopt Resolution No. 09-43, approving Precise Plan No. 495, with the conditions as amended.

Commissioner Gaston seconded the motion.

By a unanimous vote, the Planning Commission adopted Resolution No. 09-43, approving Precise Plan No. 495.

Commissioner Frank moved to adopt Resolution No. 09-44, approving Variance No. 266.

Commissioner Walker seconded the motion.

By a unanimous vote, the Planning Commission adopted Resolution No. 09-44, approving Variance No. 266.

2. T-MOBILE – CONDITIONAL USE PERMIT NO. 1678

Petition submitted by Omnipoint Communications, Inc., a subsidiary of T-Mobile, to construct a wireless telecommunications facility at 8675 Blue Bird Avenue. The facility will consist of twelve (12) panel antennas, one (1) GPS antenna, and eight (8) equipment cabinets in an underground vault. The twelve (12) panel antennas will be separated into three (3) sectors of four (4) antennas each. The antennas will be mounted on a sixty-five (65) foot tall tower disguised as a pine tree.

Chair Drilling opened the public hearing.

Mr. Ayers delivered the staff report.

The applicant, Jin Park of Sequoia Development Services, One Venture Suite 200, Irvine, informed the Commission of the previously approved T-Mobile cell site at the park on an Edison transmission tower in 2008; that Edison and T-Mobile were unable to reach a lease agreement and that the project was never built, resulting in the expiration of the permit; that they feel this is a better design as the grove of pine trees will shield the antennas whereas on the previously approved design antennas were plainly visible; that this design incorporates an underground vault for the equipment.

Commissioner Frank asked for staff or the applicant to clarify the history of the project as he recalled that the Commission was assured that Edison had given their consent prior to the applicant approaching the Commission.

Mr. Perea said that the antennas were approved at 57 feet in height on the Edison transmission tower and that the equipment vault was to be located within Harper Park on its east side.

Vice Chair Drilling said that the plans call for the mono-pine to be 65 feet high, due to the fact that most of the trees are 50 to 75 feet tall; that trees grow and mono-pines don't; and asked what kind of impact on reception will occur when the trees inevitably grow.

Mr. Park said that T-Mobile would address it at that time and that they may have to relocate the facility if reception was compromised.

Chair Drilling asked how far away the transmission lines are from the proposed mono-pine location and if there is any interference from the transmission lines.

Mr. Park said that the transmission line appears to be 20 to 25 feet to the west of the proposed mono-pine location and that there is no interference from the transmission lines.

Commissioner Gaston asked a question about the allowable height and remarked that he believes it is 50 feet without a variance and 60 feet in commercial.

Mr. Perea replied that he is correct, but that in the Parks and Open Space zoning district, allowable height is established by the Planning Commission.

Lyle Scheppele, 18692 Santa Mariana Street, addressed the Commission. He stated that he lives 205 feet from the proposed site and would see the antenna from his front door; and that he has concerns with the public noticing and with the copy of the lease that the City provided.

Mr. Perea stated that there is no lease for the property and that he is not sure what Mr. Scheppele is referring to; and that the lease staff provided is for a different property.

Mr. Scheppele further stated that he had issues with the last project near the site concerning injection wells; that promised landscaping was never provided; that he feels that this site is neither essential nor desirable; and that T-Mobile's web site did not indicate that there is a lack of coverage in the area.

Doris Roberts, 8624 Blue Bird Avenue, remarked that she had concerns about public safety and kids climbing on the mono-pine as well as with property values.

Chair Drilling asked Ms. Roberts if she could see the transmission towers from her property.

Ms. Roberts said yes, she can see the transmission towers from her property and they were there when she bought the property but that the park wasn't.

Janet Walker, 9472 Toucan Avenue, stated that she doesn't live by the park, but is alerting people that wireless telecommunications sites are changing the landscape of the City; that the proposed site is surrounded by residential areas and would prefer to see the antenna located in a commercial or industrial area; and that not everyone uses a cell phone.

Craig Carter, 18675 Santa Isadora Street, wanted to know precisely where in the park that the proposed cell site would be placed; and that he would rather have the cell site be located on the Edison transmission tower as was originally approved.

Tom Rimdzius, 18751 Tomahawk Street, commented that the park is a great place for children to play; that the location of the site is where the volleyball nets currently are; and had concerns about aesthetics, home values, impacts on the neighborhood during construction, and location.

John March, 8774 Canary Avenue, commented that he was in the process of selling his home and had a bid withdrawn, potentially because of the proposed cellular site.

Rick Reis, 8848 Canary Avenue, asked the applicant if the undergrounding of equipment would pose a problem as the City's emergency water source is located in the park.

Eladio Correa, 18671 Santa Mariana Street, remarked that he has not been assured that there would be no health effects; that he doesn't want this to be the "asbestos of our time"; that as a homeowner, he is concerned with property values being negatively impacted; and that he would like to see T-Mobile conduct more outreach to assure homeowners.

Jim Kinnu, 18684 Santa Mariana, echoed previously raised concerns about the necessity of the project as well as possible interference resulting from proximity to the Edison transmission lines.

Chair Drilling closed the public hearing.

Chair Drilling re-opened the public hearing to allow the applicant to respond, noting that nobody has left the room.

Mr. Park said that the coverage map found on T-Mobile's website is a general approximation and does not factor in indoor coverage or call volume; that other locations have been considered for the antenna but that they were unable to provide coverage from those locations; and that the underground vault is concrete.

Commissioner Frank asked the applicant what the estimated construction time would be.

Mr. Park replied that construction would take approximately 45 days from the time building permits are obtained.

Commissioner Frank asked the applicant if they have received many complaints from residents regarding the lack of coverage in the area.

Mr. Park replied that T-Mobile gets that information from customer surveys, and that they have a customer call center in which residents can complain about poor coverage; that after that, engineers are sent to the site to perform a drive test and check if there really is poor coverage; and that the coverage map provided on the website is for outdoor coverage only.

Commissioner Frank asked if there would be a fence around the mono-pine.

Mr. Park replied that there will not be a fence around the mono-pine.

Commissioner Frank asked the applicant how much space the vault and tree would take.

Mr. Park replied that it would require approximately 300 square feet, but that it wouldn't take up any surface area.

Chair Drilling asked the applicant if anything is put at the base of the tree to prevent children from climbing.

Mr. Park stated that it is 15 feet from the base of the tree to the lowest branch.

Commissioner Proctor asked if there is any noise or buzzing coming from the mono-pine; and what if the mono-pine is made out of combustible material.

Mr. Park replied that no noise emanates from the mono-pine; and that the mono-pine is essentially a steel pole wrapped in faux bark that is not flammable.

Commissioner Proctor asked the applicant if they have any cellular sites on other Edison transmission towers and if so, what was the problem locating this site on the nearby Edison transmission tower.

Mr. Park said yes, they do have cellular sites on other Edison transmission towers, that Edison had a problem locating the vault within their easement; that the vault would have been approved by Edison above ground, but residents were

concerned with public safety, and that is why they had then proposed to vault the equipment on the east side of Harper Park.

Jim Kinnu stated that he doesn't see much of a difference in the coverage maps provided by T-Mobile resulting from the construction of the proposed facility.

Discussion ensued regarding the coverage map in the packet.

Chair Drilling closed the public hearing.

Commissioner Frank stated that we have been down this road many times; that there have been no independent studies that he is aware of showing that home values decrease as a result of the construction of a wireless telecommunications facility; second, that they cannot deny the project based upon perceived health risks so long as the applicant is following FCC guidelines; and that contract dollars cannot be discussed either, leaving aesthetics as the sole criteria upon which the Commission can base their judgement.

Commissioner Frank moved to deny Conditional Use Permit No. 1678, subject to confirming resolution.

Commissioner Walker stated that he could not support this project; that three meetings were dedicated to the earlier project, and again T-Mobile is not talking to the community; that he wouldn't vote for a 65' tower in any part of the City; and that there are always going to be trees at the site and that they should not take up park space for this project.

Vice Chair Jensen said that it seems the past few times T-Mobile has approached the City for a cellular site, that they have been located near residential areas when there may be commercially zoned alternatives available; and that she feels the decline in home values is perceived; and that she will not support the project.

Chair Drilling thanked the citizens of the City for coming to voice their concerns about the project; that she believes this location is not the most appropriate place for a cellular site; that the mono-pine will stick out like a sore thumb; that in order for the Commission to do their job, they need to preserve what the residents of the neighborhood have and not make it worse; and that she will not be voting for this item tonight.

Commissioner Gaston remarked that he did not hear anyone say that they had poor cellular coverage; that T-Mobile should have notified the residents so that they could individually weigh the advantages and disadvantages of the project; that the neighborhood did their homework and research and is quite impressed; and that he will not support the project.

By a unanimous decision, the Planning Commission denied Conditional Use Permit No. 1679 subject to confirming resolution.

3. FOUNTAIN VALLEY SHOPPING CENTER – VARIANCE NO. 273

Petition submitted by Michael C. Adams Associates to reduce the number of required parking spaces for restaurant uses based on a parking study and the existing parking demand for the shopping center located at 9475 Warner Avenue.

Chair Drilling opened the public hearing.

Mr. Ayers delivered the staff report.

Michael Adams, representing the property owner, stated that they have had a difficulty finding retail tenants for the site and would like the Commission to consider their request to reduce the parking requirement so that they may lease to a sandwich shop or possibly a yogurt shop; that the demand for Famima at its peak time is 7 spaces and typically only 2 or 3 spaces at any given time; that if the Commission allows them to include more restaurant usage at the site, it might help make the location a little livelier; that he doesn't feel the surrounding properties would be negatively impacted based upon the parking study; and that he thinks the variance will work and hopes that the Commission supports the staff recommendation.

Commissioner Walker stated that he hopes that the property owner will try to lease to a take out type of establishment.

Mr. Adams said that it is their intent to lease to a to-go type of establishment; and that they have talked with Subway and the Yogurt Shop so that is the direction they are headed.

Commissioner Frank stated that he remembers there being a lot of discussion about the lack of restrooms when Starbucks approached the Planning Commission last year; and that he hopes there won't be any issues this time around.

Commissioner Walker stated that he doesn't want any spillage from parking into the adjacent property to the north.

Commissioner Proctor asked the applicant if they have a reciprocal access or parking arrangement with the property to the north and also if there is any intent to combine the suites.

Mr. Adams replied that there is reciprocal access but that there is no parking arrangement as the properties are connected; and that there is no intent to

combine the suites, but that if they were approached by a tenant with that suggestion, they would work with staff to see if that was possible.

Chair Drilling closed the public hearing.

Commissioner Walker moved to adopt Resolution No. 09-46, approving Variance No. 273.

Vice Chair Jensen seconded the motion.

By a unanimous vote, the Planning Commission adopted Resolution No. 09-46, approving Variance No. 273.

4. SPRINT – CONDITIONAL USE PERMIT NO. 1468M

Petition submitted by Celly Adamo for Reliant Land Services representing Sprint to modify an unmanned telecommunications facility with the replacement of three (3) panel antennas with similar dimension antennas, as well as the addition of three (3) 2 foot tall microwave dishes, one (1) GPS antenna and associated equipment cabinet mounted on steel platform behind existing screening located at 17150 Euclid Street.

Chair Drilling opened the public hearing.

Matt Jenkins delivered the staff report.

Commissioner Walker asked about a property on the map and whether it was a part of the Fountain Valley Regional Hospital.

Mr. Perea responded that it is not a part of the hospital but that it is a part of the hospital's specific plan.

Celly Adamo, 5094 Batavia Street, stated that they are updating their network to WiMax 4G nationwide; and that both parabolic dishes will be behind existing screening, so there will be no physical changes to the building.

Chair Drilling closed the public hearing.

Commissioner Frank moved to approve Resolution No. 09-47, approving Conditional Use Permit No. 1468M.

Commissioner Gaston seconded the motion.

By a unanimous vote, the Planning Commission adopted Resolution No. 09-47, approving Conditional Use Permit No. 1468M.

5. SPRINT – CONDITIONAL USE PERMIT NO. 1422M

Petition submitted by Celly Adamo for Reliant Land Services representing Sprint to modify an unmanned telecommunications facility with like for like replacements of three (3) panel antennas, the addition of three (3) 2 foot tall microwave dishes, one (1) GPS antenna and the associated equipment in an existing equipment room located at 8840 Warner Avenue.

Chair Drilling opened the public hearing.

Mr. Ayers gave the staff report.

Celly Adamo, of Reliant Land Services, 5094 Batavia Street, Orange, said that this is part of the nationwide upgrade to Sprint wireless facilities; that she had read that the United States is number 28 in broadband speed and that she hopes the Planning Commission will approve this item.

Commissioner Walker asked a question about the height of the GPS equipment; and commented that the roof looked ugly as the existing mechanical equipment is six feet tall and that the parapet is only two feet tall.

Chair Drilling closed the public hearing.

Vice Chair Jensen moved to adopt Resolution No. 09-48, approving Conditional Use Permit No. 1422M.

Chair Drilling seconded the motion.

Commissioner Walker remarked that he asked staff to combine conditions number 11, 25, and 26 in the future as they all pertain to interference.

By a unanimous vote, the Planning Commission adopted Resolution No. 09-48, approving Conditional Use Permit No. 1422M.

NEW BUSINESS

6. VERIZON – CONDITIONAL USE PERMIT NO. 1428 FIVE-YEAR REVIEW

Petition submitted by Verizon for a second five (5) year review and a reaffirmation of the rights vested in Conditional Use Permit No. 1428.

Mr. Jenkins delivered the staff report.

Chair Drilling moved to adopt Resolution No. 09-49 approving a reaffirmation of the rights vested in Conditional Use Permit No. 1428.

Commissioner Frank seconded the motion.

By a unanimous vote, the Planning Commission adopted Resolution No. 09-49 approving a reaffirmation of the rights vested in Conditional Use Permit No. 1428.

7. T-MOBILE – CONDITIONAL USE PERMIT NO. 1331 FIVE-YEAR REVIEW
Petition submitted by T-Mobile for a first (1st) five (5) year review and a reaffirmation of the rights vested in Conditional Use Permit No. 1331.

Matt Jenkins gave the staff report.

Dale Stubblefield, of JDS Planning, 1227 DeAnza Drive, San Jacinto, stated that this site was acquired from Cingular Wireless; and that it took a while to sort through their sites and now they are trying to be proactive to ensure compliance.

Commissioner Frank asked if there is any listing or database of all of the cellular towers in their network and who owns and maintains them.

Chair Drilling said that she is not aware of any such listing.

Mr. Perea remarked that there are some cities that do not know how many cellular sites are within their boundaries.

Commissioner Frank moved to adopt Resolution No. 09-50, approving a reaffirmation of the rights vested in Conditional Use Permit No. 1331M.

Chair Drilling seconded the motion.

By a unanimous decision, the Planning Commission adopted Resolution No. 09-50, approving a reaffirmation of the rights vested in Conditional Use Permit No. 1331M.

8. KB HOME COASTAL, INC. – PRECISE PLAN NO 497M CONFIRMING RESOLUTION

Mr. Ayers delivered the staff report.

Commissioner Gaston moved to adopt confirming Resolution No. 09-37, memorializing the approval of Precise Plan No. 497M.

By a vote of 4-1-0, with Commissioner Walker voting no, the Planning Commission adopted confirming Resolution No. 09-37, memorializing the approval of Precise Plan No. 497M.

9. SIGN COMMITTEE MEETING UPDATE

An update of the Sign Committee actions below from the September 9, 2009 meeting.

1. SIGN PERMIT NO. 09-21 – WASHINGTON MUTUAL/CHASE

Petition submitted by Bobbie Duddey of AKC Services for Chase Bank for two (2) monument signs, three (3) illuminated channel signs, and thirteen (13) various regulatory and directional signs for the property located at 18975 Brookhurst Street.

2. SIGN PERMIT NO. 09-22 – EUROMASTERS

Petition submitted by Gerard Signs & Graphics to install three (3) wall signs on the building located at 18370 Pacific Street.

Mr. Perea informed the Commission that the monument signs for Chase were not approved as they are not consistent with the City's sign code; that there is an issue with the size of the logo as it exceeds what the code allows and the applicant needs to work with staff for a solution so as to not exceed the previous non-conformity; and that for Euromasters, the 'Club Euro' sign on the west elevation is continued pending Euromasters' forthcoming Conditional Use Permit application.

Commissioner Walker moved to receive and file the report.

Commissioner Frank seconded the motion.

By a unanimous vote, the Planning Commission voted to receive and file the report.

UNFINISHED BUSINESS

None

STAFF COMMENTS

Mr. Perea stated that Orange Coast Memorial is nearing completion; that everyone should have received an invitation for their opening, which was moved to November 12; that an application is being submitted to LAFCO to annex the south County island, resulting in the addition of approximately 10 acres to the City; that the Planning Commission's annual report is going to City Council next week; and that there is going to be additional changes to the sign code ordinance that may result in it being brought back to the Planning Commission.

COMMISSION COMMENTS

Commissioner Frank asked what became of the University of California, Irvine project to look at the southern portion of the industrial area in the City.

Mr. Perea responded that it was an academic report, and that the City would need either money or land to act upon it; that they did a very good job; that quite students graduated.

Vice Chair Jensen asked the other members of the Commission how they would feel about moving from having one meeting a month back to two meetings per month but only receiving one stipend.

Commissioner Gaston replied that he would rather keep it at one meeting per month.

Mr. Perea said that staff can put it on the next agenda.

Chair Drilling commented that there still has not been any progress with Arby's.

Mr. Perea said that they are still in plan check and that this can last 180 days.

ADJOURNMENT

Commissioner Proctor made a motion to adjourn the Planning Commission meeting of September 9, 2009.

Vice Chair Jensen seconded the motion.

By a unanimous vote, the Planning Commission voted to adjourn the Planning Commission meeting at 9:12 p.m. to the next regularly scheduled Planning Commission meeting of September 9, 2009.

APPROVED:

Chairperson

Secretary