

APPROVED

PLANNING COMMISSION SUBCOMMITTEE MINUTES

August 24, 2011

I. ROLL CALL

Present: Tabladillo and Tiernan
Staff: Ah Sing, Andrade, Hom, and Spuller

1. MINOR SITE DEVELOPMENT PERMIT NO. MS11-0031

Janice Spuller, Assistant Transportation Planner, presented a request for a three day outdoor event located at the St. John the Baptist Catholic Parish located at 279 So. Main Street. Ms. Spuller recommended approving Minor Site Development Permit No. MS11-0031 subject to the conditions of approval.

Motion to approve Minor Site Development Permit No. MS11-0031 subject to the conditions of approval.

M/S: Tabladillo, Tiernan

AYES: 2

NOES: 0

2. MINOR SITE DEVELOPMENT PERMIT NO. MS11- 0030

Cindy Hom, Assistant Planner, presented a request to allow a one day outdoor event at the Season's Market Place located at 1535 Landess Avenue. Ms. Hom recommended approving Minor Site Development Permit No. MS11-0030 subject to the conditions of approval.

Motion to approve Minor Site Development Permit No. MS11-0030 subject to the conditions of approval.

M/S: Tabladillo, Tiernan

AYES: 2

NOES: 0

II. ADJOURNMENT

This meeting was adjourned at 5:45 p.m.

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- I. PLEDGE OF ALLEGIANCE** Chair Mandal called the meeting to order at 7:03 P.M. and led the Pledge of Allegiance.
- II. ROLL CALL/SEATING OF ALTERNATE** Present: Larry Ciardella, John Luk, Sudhir Mandal, Gurdev Sandhu, Noella Tabladillo, Steve Tao, and Mark Tiernan
Absent: Zeya Mohsin
Staff: Ah Sing, Andrade, Hom, Lindsay, and Otake
Alternate Commissioner John Luk was seated as a member of the voting body.
- III. PUBLIC FORUM** Chair Mandal invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.
There were no speakers from the audience.
- IV. APPROVAL OF MINUTES**
August 10, 2011 Chair Mandal called for approval of the minutes of the Planning Commission meeting of August 10, 2011.
There were no changes to the minutes.
Motion to approve the minutes of August 10, 2011 as submitted.
M/S: Tabladillo, Sandhu
AYES: 7
NOES: 0
ABSENT: 1 (Zeya Mohsin)
ABSTAIN: 0
- V. ANNOUNCEMENTS** There were no announcements from Staff or the Commission.
- VI. CONFLICT OF INTEREST** Assistant City Attorney, Bryan Otake, asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda. Commissioner Tao stated he had an interest in Item IX-2. There were no other Commissioners who identified a conflict of interest.
- VII. APPROVAL OF AGENDA** Chair Mandal asked whether staff or the Commission have any changes to the agenda.
There were no changes to the agenda.
Motion to approve the agenda as submitted.
M/S: Ciardella, Tabladillo
AYES: 7

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NOES: 0
ABSENT: 1 (Zeya Mohsin)
ABSTAIN: 0

**VIII. CONSENT
CALENDAR**

Chair Mandal asked whether staff, the Commission, or anyone in the audience wish to remove or add any items to the consent calendar.

There were no changes to the Consent Calendar.

Motion to approve the Consent Calendar as submitted.

M/S: Ciardella, Tiernan

AYES: 7

NOES: 0

ABSENT: 1 (Zeya Mohsin)

ABSTAIN: 0

- 1. CONDITIONAL USE PERMIT NO. UP11-0022:** A request to operate a 1,148 square foot tutoring center located at 82 N. Main Street (APN: 028-24-024) zoned Mixed Use with Site and Architectural Overlay (MXD-S). Applicant: Sumitinder Pal. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2741.
(Recommendation: Adopt Resolution No. 11-038 approving the project subject to conditions of approval.)
- 2. CONDITIONAL USE PERMIT NO. UP11-0028:** A request to allow a 1,200 square foot traffic violator school (vocational and trade school) classroom within an existing commercial center located at 81 South Main (APN: 022-24-020) zoned Mixed Use with Site and Architectural Overlay (MXD-S). Applicant: Stephen Tsui. Staff Contact: Tiffany Brown (408) 586-3283. PJ # 2755.
(Recommendation: Adopt Resolution No. 11-041 approving the project subject to conditions of approval.)

IX. PUBLIC HEARING

**1. CONDITIONAL USE
PERMIT AMENDMENT
NO. UA11-0004**

Cindy Hom, Assistant Planner, presented a request to operate an 856 square foot preschool facility at the India Community Center located at 525 Los Coches Street. Ms. Hom recommended adopting Resolution No. 11-039 approving the project subject to conditions of approval.

Vice-Chair Tabladillo asked about the minimum requirement for the restrooms. Ms. Hom stated the restroom can be shared and meets Building code requirements.

Commissioner Ciardella asked if the existing restroom be changed to a child restroom. Ms. Hom stated the restroom will be designed for a child.

Commissioner Tao asked what the existing space currently used for. Ms. Hom stated the existing room is used for children activities.

Tanuja Bahal, Executive Director, 525 Los Coches Street, stated this would be an extension of their current programs.

Chair Mandal asked the training of the teachers. Ms. Bahal stated the teachers will be qualified in early childhood education.

Vice-Chair Tabladillo asked if partitions be in the rooms. Ms. Bahal stated they have applied for child care 2 - 6 years old. Their goal is to have 3 - 5 year olds. Vice-Chair

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Tabladillo asked about the shared restroom. Ms. Bahal stated there is one restroom enclosed in the classroom. The shared restroom will only be open in the evenings and weekends when the clinic is open. During the week the shared restroom would be used by the children only.

Commissioner Ciardella asked about the clinic's hours of operation. Ms. Bahal stated the clinic is open Wednesday evenings and Saturday mornings. The clinic is used mainly on the weekends.

Chair Mandal asked if they have an evacuation plan. Ms. Bahal stated yes that is part of the child care licensing.

Chair Mandal opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Tabladillo, Ciardella

AYES: 7

NOES: 0

ABSENT: 1 (Zeya Mohsin)

ABSTAIN: 0

Motion to adopt Resolution No. 11-039 approving the project subject to conditions of approval with the amended changes:

1. Shared restroom shall have a partition that can be secured during hours of operation.
2. Partition wall to be installed in existing classroom.

M/S: Ciardella, Tabladillo

AYES: 7

NOES: 0

ABSENT: 1 (Zeya Mohsin)

ABSTAIN: 0

2. **CONDITIONAL USE PERMIT NO. UP11-0026**

Commissioner Tao excused himself from this item.

Cindy Hom, Assistant Planner, presented a request to construct an 80 foot tall wireless telecommunication facility camouflaged as an elm tree with ancillary ground mounted equipment that would provide co-location for up to four service carriers located at 777 So. Main Street. Ms. Hom recommended adopting Resolution No. 11-040 approving the project subject to conditions of approval.

Commissioner Ciardella asked what the existing height of the trees is. Ms. Hom stated the trees will grow to 80 ft tall. Commissioner Ciardella asked who will maintain this site. Ms. Hom stated the operator will maintain this site on a yearly basis.

Commissioner Tiernan asked if there was a lease agreement on this project since it is City owned property. Mr. Lindsay stated yes.

Chair Mandal asked what would happen if in five years if there is exposure, what would happen then. Mr. Lindsay stated the carriers are required to obtain licensing through the Federal Communications Commission. If the Federal Government decides to lower

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those safe exposure levels the carriers would have to comply with those changes.

Scot Von Rein, Capital Telecom, 1500 Mt. Kemble Ave, Morristown, NJ, stated he was available to answer any questions from the Commission.

Commissioner Ciardella asked if this tower would stand a powerful windstorm. Mr. Von Rein stated the tower would meet any standards for the State. The branches themselves are rated at 130 mph.

Vice-Chair Tabladillo asked the number of times a year this tower will be maintained. Mr. Von Rein stated the tower is typically maintenance free. The carrier is on site once a month for servicing of their equipment. Vice-Chair Tabladillo asked how many carriers will be on the monopole. Mr. Von Rein stated the pole is designed to support four carriers.

Chair Mandal opened the public hearing.

Speaker #1, 800 So. Abel Street, stated the walkway would be obstructed and that the monopole would be taller than the fire station.

Yue Sun Chen, 700 So. Abel Street #418, stated he is concerned with health and safety (radiation). He opposes this project.

Speaker #3, 700 So. Abel Street, stated there are too many children in that area. He opposes this project.

Feng Ma, 46 Park Place Dr, stated he believes it is a huge health risk. He opposes this project.

Mr. Mahesh, 800 So. Abel Street, stated this pole should be placed in the mountain area not in a residential area. There are too many children in this area. He opposes this project.

Zheng-wu, 31 Rain Walk, stated this is a high cancer risk. He feels this monopole should be relocated. He opposes this project.

Pitlean Yong, 800 So. Abel Street, stated she is concerned with the height and if this monopole would withstand a strong wind or earthquake.

Virginia Cheong, 800 So. Abel Street, stated she is concerned with radiation.

Motion to close the public hearing.

M/S: Tabladillo, Sandhu

AYES: 6

NOES: 0

ABSENT: 1 (Zeya Mohsin)

ABSTAIN: 1 (Steve Tao)

Lynn Bruno, Hammett & Edison, Inc., Sonoma, CA, stated they did the RF study. It is very low power. She stated exposure at these levels is very safe.

Commissioner Tiernan asked if these studies been replicated. Ms. Bruno stated no they have not.

Commissioner Ciardella asked what the need to be 80 ft is. Ms. Bruno stated it is a combination of several things depending on height and the number of antennas used.

Mr. Von Rein stated there is no difference in height regarding power density.

Commissioner Ciardella asked if the pole could be placed on the hillside. Mr. Von Rein

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stated there would be interference with other towers. Commissioner Ciardella asked if the City have antennas that are 80 ft high. Ms. Hom stated the Planning Commission approved a 90 ft monopole on Ames Avenue in an industrial area.

Commissioner Luk asked if the City did research on this project. Mr. Otake stated the City Council approved a lease in concept. Federal law has set up a national standard for radio emissions.

Vice-Chair Tabladillo asked if there is a minimum of carriers the project can have. Ms. Hom stated for this application the limit is four. Vice-Chair Tabladillo asked why the 80 ft. height. Ms. Hom stated due to the number of carriers and equipment.

Commissioner Sandhu asked if this project went through the Telecommunication Commission. Ms. Hom stated because the project uses existing technology, it did not need to go through the Telecommunication Commission.

Chair Mandal asked how often will the RF monitoring to done. Mr. Von Rein stated the RF monitoring is done remotely by the carrier. It is done once or twice a month. Chair Mandal asked if there will be interference with the walkway. Ms. Hom stated the pole will be contained fully on the side. The branches will not interfere with the walkway.

Motion to adopt Resolution No. 11-040 approving the project subject to conditions of approval with the amended change:

1. The height restriction will not exceed 60 ft in height.

M/S: Tabladillo, Ciardella

AYES: 5

NOES: 0

ABSENT: 1 (Zeya Mohsin)

ABSTAIN: 2 (Steve Tao and Mark Tiernan)

**X.
ADJOURNMENT**

The meeting was adjourned at 9:00 p.m. to the next meeting of September 10, 2011.

Respectfully Submitted,

James Lindsay
Planning & Neighborhood
Services Director

Yvonne Andrade
Recording Secretary

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