Minutes

Planning Commission November 1, 2010
City of Orange Monday 7:00 p.m.

PRESENT: Commissioners Cunningham, Imboden, Merino, Steiner and Whitaker
ABSENT: None

STAFF
PRESENT: Ed Knight, Assistant Community Development Director
Robert Garcia, Associate Planner
Doris Nguyen, Associate Planner
Gary Sheatz, Assistant City Attorney
Sandi Dimick, Recording Secretary

ADMINISTRATIVE SESSION:

Chair Whitaker opened the Administrative Session at 6:50 p.m. with a review of the Agenda.

Chair Whitaker stated they had received an update to the conditions for Item No. 2; the CUP for District Lounge. The condition's language had been changed and submitted by the Orange Police Department.

Chair Whitaker stated he wanted to discuss the memo that had been received from Alice Angus, Community Development Director regarding the additional noticing request for the mixed use zoning item. Chair Whitaker stated he was not pleased with the response and felt it was not an administrative issue that covered the requirement for zone changes; that it affected a larger area of properties that would, in effect, not necessarily require a CUP. He stated the issue was based on the manner in which noticing had been sent out and that there could be adjoining property owners who would never receive noticing for changes that could affect them. He questioned why they would not have an opportunity to discuss the issue until December 6 when the item would be agenized? The Commission had voted 5-0 to request that additional noticing be done. If Ms. Angus felt that additional noticing was not required, he had not wanted the item to be brought back without having a discussion with Ms. Angus and he requested that she be available at the next Planning Commission meeting.

Commissioner Imboden stated that the item had been continued to a date uncertain and now it was being agenized. The issue was that there were still property owners that needed to be noticed. There had already been $1,100.00 spent and there was now an issue about having to expend more dollars.

Assistant Community Development Director, Ed Knight asked if Commissioner Imboden was requesting noticing for the entire item?

Chair Whitaker stated that the Commissioner's concerns needed to be taken back to the Community Development Director along with the information that the Commission had disagreed with the Director's recommendation and that they had made a decision on the item and that the decision of the Planning Commission should stand. If it was still an issue, he would want the Community Development Director to appear at their next meeting to discuss the situation.

Mr. Sheatz stated the item could be agenized for the next meeting as an Administrative Session item.

Commissioner Merino asked why would the director need to come back, she provided her viewpoint and why would they need to take that extra step. He stated that when the Planning Commission generated an opinion through a motion, was that not the decision that held. It had appeared that the Planning Commission's decision was not being upheld by the Community Development Director.

Mr. Sheatz stated the decision was made by the higher ups and the Community Development Director was carrying the message back to the Planning Commission. It was from feedback Ms. Angus had received from the City Manager's Office. The Planning Commission had directed what they had wanted Staff to do, which impacted Staff, added additional dollars and was a change in traditional practice. The decision before them had crossed over to what appeared as a policy issue.

Chair Whitaker stated the Planning Commissioners would not make policies and if during the next few weeks it was determined that there was still an issue with what the Planning Commission had requested, he would want to have the Community Development Director join their meeting to explain.

Commissioner Imboden stated if the decision to not send out additional noticing had been made by someone other than the Community Development Director, he would want that person to be available for discussion.

Commissioner Steiner asked what had made the mixed zoning component so unique and why have any procedure in place.

Commissioner Imboden stated the item could have extreme impacts on those uses affecting neighboring properties and on property values. The item included new uses that might not require a CUP and public review; residents could wake up one morning to a new use in their backyard. It was not unusual for the Planning Commission to request that Staff come back with additional requests or additions to items that were presented. It was not a policy change, but an issue that was related to a specific item. Staff had received a response from the Commissioners for a request for additional noticing.

Commissioner Cunningham stated the nature of the project called for noticing, and it was not always a slippery slope, they were not requesting any policy changes.

Chair Whitaker stated it was not a policy vs. administrative change and he would want a direct discussion with the City Manager if that was where the response had come from.

Item No. 1, Minutes from October 4, 2010, Commissioner Imboden stated he would have a change to the minutes.

Item No. 2 District Lounge – Consent Item. Chair Whitaker stated they had received a late addition to the Conditions and asked if the item would need to be taken off consent? Mr. Knight stated there had been additional language added to Condition No. 21 regarding happy hour. The applicant and Orange Police Department had been agreeable to the changes which were changes to the last sentence of the condition. That change had been sent via email and a hard copy was received by all parties. If the item was approved as a consent item, it could be noted that there had been a change to Condition No. 21 with the motion.

Item No. 3 Sprint Wireless, no questions.

There was no further discussion

Administrative Session adjourned @ 7:04

REGULAR SESSION:

PUBLIC PARTICIPATION: None

Consent Calendar:

(1) APPROVAL OF MINUTES FROM THE REGULAR MEETING OF OCTOBER 4, 2010

(2) CONDITIONAL USE PERMIT NO. 2760-09 – THE DISTRICT LOUNGE

On October 4, 2010, the Planning Commission approved a proposed change in the Alcoholic Beverage Control License from a Type 47 (On-Sale General – Restaurant) to a Type 48 (On-Sale General – Bar). The Planning Commission directed Staff to draft a resolution with Conditions of Approval.

LOCATION: 223 W. Chapman Avenue

RECOMMENDED ACTION:

Adopt Planning Commission Resolution No. 30-10 approving a change from a Type 47 (On-Sale General – Restaurant) to a Type 48 (On-Sale General – Bar) ABC license for an existing restaurant/bar.

Chair Whitaker stated there were two consent items and that he understood there was a correction to the minutes from Commissioner Imboden.

Commissioner Imboden stated on page 2 of 25 for Item No. 4, for the Administrative Session, for clarification he wanted to add Chair Whitaker onto a line of the minutes, substituting the pronoun "he".

Commissioner Merino made a motion to approve the minutes from the regular Planning Commission Meeting of October 4, 2010, with change as noted and to adopt PC 38-10, approving CUP 2760-09-The District Lounge, subject to the conditions contained in the Staff Report and with the language change to Condition No. 21, with regard to happy hour.

SECOND:	Commissioner Steiner
AYES:	Commissioners Cunningham, Imboden, Merino, Steiner and Whitaker
NOES:	None
ABSTAIN:	None
ABSENT:	None

MOTION CARRIED

(3) CONDITIONAL USE PERMIT NO. 2782-09; VARIANCE NO. 2205-10; AND DESIGN REVIEW COMMITTEE NO. 4458-09 – RELIANT LAND SERVICES FOR SPRINT WIRELESS

A proposal to replace six existing 48" tall panel antennas with three 42" tall panel antennas and three 2' diameter microwave dishes on an existing non stealth, non co-located monopole. One equipment cabinet would be constructed inside the existing equipment shelter, one GPS antenna would be attached to the outside of that building and the existing chain link fence with red slats would be replaced with a 9' tall CMU enclosure.

LOCATION: 639 S. Tustin Street

NOTE: This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15301 (Class 1 – Negligible Expansion of an Existing Utility).

RECOMMENDED ACTION:

Adopt Planning Commission Resolution No. 39-10 allowing Sprint Wireless to replace six existing panel antennas with three panel antennas and three microwave dishes and to construct a 9 foot tall CMU equipment enclosure.

Associate Planner, Doris Nguyen presented a project overview consistent with the Staff Report.

Chair Whitaker opened the item for any questions to Staff.

Commissioner Cunningham stated he had one minor housekeeping issue. On Condition No. 4 it had stated all wires shall be concealed and non-visible to the public. In the Staff Report he had read that some wires were visible and he brought that up to check whether the condition needed to be revised to accommodate the reality.

Ms. Nguyen stated they could update the condition. What was being described was from the monopole, the wires were slightly visible as they would be attached to the array and were slightly visible when they were attached to the panel antenna.

Chair Whitaker invited the applicant to address the Commission.

Celly Adamo, address on file, representing Reliant Land Services, stated Ms. Nguyen had provided a very thorough explanation of their proposed work. The project was for the 4G network of Sprint and in conjunction with Clearwire. It was the broadband service that Sprint was currently advertising.

Chair Whitaker asked if the applicant had reviewed all 7 proposed conditions and was

Ms. Adamo willing to accept those conditions?

Ms. Adamo stated she agreed with that.

Chair Whitaker closed the Public Hearing and brought the item back for further discussion or action.

Commissioner Cunningham made a motion to adopt PC 29-10-CUP No. 2782-09, Variance No. 2205-10 and DRC No. 4458-09-Reliant Land Services for Sprint Wireless; subject to the conditions contained in the Staff Report and with a modification to Condition No. 4 to take into consideration the in-fill conditions.

SECOND: Commissioner Imboden
AYES: Commissioners Cunningham, Imboden, Merino, Steiner and Whitaker
NOES: None
ABSTAIN: None
ABSENT: None

MOTION CARRIED

(4) ADJOURNMENT:

Commissioner Cunningham made a motion to adjourn to the next regular scheduled Planning Commission Meeting on November 15, 2010.

SECOND: Commissioner Merino
AYES: Commissioners Cunningham, Imboden, Merino, Steiner and Whitaker
NOES: None
ABSTAIN: None
ABSENT: None

MOTION CARRIED

Meeting Adjourned @ 7:14 p.m.