



AZUSA CITY PLANNING COMMISSION MINUTES

February 27, 2008
7:00 P.M.

NOTICE: *A copy of the following public hearing staff reports and Initial Studies, if applicable, for the Planning Commission projects will be available for review during regular working hours of 7:00 a.m. to 5:30 p.m., Monday - Thursday at the Planning Division and during regular hours of the Azusa City Library. Any questions regarding any agenda item may be answered by the Planning Division at (626) 812-5200 ext.5017. The Planning Commission Meetings are held at 7:00 p.m. in the Azusa Civic Auditorium at 213 East Foothill Boulevard, Azusa, California.*

CALL TO ORDER

Chairman Dierking called the meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE

Commissioner Dodson led the flag salute.

ROLL CALL

Members Present: RENTSCHLER, ALVA, DIERKING, DODSON and ROSALES.

Members Absent: NONE

STAFF PRESENT:

Director of Economic and Community Development, Bruce Coleman; Senior Planner, Susan Cole; BBK Attorney, Michael Torres; and Assistant Planner, Kim Pilmer.

APPROVAL OF MINUTES:

Minutes of February 13, 2008

Commissioner Dodson asked if there was a vote for agenda item I (2) which was not recorded in the minutes on page 8.

BBK attorney, Michael Torres stated that the minutes can be amended to show the vote, and that he recalled the vote was a 2 to 2 split vote.

Chairman Dierking stated that the minutes should reflect that there was a 2 to 2 vote at that point in the meeting. Chairman Dierking asked counsel if the Commission should wait on receiving the minutes until the amendment is made.

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Mr. Torres stated that is at the discretion of the Commission, but that he believes it would be sufficient to motion with the amendment.

Commissioner Dodson stated that he would like to see how the amendment is worded in the minutes and asked the Commission to continue the minutes until the next meeting. Commissioner Dodson motioned to continue the minutes until the next meeting, and it was seconded by Commissioner Alva.

AYES: RENTSCHLER, ALVA, DIERKING, DODSON, ROSALES
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

PUBLIC PARTICIPATION

(Person/Group shall be allowed to speak without interruption up to five (5) minutes in compliance with applicable meeting rules. Questions to the speaker or response to questions or comments shall be handled after the speaker has completed his/her comments.)

1. Mike Lee: 636 Lee Place, Azusa, CA: Stated that he likes Jake's Hotdog Stand building, and that he is looking forward to that restaurant opening. Mr. Lee stated that on Saturday March 8 between 1:00 p.m. and 3:00 p.m., at 340 N. Orange Place, members of the community will have the opportunity to give opinions and ideas about what should be done with the armory.

PUBLIC HEARINGS

1. Design Review Application DR-2007-63 and Variance V-2007-07 to allow the construction of an addition to the existing garage and to allow the garage addition to cover over 35% of the rear yard setback.
Applicant: Kevin P. Smith
Location: 915 N. Angeleno Ave.

Kim Pilmer, Assistant Planner, presented the staff report. Ms. Pilmer stated that the proposed Variance and Design Review applications were originally submitted in November 2007, and that the applicant intends to use the proposed addition for additional storage of a recreational vehicle. Ms. Pilmer stated that the City's Development Code allows lots with rear alley access to have an accessory structure that covers up to 80% of the rear setback area, and since the subject property has side alley access it does not qualify for that maximum lot coverage percentage for accessory structures. Mrs. Pilmer explained that the Development Code permits 35% of the rear setback area to be covered by an accessory structure on properties without rear alley access. Mrs. Pilmer stated that the applicant believes alley access at the side of the property serves the same purpose as alley access at the rear of the property because alley access to the garage eliminates the need for a driveway at the front of the home, which eliminates area for landscaping in the front yard. Ms. Pilmer stated that the garage does meet all of the setback requirements for the zone, with the

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exception of an un-permitted addition to the west side of the existing garage which will be demolished as reflected in the Conditions of Approval. Ms. Pilmer stated that the proposed garage addition is architecturally compatible with the design of the existing garage and the home, and that the area of the lot where the addition is located is not visible from the street. Ms. Pilmer stated that staff supports approval of both the Variance and Design Review applications.

Chairman Dierking asked if the description “unfinished garage addition” means the construction started prior to the permit process.

Mrs. Pilmer stated that was correct.

Commissioner Alva stated that he walked around the site and noted some violations which include an addition to the west side of the garage, and extends to the property line, creating a drainage problem. Mr. Alva stated that he also noticed an electrical cord running from the house to the garage.

Commissioner Rentschler asked if that part of the garage was going to be demolished.

Ms. Pilmer stated that she believes the addition Commissioner Alva was referring to is the un-permitted addition located at the west side of the existing garage which would be demolished.

Commissioner Rentschler asked what the time frame was for the demolition of the un-permitted addition.

Ms. Pilmer stated that demolition of the un-permitted addition at the west side of the existing garage would need to be done prior to resuming construction on the proposed garage addition.

Chairman Dierking asked if that was specified in the Conditions of Approval.

Ms. Pilmer stated that it is not, but that she would include that as a Condition of Approval.

Commissioner Dodson clarified that the code prohibits a garage to be used as a dwelling unit. Mr. Dodson asked if there was a response from any of the 37 property owners who were notified of the hearing, between the 21st and today.

Ms. Pilmer stated that she had not received any written response.

Commissioner Dodson asked what staff does in these cases, and whether there is a fine or citation.

Bruce Coleman, Community Development Director, stated that normally if staff becomes aware of an un-permitted project, Code Enforcement will become involved in making sure that the property owner goes through the proper permitting process to

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achieve compliance. Mr. Coleman stated that once the applicant obtains all the proper permits, then the planning division is satisfied.

Commissioner Rosales stated that it was his understanding that the proposal includes the addition to extend the garage, and an addition of a garden shed attached to the garage. Mr. Rosales stated that to his understanding there is a 0' (foot) setback from the alley to the garage.

Ms. Pilmer stated that she had originally thought there was no setback from the alley to the existing garage structure, but that she went to the site and measured the setback, which is 3' (feet) 10" (inches).

Commissioner Rosales stated that the site plan that has been presented to the Commission is not accurate.

Ms. Pilmer stated that the site plan does not indicate a setback.

Commissioner Rosales stated that the house itself is a two bedroom one bathroom home, and is about 1300 sq.ft. Commissioner Rosales clarified that the total square footage of the garage structure after the addition would be 831 sq.ft., and reviewed each required setback for the garage structure to confirm that each required setback has been maintained. Commissioner Rosales clarified that once the existing unpermitted addition is corrected, the existing garage and the proposed addition would be in compliance with all setback requirements for the zone. Commissioner Rosales stated that in the future he would like all site plans to include a property line so that the notations are not misinterpreted.

Ms. Pilmer stated that she would make certain that for future hearings the site plan includes all property lines.

Commissioner Rosales stated that he would like to see a Condition of Approval prohibiting any living accommodations in the proposed garage addition, as well as any new entrances into the garage other than the existing two entrances. Commissioner Rosales stated that in the last Condition of Approval he would like to see the comment (D-2) include electrical facilities.

Ms. Pilmer stated that she would include the Conditions of Approval in the final draft.

Kevin Smith, project applicant 915 N. Angeleno Ave.: Mr. Smith stated that at the time the work was done, he was unaware that there was a proper procedure to follow. Mr. Smith apologized for not having gone through the proper channels and stated that there would be no one living in the garage addition. Mr. Smith stated that he would only use the addition to store his truck and his boat.

Chairman Dierking asked the applicant if he had the opportunity to read the Conditions of Approval.

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Mr. Smith stated that he has, and that he was fine with them.

Chairman Dierking asked the applicant if he had heard the Conditions of Approval suggested by Commissioner Rosales.

Mr. Smith stated that he had heard, and that he was fine with those Conditions too.

Commissioner Dodson asked Mr. Smith how long he had owned the home.

Mr. Smith replied that he had purchased the home in 1979.

Commissioner Dodson asked the applicant if he had been the one who constructed the un-permitted addition located on the west side of the existing garage.

Mr. Smith stated that the un-permitted addition was there when he bought the home.

Commissioner Dodson asked if there would be any electrical outlets in the garage, and whether the garage addition would be insulated.

Mr. Smith stated that there would be one electrical outlet put inside, and that the garage addition would not be insulated.

Commissioner Dodson asked if there was any consideration for drainage at the site.

Mr. Smith stated that he was not aware of the impact the un-permitted addition (on the west side of the garage) had on his neighbor's property until his neighbor told him.

Commissioner Dodson asked if there were any plans to fix the uneven pavement in front of the garage.

Mr. Smith stated that he did have plans to fix the driveway.

Commissioner Dodson mentioned that installing gutters would help with routing water for drainage.

Commissioner Rentschler asked if the flooding problem that the neighbors pointed out would be fixed with the demolition of the un-permitted addition to the west side of the existing garage.

Mr. Smith stated that he thinks it will fix the problem, but that he would install gutters if the problem is not totally fixed.

Commissioner Dodson asked what the size of the dwelling is, and if there have been any changes or additions while Mr. Smith has lived there.

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Mr. Smith stated that the home has two bedrooms and two bathrooms, is close to 13,000 sq.ft., and that he has never made any additions to the home other than the garage addition.

Chairman Dierking closed the public hearing.

Commissioner Rosales commented that staff needs to address what happens in the cases where people do construction without building permits or planning approval, and then ask for forgiveness after the fact. Commissioner Rosales stated that the information he has received from planning staff on the subject garage addition has shown that the structure would be in conformance with the Development Code standards with the exception of the lot overage of the rear setback area, and that he would be willing to give his support for the project. Mr. Rosales stated that he would like to see staff look at policy for future cases, and conduct an outreach to the public to spread awareness of laws and procedures for new construction.

Commissioner Dodson stated that he has no problem with making a decision on this project, but that he believes the Commission needs to be careful about a precedence that could be set by the decision. Commissioner Dodson stated that he too believes that staff needs to review their policy for such cases, and come up with a plan of action for folks who begin construction without the necessary permits.

Commissioner Rentschler stated that she believes there are special circumstances that apply to this property and that she is ready to make a motion that the Commission approved the Variance and Design Review.

Commissioner Dodson asked staff to explain what a push-flow is.

Ms. Pilmer stated that that was an engineering term, and that she was not sure what the term meant.

Mr. Coleman stated that he believes that is a drainage issue, but that staff would get an answer for Commissioner Dodson.

Commissioner Dodson asked why the Water Division included the condition regarding the installation of water saving devices such as extra low-flow toilets, if the addition is to a garage.

Mr. Coleman stated that these conditions came from Light and Water, and that this is a pretty standard condition of approval included for most projects.

Commissioner Rentschler motioned to approve the Variance V-2007-07 & DR-2007-63 for the property located at 915 N. Angeleno Ave., with the conditions as stated. Motion was seconded by Commissioner Rosales.

Chairman Dierking asked counsel if the two items can be taken together as one item. Mr. Torres stated that the two items could be voted on as one item. Chairman

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Dierking re-stated the motion for approval of Design Review application DR-2007-63 and Variance V-2007-07 with the further Conditions of Approval as articulated tonight.

AYES: RENTSCHLER, DIERKING, DODSON, ROSALES
NOES: ALVA
ABSTAIN: NONE
ABSENT: NONE

NEW BUSINESS:

No new business.

UNFINISHED BUSINESS:

No unfinished business.

REPORTS AND COMMUNICATIONS:

1. *Continued from February 13, 2008.* CONSIDERATION OF FINDINGS OF GENERAL PLAN CONFORMITY TO ALLOW THE ACQUISITION OF PROPERTY BY THE REDEVELOPMENT AGENCY OF THE CITY OF AZUSA-FOOTHILL- DALTON PROJECT.

REPORTS AND COMMUNICATIONS:

1. *Continued from February 13, 2008.* CONSIDERATION OF FINDINGS OF GENERAL PLAN CONFORMITY TO ALLOW THE ACQUISITION OF PROPERTY BY THE REDEVELOPMENT AGENCY OF THE CITY OF AZUSA-FOOTHILL- DALTON PROJECT.

Commissioner Alva stated that he would like to excuse himself due to a conflict of interest.

Mr. Torres clarified that the conflict of interest pertains to the location of Commissioner Alva's property within 500 ft. of the project area.

Mr. Coleman presented the item and stated that this is a reconsideration of the agenda item for the proposed acquisition of property by the Redevelopment Agency at the Foothill Dalton site. Mr. Coleman stated that the subject matter is for a finding of General Plan consistency for the acquisition of the properties, and that the project itself will be brought back to the Planning Commission in March.

Chairman Dierking asked Mr. Coleman if he would talk a little about some of the required General Plan Elements.

Mr. Coleman identified a few of the General Plan Elements, and stated that the staff report demonstrates how the Redevelopment Agency believes the acquisition of the property is consistent with the General Plan.

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Commissioner Rosales clarified which parcels the RDA was looking to acquire.

Commissioner Dodson expressed concern for the use of language such as major, minor, significant, and substantial, in the report, and asked if the use of these descriptions would be clearly defined when the project is presented to the Commission. Commissioner Dodson asked if the preparation of an Addendum rather than a supplemental EIR is industry practice.

Mr. Coleman stated that the RDA believes that the preparation of the addendum is not only industry practice, but that it is a legally based statement, as the Agency has been working closely with the City's attorney to prepare the document.

Chairman Dierking stated that one of the parcels have already been acquired by the city, and then subsequently deeded to the Redevelopment Agency.

Mr. Coleman stated he believed that Chairman Dierking was referring to the MTA piece of property which now in escrow.

Mr. Torres clarified that the item before the Commission is the finding of General Plan conformance for the acquisition of property by the Redevelopment Agency. Mr. Torres stated that the project would be presented to the Commission at a later date, but if this item is denied, the project is effectively dead, and will not be brought before the Planning Commission.

Commissioner Rentschler motioned to approve findings of General Plan conformity to allow the acquisition of real property located at parcel numbers: 8608-028-901, 8608-028-903, 8608-023-904, 8608-029-900, 8628-028-905 by the Redevelopment Agency of the City of Azusa. Motion was seconded by Commissioner Rosales. The vote is as follows:

AYES: RENTSCHLER, DIERKING, DODSON, ROSALES

NOES:

ABSTAIN:

ABSENT: ALVA

The item was approved.

2. CITY COUNCIL MEETING OF FEBRUARY 19, 2008 -COMMUNITY DEVELOPMENT ITEMS.

Mr. Coleman described various Community Development related items that were on the Feb. 19, 2008 City Council agenda, including the City council's denial of a proposal for the establishment of an Economic and Community Development sub-committee. Mr. Coleman stated that City Council did approve the proposed Resolution of Necessity, which is the first step towards the acquisition of property

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through Eminent Domain (if necessary), along the “A-2 and A-3” blocks of the Downtown North area.

DISCUSSION ITEMS FROM THE PLANNING COMMISSIONERS:

Commissioner Rentschler announced that the Azusa Car Wash at Azusa and Arrow Hwy. would be hosting a fundraiser for their manager, whose family was shot by a home intruder. Commissioner Rentschler encouraged everyone to participate in the carwash to help the family.

Commissioner Dodson stated that the old La Toltecca had notices on the windows, and asked if there were plans for a new restaurant going in at that location.

Mr. Coleman stated that there were plans for a seafood restaurant at that location.

Commissioner Dodson stated that he understood there was an application for liquor license at that location, and stated that there was a church and Montessori school next door to that restaurant. Commissioner Dodson asked if there would be any review for prevention of an over-concentration of liquor licenses in that area.

Mr. Coleman stated that he recalled seeing a memorandum from the Police Department indicating that they do not have concerns regarding a liquor license for a restaurant at that location. Mr. Coleman stated that an application for a liquor license must go through the Minor Use Permit process, and that he believes the application would come before the Planning Commission.

Commissioner Alva asked what kind of background check is done for new applications for liquor licenses within the city.

Mr. Torres stated that the State Alcoholic Beverage Control Department conducts the background checks.

Commissioner Alva stated that the city’s streets are filthy and that the street parking creates a problem for street sweepers. Commissioner Alva stated that he would like to see signs posted to prohibit street side parking during certain times.

Chairman Dierking asked if staff can bring this issue back as an agenda item.

Mr. Coleman stated that the City Manager makes reports to the City Council, and that staff can make the City Council aware of the Planning Commission concerns regarding street sweeping. Mr. Coleman stated that he would pass this concern on through the City manager in one of his reports to the City Council.

Commissioner Rosales stated that he did not see any progress on the sidewalk for the Citrus Crossing project.

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Mr. Coleman stated that the Public Works Department is in the process of preparing a staff report to the City Council regarding the issues related to the sidewalk and the implementation of the Conditions that were imposed by the Planning Commission and City Council.

Commissioner Rosales stated that the chain link fencing around the Dalton project properties have green tarp on the fence which is coming down and deteriorating. Commissioner Rosales stated that he believed those fences are rentals and that he thinks the rental company may be responsible for maintenance.

Mr. Coleman stated that this issue has come up before and that the contractor will be notified.

Chairman Dierking stated that the optional elements of the General Plan include Economic and Community Development, and that he understands once adopted, any optional elements have the same force and effect under law. Chairman Dierking stated that the General Plan is viewed as a cohesive whole, and that State law is binding to look at the General Plan with internal consistency. Chairman Dierking stated that he understands the city is looking at an update of the Housing Element.

Mr. Coleman stated that the State requires the housing element to be updated periodically.

Chairman Dierking asked what the specific schedule is for the update.

Mr. Coleman stated that his understanding the General Plan Housing Element must be updated in 2008 to meet the SCAG housing number requirements.

Chairman Dierking stated that he believes that the Planning Commission should have input in the update.

Mr. Coleman stated that the Planning Commission will need to take an action regarding the Housing Element through a public hearing process, and that the Commission will have input in the update of that element.

Upcoming Planning Commission Meetings:

March 12th at 7:00 p.m.

March 26th at 7:00 p.m.

Chairman Dierking stated that he would like to adjourn this meeting in honor and recognition of Mr. Gonzalez and his family, and that the Commission's thoughts and prayers are with the Gonzalez family.

Chairman Dierking motioned to adjourn the meeting. Motion was seconded by Commissioner Alva, and the meeting was adjourned.

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ADJOURNMENT

Meeting was adjourned at 8:15 p.m.