



AZUSA CITY PLANNING COMMISSION MINUTES (Revised)

April 30, 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) 812-5017. 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 7:06 p.m.

Pledge of Allegiance

Commissioner Dodson led the flag salute.

Roll Call

Members present: RENTSCHLER, ALVA, DIERKING, DODSON, ROSALES

Members Absent: NONE

Staff Present

BBK Attorney, Michael Torres; Public Works Director, James Makshanoff; Senior Planner, Susan Cole; Contract Senior Planner, Katherine Laufenburger (Lilley Planning Group); Assistant Planner, Kim Pilmer; Planning Technician, Graciela Acosta; Administrative Secretary, Cindy Seffer

Approval of Minutes

Minutes of April 16, 2008

Chairman Dierking motion to approve minutes as revised.

The vote was as follows:

AYES: RENTSCHLER, ALVA, DIERKING, ROSALES, DODSON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Public Participation

Mr. Morales, resident, discussed using Light and Water Department Living Wise Program to provide free swimming for the Azusa children.

Public Hearings

1. Case No.: Draft Ordinance amending portions of the City of Azusa Development Code concerning vehicle parking and storage, on private property; and temporary sign and tent regulations.

Location: City Wide

Applicant: City of Azusa

Chairman Dierking stated this is a continued item from last meeting, April 16.

Commissioner Dodson stated he was absent on last meeting but has read the revised minutes and all documentation provided for the last meeting and this meeting, and he is ready to vote on the items.

Chairman Dierking asked Attorney Michael Torres if there was a conflict and Attorney Torres stated there was no conflict.

Chairman Dierking opened public hearing.

Mr. Art Morales, resident, had an issue with parking RV on two adjacent driveways.

Frances Melanson, resident, 105 East 13th Street. She stated that she received a letter of RV code non-compliance and started a petition of RV owners who disagreed with the RV code. She was a member of the RV code review committee appointed by the City Council. She hopes the Commission will approve the proposed RV code changes, although she does not believe one code will fit all situations.

Peggy Martinez, resident and co-chair of Code committee. She stated the RV code committee was made up of 9 persons, 3 persons against revising the RV code, 3 in favor of revising and 3 neutral members. She suggested a setback of 8 feet from the curb.

Christina Ferris, resident, 206 North Vernon. She is a motor home owner and it is her only transportation. She parks it in her driveway and appreciates the 8 foot setback from the curb.

Chairman Dierking closed public hearing.

Commissioners discussed 8 foot setback and where it originated. Counsel stated it came from the code committee recommendation and that Commissioner Rosales could speak on the matter.

Commissioner Rosales stated the 8 foot set back is from the face of curb. Commissioner Rentschler stated the City Engineer made the recommendation of 8 feet from the property line to the City Council for safety reasons. She restated Counsel's clarification to the Commission that the goal of the committee is to establish the ideal situation to achieve the greatest welfare for all, and she supported the variance process for case by case situations.

Commission discussed the use of a variance to deal with an exception from the Development Code and the cost. Ms. Cole stated the correct process would be through a minor or major variance. The minor variance, at a fee of \$715 dollars, allows an applicant a reduction of 10%; the fee for a major variance for a residential property would be \$850 dollars for any request for

over the 10% reduction. Counsel clarified the variance is an established method of dealing with an exception and the fees are adopted by the City Council.

Commissioner Rentschler stated the cost of a variance is worth the life of a child.

Commissioner Dodson asked if it is a contradiction in the code to allow RV parking in the front setback if it exceeds the allowable 35% of paved surface coverage. Ms. Cole clarified that the proposed Ordinance would allow residents to park their RV in their existing driveway or expand a driveway to park side by side, and possibly add another driveway if the lot was wide enough. Dodson commented on the hodgepodge aspect of existing temporary signs.

Commissioner Alva asked about the possibility of parking permits for out of town visitors. Counsel clarified that any rules of the Ordinance would be additional regulations for the Community Improvement (code enforcement) to have to enforce. Commissioner Rosales pointed out that the Community Improvement Division requested specific numbers to be able to enforce the code and to justify a citation. Commissioner Dodson suggested overnight parking fees to generate revenue to help in Community Improvement. Commissioner Rosales stated it has been recommended to Council and staff indicated lack of staff for enforcement.

Dierking asked Ms. Melanson if she had anything to add. She suggested allowing out of town RV permit and the issue of no budget to enforce the code with additional staff. Chairman Dierking suggested the budget issue to be revisited by the Commission at a later time.

Rosales ~~motioned~~ moved to recommend approval of the proposed ordinance amending portions of the City of Azusa Development Code concerning vehicle parking and storage on private property, temporary signs and tent regulation. Chairman Dierking seconded the motion.

The vote was as follows:

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

Vote resulted in a 3 to 2, so the motion failed.

Commissioner Rentschler ~~motioned~~ moved to reconsider the vote and recommend approval of the proposed ordinance with the revision of Section 3.C.2.a (4) to state “~~Where there is no sidewalk,~~ the recreational vehicle shall be is parked at least eight feet (8’) from the property line.” Commissioner Alva seconded the vote.

The vote was as follows:

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

Vote resulted in 4 to 1, the motion was approved.

2. **Case No.:** Design Review DR- 2007-69 and Variance V-2007-09
Location: 514 N. Alameda Avenue
Applicant: California Coast Residential Design

Continued request for approval of a Variance and Design Review to allow for the encroachment of the residence 2 feet into the required side yard providing a three (3) foot setback, and the encroachment of the detached garage one (1) foot into the required sideyard leaving a (2) foot setback.

Ms. Laufenburger presented a summary of the staff report.

Chairman Dierking asked if Commission had any questions.

Commissioner Rosales inquired about the south lot of the subject property. Counsel clarified the only the first lot was up for discussion and a second application will come before the Commission.

Commissioner Rentschler asked if the applicant has considered joining the lots.

Applicant Mr. Felix explained the assessor's shows 3 separate lots and economically unfeasible to merge lots at this time.

Commissioners asked the size of the tankless water heater and if rain gutters, planter boxes and pillars would be installed on the house.

Mr. Felix answered the water heater dimension is about 8 inches and rain gutters would be installed.

Commissioner Dodson stated he observed the property setbacks in the project area ranged from 0 to 3 feet. He asked if the owner had a license contractor from the area, and about the measurement of garage.

Mr. Wells answered bids went out for licensed contractors in the area. He stated the garage cleared 20 feet per code for 2 car spaces.

Chairman Dierking opened public hearing.

Peggy Martinez, resident at 239 Alameda, stated the subject property is just like hers and she would have a problem with the property becoming a rental.

Mark Dikerson, resident at 12 Whispering Willow Court, stated he had two concerns. The applicant was presenting a false dilemma by only dealing with one lot at a time. Also, he was concerned that an approval would set a precedent for smaller setbacks on a 25 foot lots.

Art Morales, resident, suggested the project be single story.

Public hearing was closed.

Chairman Dierking encouraged the Commission to have a discussion before voting.

Counsel Torres stated that if the vote was going towards denial, he recommends continuing item to allow staff to draft a resolution of denial to incorporate the necessary findings. If an appeal of the denial was appealed to City Council the Planning Commissions findings would be the basis for the denial.

Commissioner Alva ~~motioned~~ moved to deny the item. Commissioner Rosales seconded the motion.

The vote was as follows:

AYES: RENTSCHLER, ALVA, ROSALES

NOES: DIERKING, DODSON

ABSENT: NONE

ABSTAIN: NONE

The vote of 3 to 2 resulted in denial of the project.

Ms. Cole requested clarification of the reason for the denial of the two resolutions, one for the design and the other for the variance.

Commissioner Rentschler stated there was nothing special about this property because there are other lots of this size in the neighborhood.

Commissioner Rosales stated he could not approve this variance because granting the variance would be a special privilege of 3 foot set back ~~and~~ because the current code approved by the Planning Commission required a 5 foot setback.

Counsel Torres advised the denial was subject to appeal to the City Council and staff was to draft the resolutions.

Chairman Dierking called for a recess at 9:07pm and resumed the meeting at 9:21pm.

3. Case No.: Minor Use Permit MUP-2008-05
Location: 444 E. Foothill Boulevard
Applicant: James Bicos

Request for approval of a Minor Use Permit to allow an existing food service drive through located at T Burger restaurant to operate 24 hours a day in the CFB Zone.

Ms. Cole introduced James Makshanoff as Public Works Director to the Commission. Mr. Makshanoff addressed the Commission and requested to continue the item to the next Planning commission meeting in order to allow staff to analyze residents concerns.

Commissioners discussed that the application was property noticed and that problems of trash, noise, parking on site after hours were resident's concerns.

James Bicos applicant, 1827 Oakwood Avenue, Arcadia, CA 91006, answered questions. He stated he was made aware of residents concerns.

Commission discussed continuing the discussion of the Minor Use Permit and decided to proceed.

Ms. Laufenburger presented staff report. She addressed concerns of the existing Taco Tapatio restaurant through a table which shows no police calls with significant complaints for the hours of the requested MUP.

Commissioners discussed the requested MUP. They discussed that the parking lot at the restaurant would be closed off after hours, when the drive through is open. They discussed noise levels would be mitigated through the conditions of approval and that the speaker box would have a regulator to mitigate noise especially for night use while facing towards the mortuary next door.

Mr. Bicos stated he owns this business which opened two weeks ago and also two additional restaurants in Monrovia and Pasadena. He stated it would be a low impact speaker and in Monrovia in 4 years had no complaint from the adjacent condos to the rear in Monrovia. He states he has placed signs keep noise down at the Monrovia site. He stated he would be involved in the community through the schools and keeps the sites very clean. He stated he would block the parking area by cones or chains. He stated the PD was in favor of the project and he would be very conscious of the neighbors' concerns. He stated he currently has no extra security on site but would be open to it if the need arises.

Chairman Dierking opened the public hearing.

Peggy Martinez, resident, stated in favor of family business and restaurant has been clean and well maintained through out being vacant to present.

Richard Escobedo, neighboring resident and co-signer of a letter requesting the public hearing because of noise and trash concerns, stated the applicant has addressed his concerns and he is happy with the project.

Mr. Morales, resident, stated that his concerns are motorcycles exhaust and a nicely kept business. He suggested if the neighbors do not have an objection, it would be great business to have.

Chairman Dierking closed public hearing.

Commission clarified to the public the restaurant design plan with the drive-through was already approved as constructed. Commission questioned the issue about trash at Taco Tapatio and staff replied Code Enforcement had a complaint a year ago for illegal dumping of wood material outside the restaurant and the complaint was abated. She stated no noise complaints had been received in writing.

Commissioners discussed with Counsel written quantifiable mitigation measure to address concerns of residents to noise and trash. Counsel pointed out Conditions of Approval #5 and #6 in exhibit A, addresses trash and noise levels. Applicant stated that he was diligent about trash pick up.

Commissioner Dodson ~~motioned~~ moved to approve MUP2008-05 subject to the conditions listed in the staff report. Commissioner Rentschler seconded the motion.

The vote was as follows:

AYES: RENTSCHLER, DODSON, ROSALES

NOES: DIERKING, ALVA

ABSENT: NONE

ABSTAIN: NONE

Vote was 3 to 2 and resulted in approval of the project.

Chairman Dierking stated there is a 20 day waiting period and the Planning Commission decision may be appealed to the City Council.

- 4. Case No.: Use Permit UP-2007-07 & Variance V-2007-08**
Location: 153 E. Gladstone Street
Applicant: T-Mobile

Request for approval of a Use Permit to allow the construction of a 55 foot high stealth wireless telecommunication facility, and a Variance to allow the height of the facility to exceed the 50 foot maximum height for co-locatable telecommunication facilities.

Ms. Kim Pilmer summarized the staff report and presented the materials board. She stated the purpose of the variance is to enhance the appearance of the mono-pole, proposed for the rear of the property site.

Commissioners discussed the broadleaf tree design and the conditions of approval which were included to ensure adequate camouflage around the antennas.

Ms Pilmer stated that the applicant attempted to locate at two other properties.

The Commission discussed locations of existing city-owned sites and shared their site inspection. Commissioner Rosales stated the location would be hardly visible.

Lucia Ortega, agent for T-Mobile, stated that she would provide web sites to staff to address health concerns and common misconceptions. She also stated that staff directed her to change the design to stealth design for the purpose of blending in with the type of trees that are on the site. She stated that the other sites she had investigated were Murray and Central schools, based on the areas required to fill in service gaps.

Chairman Dierking opened public hearing.

Art Morales, resident, suggested a planet friendly tree and to use American made equipment.

Chairman Dierking closed public hearing.

Commissioners discussion concerned aesthetics of the mono-broadleaf. Ms. Ortega stated that sleeves may be added to the antennas, which, along with the extra 5 feet, would make the tree look fuller. Staff clarified the additional foliage was included in the conditions of approval. Commissioners requested additional photographs of different stealth tree designs be included in future applications.

Commissioner Rentschler moved to approve UP 2007-07 and V2007-08 as presented.

Commissioner Rosales seconded the motion.

The vote was as follows:

AYES: RENTSCHLER, ROSALES

NOES: ALVA, DIERKING, DODSON

ABSENT: NONE

ABSTAIN: NONE

Vote resulted in a 3 to 2 to deny request.

Ms. Cole requested that the Commission provide findings to deny the applications. Commissioner Dierking stated that the height was not needed to conceal antenna in this case and Commissioners Dierking and Dodson stated the design of the mono-pole was not a compatible design. Commissioner Dodson also stated that a reason for denial was that the staff report did not discuss that the applicant had researched other feasible city sites.

Unfinished Business

None

New Business

None

Reports and Communications

1. CITY COUNCIL MEETING OF APRIL 21, 2008- COMMUNITY DEVELOPMENT ITEMS

Mr. Makshanoff summarized City Council adoption of an ordinance approving an ordinance temporarily prohibiting the establishment businesses offering massage, pending the study of regulatory and zoning standards.

Discussion Items From the Planning Commission

Ms. Cole distributed the UCLA extension material of different classes and one class would be on May 8, as requested by Commissioner Rentschler. Ms. Cole reminded the Commission the Municipal Code was available on hard copy or online. Commissioner Dodson requested a hardcopy since he was absent at the last meeting. She asked the Commission to bring their hard copies to be able to update them. Ms. Cole was to research the Municipal/ Development Code question by the Commission and asked them to return brown folders every meeting.

Mr. Makshanoff announced that the new Planning Director, Conal McNamara was to start on Monday.

Commissioner Rentschler stated she worked with Azusa Beautiful and talked to a resident with a concern about ice cream vendors and their music/noise, loitering after 10pm and hours of operations at Slauson Park. She requested that staff look into code regulations on this issue.

Commissioner Alva requested graffiti removal from sidewalk at Azusa Avenue and San Gabriel. Mr. Makshanoff provided information on this matter.

Chairman Dierking announced the new date for upcoming Commission meeting, Tuesday, May 13, 2008.

Adjournment

Commissioner Alva motioned to adjourn the meeting; seconded by Commissioner Dodson. The meeting was adjourned at 11:17pm.