



**MINUTES OF THE REGULAR MEETING OF THE
MONROVIA PLANNING COMMISSION
HELD WEDNESDAY, SEPTEMBER 10, 2014, 7:30 P.M.**

CONVENE: Chair McIntosh convened the Regular Meeting of the Monrovia Planning Commission of Wednesday, September 10, 2014, at 7:34 p.m. in the City Council Chambers. In attendance were Community Development Director Steve Sizemore, Planning Division Manager Craig Jimenez, Senior Planner Barbara Lynch, and Assistant City Attorney Gena Stinnett.

PLEDGE OF ALLEGIANCE: Commissioner McClellan led the Pledge of Allegiance.

ROLL CALL: In attendance were Commissioners Austin, McClellan, McIntosh, Parrague, Suarez and Winn. Commissioner Beebe was excused.

APPROVAL OF MINUTES: None

PUBLIC INPUT: None

PUBLIC HEARINGS:

PH-1 Appeal Development Review Committee Decision Revoking PMT2014-00549; 309 Genoa Street, Hope and Dino Clarizio, appellant

Craig Jimenez presented the Staff Report. There was discussion among the Commissioners about the number of people associated with filming and the amount of vehicles involved and noise levels. Staff clarified that if the appeal is denied the business license for the photography studio would still be valid.

Assistant City Attorney Stinnett explained that because this case involves an appeal of a decision by the DRC to revoke a prior "Determination of Use" authorization, the City Prosecutor's office provided legal advice to Staff. The Assistant City Attorney's role at this meeting is to advise the Commission on the matter.

Chair McIntosh opened the public hearing. The appellant, Hope Clarizio spoke on behalf of the appeal. She stated that the site was previously used by an escrow company for storage of records. They had numerous businesses that wanted to go in, but the uses were not allowed by the City. She said that they have told the tenant to leave and asked the Commission to continue to allow live action filming with a new tenant. Commissioner Parrague asked if they had actually served the tenant with a notice to vacate. They have not.

No one spoke in favor of the appeal. Two people spoke with concerns.

Joan Dawson, who lives next door said that she has had to call the police numerous times because of excessive noise. Twice there were live bands which actually shook her walls.

Irene Doan, has lived next door since 2005. She stated that there had not been any problems with the photography studio except for a couple of parties. The problems all started with the live action filming.

Hope Clarizio clarified that live action does not mean action films; most of the filming was in a kitchen set-up for infomercials.

Chair McIntosh stated that her understanding of the Commissions' role is to determine whether this is an appropriate land use for this business. This is a non-conforming business and the owner could come back and request a new non-conforming business as per the municipal code.

The Commission discussed the fact that a conditionally permitted use could be revoked. If it is a permitted use it would need to go through a public nuisance process. The Commission discussed the issues of noise, parking and the fact that the operator repeatedly violated the conditions of approval.

Commissioner Austin moved to close the public hearing and adopt the Resolution denying the appeal and upholding the decision of the Development Review Committee based on the following Findings:

- A. Appellant failed to provide grounds for the appeal.
- B. The business owner/manager repeatedly failed to adhere to the approved and accepted conditions of approval related to noise, outdoor storage, hours of operation and parking, which resulted in adverse impacts on neighboring properties, and disturbance of the peace in the neighborhood. The conditions that were violated were designed to prevent adverse impacts and prevent the business operations from becoming a public nuisance. The repeated violations decreased street parking for residents of the area, and resulted in increased and unreasonable noise, creating a public nuisance and adversely impacting the neighboring properties and residents. Also, business owner/manager failed to comply with the Monrovia Municipal Code, as noise created by live entertainment at the site violated Monrovia Municipal Code Section 9.44.040.

Seconded by Commissioner Parrague and carried with the following vote:

AYES: Austin, McClellan, McIntosh, Parrague, Suarez, Winn
NOES: None
ABSTAIN: None
ABSENT: Beebe

PH-2 Conditional Use Permit CUP2014-15; 616 West Colorado Boulevard, Ashley Lin and George Hsu, applicants

Barbara Lynch presented the Staff Report. She addressed concerns that were brought up in a letter submitted by a neighbor before the meeting.

The zoning allows for two units, a Conditional Use Permit is required because of the second story. There was discussion about the small setback between the garage and the property line and whether the garage could be moved either to the property line or in a couple of feet. The 6 inch separation does meet both Building and Planning requirements.

Chair McIntosh opened the public hearing. Ashley Lin spoke on behalf of the applicant. She stated that the owner would like to move the garage further in from the property line. No one else spoke on behalf of the project.

Several neighbors spoke with concerns. Christopher Jones, the neighbor to the east stated would not want the garage to be the wall between the properties. He also said that the owners had done previous work on the house and that there were issues with dust, trash and asbestos removal. He is concerned about toxic materials during demolition. He is worried about the lack of privacy from the upstairs windows.

Frank Holmes, 613 West Olive Avenue, said he has lived here since the mid 1960's. He is concerned about the large windows on the second story that will look directly into his backyard and the proposed setbacks.

Florence Hendridge, 617 West Olive Avenue, lives directly behind the house. She is concerned about the size of windows looking into her backyard. She also had questions about the block wall.

Lulu Reyes, the neighbor to the west also spoke with concerns about privacy.

Ashley Lin stated that they could possible obscure the windows, move the garage in a couple of feet and make sure the contractor takes care of the trash. She also said that the unit would not be used as a rental.

The Commission discussed the project further. There was a question about the neighbors previous project having different requirements. Staff explained that multi-family and single-family developments have different requirements. The Commission directed Staff to address issues raised concerning window placement, garage location, the area between the neighboring driveways and lighting. Commissioner McClellan asked if the applicant could provide a site plan that includes the neighboring properties.

Commissioner Parrague moved to continue the public hearing to a later date, seconded by Commissioner Austin and carried with the following vote:

AYES: Austin, McClellan, McIntosh, Parrague, Suarez, Winn
NOES: None
ABSTAIN: None
ABSENT: Beebe

PH-3 Conditional Use Permit CUP2014-14; 420 West Lemon Avenue, Chi S. Lam, applicant

Barbara Lynch presented the Staff Report. Chair McIntosh opened the public hearing.

The applicant was not present. No one spoke in favor. A neighbor, Jeremy Mathison(?) said that there are no two-story units in the area and he is concerned with losing his view of the mountains and privacy issues. He also said the owners have previously done a lot of non-permitted work using unlicensed contractors and caused damage to his property.

The Commission discussed the project further. They felt that this is a very good design. There was a question about requiring a bond in case of damage to a neighbors' property. Staff expressed that there is no nexus to this CUP request.

Commissioner Suarez moved to close the public hearing and approve Conditional Use Permit CUP2014-14, seconded by Commissioner Winn and carried with the following vote:

AYES: Austin, McClellan, McIntosh, Parrague, Suarez, Winn
NOES: None
ABSTAIN: None
ABSENT: Beebe

PH-4 Conditional Use Permit 2014-16; 922 South Myrtle Avenue, Coda Energy, applicant

Craig Jimenez presented the Staff Report.

Chair McIntosh opened the public hearing. The applicant John Hissong spoke on behalf of the item. He said that the property had been vacant for a number of years before they moved in. There will not be any employees based at the site. A forklift is used to load and unload equipment, and a bobtail truck makes local deliveries. Their agreement with the AQMD requires them to maintain an all-electric fleet. The containers on the slab are permanent.

Commissioner Winn moved to close the public hearing and approve Conditional Use Permit CUP2014-16 seconded by Commissioner Suarez and carried with the following vote:

AYES: Austin, McClellan, McIntosh, Parrague, Suarez, Winn
NOES: None
ABSTAIN: None
ABSENT: Beebe

ADMINISTRATIVE REPORTS **None**

COMMUNITY DEVELOPMENT DIRECTOR REPORT: None

REPORTS/ANNOUNCEMENTS FROM COMMISSIONERS: Commissioner Suarez reported that the Gold Line ground breaking was a wonderful event. She also invited everyone to the first native plant sale, which will take place in front of the library on November 15.

ADJOURNMENT: 10:47 p.m.