



PLANNING COMMISSION STAFF REPORT

APPLICATION: Amend CUP95-13
(continued)

AGENDA ITEM: PH-2

PREPARED BY: Barbara Lynch
Senior Planner

MEETING DATE: January 15, 2014

SUBJECT: Amend Conditional Use Permit CUP95-13 (continued)
1625 South Mountain Avenue

REQUEST: Allow the removal of a condition that required a day worker waiting area (Labor Ready) be provided. This property is located in the PD-13 (Planned Development-Area 13) Zone.

APPLICANT: Home Depot USA, Inc.

ENVIRONMENTAL DETERMINATION: Categorical Exemption (Class 1)

BACKGROUND: In 1995 a conditional use permit was approved to allow the development of a commercial shopping center with the major tenant being Home Depot. The applicant is requesting an amendment to the Conditional Use Permit to allow the removal of a condition (#39) that required a day worker waiting area be provided.

SUBJECT PROPERTY: The 20.47 acre commercial shopping center consumes approximately 80% of the block surrounded by Evergreen Avenue to the north, the railroad tracks to the south, Mountain Avenue to the east and Shamrock Avenue to the west. Home Depot is located on the west side of the site and the day worker (Labor Ready) waiting area modular building is currently located at the bottom of Home Depot's south driveway adjacent to Shamrock Avenue.

The surrounding uses include Walmart (City of Duarte) to the east, the Edison substation and industrial businesses to the east and south and the Metro Gold Line operations campus currently under construction to the west.

DISCUSSION/ANALYSIS: Prior to 1995 the Home Depot was located on the northeast corner of Mayflower Avenue and Huntington Drive (currently occupied by Living Spaces). Unlike its current location the Home Depot parking lot was adjacent to residential neighborhoods and day laborers used the perimeter of the parking lot to seek work. The Police Department had received numerous complaints from residences regarding loitering problems. Because of this the Police Department requested that a condition be added to CUP95-13 to control day labor solicitation at Home Depot's proposed new location. The condition (#39) reads as follows:

“Locate a day worker waiting area to be easily accessed by customers wishing to use their services and prevent the loitering of workers throughout the adjacent public and private areas. There will be a joint cooperation between the City and Home Depot in finding a suitable location and design. Final location and design to be approved by the Development Review Committee.”

Following the completion of the Home Depot building, Labor Ready secured a contract with the applicant to provide employment services in a modular structure (with a waiting room) at the bottom of the south driveway.

The applicant is now requesting that the condition be removed because Labor Ready no longer provides their employment services on-site and are changing to an on-line registry service. There are no other comparable businesses available that provide such on-site employment services. Also, the modular structures current location will no longer be accessible because of the nearby improvements occurring due to the Metro Gold Line construction. The railroad track is being elevated and Shamrock Avenue is being reduced in width creating grade changes that makes the site unusable.

Additionally, there have been changes in the law since this condition was imposed that limits the City's authority to regulate day labor solicitation on public streets. Because the Home Depot parking lot is not adjacent to any residential neighborhoods the City has not received the extent of complaints that were received at their previous location.

Conclusion

The Police Department is not opposed to the condition being removed and since Labor Ready will no longer be providing their on-site services there is no reason to relocate the modular building elsewhere on the site and the removal of the condition is recommended.

RECOMMENDATION: The Development Review Committee and Staff recommend approval of amending Data Sheet No. 1 by removing Condition No. 39 of Conditional Use Permit No. CUP95-13. If the Planning Commission concurs with this recommendation then, following the public hearing, the adoption of the following resolution is appropriate:

The Planning Commission of the City of Monrovia hereby finds, determines and resolves as follows:

1. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, the Planning Commission in the exercise of its independent judgment finds that CUP95-13 (amended) is categorically exempt from CEQA under Class 1.
2. The Planning Commission finds that the custodian of records for all other materials that constitute the record of proceeding upon which this decision is based is the Planning Division Manager. Those documents are available for public review in the Planning Division located at 415 South Ivy Avenue, Monrovia, California, 91016.
3. The Planning Commission in the exercise of its independent judgment hereby makes the findings listed on attached Data Sheet No. 3 for CUP95-13 (amended), which are incorporated herein by this reference.
4. The Planning Commission approves CUP95-13 (amended) by removing Condition No. 39 from the attached Data Sheet No. 1, based on the recommendations in the Staff Report, all of which are incorporated herein by this reference.

MOTION:

Close the public hearing and adopt the Resolution approving CUP95-13 (amended) as presented in the Staff Report.



DATA SHEET 3

Findings

CUP95-13 (amended)

1625 South Mountain Avenue

CONDITIONAL USE PERMIT

As required by Section 17.52.290 of the Monrovia Municipal Code, the decision for amending CUP95-13 to remove a condition that required a day worker waiting area at the Home Depot commercial center located at 1625 South Mountain Avenue is based on the following findings:

- A. The project site is adequate in size, shape and topography for the Home Depot commercial center and the removal of the day worker modular structure will allow for a better design where new street improvements are occurring to accommodate the Metro Gold Line railroad tracks and operations campus construction. The modular structure is located at a lower elevation near Shamrock Avenue and the base of Home Depot's south driveway. The Home Depot building and parking lot are located at a higher elevation which creates a long and steep south driveway access. In order to provide a good intersection design (south driveway/Shamrock) to accommodate the Metro Gold Line construction the removal of the modular structure is necessary.
- B. The project site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the Home Depot commercial center, and the removal of the day worker modular structure will provide clearance at the base of Home Depot's south driveway where grade elevations and street width reductions (Shamrock Avenue) are occurring to accommodate the Metro Gold Line railroad tracks and operations campus construction. The removal of the modular structure allows for a better design for access with the south driveway and Shamrock Avenue.
- C. The removal of the day worker modular structure is compatible with the General Plan and will not adversely impact the objectives of the General Plan as the Home Depot commercial use without an employment/day worker waiting area is consistent with the Land Use designation of PD-13 (Planned Development-Area 13).
- D. The removal of the day worker modular structure will comply with the applicable provisions of the zoning ordinance. The area is zoned PD-13 (Planned Development-Area 13) and the Home Depot commercial use without an employment/day worker waiting area is a permitted use with a conditional use permit.
- E. The removal of the day worker modular structure will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity, in that the Police Department has determined that the removal will not adversely impact the Home Depot commercial center or the properties or improvements in the vicinity, and the applicant will be required to adhere to the remaining conditions of approval on Data Sheet No. 1 to safeguard the surrounding uses from any negative impacts.



Traffic

Shamrock Ave

Shamrock Ave