



PLANNING COMMISSION STAFF REPORT

APPLICATION: CUP2014-16

AGENDA ITEM: PH-4

PREPARED BY: Craig Jimenez
Planning Division Manager

MEETING DATE: September 10, 2014

SUBJECT: Conditional Use Permit CUP2014-16
922 South Myrtle Avenue

REQUEST: Allow an existing 10,600 square foot warehouse building to provide one parking space for every 1,000 square feet of building area in lieu of one space for every 500 square feet. This reduction in parking can be requested when a warehouse will be used for storage only. This property is located in the O/RD/LM (Office/Research and Development/Light Manufacturing) Zone.

APPLICANT: Coda Energy

ENVIRONMENTAL DETERMINATION: Categorical Exemption (Class 1)

BACKGROUND: The applicant is requesting approval of a conditional use permit to allow a warehouse use to use a parking ratio of 1 space per 1,000 SF in lieu of the standard requirement for warehousing of 1 space per 500 SF.

SUBJECT PROPERTY: The property is located on the northeast corner of Myrtle and Maple Avenues and consists of two parcels approximately 21,300 SF in area. There is 106.5' of frontage on Myrtle Avenue and 200' of frontage on Maple Avenue. The property is improved with a 10,600 SF building constructed in 1953. A parking lot for the building is at the east (rear) of the property and is accessed from Maple Avenue. The property is zoned O/RD/LM (Office/Research and Development/Light Manufacturing).

To the east is a warehouse/wholesale business in the M (Manufacturing) Zone. A flooring contractor is to the north and across Myrtle Avenue to the west are office and light industrial uses in the O/RD/LM Zone. To the south, across Maple Avenue is Mt. Sierra College also in the O/RD/LM Zone.

DISCUSSION/ANALYSIS: Monrovia-based Coda Energy has locations at 135 East Maple Avenue and 201 East Huntington Drive. They design and build storage systems focusing on clean and sustainable solutions for businesses. Their recent partnership with the South Coast Air Quality Management District (AQMD) created an immediate need to expand their operation into the building at 922 South Myrtle Avenue. This building will be used as storage of their products and components. Additionally, their work with AQMD includes the development of a container based energy solution. Two 40' containers are being placed in the parking lot of 922 South Myrtle as well as the installation of a solar collection system. This requires the reconfiguration of the parking lot and reduces the number of onsite parking spaces from 21 to 13.

Manufacturing, industrial and warehousing uses require onsite parking to be provided at a ratio of one space for every 500 square feet of building area. However, uses that are restricted to storage only—no manufacturing activities—can be approved through the conditional use permit process. The CUP process allows the approval to be tied to the specific use and limits the use to storage only.

The majority of their business activity occurs at their other sites. Therefore, since the primary use of this building is for storage of materials and finished project, it enables them to apply for a conditional use permit to utilize the lower parking requirement.

The site plan shows the reconfigured parking lot with 13 parking spaces toward the south side of the property and a concrete slab adjacent to the north property line. This is where the two containers and solar structure will be located.

In addition to the limitations of use, several conditions of approval include an upgrade to the site addressing landscaping, new fencing, screening of the containers, and a sidewalk installed in the parkway along Maple Avenue adjacent to the property. This is the only section on Maple Avenue without a sidewalk.

As time was of the essence related to their work with the AQMD, the applicant was allowed to proceed with some of the work at their own risk understanding that the parking spaces would have to be replaced if the conditional use permit was not approved.

This is an appropriate use for this area and in this case the primary issue was the removal of parking spaces. The CUP process provides some flexibility in the parking standards when tied to the approval by the Planning Commission limiting the use to storage only. Generally, the parking demand for warehousing and storage is substantially less than manufacturing uses. The CUP allows the Planning Commission to limit the use of the property to minimize the parking demand.

RECOMMENDATION: The Development Review Committee and Staff recommend approval of Conditional Use Permit CUP2014-16. 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 CUP2014-16 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 CUP2014-16, which are incorporated herein by this reference.
4. The Planning Commission approves CUP2014-16, subject to the attached Planning Conditions on Data Sheet No. 1, Public Works Conditions on Data Sheet No. 2, and recommendations in the Staff Report, all of which are incorporated herein by this reference.

MOTION:

Close the public hearing and adopt the Resolution approving CUP2014-16 as presented in the Staff Report.

jesco imports
inc.
923 s. myrtle
monrovia
california 91016
(626) 303-5212
fax (626) 359-0125

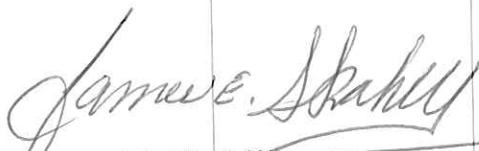


September 3, 2014

City of Monrovia
Planning Commission
415 S. Ivy Avenue
Monrovia, CA. 91016

Notice of Public Hearing:

We have no issue with the parking lot changes requested by 922 S. Myrtle. On another subject, for the same location, we have some concern about the "lack" of adequate landscaping on the Maple and Myrtle sides of the location. If You come by for a "look" come in to see us. Our address is 923, directly across the street.


James E. Skahill



STANDARD CONDITIONS FOR COMMERCIAL/INDUSTRIAL DEVELOPMENT

The use and operations on the Development of the subject property and operations on the site must remain in substantial conformance at all times with the request and application forms and plans for CUP2014-16 to occupy an existing 10,600 square foot warehouse building with 13 parking spaces submitted by the applicant, as approved by the Planning Commission and placed on file in the office of the Planning Division, except as modified by the conditions imposed by the Planning Commission and by subsequent modifications determined by the Planning Division Manager to be in substantial compliance with the conditions of approval.

DEVELOPMENT STANDARDS

1. The area containing the two containers shall be completely screened by an eight (8) foot high solid decorative fence, wall (with necessary gates constructed with approved screening materials) or other method of screening to be approved by the Development Review Committee.
2. A fence or wall shall be installed along the north property line, to the east of the building. The material shall be approved by the Planning Division. Chain link fencing is not permitted in the O/RD/LM Zone.
3. No roof mounted mechanical equipment shall be permitted on the building unless completely screened by the proposed roof design.
4. All utilities and structures such as gas meters, electrical meters, telephone pedestal-mounted terminal boxes, surface mounted electrical transformers, or other potential obstructions shall be noted on the plans with provisions for appropriate screening.
5. All exterior lighting shall be designed, arranged, and installed so as to confine direct rays onto the premises and to direct light away from adjacent structures.
6. Ground level mechanical equipment shall not be located within the front setback or street facing side setback.
7. All exterior signs shall be submitted for review by the Development Review Committee and no exterior sign may be installed without prior approval of the Development Review Committee.

BUSINESS OPERATION

8. All supplies, products, materials, and equipment shall be stored within the building. With the exception of the two approved containers, outdoor storage of supplies, products, materials, and equipment is prohibited.

9. The use of the building is limited to the storage of product as indicated on the approved floor plan. Manufacturing, assembling, packaging or similar uses are not permitted at this site.

LANDSCAPING

10. The existing landscape areas along the west and south side of the building shall be updated with new landscape and irrigation. A Landscape and Irrigation Plan shall be submitted to the Planning Division for plan check showing the size, type, and location of all planting areas.
11. All landscaping shall be maintained by a permanent automatic irrigation sprinkler system.
12. Any City right-of-way contiguous with the property shall be landscaped and maintained by the Applicant and incorporated into the required landscape plan.

PARKING

13. All parking spaces that are provided as part of the project shall be clearly marked by 2" wide pavement paint or alternate method if approved by the Development Review Committee. Double striping shall be used for delineating all parking spaces so as to provide a minimum parking area of 8'-6" in width by 18' in depth (see details in MMC §17.24.120).
14. Employees of Coda Energy shall not be permitted to park on East Maple or South Ivy Avenues. Applicant shall be responsible for notifying its employees of this restriction. In the event a violation of this condition is verified as valid by the Police Department, Code Enforcement, or other City department, the review may be conducted by the Development Review Committee (DRC) and the DRC is empowered to modify the CUP, based upon a finding that those problems exist, by requiring additional conditions as determined necessary by the DRC, or the DRC may refer the matter to the Planning Commission to take any action pursuant to the Monrovia Municipal Code, including without limitation, modification or revocation of this CUP.

GENERAL REQUIREMENTS

15. Any violation of these conditions of approval or the Monrovia Municipal Code may be subject to the Administrative Fine Ordinance, other available remedies and/or revocation or modification of this permit at the discretion of the City Attorney and City Prosecutor.
16. In addition to Planning (Data Sheet No. 1) and Public Works (Data Sheet No. 2) conditions of approval, the Applicant shall also comply with all requirements of the Monrovia Municipal Code, Building Division and Fire Department that are directly applicable to the project.
17. The term "Applicant" as used herein shall include the applicant, the property developer and all successors in interest to this conditional use permit.

18. This CUP may be called for review, including modification or revocation, at any time by City Staff, the City Council, or Planning Commission if a violation of the approved conditions or the Monrovia Municipal Code (MMC) is alleged, or if it is alleged that the establishment, or its patrons, are creating a public nuisance, and such violation or public nuisance is verified as valid by the Police Department, Code Enforcement, or other City department. In addition to any other remedy available to the City, security measures may be required such as adding an employee to monitor the area where problems are occurring.
19. Indemnification. As a condition of approval, Applicant agrees to defend, indemnify, protect and hold harmless City, its officers, officials, employees, agents and volunteers from and against any and all claims, actions, or proceeding against the City, its officers, officials, employees, agents and/or volunteers to attack, set aside, void or annul, an approval of the City, Planning Commission or City Council concerning this permit and the project. Such indemnification shall include damages, judgments, settlements, penalties, fines, defensive costs or expenses, including, but not limited to, interest, attorneys' fees and expert witness fees, or liability of any kind related to or arising from such claim, action, or proceeding. The City shall promptly notify the Applicant of any claim, action, or proceeding. Nothing contained herein shall prohibit City from participating in a defense of any claim, action or proceeding. The City shall have the option of coordinating the defense, including, but not limited to, choosing counsel for the defense at Applicant's expense.
20. The Applicant shall, within 30 days after approval by the Planning Commission, submit to the Community Development Department his/her written consent to all of the conditions of approval contained in Data Sheet Numbers 1 and 2. This CUP shall be void and of no force or effect unless such written consent is submitted to the City within the 30 day period.
21. The use or development associated with this CUP shall begin within one (1) year after its approval or it will expire without further action by the City.
22. All of the above conditions shall be complied with prior to commencement of the operation, unless an earlier compliance period is specified as part of a condition.



DATA SHEET 2

Public Works Conditions

CUP2014-16

922 South Myrtle Avenue

Development shall be subject to the conditions of approval listed below. The conditions shall be complied with prior to the commencement of operations, unless an earlier or later compliance period is specified as part of a condition. The term "Applicant" shall include, without limitation, the applicant, the property developer, the property owner, and all successors in interest to this conditional use permit.

1. Remove and replace curb, gutter, sidewalk, driveway approach or pavement found by the City Engineer to be broken, uplifted or damaged. A sidewalk shall be installed in the adjacent parkway along Maple Avenue and the delivery access driveway shall be removed. Construct improvements as required per City standard drawings to match existing improvements on adjacent properties, sidewalks and pedestrian access shall comply with ADA requirements.
2. All work such as but not limited to demolition, construction and improvements within the public right-of-way shall be subject to review and approval of the City Engineer, and will require construction and encroachment permit from the City's Public Works Department, prior to start of any construction. All work within the public right-of-way shall be in accordance with applicable standards of the City of Monrovia, Standard Specifications for Public Works Construction (Green Book, latest edition) and the Manual on Uniform Traffic Control Devices (MUTCD, latest edition), whichever is applicable and further that construction equipment ingress and egress be controlled by a plan approved by the City Engineer. Pay all applicable fees for Engineering Division services such as plan check fee and construction inspection fee as applicable.
3. The applicant shall integrate Best Management Practices to ensure compliance with NPDES guidelines and the City's Stormwater Management Ordinance, MMC 12.36 to the satisfaction of the City Engineer, prior to issuance of any construction permit. The implementation, construction activities and maintenance of the management devices shall mitigate and reduce pollutants in storm water discharges to the maximum extent practicable and shall provide best management practices (BMPs) either structural or non-structural to mitigate pollutants.
4. The Applicant shall maintain the drainage devices such as paved swales, inlets, catch basins, pipes, and water quality devices in a good and functional condition to safeguard the adjoining properties from damage and pollution.



CONDITIONAL USE PERMIT

As required by Section 17.52.290 of the Monrovia Municipal Code, the decision for granting Conditional Use Permit No CUP2014-16 for Coda Energy located at 922 South Myrtle Avenue is based on the following findings:

- A. The project site is adequate in size, shape and topography for the use of the property for industrial storage. The subject property is flat and rectangular, and can accommodate the existing 10,600 square foot building and the associated parking.
- 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 an industrial warehouse use. The use will occupy an existing building that has a parking lot with sufficient access from Maple Avenue which can accommodate the traffic load for this type of use.
- C. The use of the property for an industrial warehouse is compatible with the General Plan and will not adversely impact the objectives of the General Plan. The industrial warehouse use is consistent with the General Plan including requirements specific to the Office/Research and Development/Light Manufacturing land use designation.
- D. The industrial warehouse use will comply with the applicable provisions of the zoning ordinance. The conditional use permit limits the use of the property to an industrial warehouse which allows the application of a parking ratio of 1 space per 1000 SF of building area.
- E. The proposed location of the industrial warehouse and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity, as the conditional use permit limits the use of the property to an industrial warehouse along with the adherence to the conditions of approval on Data Sheets No. 1 and 2 will safeguard the surrounding uses from any negative impacts.



DATA SHEET 4

Surrounding Land Uses

CUP2014-16

922 South Myrtle Avenue

Property Description:

The property is located on the northeast corner of Myrtle and Maple Avenues and consists of two parcels approximately 21,300 SF in area. There is 106.5' of frontage on Myrtle Avenue and 200' of frontage on Maple Avenue. The property is improved with a 10,600 SF building constructed in 1953. A parking lot for the building is at the east (rear) of the property and is accessed from Maple Avenue.

Zoning

Subject site:

O/RD/LM (Office/Research and Development/Light Manufacturing)

Surrounding pattern:

north: O/RD/LM

south: O/RD/LM

east: M (Manufacturing)

west: O/RD/LM

Land Use

Subject site:

Warehousing/Storage

Surrounding pattern:

north: Light Manufacturing

south: Multi-tenant commercial building, Mt. Sierra College

east: Warehousing/wholesaling

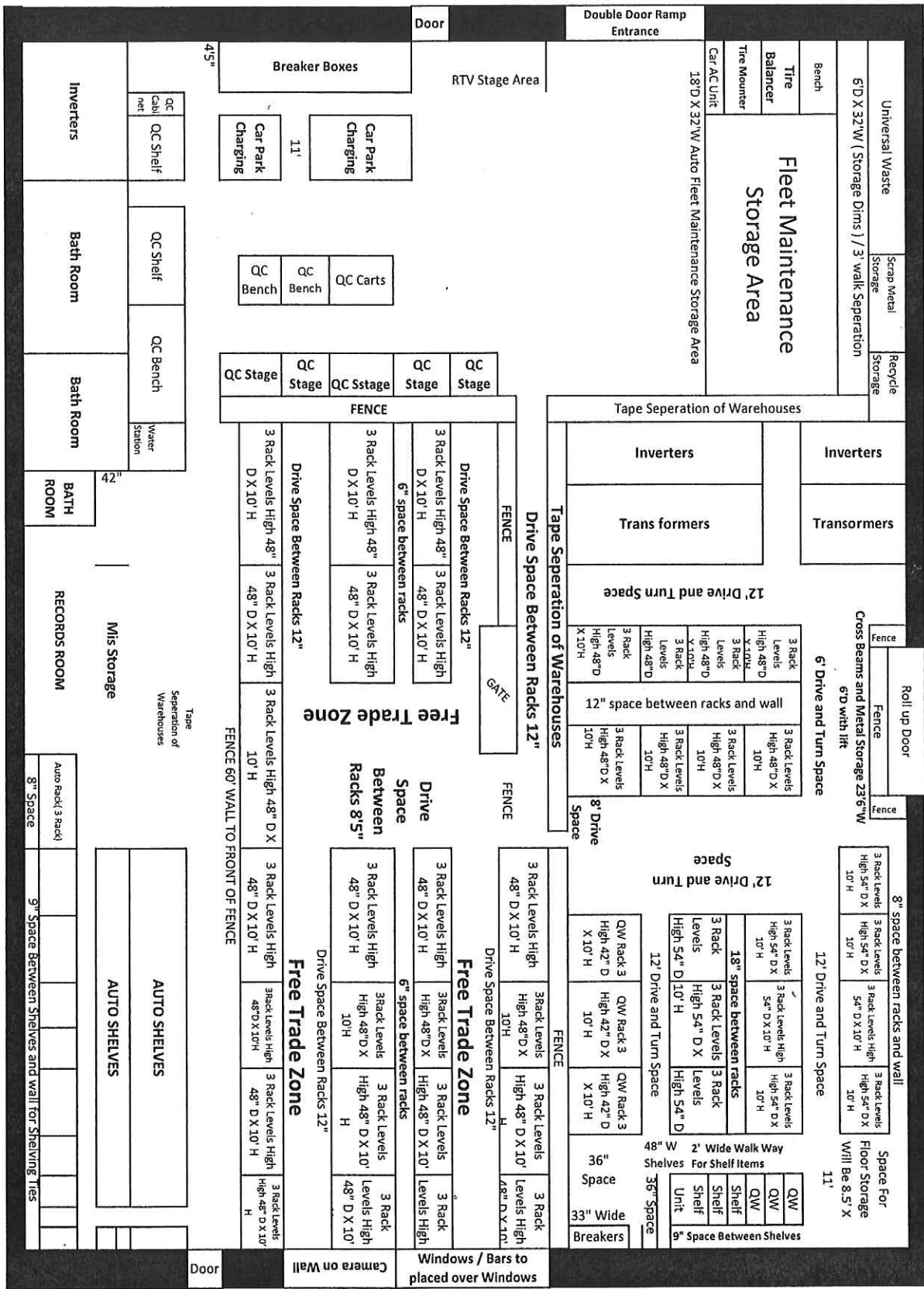
west: Light Manufacturing/Office

Environmental Determination:

Categorical Exemption Class 1

Applicable Ordinance Regulations:

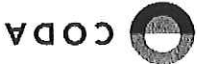
MMC 17.52.020 Planning Commission Authority for CUP; CUP required for 1 per 1000 SF parking ratio.



FENCE TO FENCE 41' 2" (NEED 41'8". SHOULD BE ABLE TO ADJUST 9" WITH FLUFF FROM FENCE

Rev	Description	Date	ECO / NDC
NC	Initial Release	2013.07.01	
Rev	Checked	Drawn	AMS
DCN:	2014.07.23	INIT	DATE
Title: 922 S Myrtle Floor Plan			
Revision: _____			
Sheet: 1 of 1			

The information, data and drawings included in this work are the proprietary and confidential material of CODA Energy Holdings LLC (together with its subsidiaries and affiliates, "CODA"). The information contained herein will be held confidential and not disclosed to any third parties without the prior written consent of CODA.



NOTICE OF PUBLIC HEARING

**MONROVIA PLANNING COMMISSION
415 South Ivy Avenue
Monrovia, CA 91016**

This Notice is to inform you of a public hearing to determine whether or not the following request should be granted under Title 16 and/or 17 of the Monrovia Municipal Code:

APPLICATION: Conditional Use Permit CUP2014-16

REQUEST: Allow an existing 10,600 square foot warehouse building to provide one parking space for every 1,000 square feet of building area in lieu of one space for every 500 square feet. This reduction in parking can be requested when a warehouse will be used for storage only. This property is located in the O/RD/LM (Office/Research and Development/Light Manufacturing) Zone.

ENVIRONMENTAL DETERMINATION: Categorical Exemption (Class 1)

APPLICANT: Coda Energy

PROPERTY ADDRESS: 922 South Myrtle Avenue

DATE AND HOUR OF HEARING: Wednesday, September 10, 2014 at 7:30 PM

PLACE OF HEARING: Monrovia City Hall, Council Chambers, 415 South Ivy Avenue, Monrovia, California

AREA MAP:



If you challenge this application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Division at, or prior to, the public hearing. This application will not alter the zoning status of your property. For further information regarding this application, please contact the Planning Division at (626) 932-5565.

Staff Report pertaining to this item will be available on Thursday, September 4, 2014 after 4 p.m. at:
Monrovia City Hall
415 South Ivy Avenue
Monrovia, CA 91016

Este aviso es para informarle sobre una junta pública acerca de la propiedad indicada mas arriba.

Si necesita información adicional en español, favor de ponerse en contacto con el Departamento de Planificación al número (626) 932-5587.

Craig Jimenez, AICP
Planning Division Manager

PLEASE PUBLISH ON AUGUST 28, 2014