

MINUTES – REGULAR PLANNING COMMISSION MEETING

COUNCIL CHAMBERS

18747 CLARKDALE AVENUE, ARTESIA, CA 90701

June 28, 2011

Call to Order

The Regular Planning Commission Meeting of the City of Artesia was called to order on June 28, 2011, at the City of Artesia Council Chambers at 7:02 p.m. by Chairperson Canales.

Invocation

Commissioner Young led the invocation.

Pledge of Allegiance

Commissioner Pacheco led the pledge of allegiance.

Roll Call

Present: Commissioner Pacheco
Commissioner Sousa
Commissioner Young
Chairperson Canales

Absent: Vice Chairperson Uttecht

Also Present: Redevelopment and Planning Director
Okina Dor
Assistant Planner Jose Hernandez
Deputy City Attorney Serita Young
Planning Clerk, Erika Castaneda

Consent to Commissioners Absence

Vice Chairperson Uttecht

Vice Chairperson Uttecht has informed staff that he will be absent from the Commissions June and July's regular meetings due to commitments made prior to his appointment as a Commissioner. He has requested that the Commission consent to his absences.

Motion by Chairman Canales second by Commissioner Young to consent Vice Chairperson Uttecht's absences. The Planning Commission unanimously approved his absences.

Approval of the Planning Commission Agenda

Motion by Commissioner Young, second by Commissioner Sousa to approve the Planning Commission Agenda. The Planning Commission unanimously approved the Agenda.

Announcement of Speaker Cards

Chairman Canales announced that for recording purposes, if anyone wishes to make a statement regarding any item on the agenda, to complete a speaker slip and deposit it with the planning clerk prior to the commencement of the meeting. Please note that there is a five-minute time limit per speaker imposed. Please stay within this time limit.

Public Comments

There were no comments from the public.

1. Consent Calendar

- A. Approval of Minutes of the Planning Commission Meeting of May 24, 2011.

MOTION by Commissioner Sousa, second by Commissioner Pacheco TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETING OF May 24, 2011.

The Planning Commission unanimously approved the minutes of the May 24, 2011 meeting.

Administration of the Oath:

At this time anyone desiring to speak on a public hearing item should stand and be sworn in by the Deputy City Attorney Serita Young.

Commissioner Young stated he will need to abstain from item 2 and 3 due to a conflict of interest with the two items.

New Business - Public Hearing:

2. Case No. 2011-08

Conditional Use Permit Modification 18301 & 18307 Pioneer Boulevard

Scott Peotter, 1000 Quail St. #260 Newport Beach, CA 92660

A request for approval to modify Case No. 2004-33, Case No. 2002-31 conditional use permit No. 636 and 584 to decrease the service and professional area from 2,515 square feet to 1,661 square feet in area for the property located at 18301 Suite A&B and 18307 Pioneer Boulevard in the Commercial General (C-G) Zone.

Resolution No. 2011-08P

Details of the case were presented by Redevelopment and Planning Director Okina Dor, as noted in the staff report.

Chairman Canales opened the public hearing.

Mr. Scott Peotter applicant for the project approached the podium stating he had a question regarding Condition # 18 on Resolution No. 2011-08P. Mr. Peotter asked if a clause can be added to the end of this condition stating if required. Mr. Dor stated that what is written in the condition is a requirement that needs to be addressed due to the fact that the space was converted to a retail use without proper permits and approval. Also, an access way needs to be sealed off for it to be recognized as a separate tenant space with its own business license. Mr. Peotter then stated there were no changes done to the facility and feels that the only permits that need to be obtained are to close the access way, but the applicant may want to keep that open and for that reason is seeking to have the language put in the condition if required.

MOTION by Commissioner Sousa, second by Commissioner Pacheco to CLOSE PUBLIC HEARING.

Chairman Canales mentioned to staff that as he was going through the reports for this item he noticed this site was a beauty salon in 1999 and then was converted to a retail use without proper permits and approvals. Chairman Canales stated that for future reference if changes to the building are done, that proper permits and approvals are obtained before the modifications are done.

MOTION by Commissioner Pacheco, second by Commissioner Sousa TO APPROVE CASE NO. 2011-08/RESOLUTION NO. 2011-08P.

Said Motion was carried in the following roll call vote:

AYES: COMMISSIONERS: Pacheco, Sousa, and Canales
ANONES: COMMISSIONERS: None
ABSENT: COMMISSIONERS: Uttecht
ABSTAIN: COMMISSIONERS: Young

3. Case No. 2011-09

Conditional Use Permit 18171 Pioneer Boulevard

Dustin Yip, 19904 Meadow Street, Cerritos CA 90703

A request for approval of a conditional use permit to allow a tattoo shop at 18171 Pioneer Boulevard in the Commercial General (C-G) Zone.
Resolution No. 2011-09P

Details of the case were presented by Assistant Planner Jose Hernandez, as noted in the staff report.

Chairman Canales opened the public hearing.

No one approached the podium to speak on this item.

MOTION by Commissioner Sousa, second by Commissioner Pacheco to CLOSE PUBLIC HEARING.

Commissioner Sousa asked staff how this business would bring revenue to the City. Mr. Hernandez stated for this service use, the business license tax would apply based on the square footage of the building. The building license tax that will be paid would be \$147.96 per month.

MOTION by Commissioner Sousa, second by Commissioner Pacheco TO APPROVE CASE NO. 2011-09/RESOLUTION NO. 2011-09P.

Said Motion was carried in the following roll call vote:

AYES: COMMISSIONERS: Pacheco, Sousa, and Canales
ANONES: COMMISSIONERS: None
ABSENT: COMMISSIONERS: Uttecht
ABSTAIN: COMMISSIONERS: Young

4. Case No. 2011-10

Design Review 18616 Pioneer Boulevard

Venkatesh Koka, 18760 Pioneer Boulevard, Artesia CA 90701
A request for approval to allow a new restaurant with exterior façade improvements for the property located at 18616 Pioneer Boulevard in the Commercial General (C-G) Zone.
Resolution No. 2011-10P

Details of the case were presented by Assistant Planner Jose Hernandez, as noted in the staff report.

Chairman Canales opened the public hearing.

Mr. Koka applicant for the project was given time to review the revisions that were done to condition No. 20 on Resolution No. 2011-10P prior to him approaching the podium to speak on his item.

Mr. Dor briefly went over the revisions that were done to condition No. 20 pertaining to the in-lieu parking fees and in-lieu parking operation and maintenance fees.

Deputy City Attorney Serita Young clarified that the language that Mr. Dor just went over pertaining to condition No. 20 is not the exact figures that will be incorporated into Resolution No. 2011-10P. The figures would reflect only what pertain to this case, therefore, the deficit in terms of section A would be 12 parking spaces thus the figure would be 120,000.00 not 130,000.00, and in section B the fees would be 6,000 dollars not 6,500 dollars.

Mr. Koka approached the podium and questioned the figures pertaining to the in-lieu fees and asked if these figures were approved by the City Council.

Mr. Dor stated that the direction from the City Council is that this is what is currently in place as a result of the parking study and whatever decision Council will make in terms of having a parking structure or parking lot. Mr. Dor then stated that in this case if the number is below 120,000.00 based on the applicant's fair share of their figure then this number gets adjusted accordingly to the study. But if the number is higher than 120,000.00 the applicant is not obligated to pay the higher amount, they are locked in at the 120,000.00. It only gets adjusted if it goes below the 120,000.00 based on what direction is taken when the study is completed and decision is made by the Planning Commission on what option to take.

Mr. Koka stated as an example the parking structure that is being proposed is not close to where the restaurant will be located and what if another location is proposed where there will be sufficient parking, will this suffice the parking reduction. Mr. Dor stated that discussions have taken place regarding offsite parking and is still being explored.

Mr. Koka stated that with the in lieu fees that are in place he feels it will be very difficult to bring in more restaurants to the City of Artesia.

Mr. Koka then stated that he is fine with all conditions listed in Resolution No. 2011-10P except for condition No. 18, he is seeking to have the windows tinted instead of transparent.

Commissioner Young asked staff if the parking in-lieu fee of \$120,000.00 is a yearly or one time fee. Mr. Dor stated this is a one time mandatory fee that needs to be paid the in-lieu operation and maintenance fee is what has to be paid every year.

**MOTION by Commissioner Sousa, second by
Commissioner Young to CLOSE PUBLIC
HEARING.**

Chairman Canales stated that at the next regular City Council meeting scheduled for the July 11, 2011 the City Council will be modifying the moratorium pertaining to the prohibition of expansion of existing restaurants, and is seeking to table this item to see what modification will be made. Therefore, Chairman Canales is recommending to continue this item to the next regular Planning Commission meeting scheduled for July 26, 2011.

**MOTION by Chairman Canales, second by
Commissioner Young TO CONTINUE CASE
NO. 2011-10/RESOLUTION NO. 2011-10P TO
THE NEXT REGULAR PLANNING
COMMISSION MEETING ON JULY 26, 2011.**

Said Motion was carried in the following roll call vote:

AYES: COMMISSIONERS: Pacheco, Sousa, Young, and Canales
ANONES: COMMISSIONERS: None
ABSENT: COMMISSIONERS: Uttecht
ABSTAIN: COMMISSIONERS: None

5. Case No. 2011-11

**Code Amendment
City Wide**

City of Artesia, 18747 Clarkdale Avenue, Artesia CA 90701

A request for approval of a Code Amendment of the City of Artesia allowing minor increases or enlargements to the living areas of legal nonconforming dwelling units located on the same lot in Single Family Residential (R-1) and Agriculture Single Family Residential (A-1) Zones, and amending the Artesia Municipal Code.

Resolution No. 2011-11P

Details of the case were presented by Redevelopment and Planning Director Okina Dor, as noted in the staff report.

Chairman Canales opened the public hearing.

Mr. John Martins approached the podium clarifying that he is not here on behalf of Mr. Cordoso, he had a brief conversation with Mr. Cordoso on this subject matter but is not representing him.

Mr. Martins discussed several concerns he had regarding the lot coverage requirements and the wording pertaining to additions of bedrooms that would

have to comply with the parking requirements. Mr. Martins stated that the wording shall include additions of bathrooms, family room and etc. Mr. Martins also suggested changing the wording pertaining to the lot area requirements.

Chairman Young suggested adding up to 50% of the square footage of the dwelling.

Mr. Dor addressed the concerns that Mr. Martins had. First off, Mr. Dor stated that pertaining to the wording of additions of bedrooms, he stated that the way the code is written does not specifically state that you cannot have a bedroom, it states you can have up to 100 square feet provided that all development standards are met. The purpose of the wording is to limit the square footage.

Deputy City Attorney, Serita Young stated that Mr. Dor is correct as stated in the draft Ordinance under section 7 (c) 2. Mr. Dor stated there is some type flexibility in this section.

Mr. Dor clarified the problem with allowing 50 percent of the square footage of the dwelling.

Mr. Martins approached the podium again clarifying that he is under the assumption that staff is gearing towards allowing 50% of the square footage when indeed what he is suggesting is not to exceed 50% of the lot coverage of the property.

Mr. Cordoso local resident approached the podium stating that he is currently going through this situation where he is trying to do an addition of two restrooms to his legal non conforming dwelling and at this point cannot add on to his property.

Mr. Dor stated that for that as far as square footage additions if you exceed 500 square feet school fees need to be paid by the applicant.

MOTION by Commissioner Young, second by Commissioner Pacheco to CLOSE PUBLIC HEARING.

Deputy City Attorney clarified the final motion which is to amend Section 7 (c) 2 of the draft Ordinance and insert the language for lots under 10,000 square feet, the living area of each legal non-conforming unit is not increased or enlarged by more than 500 square feet and is done in accordance with the development standards set forth in Section 9-2.2705 of Article 27 or Section 9-2.2805 of Article 28 of this chapter. Also Mrs. Young stated that the motion is to approve the attached Resolution No. 2011-11P with the changes discussed and bring forward the revised Ordinance to the City Council for their consideration and first reading.

**MOTION by Chairperson Canales, second by
Commissioner Young TO APPROVE CASE
NO. 2011-11/RESOLUTION NO. 2011-11P.**

Said Motion was carried in the following roll call vote:

AYES: COMMISSIONERS: Pacheco, Sousa, Young, and Canales
ANOES: COMMISSIONERS: None
ABSENT: COMMISSIONERS: Uttecht
ABSTAIN: COMMISSIONERS: None

Report Item from Staff

None

Discussion Items from staff

6. Artesia Boulevard Corridor Specific Plan Joint Workshop with the City Council and Planning Commission will be held on Monday July 25, 2011 at 7:00 p.m.

A reminder was given to the Commission about this upcoming meeting.

Additional Citizens' Comments

Mr. Cordoso resident of the City approached the podium stating that there are overgrown weeds in the alley on Seine Ave. between Clarkdale and 183rd St. and need to be cut. Mr. Dor stated he would report this issue to the Public Works department to get it taken care of.

Items from the Commission

Commissioner Young asked staff if at the next months Planning Commission meeting a discussion item can be brought up to draft an Ordinance to regulate and control art sculptures in front yard residential properties.

Chairman Canales stated like mentioned before, if anything could be written in our Code or have a policy pertaining to repeat offenders that are not following protocol.

Deputy City Attorney Serita Young stated that the code would need to be looked at to see how the code is written, but stated a Code Amendment would need to be drafted up as oppose to a policy and will follow up with the Commission on this item.

Mr. Dor stated it is very hard to mitigate repeat offenders unless penalty fees are imposed but stated a code enforcement regulation is currently in place.

Adjournment

Adjournment at 9:25 p.m. to the next Regular Planning Commission Meeting to be held on Tuesday, July 26, 2011, at 7:00 p.m., in the City of Artesia Council Chambers.

Attest

I, Erika Castaneda, Planning Clerk of the City of Artesia, do hereby certify that the Minutes of the Regular Planning Commission Meeting of June 28th, 2011 were approved at the Regular Planning Commission Meeting held on the 26th of July, 2011 by the following roll call vote:

AYES: **COMMISSIONERS: Pacheco, Sousa, Young, Uttecht and Canales**
NOES: **COMMISSIONERS: None**
ABSENT: **COMMISSIONERS: None**
ABSTAIN: **COMMISSIONERS: None**

Erika Castaneda, Planning Clerk