

**MINUTES
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF WEST COVINA
Tuesday, November 9, 2010**

The regular meeting of the Planning Commission was called to order at 7:00 p.m. by Chairman Sotelo in the West Covina Council Chambers. Commissioner Holtz led the Pledge of Allegiance and the Commission observed a moment of silence.

ROLL CALL

Present: Sotelo, Carrico, Redholtz, Stewart, Holtz

Absent: None

City Staff Present: Anderson, Wong, Garcia and de Zara

APPROVAL OF MINUTES:

Regular meeting, October 26, 2010 – The minutes were approved as submitted.

A. OTHER MATTERS OR ORAL COMMUNICATIONS

None

B. CONSENT CALENDAR

1. FORTHCOMING PLANNING COMMISSION MEETINGS AND PUBLIC HEARING SCHEDULE

Receive and file.

Acting Planning Director Jeff Anderson presented the staff report. During his presentation, Mr. Anderson informed the Commission that there would not be a meeting on November 23, 2010 due to a lack of business.

Motion by Redholtz, seconded by Carrico, to approve the items listed. Motion carried 5-0.

C. PUBLIC HEARING

(1)

CODE AMENDMENT NO. 10-02

GENERAL EXEMPTION

APPLICANT: City of West Covina

LOCATION: Citywide

REQUEST: The proposed code amendment consists of certain amendments to Chapter 26 (Planning) of the West Covina Municipal Code related to auto repair in residential zones.

Chairman Sotelo opened the public hearing. Acting Planning Director Jeff Anderson presented the staff report and informed the Commission that this code amendment had been initiated by the City Council and referred to the Planning Commission. During the presentation, Mr. Anderson showed a power point presentation regarding the areas that had been studied and addressed. Among the matters addressed by Mr. Anderson were the definition of an “auto broker”, storage of inoperable vehicles behind a six-foot wall or fence, defining that a fabric car cover doesn’t meet the screening requirement for inoperable vehicles, prohibiting vehicle repairs in driveways, revising the number of vehicles that can be repaired when not registered at a property, modification of the time period allowed for incidental vehicle repairs, definition of repairs allowed in residential zones, implementation of a citation section for Community Enhancement, and defining vehicle repairs allowed in multiple family residential zones.

Commissioner Redholtz said that Commissioner Holtz had asked if the painting of automobiles would be prohibited by the code amendment in R-1, Single Family Residential zones. He also asked why the proposed code amendment didn’t specifically prohibit

painting of automobiles in the R-1 (Single Family Zone.) Commissioner Redholtz also asked if Community Enhancement would continue to be reactive, rather than proactive, in their code enforcement activities. There was also a discussion by the Commission regarding how Community Enhancement staff would determine the vehicle's registration and the number of times per year that a vehicle could be repaired at a resident's home.

Commissioner Carrico expressed his concern that residents would not be able to conduct minor repairs, such as changing a tire or charging a dead battery, in their drives to their own vehicles under this code. Chairman Sotelo concurred with Commissioner Carrico and expressed his concern with the ability of residents to properly screen their stored vehicles from view. Chairman Sotelo also said he was concerned that not everyone would have the ability to repair their vehicles within the 72-hour period. Staff said that the code amendment was intended to address chronic violations such as automobile repair businesses being operated in residential zones.

Commissioner Holtz said he understood that the proposed code amendment was meant to address chronic violators and said he didn't believe that a neighbor would report a neighbor who repaired their own vehicle from time to time. Commissioner Redholtz expressed his agreement with Commissioner Holtz's statement and reminded the Commission that Community Enhancement would be reactive to complaints, rather than proactive. Commissioner Holtz also asked staff to clarify if painting of vehicles would be prohibited in residential zones.

PROPONENT:

Nancy Adin and Lloyd Johnson spoke in favor of the proposed code amendment. Ms. Adin expressed her support of the code amendment. However, she was also concerned with how Community Enhancement staff would be able to determine the registration of a vehicle being repaired. In addition, Ms. Adin said she was concerned that inoperable vehicles not registered to the resident, and undergoing restoration would be stored in garages.

Mr. Johnson also said he was supportive of the code amendment but asked that repairs not be allowed in carports that are located in the front yard because the openness of carports would allow too much visibility of vehicle repairs.

OPPONENT:

Frederick Sykes spoke in opposition to the proposed code amendment. Mr. Sykes said he was concerned that the code amendment would make vehicle repairs difficult in cases where extended family members live together and own many vehicles. In addition, he said he was concerned that a 72-hour limit would not allow sufficient time for vehicle owners to get parts for their cars and repair them. Mr. Sykes also said that, in cases where people work during the week, they would have to wait until their day off to repair their vehicle.

Chairman Sotelo closed the public hearing.

There was a discussion by the Commission regarding the restoration of a resident's own vehicle. Staff told the Commission that restoration of vehicles would be allowed in an enclosed garage or in the rear yard that is properly screened and not visible from the street. The Commission also discussed the ability of Community Enhancement to check the registration of a vehicle, and prohibiting inoperable vehicles from being stored in the front of a residence.

Commissioner Carrico expressed his concern with the requirement of a six-foot fence or landscaping to screen vehicles in the rear yard. He said that, in many cases vehicles could be screened by fencing or landscaping shorter than six feet. He also expressed his concern that residents, whose vehicles are adequately screened by shorter fencing would still be cited because they lacked six-foot fencing or landscaping. Commissioner Carrico stated his belief that the code amendment, as written, could present problems with enforcement in the future.

Chairman Sotelo expressed his concern the proposed amendment did not address determining whether or not the registration of a vehicle is valid and registered to a resident of the property. Chairman Sotelo also said that he was concerned that this code amendment was not strong enough to address the storage of inoperable vehicles, which is the problem they tried to address.

Chairman Sotelo and Commissioner Carrico said that, for the reasons they had expressed during the discussion, they would like to continue this matter for further review.

Commissioner Stewart said that he was supportive of the code amendment as submitted, since it would help prevent further abuse of the current code addressing automobile repairs in Single Family, R-1 zones. Commissioner Stewart added that his neighbor had restored vehicles in his garage and that he believed restoration of vehicles could take place in garages without bothering the neighbors. Commissioners Holtz and Redholtz concurred with Commissioner Stewart's statement.

Motion by Carrico, seconded by Sotelo, to continue the public hearing to a future meeting and direct staff to revise the draft code amendment. Motion failed 2-3 (Stewart, Redholtz and Holtz opposed.)

Motion by Holtz, seconded by Redholtz, to adopt Resolution No. 10-9352, recommending approval of Code Amendment No. 10-02 to the City Council. Motion carried 3-2 (Carrico and Sotelo opposed.)

There was a short discussion regarding prohibiting auto repairs in carports.

Motion by Holtz to prohibit auto repair in carports located in the front yard. Motion died for lack of a second.

(2)

CODE AMENDMENT NO. 09-02

GENERAL EXEMPTION

APPLICANT: City of West Covina

LOCATION: Citywide

REQUEST: The proposed code amendment consists of certain amendments to Chapter 26 (Planning) of the West Covina Municipal Code related to temporary signs.

Chairman Sotelo opened the public hearing. Senior Planner Fabiola Wong presented the staff report. During her presentation she reviewed the matters discussed by the Commission at a previous study session. In addition, she reviewed the types of signs that would be allowed, the 90-day limit for temporary banners, and allowing hand-held signs on private property only. Ms. Wong added that staff was recommending that the Commission also address the improper display of the American flag in the code amendment. There was a discussion by the Commission regarding the types of improper display of the American flag, including on the side of a building.

PROPONENTS:

Gary Lawson, representing the Greater West Covina Business Association, and Drexel Smith, President of the West Covina Chamber of Commerce, spoke in favor of the code amendment. Mr. Lawson and Mr. Smith both expressed their support of the new temporary sign regulations and urged the Commission to recommend approval of the code amendment to the City Council.

OPPONENTS:

No one spoke in opposition to the code amendment.

Chairman Sotelo closed the public hearing.

There was a discussion by the Commission regarding the proposed code amendment. Commissioner Stewart asked staff if anyone had displayed the American flag on the side

of building. Staff said they were unaware of any in West Covina but wanted to prevent this situation in the future.

Motion by Redholtz, seconded by Sotelo, to adopt Resolution No. 10-5393, recommending approval of Code Amendment No. 09-02, as amended. Motion carried 5-0.

D. NON HEARING ITEMS

(1)

90-DAY REVIEW OF CONDITIONAL USE PERMIT NO. 10-12
CONDITION FOR LIVE ENTERTAINMENT

APPLICANT: Sol de la Noche

LOCATION: 1302 Francisquito Avenue, Unit B

A 90-day review of conditions allowing live entertainment until 10:00 p.m. on Wednesday, Thursday and Sunday and until midnight on Friday and Saturday.

Staff recommends that the Planning Commission provide comment and direction as appropriate.

Planning Associate Ron Garcia presented the staff report. During his presentation, he told the Commission that the police had not received any requests for service during the 90-day review period and no complaints about the restaurant had been received by staff. In addition, Mr. Garcia told the Commission that the applicant had indicated he was satisfied with the hours of operation and was not seeking to increase those hours.

Javier Gallardo, applicant, his interpreter, Javier, and Patty Fors, Sunset Garden Apartments Manager, spoke regarding this matter. Mr. Gallardo answered questions by the Commission regarding the hours of operation and the sound system used during the live entertainment. Commissioner Redholtz also asked Mr. Gallardo if there was an age restriction after 8:00 p.m. and if food was served during the entire time the restaurant is open. Mr. Gallardo said, through his interpreter, that food was always available and that the restaurant was always open to everyone.

There was also a discussion by the Commission regarding requiring that business hours be posted on the outside of the building. The applicant agreed to post the hours the restaurant is open and notify staff when the posting is completed.

Motion by Redholtz, seconded by Holtz, to add a condition requiring the hours of operation of the restaurant to be posted and to notify staff when posting the hours is completed. Motion carried 5-0.

(2)

STUDY SESSION

PLANNING COMMISSION PUBLIC NOTICE POSTING STANDARDS AND MAILINGS

Review of current Planning Commission guidelines for posting notices on site and for mailing public notification.

Staff recommends that the Planning Commission provide comment and direction as appropriate.

Acting Planning Director Jeff Anderson presented the staff report. During his presentation Mr. Anderson said that the Ralph M. Brown Act required notification of public hearings. He also told the Commission that the City of West Covina had chosen to mail notices to property owners and residents, as well as publish public hearing notices in the local newspaper. He told the Commission that the Planning Commission had also adopted guidelines for posting properties and explained the process and the threshold for which posting is required. Mr. Anderson also explained the costs associated with mailing public hearing notices and publishing them in the newspaper.

There was a discussion by the Commission regarding the descriptions included in the public hearing notices, the 300-foot public notification radius required by the Ralph M. Brown Act,

the uniformity of project descriptions included in the notices, and printing “public hearing notice” on the outside of the envelopes.

The Commission also discussed expanding the notification radius from 300 feet to 500 feet and changing the project posting requirements. It was the consensus of the Commission to direct staff to investigate the options and present them to the Commission at a meeting early next year.

E. CONTINUATION OF ORAL COMMUNICATIONS

Continuation of Item A, Oral Communications

F. COMMISSION REPORTS/COMMENTS AND MISCELLANEOUS ITEMS

Commissioner Holtz requested that the public hearing notices be provided to Commissioners in their meeting agenda packets.

Chairman Sotelo reminded everyone that there would be festivities celebrating Veteran’s Day and a groundbreaking ceremony for the new West Covina Veterans memorial in the Civic Center Courtyard on Thursday, November 11, 2010.

CITY COUNCIL ACTION:

November 2, 2010 – Code Amendment No. 09-04, Wireless Telecommunications Ordinance, was amended and will be rescheduled.

PLANNING DIRECTOR’S REPORT:

- a. Project Status Report

G. ADJOURNMENT

Motion by Redholtz, seconded by Holtz, to adjourn the meeting at 8:50 p.m. Motion carried 5-0