



**OFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
320 W. NEWMARK AVENUE
JULY 10, 2012
7:00 P.M.**

Planning Commission

Michael Hamner
Larry Sullivan
Hans Liang
Peter Ruiz

Staff

Jim Basham, Director of Development Services
Elizabeth Calciano, Assistant City Attorney
Samantha Tewasart, Associate Planner
Crystal Landavazo, Assistant Planner

CALL TO ORDER:

The Planning Commission meeting was called to order at 7:00 p.m. by Chairperson Hamner.

ROLL CALL:

COMMISSIONERS PRESENT:

Chairperson Hamner, Vice Chair Sullivan,
Commissioners Liang and Ruiz

COMMISSIONERS ABSENT:

None

STAFF:

Director of Community Development Jim Basham,
Assistant City Attorney Elizabeth Calciano, Associate
Planner Samantha Tewasart

**AGENDA CHANGES
AND ADOPTION:**

None

**ORAL AND WRITTEN
COMMUNICATIONS:**

None

APPROVAL OF MINUTES:

Commissioner Liang

Stated that on page 16 the motion that reads, moved by Commissioner Garcia, seconded by Commissioner Fong, should read, moved by Commissioner Liang.

MOTION:

Moved by Commissioner Liang seconded by Commissioner Sullivan, to **APPROVE** the minutes of

April 24, 2012 with modification. The motion was voted on as follows:

VOTE:

AYES: Chairperson Hamner, Vice Chair Sullivan,
Commissioner Liang
NOES: None
ABSTAIN: Commissioner Ruiz
ABSENT: None

PUBLIC HEARING:

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. GENERAL PLAN ADVISORY COMMITTEE (GPAC) TWO NEW GENERAL PLAN ELEMENTS – HEALTHY COMMUNITY ELEMENT AND SUSTAINABLE COMMUNITY ELEMENT

Director Basham

Stated that the item before the Commission is the result of staff's hard work applying for a competitive state grant in the amount of \$160,000.00. The grant gives staff the opportunity to utilize the funds to branch out and create two new general plan elements, the Healthy Community and Sustainable Community Elements. Both of these elements are fostered on the recent legislative and assembly bill that relates to the green house gas issue and the global warming solutions act AB32. The purpose is to help local agencies to do their fair share in trying to reduce green house gas over time and encourage a healthier living environment for the residents. Staff will be soliciting a lot of encouragement from the citizens and members of the community to participate and create goals and policies that will foster a better living environment, community, drive less, exercise more, and reduce smoking as an unhealthy program that was recently the focus with the City Council. Staff is asking that the Commission nominate at least one member of the Commission to sit on the General Plan Advisory Committee and to have at least one alternate in case the primary person is unable to make any or some of the meetings. The same invitation is presented to the other

Commissions, Boards, and committees of the City. Some external technical advisory agencies from neighboring hospitals and other grass roots organizations are also included. This is an important role because you will be helping to formulate two new general plan elements that are of focus of recent legislation and it will also be the guiding factor that is presented to the City Council.

Vice Chair Sullivan

Asked if the time frame is the end of the month.

Director Basham

Replied that staff is working with a consulting firm to coordinate some time frames for the meetings.

Vice Chair Sullivan

Asked if it is beneficial, since the Commission is short one person, to wait to the next City Council meeting to have a fifth member before they decide who they are going put on this Committee.

Director Basham

Replied that the Commission could wait and asked if the Commission wanted that new member on the GPAC representing the Planning Commission. This may be a relatively new person.

Chair Hamner

Asked if there was anybody interested in being on the General Plan Advisory Committee.

Vice Chair Sullivan

Stated he would be interested and wanted to know if Jesika Go responded back as far as being a member.

Planner Tewasart

Replied no.

Vice Chair Sullivan

Stated that would be the only conflict he would have since he was the chairman of the breast cancer walk and she was his team person. He would not want to have the two of them being on the same committee and asked if that would be a conflict.

Planner Tewasart

Stated that the GPAC and technical advisors are separate committees.

Director Basham

Stated that staff does not view that as a conflict of interest because he would be representing the Planning Commission.

MOTION:

Moved by Chair Hamner seconded by Commissioner

Liang, to nominate Vice Chair Sullivan as primary to GPAC and Commissioner Ruiz as alternate.

VOTE:

AYES: Chair Hamner, Vice Chair Sullivan,
Commissioners Liang and Ruiz

NOES: None

ABSTAIN: None

ABSENT: None

2. TENTATIVE PARCEL MAP NO. 071187 AND VARIANCE – 429 EAST GRAVES AVENUE (PM-12-01/V-12-01)

Planner Tewasart

Provided a brief summary of the staff report.

Vice Chair Sullivan

Expressed concern with the driveway width. The people that are living in the house right now back out of the property. There is a stop sign to the west. The stop sign to the east is a block away, so people come to the stop sign with a good amount of speed and shoot up the hill. He watched the people come and go in that driveway. They had to take their time. It took about 10 minutes to just get one car out of that driveway. Now 9 cars are going into the same space where there are currently 2 cars. Part of the issue is the two Italian Cypress trees that are sticking out on the right hand side. They happen to belong to the property next door. So the concern lies in that fact that the project is increasing the number of vehicles that are going into the property.

Director Basham

Stated that the Engineering Department did not view that as an issue. However, if the shrubbery or Cypress trees are located in the front yard setback then Code Enforcement can look at that. Shrubberties are not allowed to exceed a certain height because it would obscure the visibility from adjacent parcels and residences coming off of the property.

Vice Chair Sullivan

Stated that the solution, being a member of the Traffic Commission, is to move the stop sign farther down the road up to that same corner. That same street is the ingress egress of the city yard.

Director Basham	Stated that could be a condition from the Planning Commission asking for the City Engineer to evaluate that to make a determination.
Vice Chair Sullivan	Stated he would like that condition added.
Chair Hamner	Stated for clarification for the record, the property owner is permitted to build up to three units. That is important to understand. Based on this process, up to three units are permitted but not guaranteed. The title sheet makes reference to a minor modification granted for a reduction in the driveway width. This is starting to become a common place situation and it is time to start looking at making modifications to the code if that is going to be the case.
Director Basham	Asked what memo Chair Hamner was referring to.
Chair Hamner	Indicated that it is noted under parking spaces required. Tandem parking is approved by the memo dated November 9, 2011. Unless some aspects of the parking ordinance for residential has changed, the required number of parking spaces because these are 4 bedroom units over 2,000 square feet and the other two are at 2,000 square feet, is four per unit and a requirement of one quarter parking space required per bedroom for guest parking. He asked about the calculation because it would be 15 not 12.
Planner Tewasart	Replied that the guest parking is factored into the fourth required parking space.
Chair Hamner	Stated that this is another area that has to be look at for future projects. The variance is compounded by giving modifications. The justification for a variance has to meet criteria. He asked about the percentage of unique plot width condition that occurs in the R-3 Zone. Based on his experience, the percentage is very small. There are probably others. He asked about issuing variances as a matter of policy versus the real benefits of a project with the density.
Director Basham	Clarified that variances are not being issued as a matter of policy. The zoning code does not allow that. The new zoning code does include provisions that will address the existing lots in the city that are considered underutilized

or in this case the 50 feet width, whereby they will be grandfathered in as existing subdivisions that have probably been around since that particular area was subdivided.

Assistant City Attorney Calciano

Stated that the problem with this law is that the lot would be unbuildable with the nonconforming lot size. Given what is required in the R-3 Zone for building, a variance is required to address that. There can also be a code provision proposed to the zoning code to deal with nonconforming lots that will allow lots to be grandfathered in and to essentially allow a lot to be built. There are no concerns for granting variances for these types of lots that are nonconforming because the lots would be able to build if not for the fact that the zoning code was changed long after this lot was created.

Chair Hamner

Asked if the property was buildable.

Assistant City Attorney Calciano

Replied that the criterion for the R-3 Zone is that the lot width be 60 feet wide so it is unbuildable at its current configuration.

Chair Hamner

Asked if the lot is unbuildable in the interpretation of up to 3 units or unbuildable in any case because of the zone which is R-3 which requires a minimum 60 feet lot width.

Director Basham

Replied not unbuildable by density because it meets square footage. The Deputy City Attorney is referring to unbuildable meaning not building on lots that do not current meet requirements set forth in the residential standards. Many communities have built into the zoning ordinance a blanket nonconforming right which gives them a continued privilege to continue building on these lots that are smaller.

Chair Hamner

Stated that there are other provisions of the code that need to be maintained. He asked about the requirement for the driveway width and whether the Fire Department provided comments and side yard landscaping requirements. He asked about the drivable green pavers and whether they are considered landscaping. He stated that there is a conflict between the landscape plan and the architectural plan. The plans are extremely difficult to read because there is so much information with lines going through words and dimensions it is hard to read

some of the notations. The green pavers are taken up on the driveway up to the public way on the parkway. He asked if this is being considered landscape and accessible driveway.

Planner Tewasart

Replied 26 feet. A 10 percent minor departure was granted.

Chair Hamner

Stated that is 2.6 feet. He referred to the driveway at the beginning on the street and stated that it is hard to tell because the dimensions are not clear. It is also an issue that the driveway is on a slope which is called a blend or transition element. There is a slope part from level, transition, slope, transition, level again.

Planner Tewasart

Stated with regards to the grading percentage that the applicant had discussed that matter with the Public Works Department and was granted the proposed percentage.

Chair Hamner

Stated he did see the 6 percent 12 percent 6 percent but he was seeing part of the blend after the gate. So that means you have a car waiting on the slope.

Director Basham

Stated that the plan check plans and the actual grading plans were reviewed by the Engineering Division and the Public Works Department and the Planning Department to ensure that it does meet adequate slope pursuant to code requirements. The plans presented are not contour plans that would show existing contour lines necessarily by accuracy.

Chair Hamner

Stated that the elevations are on the plans and it does indicate the blends and slope. His questions are more about modifications being offered because the gate is shown at the point of the blend which he has not seen before.

Director Basham

Stated that the actual plans and construction of the building are done at the administrative level which means it is done through the staff and engineers. The map is presented this evening. The variance is in association with the unique configuration of the lot, not the actual placement of the building relating to uniqueness and configuration of the property.

Chair Hamner

Stated that tandem parking requires a car be moved and temporarily relocated. There is no space on the property for that to occur, especially in the units that are on the west side. He asked about any discussion of providing an area of no parking that could be left striped so that could occur. He stated that there are going to be people parking on Graves Avenue which is already a problem and that is a factor that affects the General Plan where people cannot park in the area because it is not comfortable or capable of getting into these stalls. Within the lowered area between these buildings there is no room to maneuver. So the concern is trying to provide too much in too little space.

Planner Tewasart

Stated that some of the questions will be answered by the applicant. He will provide a history of the project, the memo, the modification application, and also the proposed layout. She indicated a correction that the applicant pointed out which is the driveway width requirement of 18 feet for residential zones and 26 feet for commercial zones. The minor modification is for 1 foot 10 inches. The driveway width granted is 16 feet 2 inches.

Chair Hamner

Asked if the Fire Department had already seen this.

Planner Tewasart

Replied yes. The plans are routed to all City Departments for review and comments.

Director Basham

Stated that the Fire Department reserves their complete examination of the plans until plans are actually submitted for plan check purposes where they then scrutinized the project in its whole and full intent. The Planning Commission is considering the tentative map. If for some reason the plans which are submitted for construction drawings to the individual department if it does not comply it does not necessarily negate the tentative map action. It could negate the possibility of one of the units. They may lose a unit, but the focus is the tentative map and the resolution and variance findings. He emphasized trying to stay focused as it relates to that and not actually plan check the plans unless the focus is to derive a nexus from the discussion that the site is being over utilized by density which then the focus is on the tentative map findings. He indicated to be cautious in

ensuring that a nexus is provided pursuant to the Subdivision Map Act.

Vice Chair Sullivan

Stated that he shadowed the Chairman's comments. The people that are going to acquire these places are probably going to have to shuffle cars and then they are going to park all those cars onto Graves Avenue. He stated that an even larger problem will be created there on Graves especially with the intersection. The parking and driveway need to be refined and cleaned up for even reduction in number of cars for storage or parking.

Assistant City Attorney Calciano

Stated that the variance and tentative map are before the Commission. The findings are spelled out and there are seven of them. If the Commission can deny for any one of them, if those findings are a problem, then the subdivision map is a problem. Those are the seven guiding findings that the Commission has to deny a map.

Director Basham

Stated that the Resolution, as was described by the Assistant City Attorney, provides findings. They are legal fact findings. So staff provided their justification and the reason why the variance should be supported. If the Planning Commission goes contrary to staff's recommendation the Commission has to make sure for the record the fact finding for which the denial should be presented. In the case, for example of the Chairman's comments, he is bringing up, in the Resolution on page 2 of 11 in section 2, the State Subdivision Map Act which basically outlines the findings for the subdivision of parcels in the State of California and the basis for which to recommend approval or denial to keep from subjective comments. Focus on the Resolution and findings 3 and 4 and perhaps even finding 5 which relates to the physical suitable capacity of the property as it relates to the density for which the Commission is providing the nexus of congestion and the same things refers to the design overall of the subdivision and the configuration of the units for which there is a physical issue related to density overall.

Chair Hamner

Clarified that he is not indicating that a variance is a negative. A variance acts as just a vehicle. Some people perceive that but the issue he wanted to bring out was the variance request as well as the additional

modifications. The modifications can actually work with the subdivision. There is a better nexus between those two than the variance in terms of his concern.

OPENED PUBLIC HEARING

ENGINEER

Hayk Martinosian
1545 N Verdugo Road #2
Glendale CA 91208

Stated he is the tract Engineer and representing the owner on this project. He went over the project briefly. From day one that they have started this process they have gone through many plan checks with planning, engineering and the fire department. Everybody looked at the plans and addressed all their concerns. They modified as much as they were asked to meet the zoning, planning and municipal codes. The plans are in plan check at this time and they have completed all of the corrections that they were asked to do. They are meeting all of the requirements. The unit sizes are around 1,996 to 2,000 square feet. They are providing three car private garages for each unit, plus three guests parking which staff indicated for a total of twelve parking spaces. They have provided enough back up space within the parking private garages to maneuver cars in case of moving the cars back and forth. They have the required back up space to move the cars. The driveway which was modified based on the first plan check has been looked at and there are no issues left out to be concerned. As far as the variance, since this lot was created in early 1963 the subdivision map was in order so the lot was created with 50 feet width. Now the R-3 requirement of 60 feet, without this variance there is no way that they can comply with the General Plan. The General Plan allows them to ask for a variance to develop the property and have the same enjoyment of developing the property. They are meeting all the requirements of the city planning, zoning, open space, and setbacks. The plans are in plan check and at this time they concur with the staff's recommendation and they will comply fully with all the conditions.

ARCHITECT

Lilia Grigoryan
520 E Glenoaks Blvd, Unit D

Glendale CA 91202

Replied in regards to the question pertaining to the driveway width per Monterey Park Zoning Ordinance 21.040.090 it is clearly stated that in the R-3 Zone they can have an 18 feet wide driveway. On November 4th a modification for 22 inches was granted by the City, so the driveway is 16 feet 2 1/2 inches wide. To the question regarding driveway slope, there is a really small slope as they are starting at 100 and going down to 98 which is 2 feet. They are not doing much. There is not a 4 feet difference. There is just a 2 feet difference. They are working with public works regarding parking and there are no concerns because they applied all the recommendations, including the turning radius. They have a green light for the parking and 26 feet back up space and allowable driveway width. Regarding the variance, they made the variance findings. The immediate neighbor has 15 units on a 50 feet wide lot at 425 E Graves Avenue. In the small radius she dictated all the addresses: 523 E Graves has 50 feet, 801 E Graves is 50 feet, 433 E Graves is 57 feet, and 420 E Graves is 54 feet. The list is very long. These are three single family houses. They have their own backyard and parking spaces. She understood the concerns.

Chair Hamner

Expressed concerns over the density and the issue of the number of cars showing everybody parked. He stated that taking a single person who has to move a car and get his other car out and he is by himself where does he put the other car in the interim and have the space to move that car in and take his car and continue on his way. He stated that is the byproduct of the density. The project received two modifications. They are compounding the issue of density by reducing the width of the driveway and then reducing the amount of guest stalls that are required or at least providing a blank area where a car can be put temporarily.

Applicant Grigoryan

Clarified that they have only one modification for the driveway width.

Chair Hamner

Asked about the interpretation of the parking.

Planner Tewasart

Replied that the interpretation came about because of the relationship between providing all of the required number of parking spaces and paving the lot to provide those

Chair Hamner	Asked if that was irrespective of the number of bedrooms and size of the home.
Director Basham	Asked if the current code requirements were met for total number of parking spaces for this project.
Planner Tewasart	Replied that the portion that requires the .25 of a parking space per bedroom for a guest parking had not been met.
Director Basham	Asked if one of the parking spaces per unit served as a guest parking space.
Planner Tewasart	Replied yes.
Chair Hamner	Asked what the requirement is for parallel parking for the guest stalls.
Planner Tewasart	Replied 9 feet wide and 20 feet deep.
Applicant Grigoryan	Stated it was clarified with the engineering division. The last space is more than 20 feet deep.
Chair Hamner	Asked if there are any issues with the isle width with parallel parking. He asked about the landscaping. The landscape used to be vertical material not drivable because it had planting. Now there are ground pavers.
Planner Tewasart	Stated that with subterranean parking when landscaping is provided at that level it does not get the required sunlight.
Chair Hamner	Stated that they are at a point where they are missing a lot of the issues that are necessary for quality development.

Planner Tewasart	Indicated that it is two feet at the entrance but the garages are lower.
Director Basham	Asked the applicant if they had a grading plan.
Applicant Grigoryan	Replied they did.
Director Basham	Stated that perhaps they have to continue so that they can further address some of these issues, one of them being the grading plan.
Applicant Grigoryan	Stated they had some comments or corrections from the engineering department regarding the grading but right now they are free because everything is clear. The only thing holding the project is the subdivision and variance issue because they have all the corrections from the building, engineering and fire departments and they met all the requirements.
Director Basham	Stated that the Commission is aware that they disclosed for the record that they moved ahead through the plan check process without first getting approval from the Planning Commission that is a waiver of their rights. If the Commission has issues associated with the entitlements that do impact the project then they will not be issued a building permit until the matters are corrected. That is part of the liability that is taken as an applicant who wants to move forward in the process without getting the entitlements secured beforehand. It is not a typical process that someone does but when they do accept that, it is their waiver of liability and any costs associated with the plan check or design of the plans.
Planner Tewasart	Stated that the variance is significant to the development of the project. The tentative map is for condominium purposes.
Director Basham	Stated that he needs to explore whether or not the engineering division actually looked more in detail the outside issue as it relates to traffic hazards and the probability associated with this project which could warrant a memo from the City Engineer that would specify whether or not they looked at this in detail and what specifically would be their recommendation.

Asked if the applicant would entertain a continuance to the next regularly scheduled meeting so they can do their due diligence.

Replied yes.

Xin Kung Bei
515 Sefton Ave #F
Monterey Park CA 91754

Stated he has lived on Sefton Avenue for seven years and has concerns about the outside parking issues.

MOTION:

Moved by Chair Hamner seconded by Commissioner Ruiz, to continue the project to the August 14, 2012 meeting.

AYES: Chair Hamner, Vice Chair Sullivan,
Commissioners Liang and Ruiz
NOES: None
ABSTAIN: None
ABSENT: None

Planner Tewasart

Provided a brief summary of the project.

Stated that the building on page 5 of 7 the aerial map has a white outline of the building from the front of Garvey Avenue all the way back. Yet the actual business stops halfway back because there is a bakery back there under a separate address. He asked if the liquor license also includes the bakery.

Replied that the white line represents the parcel line and the license is only for the restaurant.

Indicated that one of the items in the Resolution Section 3 states no separate bar area is permitted, but the plan shows a bar. It is kind of an odd looking bar, but is noted as a bar. He asked if it is more of a food service bar.

Replied it is a drink station for fountain drinks.

Director Basham

Stated that it is probably just a typographical error. It is just a matter of omitting it from the plan itself which stands as enforceable as a condition that says no bar.

OPENED PUBLIC HEARING

REPRESENTATIVE

Terrence Kwok
260 E Garvey Ave
Monterey Park CA 91754

Stated that the bar is a beverage serving area.

Chair Hamner

Asked if the representative received the staff report and resolution and if there are any concerns or questions about the findings or the resolutions or conditions of approval.

Representative Kwok

Replied no.

Commissioner Ruiz

Besides security what else has the Police Department asked for.

Chair Hamner

Stated that in the Resolution Section 3 it is broken down into sections by departments and items 21 through 31 are a number of conditions on page 6 of 8. He asked if the applicant read item 31 which was the employment of a security guard in case the business is open after midnight.

Representative Kwok

Replied they would not be open after midnight.

CLOSED PUBLIC HEARING

MOTION:

Moved by Commissioner Liang seconded by Commissioner Ruiz, to **APPROVE** the Conditional Use Permit (CU-12-02) with a clarification on the bar. The motion was voted on as follows:

VOTE:

AYES: Chair Hamner, Vice Chair Sullivan,
Commissioners Liang and Ruiz

NOES: None

ABSTAIN: None

ABSENT: None

ITEMS FROM

**DEVELOPMENT
SERVICES:**

None

**ITEMS FROM THE
COMMISSION:**

None

ADJOURNMENT:

The Planning Commission adjourned the meeting at 8:30 p.m. on July 10, 2012, until the next regular meeting of August 14, 2012 at 7:00 p.m. in the Council Chambers.

Jim Basham
Director of Community Development

Sylvia Carbajal
Minutes Clerk