

1. Agenda For November 27, 2012

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2. Item For November 27, 2012

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CITY OF MONTEREY PARK PLANNING COMMISSION AGENDA

REGULAR MEETING
CITY HALL—COUNCIL CHAMBERS
320 W. NEWMARK AVENUE
November 27, 2012
7:00 P.M.

Planning Commission

Michael Hamner, Chairperson
Larry Sullivan, Vice-Chair
Hans Liang
Peter Ruiz
Vacant

Staff

James Funk, Interim Director of Community
Development
Robert Smith, Deputy City Attorney
Samantha Tewasart, Associate Planner
Crystal Landavazo, Assistant Planner

CALL TO ORDER:

ROLL CALL:

ORAL AND WRITTEN COMMUNICATIONS:

The public may at this time address the members of the Planning Commission on any matters within the jurisdiction of the Planning Commission, prior to any action taken on the agenda. No action may be taken on off-agenda items except as authorized by law. Speakers are requested to limit their comments to no more than **five minutes** each.

If you would like to address the Planning Commission, please complete the **white speaker's card**. The card is available at the speaker's podium or from the Secretary. Please identify on the card your name, address and the item on which you would like to speak and return to the Secretary. The **speaker's card** assists the Chairperson in ensuring that all persons wishing to address the Commission are recognized. If you wish to speak on an agenda item, your name will be called at the time the matter is heard by Planning Commission.

AGENDA CHANGES AND ADOPTION:

APPROVAL OF MINUTES: October 23, 2012

PUBLIC HEARING:

1. TENTATIVE PARCEL MAP NO. 071187, VARIANCE FOR LOT WIDTH, AND
VARIANCE FOR REDUCED PARKING – 429 E GRAVES AVENUE (PM-12-01/V-
12-01/V-12-02)

The applicant Hayk Martirosian of Techna Land Co Inc, on behalf of the property owner, Danny Tak-Yip Lau, is requesting approval of a tentative parcel map for the subdivision of air rights to establish and maintain a three-unit condominium project, variance for a 50 feet lot width, and variance for reduced parking in the R-3 (High Density Residential) Zone.

ENVIRONMENTAL: The proposed project is categorically exempt in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15302 Class 2 (Replacement or Reconstruction) because the project consists of the replacement of existing structures where the new structures will be located on the same site as the structures replaced, will have substantially the same purpose and capacity as the structures replaced and Section 15303 Class 3 (New Construction or Conversion of Small Structures) because the project consists of the construction of a multi-family residential structure totaling no more than four dwelling units.

RECOMMENDATION: It is recommended that the Planning Commission 1) adopt the Resolution approving the requested Tentative Parcel Map No. 071187 (PM-12-01), Variance (V-12-01) and Variance (V-12-02), subject to conditions of approval contained therein; and 2) take such additional, related action that may be desirable.

**ITEMS FROM COMMUNITY
DEVELOPMENT:**

**ITEMS FROM THE
COMMISSION:**

ADJOURNMENT:

Next regular meeting on December 11, 2012, at 7:00 p.m.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, YOU SHOULD CONTACT CITY HALL, (626) 307-1359 OR TTD/TTY (626) 307-2540. PLEASE NOTIFY THE CITY CLERK'S OFFICE TWENTY-FOUR HOURS PRIOR TO THE MEETING SO THAT REASONABLE ARRANGEMENTS CAN BE MADE TO ASSURE ACCESSIBILITY TO THIS MEETING. STAFF REPORTS, WRITINGS, OR OTHER MATERIALS RELATED TO AN ITEM ON THIS AGENDA, WHICH ARE DISTRIBUTED TO THE PLANNING COMMISSION LESS THAN 72 HOURS BEFORE THIS SCHEDULED MEETING SHALL BE AVAILABLE FOR PUBLIC INSPECTION IN THE PLANNING DIVISION LOCATED AT

320 WEST NEWMARK AVENUE, MONTEREY PARK, CA 91754, DURING NORMAL BUSINESS HOURS. SUCH STAFF REPORTS, WRITINGS, OR OTHER MATERIALS ARE ALSO ON THE CITY'S WEBSITE SUBJECT TO STAFF'S ABILITY TO POST THE MATERIALS BEFORE THE MEETING. THE CITY'S WEBSITE IS LOCATED AT [HTTP://WWW.CI.MONTEREY-PARK.CA.US](http://www.ci.monterey-park.ca.us).

APPROVED BY:

SAMANTHA TEWASART

A handwritten signature in black ink, appearing to be the initials 'AT' or a stylized 'S' followed by a 'T'.



PLANNING COMMISSION

STAFF REPORT

ITEM NUMBER

1

TO: Planning Commission

FROM: Director of Community Development

MEETING DATE: November 27, 2012

SUBJECT: PUBLIC HEARING

TENTATIVE PARCEL MAP NO. 071887 (PM-12-01) TO SUBDIVIDE AIR RIGHTS TO ESTABLISH AND MAINTAIN A THREE-UNIT CONDOMINIUM PROJECT, A VARIANCE (V-12-01) FOR A 50 FEET LOT WIDTH AND A VARIANCE (V-12-02) FOR REDUCED PARKING IN THE R-3 (HIGH DENSITY RESIDENTIAL) ZONE

LOCATION: 429 East Graves Avenue

APPLICANT: Hayk Martirosian
Techna Land Co Inc
1545 N Verdugo Road, Suite 2
Glendale, CA 91208

PROJECT PLANNER: Samantha Tewart
Associate Planner

RECOMMENDATION: After holding the public hearing, (1) adopt the attached Resolution approving Tentative Parcel Map No. 071887 (PM-12-01), Variance (V-12-01) and Variance (V-12-02), subject to conditions contained therein; and (2) take such related action that may be desired.

ZONE: R-3 (High Density Residential)

GENERAL PLAN DESIGNATION: High Density Residential

SITE DESCRIPTION:

Property Size: 50' x 191.12' = 9,556 sq. ft. (0.22 acre)

Surrounding Properties:

North:	R-3 (High Density Residential); residential
South:	R-2 (Medium Density Residential); residential
East:	R-3 (High Density Residential); residential
West:	R-3 (High Density Residential); residential

PROJECT SITE BACKGROUND/PAST CITY APPLICATIONS:

None

LEGAL NOTIFICATION:

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **October 31, 2012** and published in the Monterey Park Progress on **November 8, 2012**, with affidavits of posting and publication on file. The legal notice of this hearing was mailed to **156** property owners within a 300 feet radius and current tenants of the property concerned on **October 31, 2012**.

ENVIRONMENTAL ASSESSMENT:

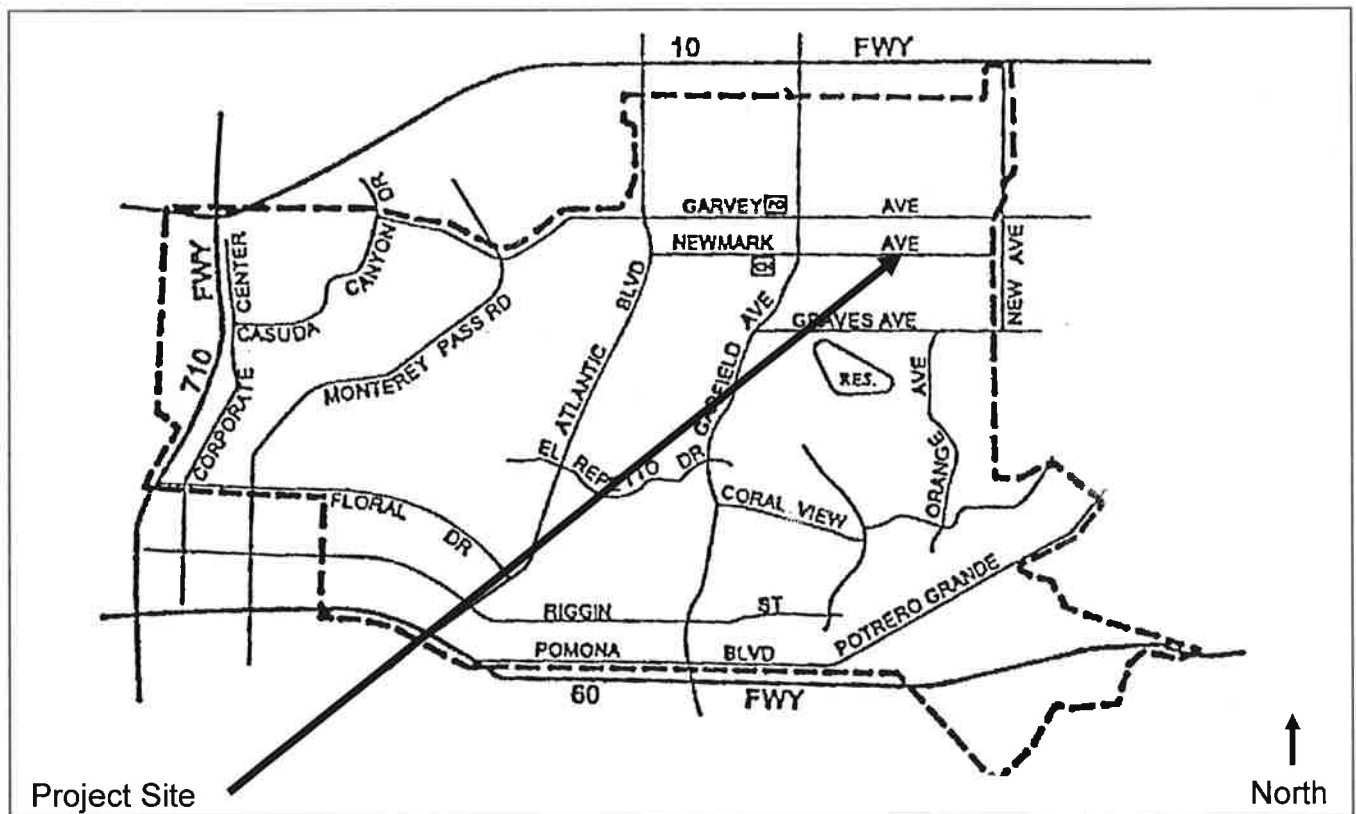
Pursuant to the guidelines of the California Environmental Quality Act (CEQA), the project is categorically exempt from CEQA review under Section 15302 Class 2 (Replacement or Reconstruction) because the project consists of the replacement of existing structures where the new structures will be located on the same site as the structures replaced, will have substantially the same purpose and capacity as the structures replaced and Section 15303 Class 3 (New Construction or Conversion of Small Structures) because the project consists of the construction of a multi-family residential structure totaling no more than four dwelling units.

GENERAL PLAN CONSISTENCY:

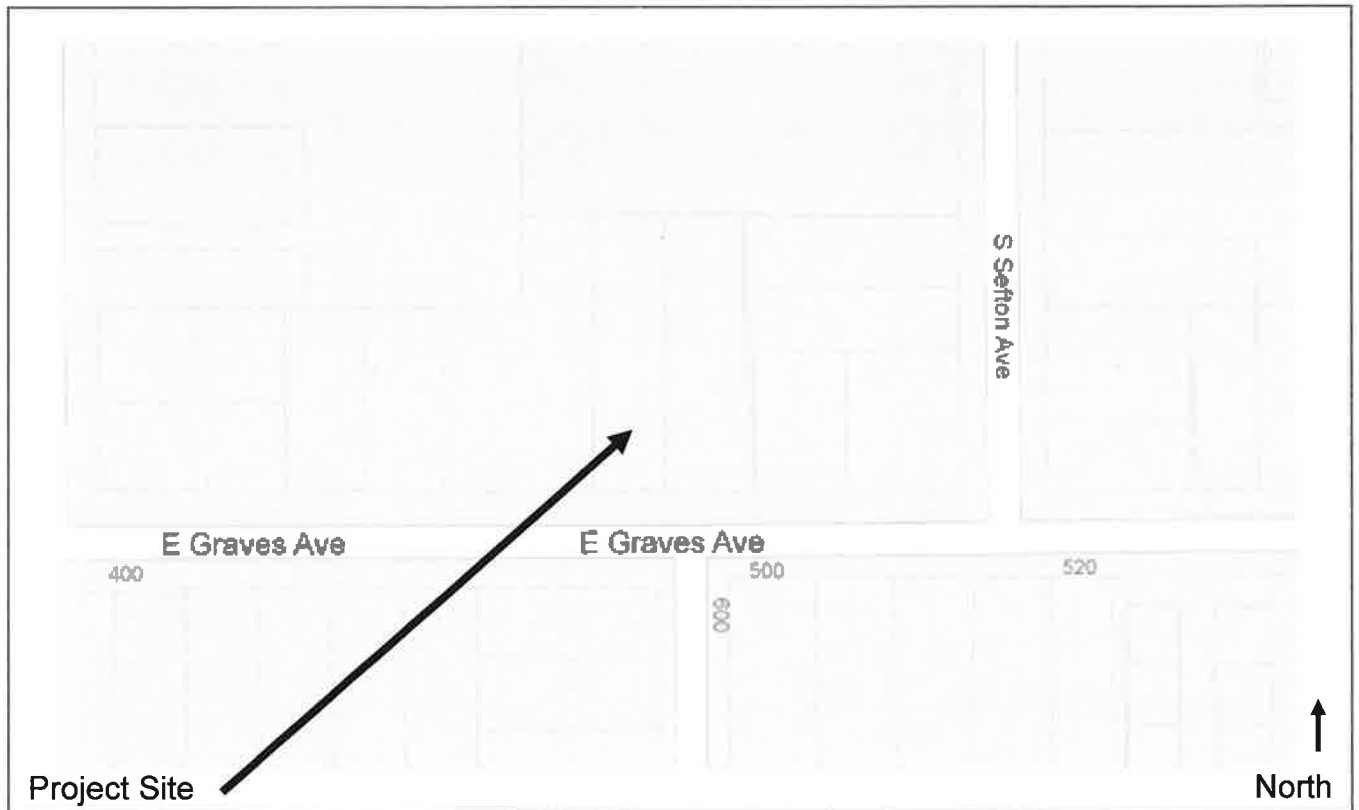
The proposed subdivision and variances are consistent with the City's General Plan because the project is a three-unit condominium development, which is compatible with the high density housing allowed in the High Density Residential land use category. The subject property is proposed to be developed at a maximum density of 14 dwelling units per acre, which will not exceed the maximum allowed standard of 25 dwelling units per acre for High Density Residential areas. General Plan Land Use Policy 10.1 states to ensure that the City's zoning regulation, subdivision regulations, and design guidelines are crafted to achieve compatibility between established residential dwellings and new

residential developments within the same neighborhood. The proposed subdivision and variances are consistent with General Plan Land Use Policy 10.1 because the proposed project is compatible with the established residential dwellings within the vicinity that are developed with multi-unit residential dwellings. The proposed subdivision and variances will maintain the quality and character of the residential neighborhood and will allow the property to be developed similar to other properties in the vicinity and same zone.

VICINITY MAP:



STREET MAP:



AERIAL MAP:



ANALYSIS AND EVALUATION OF PROJECT:

Discussion of Issues Raised By Planning Commission

This project was continued from the Planning Commission hearing of July 10, 2012 to allow the applicant time to address the issues and concerns raised at the hearing. The issues and concerns raised include: 1) number of parking spaces provided on the property; 2) vehicle circulation; and 3) traffic safety as vehicles exit the property.

- 1) According to Monterey Park Municipal Code (MPMC) Section 21.40.020, four parking spaces are required for each unit containing four bedrooms or any unit 1,501 square feet or greater. One-quarter parking space required per bedroom shall be guest parking. The Director has issued an administrative clarification that, in accordance with Section 21.40.020(a) of the Monterey Park Municipal Code, the required parking for "Multiples" is the regular parking requirement plus one-quarter guest space per bedroom. (See attached memorandum dated October 17, 2012.) Before the Planning Commission considers the variance to this requirement, the developer requests that the Planning Commission consider its appeal of the Director's clarification pursuant to the

procedure set forth in MPMC Section 21.74.030. The developer explains his basis to appeal in the attached correspondence. In part, the developer's appeal is based upon the fact that staff for many years had interpreted this ordinance to include the guest parking requirement in the regular parking requirement, rather than in addition to the regular parking requirement. The developer also believes the ordinance is ambiguous or clearly does not require the additional guest parking.

However, if the prior staff interpretation were correct, the language regarding guest parking for multi-dwelling units would be rendered superfluous, as it would be already incorporated into the general parking requirement. The only way to properly reconcile the language is to interpret it as meaning that the guest parking is in *addition* to the required parking. Therefore, this provision is unambiguous. Any prior incorrect staff determinations cannot bind the City, as incorrect staff determinations contrary to the plain language of the City's zoning code cannot prevent the City from later correcting the incorrect determination. The Planning Commission's determination on this matter can be appealed to the City Council. Staff recommends that the Planning Commission uphold the Decision of the Director of Community Development on this issue. If the determination is upheld, then a variance from parking requirements as discussed below is required in order for this project to proceed. If this determination is not upheld, then no such variance is required.

- 2) According to MPMC Section 21.40.020(a), one fourth of a parking space per bedroom is required in addition to the regular parking requirement to function as a guest parking space. The required number of parking spaces for this project, based on the square footage and number of bedrooms, is 15. 12 spaces are proposed to be provided. Each unit will have an attached 3 car garage and 3 unenclosed guest parking spaces will be provided. An additional 3 spaces is required. A variance is requested for the reduced number of parking spaces. As explained below in the Section regarding the request for a variance from parking requirements, the existing lot dimensions make this property unique from the properties in the vicinity and same zone and justify a variance. The lot dimensions limit the layout options to develop this property.

600 FEET RADIUS MAP:



- 3) The applicant obtained the services of KOA Corporation to analyze the circulation conditions on the property and prepare a technical memorandum. KOA conducted simulation tests and recommended increasing the backup space from 26 feet to 28 feet, which has been revised on the parking plan. The guest parking layout has also been modified to provide two turn-in guest parking stalls and one parallel parking stall, instead of three parallel spaces. The redesign of the guest parking stalls has allowed the project to provide a 'no parking' area at the northeastern side of Unit 1.
- 4) Traffic safety was also analyzed by KOA. KOA determined that traffic safety should improve with the project because all outbound traffic will exit the driveway head first and visibility will improve with the 16 feet wide driveway instead of the existing 10 feet wide driveway.

Staff has reviewed the revisions to the proposed project and believes that the applicant has addressed the items identified at the previous hearing.

Background

The applicant Hayk Martirosian of Techna Land Co Inc, on behalf of the property owner, Danny Tak-Yip Lau, is requesting approval of a tentative parcel map for the subdivision of air rights to establish and maintain a three-unit condominium project and a Variance for a 50 feet lot width at 429 East Graves Avenue. The subject property is zoned R-3 (High Density Residential). The lot is 9,556 square feet in size. The lot width is 50 feet and the lot depth is 191.12 feet. The property is currently developed with a single-family dwelling and detached two-car garage constructed in 1970. Per R-3 zoning standards, a maximum building density of 1 unit per 3,000 square feet of lot area applies to this property. The property owner is permitted to build up to three units on the property. The property owner proposes to construct three residential dwelling units on the property and subdivide the air rights for condominium purposes.

Project

The proposed three units are two-stories with four bedrooms. The front unit is 2,052 square feet and the two rear units are 1,986 square feet. The dwelling units will meet the required setbacks of 25 feet for the front and rear yards, 5 feet for the first floor side yard, and 10 feet for the second floor side yard. The project provides a total of 12 parking spaces. The front and rear units will each have a three-car garage. Three guest parking spaces are provided adjacent to the front unit's garage. The City's Engineering Division reviewed the circulation and parking and has no objections to the design.

The minimum usable open space area required for units over 800 square feet is 400 square feet, or 1,200 square feet total for this project. The three units have 2,150 square feet of total usable open space. Private open space is provided adjacent to each unit with the front unit's open space area in the front yard and the two rear units' open space in the rear yard. The minimum private open space area required is 150 square feet. The front unit will have 246 square feet of open space and the two rear units will have 481 square feet of open space. The private and usable open space total provided is in excess of the minimum requirements. Common open space is not required for a three-unit development.

Variance for Lot Width

The existing lot width is 50 feet wide. According to Monterey Park Municipal Code (MPMC) Section 21.12.080(b), each lot in the R-3 Zone shall have a minimum lot width of not less than 60 feet. The applicant is requesting a variance from the minimum lot width requirement of 60 feet to the existing 50 feet lot width.

According to MPMC Section 21.70.010, when practical difficulties, unnecessary hardships or results inconsistent with the general intent and purpose of this title occur by reason of the strict and literal interpretation of any of its provisions, a variance may be granted.

According to MPMC Section 21.70.020, before any variance shall be granted, the applicant must show, to the satisfaction of the Planning Commission, all of the following facts:

1. That there are special physical circumstances of the property, such as size, shape, topography, location or surroundings that do not generally apply to other properties in the vicinity and same zone.

There is a special physical circumstance of the property because the property is an existing lot with a lot width of 50 feet which was established prior to 1963. The provision in the City's Zoning Ordinance requiring a lot width of 60 feet in the R-3 zone, MPMC Section 21.12.080, was adopted in 1976. The project does not involve physical changes to the existing lot size, shape or topography. The project is the subdivision of air rights for condominium purposes, which does not affect the existing lot lines. This special physical circumstance of the property, that its legal width is below the minimum width required for development within the zone, does not generally apply to other properties in the vicinity and same zone.

2. That because of such circumstances or conditions, such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity and in the same zone, but which is denied to the property in question.

Due to the existing physical characteristic of the property a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity and in the same zone, but which is denied to the property in question, i.e. the right to subdivide due to the existing width being inconsistent with applicable zoning. No changes are proposed to the lot size, shape and topography.

3. That the granting of the variance will not adversely affect the general plan or purpose of the provisions of the Zoning Code.

Granting the variance will not adversely affect the General Plan. The subject property is designated High Density Residential in the General Plan, which allows for a broad range of dwelling unit types. The residential units consist typically of apartments, condominiums, and townhomes built at a maximum density of 25 units per acre. The property is proposed to be developed at a maximum density of 14 dwelling units per acre. Goal 10.0 in the General Plan Land Use Element is to maintain the quality and character of Monterey Park's residential neighborhoods. In order to achieve Goal 10.0, Policy 10.1 states to ensure that the City's zoning regulations, subdivision regulations, and design guidelines are crafted to achieve compatibility between established residential dwellings and new residential developments within the same neighborhood. Properties to the north, south, east, and west of the subject property are developed with apartment, condominium, and multi-unit buildings. Granting the variance will not adversely affect the Zoning Code because the variance is for a physical nonconformance of the lot, but in all other respects the proposed project will be in compliance with the zoning development standards.

Variance for Number of Parking Spaces Provided on the Property

The required number of parking spaces based on the square footage and number of bedrooms is 15. 12 spaces are proposed to be provided. According to Monterey Park Municipal Code (MPMC) Section 21.40.020, four parking spaces are required for each unit containing four bedrooms or any unit 1,501 square feet or greater. In addition, one-quarter parking space required per bedroom shall be guest parking.

According to MPMC Section 21.70.010, when practical difficulties, unnecessary hardships or results inconsistent with the general intent and purpose of this title occur by reason of the strict and literal interpretation of any of its provisions, a variance may be granted. According to MPMC Section 21.70.020, before any variance shall be granted, the applicant must show, to the satisfaction of the Planning Commission, all of the following facts:

1. That there are special physical circumstances of the property, such as size, shape, topography, location or surroundings that do not generally apply to other properties in the vicinity and same zone.

There is a special physical circumstance of the property. The existing lot dimensions, 50 feet wide and 191 feet deep, make this property unique from the properties in the vicinity and same zone. The lot dimensions limit the layout options to develop this property. Within 600 feet of the subject property there are no other lots with the same lot dimensions as the subject property. First, there are 3 lots that are 50 feet wide, but are shallower than the subject property. The density requirement for those lots permits one or two units, not three, like the subject property. Second, although the lot adjacent to the subject property to the east appears to be similar in size, the lot width of the adjacent property is 57 feet, which provides more land area for more layout options on this property. Third, there are 4 lots that are less than 50 feet wide and the density requirement for these lots permit only one unit. Finally, the lot dimensions of the subject property make it difficult for the property to enjoy the same development privileges as other properties in the vicinity that are either wider, deeper or both.

The project does not involve physical changes to the existing lot size, shape or topography. The project is the subdivision of air rights for condominium purposes, which does not affect the existing lot lines. This special physical circumstance of the property does not generally apply to other properties in the vicinity and same zone.

2. That because of such circumstances or conditions, such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity and in the same zone, but which is denied to the property in question.

Due to the existing physical characteristic of the property a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity and in the same zone, but which is denied to the property in

question, i.e. the right to subdivide into 4-bedroom units due to the existing lot dimensions. No changes are proposed to the lot size, shape and topography.

3. That the granting of the variance will not adversely affect the general plan or purpose of the provisions of the Zoning Code.

Granting the variance will not adversely affect the General Plan. The subject property is designated High Density Residential in the General Plan, which allows for a broad range of dwelling unit types. The residential units consist typically of apartments, condominiums, and townhomes built at a maximum density of 25 units per acre. The property is proposed to be developed at a maximum density of 14 dwelling units per acre. Goal 10.0 in the General Plan Land Use Element is to maintain the quality and character of Monterey Park's residential neighborhoods. In order to achieve Goal 10.0, Policy 10.1 states to ensure that the City's zoning regulations, subdivision regulations, and design guidelines are crafted to achieve compatibility between established residential dwellings and new residential developments within the same neighborhood. Properties to the north, south, east, and west of the subject property are developed with apartment, condominium, and multi-unit buildings. Granting the variance will not adversely affect the Zoning Code because the variance is for a physical nonconformance of the lot, but in all other respects the proposed project will be in compliance with the zoning development standards.

RECOMMENDATION:

After holding the public hearing, staff recommends that the Planning Commission:

- (1) Pursuant to the procedure set forth in MPMC Section 21.74.030, uphold staff's clarification that under Section 21.40.020(a) of the Monterey Park Municipal Code that the required parking for "Multiples" is the regular parking requirement plus one-quarter guest space per bedroom.
- (2) Adopt the attached Resolution approving Tentative Parcel Map No. 071887 (PM-12-01), Variance (V-12-01) and Variance (V-12-02), subject to conditions contained therein; and
- (3) Take such related actions that may be desired.



Samantha Tewasart
Associate Planner

Attachments:

1. Community Development Director's Memorandum, dated October 17, 2012
2. Developer's Correspondence, dated October 22, 2012
3. Developer's Correspondence, dated November 15, 2012
4. KOA Corporation Technical Memorandum, dated September 12, 2012
5. Public Works Department Memorandum, dated July 24, 2012
6. Draft Resolution
7. Site, Floor, and Elevation Plans
8. Tentative Parcel Map No. 071887