



OFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
320 W. NEWMARK AVENUE
November 27, 2012
7:00 P.M.

Planning Commission

Michael Hamner
Larry Sullivan
Hans Liang
Peter Ruiz

Staff

James Funk, Lead Planner/Economic and Development
Special Projects Manager
Robert Smith, Deputy 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 Vice Chair Sullivan.

ROLL CALL:

COMMISSIONERS PRESENT:
COMMISSIONERS ABSENT:
STAFF:

Chair Hamner, Vice Chair Sullivan, Commissioner Ruiz
Commissioner Liang
Lead Planner/Economic and Development Special
Projects Manager James Funk, Deputy City Attorney
Robert Smith, Associate Planner Samantha Tewasart

AGENDA CHANGES
AND ADOPTION:

None

ORAL AND WRITTEN
COMMUNICATIONS:

SPEAKER:

Thomas Wong
San Gabriel Valley Municipal
Water District Board of Directors

He spoke on behalf of Metro regarding the SR-710 environmental site issue which is a concern for many in the community. He spoke about the Environmental Study and EIR process that is ongoing and wanted to make sure the public has the opportunity to participate in process as the project moves forward. On January 23, 2013 and January 24, 2013 and January 26, 2013, they will be having open house meetings in regards to where they are with the alternative analysis phase of the EIR

and remaining alternatives that will be considered going into the draft EIR.

APPROVAL OF MINUTES:

MOTION:

On motion by Commissioner Ruiz, seconded by Vice Chair Sullivan, to **APPROVE** the minutes for October 23, 2012. The motion was voted on as follows:

The motion was voted on as follows:

VOTE:

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

PUBLIC HEARING:

UNFINISHED BUSINESS:

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

Planner Tewasart

Stated that this originally was a tentative parcel map application for the subdivision of air rights to establish and maintain a three-unit condominium development. Upon review of the project it was founded that the lot width being at 50 feet and the zone requires 60 feet triggered a variance for the lot width. Following the meeting of July 10 arose the item of the required number of parking spaces which trigger a second variance for this project.

This staff report summary is going to focus on the items that were raised at the Planning Commission of July 10. At that meeting three specific items were raised 1) being the required number of parking spaces, 2) the vehicle circulation and 3) traffic safety as vehicles exit the property. In regards to item 1 the required parking , the Zoning Code states that four parking spaces are required for each unit containing four bedrooms or any unit that is 1,501 square feet or greater. One quarter parking space is required per bedroom shall be guest parking. The Director has issued an administrative clarification that the

required parking for multiple unit developments is the regular parking requirement plus one quarter guest parking per bedroom. One of the items before the Planning Commission this evening is to consider the request by the developer to appeal the Director's clarification. The developer's appeal is based upon the fact that staff for many years had interpreted the ordinance to include the guest parking requirement in the regular parking requirements rather than in addition to. The developer also believes that the ordinance is ambiguous and/or clearly does not require the additional guest parking. The Planning Commission's determination on this matter can be appealed to the City Council. If the determination is upheld then a variance for the parking requirement is required in order for the project to proceed. And if the determination is not upheld then no such variance is required. If the Director's determination is upheld then the required number of parking spaces for this project based on the square footage and number of bedrooms is fifteen. Twelve spaces are proposed, an additional three spaces is required. A variance is requested for the reduced number of parking spaces. The existing lot dimensions make this property unique from the properties in the vicinity and in the same zone and justify a variance. The lot dimensions limit the layout options to develop the property.

Regarding item 2 the vehicle circulation, the vehicle back up distance has been revised from the required 26 feet to 28 feet. The guest parking layout has also been modified to provide two turn in guest parking stalls and one parallel stalls instead of the three parallel stalls that was originally proposed. Also a no parking area at the northeastern site of unit 1 is also provided.

Regarding item number 3 the traffic safety, the entrance into and out of the property has been studied by the Public Works Department and a traffic consultant company and the analysis shows that a safety issue does not exist once the vehicle enters the public right-of-way or the sidewalk area. Staff is making the following recommendations to the Planning Commission this evening. Uphold staff's clarification and adopt the Resolution approving the tentative parcel map Variance 12-01 for the lot width and Variance 12-02 for the

reduced parking and to take any related actions and this includes the staff report.

Vice Chair Sullivan

Asked how the memo dated October 2, 1991 fit into equation of the item just discussed. In reading the different exhibits and code, there was a question about a number of bedrooms. There is sheet from 1991 that refers to a library or study of similar habitable room which could be used as a habitable room but could be used as a bedroom. He questioned if the code requires that a bedroom had to have a window by law.

Planner Tewart

Replied that this may be a building and safety question. She stated that this was not the issue with this project.

OPENED PUBLIC HEARING:

ENGINEER:

Hayk Martirosian
1545 N Verdugo Road Ste 2
Glendale CA 91207

Stated that he is the civil engineer preparing the tract map and all the civil drawings. They heard the Commission's comments and concerns regarding the project. Most of the concerns were for the number of proposed parking spaces, visibility of the car's back up space and visibility of the cars entering and exiting the site. Due to the Commission's concern they revisited the design and redesigned the parking spaces, especially the guest parking area to give more maneuvering area, more back up space and widened the area from 26 feet to 28 feet to provide more back-up space. They provided a traffic study and analysis to see what effect this project will have on the traffic area and the study revealed that traffic safety should improve with widening the driveway and giving more back up space. The traffic study since was submitted to City Engineer and the City Engineer concurred with the findings. They have accomplished the Commissioners concerns as far as meeting the Planning, Building and Public Works requirements. The project is consistent with the City's General Plan and is compatible with the high density housing regarding the same zone. However, in order for the project to go forward at this time they are requesting two variances to be included as part of this project. One is to have a reduced lot width of 50 feet in lieu of 60 feet which is required under the R-3

Zone and the second is reduced parking spaces from 15 to 12 to meet the municipal code requirements. They have read the conditions in resolution and concur with conditions and will comply fully with the conditions, except condition number 6 that needs to be modified to read that in addition and in lieu of condition number 5 hearing that the applicant, the property owner agrees to be subject to a development impact that the City may process to finance anyone or lieu of the matter set forth in condition number 5 or to finance police protection services, fire protection and safety services that are adopted and effective at the time of building permit application.

ARCHITECT:

Hernad Der Sarkissian
520 E Live Oaks Boulevard
Glendale CA 91207

Stated the parcel was acquired by Mr. Lau with the representation that he could support 6 units, unfortunately that was not the case. They were retained to design this project and have done multiple projects with this client as well as many other cities. The project could only support 3 units, and they aimed the design of this project as what they saw as the potential client which are young professional families with perhaps elderly people living with them so if you look at the design there is a bedroom on the first floor, a bathroom on the first floor and it is meant to support the Asian community that is chiefly the professional part that is the majority of the residential.

It is a replacement for an old dilapidated house and this works with the general plan. It supports that it provides an alternative housing, a house that has less maintenance, people who don't care to have a large yard but they need some amount of square footage. From his point of view, the parking is not only totally adequate it has always been completely compliant. The design again was to create quality housing replacement and they started the project in July of 2011. A project had never been done in Monterey Park, they came to the counter with very rough sketches and some ideas and after several meetings it evolved into a project that had a common garage. That worked out and they submitted for formal site plan review. During the site review as a result

of the site review it was determined that the garages had to have doors and since they had to have doors this community zoning ordinance dictated a deeper dimension than what they had provided. It forced them to change the scheme and reorient the garages to be able to create the depth that was required.

At that point they felt that they had crossed all the bridges, so they filed for a permit. It is his practice that they file for a permit before they go to a subdivision meeting. Changes later are very costly and very difficult to implement. In this project because the project has been designed under a section of the building code that exempts the building from ADA by being a condominium of less than 4 units they forced the subdivision to be filed earlier than normally they would have done because they had to have that subdivision finished before they could pull the permit for building. They basically received the site review, received comments from the plan check, received two sets of comments during the process of subdivision application and none of them had any of the two issues that are in front of the Planning Commission. They were never brought up and never mentioned. The first time they had a hint about the substandard lot dimension was at the last review by the City Attorney for the next hearing and it was suggested that they should apply for a variance which they did and he wrote some of the findings and edited it. This project went on its path and was scheduled to be heard on the 23rd and 6 hours before the hearing they got a call despite the fact that they got a positive recommendation, at 12:00 Mr. Lau got a call that there would be a comment by the City Attorney indicating that the parking was inadequate. From there on there has been a mood of revising trying to comply with whatever they could.

There was a meeting with Director Basham, which he would characterize as a turning point for the attitude. Until then they had a totally positive supportive helpful relationship, actually Mr. Basham liked the scheme. Someone from the City referred another realtor to him to talk to him about a clever solution that they were doing to this lot, but he dissuaded him from essentially buying the parcel because the land cost was very high. Even this project is very marginal and this was bought under an

incorrect set of information. Otherwise, he would not have advised this client to buy this parcel even at this price because the land cost element is very high and the other gentlemen came in and visited him and wanted to buy a parcel and he told him that his view was that this would not make sense. He had separate presentations on the elements that relate to the parking, separate set of presentations on the element that relate to the parcel. He was prepared to go through any details that the Commission wished and hoped that he will have support and the project after four months of delay is approved and can be finalized and deliver three nice houses to the community.

ATTORNEY:

Lisa Kranitz
2800 28th Street
Santa Monica CA

Introduced herself and addressed the issues relating to the former Director's interpretation on the requirement for municipal code parking. Since the Ordinance has gone through a number of changes through the years, in earlier years the parking requirements clearly said when it referred to guest parking as an additional space, and they used very clear language that guest parking was not part of the base parking. In 1987 and 1989, the Parking Ordinances were revised to what the language essentially provides now which is simply when they are talking about 4 bedrooms they are talking about each unit containing 4 bedrooms or any unit 2,000 square feet and right below that it says one quarter parking space required per bedroom shall be guest parking it does not say in addition to, it does not say plus, although that same type of language is used throughout other issues of section 21.40.020.

They have the memo that they handed out from 1991, it shows that in 1991 a four bedroom unit only needed four parking spaces. The language about the den with the closet is language that still exists in the code that says den, library, similar habitable rooms which in the opinion of the planner could be used as a bedroom will be counted as a bedroom for parking not relevant to this project as was stated it is simply in there because that is how the code currently reads. Back in 1991, the code required four parking spaces for four bedrooms up until

the July 10 Planning Commission meeting the code has always been interpreted in that same manner.

With respect to Mr. Smith who indicated there were a few projects that had not been interpreted that way, they did a public records request for every project that had been approved in the R-3 Zone that had been approved in the last 10 years going back to 2002 they were given 30 files and every single one of those files the parking requirement was interpreted the exact same way as had been interpreted up until the Director of Community Development Jim Basham changed the interpretation in the middle of this project. In addition, the applicant himself had found some R-2 projects which had the same type of language for R-2 and R-3 that had been interpreted the same way. If there has been a project that was interpreted differently it was not turned over to them in response to our public records act request. From what they can tell it has never been interpreted any way but the four parking spaces, guest parking to be part of the base parking.

The City Attorney's Office stated that it has to mean in addition or the language would be superfluous, that is not true. The code has very specific standards for guest parking where guest parking should be located, signage relating to guest parking, therefore you need to know how much of the parking is to be allocated to guest parking, to know where to place, how much to place in addition to your parking that is required for the unit itself. She wanted to point out that the minutes of the July 10 meeting are somewhat confusing on page 5 of those minutes Samantha indicated that the guest parking is factored into the fourth required parking space, the issue came up again later around page 12 of the minutes of July 10 and she states "It was determined based on the code for single family dwelling three car garage can be provided with one unenclosed guest parking space, then there's a statement and it may have been a misstatement, that parking had not been made. Director Basham asked if one of the parking spaces per unit served as guest parking and she replied yes, perhaps correcting where she had said not. She wanted to point out that the staff report that was originally prepared for the September 25, Planning Commission meeting, the

one where Mr. Lau received a call 6 hours before the meeting, also states that the project meets the code requirements with twelve units, so staff again had interpreted it for the September 25 meeting and then it was at the last minute when he was informed that he needed three additional spaces that is the reason for the request for tonight's meeting.

That summarizes the important points of what is laid out in her letter and the attachments. She requested that this Commission in accordance with the provisions the municipal code review, former Director's Jim Basham interpretation and determine that that interpretation is incorrect that the determination that the quarter parking space is part of the base parking be reinstated and that section 4 of the Resolution provide that the variance for parking is not required based on Commission's determination that the guest parking is included in the based parking study, and therefore the Variance would not be required.

Deputy Attorney Smith

Stated that the Assistant City Attorney Elizabeth Calciano that reviewed is not here and she was the one that reviewed those applications. He could only report that she found one or two that are consistent with former Director Basham's interpretation that may be because of the difference in interpretation of the particular applications, but he could only guess as to that without going into further detail with Ms. Calciano about her review of those prior applications, and again he did not know the time frame from her review. He would have to get further detail on that. He did know that staff did an exhaustive search in response to the request to the public records request and have given all relevant documents for responsible request.

Attorney Kranitz

Stated she is the Assistant City Attorney for three cities and she wanted to commend the City Clerk staff and the Planning Department staff for the records that were provided. They pulled decades of old records and she knows how difficult that is and they were friendly and cooperative and nothing but helpful the whole way. She really appreciated that and she knew how tough that job is.

Vice Chair Sullivan

Brought up the issue of Graves and the traffic, and what the project will do to the traffic on Graves. He asked if the driveway going be wide enough given that traffic. He too sat and looked at that driveway for a couple of days at certain times during the day to see what the traffic pattern was on that street. He approached the City and asked them to have traffic look at the stop sign there and if they needed it to be moved possibly just overall for Graves not only this project.

One of the most abused words in the industry is the word guest. They could sit there and say for the sake of this conversation the word guest is for this parking space, but the reality is somebody is going use the word convenient and an owner is going to come home and pull into the guest spot. They are an owner and they are looking at who ever those owners are to manage this, but the reality of it is today they are going to possibly use that guest spot for their own use instead of having to go downstairs and open the garage. His concern is that Graves street and the traffic not just the building that is being put on that street but also the width of the driveway that is being talked about because as people park in certain spots it creates a blind driveway for the project. That to him was still an issue on Graves, maybe not so much an issue for the project but more so the City having to deal with the traffic that is not going to be put over there, that the volume of traffic will be increasing on that street.

He stated that he still had a little bit of a concern with the whole issue the Chairman brought up last time about 12 parking spaces and challenged the whole project and sent staff back to review this and the city has not been as proactive in getting back to you or even reactive in getting back to you in a timely manner and apologized for that. But the reality of it is they want to make this work for the project. His other concern is that they as a staff have to address this issue now here as to this parking and the understanding and what it does mean, given all these dates of 1985, 1991, 1987, 1989 and all these different variations of what they are going through even with the project they need to address that. The staff needs to address it, clean it up, and refine it. He did not want to see this project take this issue or make this concession or variance and all of a sudden and be made a cookie

cutter. He wanted to make sure that this issue was addressed and they come to some resolution and everybody walks away happy on this thing. But at the same time he wanted to make sure that for his fellow residents in this City that he is not going give his blessing on something that is going to haunt them.

Commissioner Ruiz

Stated he was concerned that small projects set precedent for bigger projects.

CLOSED PUBLIC HEARING:

MOTION:

Moved by Commissioner Ruiz, seconded by Chair Hamner to, **DENY** the appeal of the Community Development Director's administrative interpretation and **UPHOLD** the Community Development Director's administrative interpretation of the Municipal Code.

The motion was voted on as follows:

VOTE:

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

MOTION:

Moved by Vice Chair Sullivan, seconded by Commissioner Ruiz, to **APPROVE** the Tentative Parcel Map No. 071187, Variance for reduced lot width and Variance for reduced parking to establish and maintain a three-unit condominium development, subject to the conditions there in with a minor modification.

The motion was voted on as follows:

VOTE:

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

**ITEMS FROM
DEVELOPMENT
SERVICES:**

None

**ITEMS FROM THE
COMMISSION:**

None

ADJOURNMENT:

The Planning Commission adjourned the meeting at 8:30 p.m. on November 27, 2012, until the next regular meeting of December 11, 2012, at 7:00 p.m. in the Council Chambers.

James Funk
Lead Planner/Economic and Development Special
Projects Manager

Sylvia Carbajal
Minutes Clerk