



**OFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
320 W. NEWMARK AVENUE
August 13, 2013
7:00 P.M.**

Planning Commission

Michael Hamner
Larry Sullivan
Ricky Choi
Rodrigo Garcia
Stephen Lam

Staff

James Funk, Lead Planner/Economic and Development
Special Projects Manager
Karl Berger, Assistant City Attorney
Samantha Tewasart, Acting Senior Planner

CALL TO ORDER:

The Planning Commission meeting was called to order at 7:05 p.m. by Chair Michael Hamner.

ROLL CALL:

COMMISSIONERS PRESENT:

Chair Hamner, Vice-Chair Sullivan, Commissioners Choi, Garcia, and Lam

COMMISSIONERS ABSENT:

None

STAFF:

Lead Planner/Economic and Development Special
Projects Manager James Funk, Assistant City Attorney
Karl Berger, Acting Senior Planner Samantha Tewasart

ELECTION OF OFFICERS:

MOTION:

Moved by Vice-Chair Sullivan, seconded by
Commissioner Choi, to elect Michael Hamner as
Chairperson. The motion was voted on as follows:

VOTE:

AYES: Chair Hamner, Commissioners Sullivan,
Choi, Garcia, and Lam

NOES: None

ABSTAIN: None

ABSENT: None

MOTION:

Moved by Chair Hamner, seconded by Commissioner
Lam, to elect Larry Sullivan as Vice-Chair. The motion
was voted on as follows:

VOTE:

AYES:	Chair Hamner, Commissioners Sullivan, Choi, Garcia, and Lam
NOES:	None
ABSTAIN:	None
ABSENT:	None

**AGENDA CHANGES
AND ADOPTION:**

None

**ORAL AND WRITTEN
COMMUNICATIONS:**

None

SPEAKER:
David Barron

He spoke as a previous Planning Commission member, about the importance of the Planning Commission, whose decision is crucial to the City. He stated congrats to all commission members.

APPROVAL OF MINUTES:

None

PUBLIC HEARING:

OLD BUSINESS:

1. CONDITIONAL USE PERMIT – 133 EAST GRAVES AVENUE (CU-13-02)

Chair Hamner:

Stated that Item #1 is a continued item from the previous meeting CU-13-02 at 133 East Graves Avenue. This Item has been asked to be continued to the meeting of September 24, 2013.

MOTION:

Moved by Commissioner Choi, seconded by Commissioner Lam, to **CONTINUE** Conditional Use Permit (CU-13-02) to the meeting of September 24, 2013. The motion was voted on as follows:

VOTE:

AYES:	Chair Hamner, Commissioners Sullivan, Choi, Garcia, and Lam
NOES:	None

ABSTAIN: None
ABSENT: None

NEW BUSINESS:

**2. ZONE CHANGE, CONDITIONAL USE PERMIT, TENTATIVE TRACT MAP NO. 071978 –
809 EAST NEWMARK AVENUE (ZC-12-01/CU-12-07/TM-12-02)**

Planner Tewasart:	Provided a summary of the staff report.
Chair Hamner:	Asked if there were any questions to staff.
Commissioner Lam:	Asked if the project provided any indoor or outdoor recreational area.
Planner Tewasart:	Replied yes.
Commissioner Lam:	Asked the maximum number of units permitted on this R-3 lot.
Planner Tewasart:	Replied 12 units.
Commissioner Lam:	Asked if the proposed units exceed 12 is the reason for applicant to obtain a CUP.
Planner Tewasart:	Replied yes.
Commissioner Garcia:	Asked about the threshold for moderate/low income family.
Lead Planner Funk:	Replied that the standards of moderate and low income are set by HUD requirement. They vary according to the region's annual median income. Moderate income is up to 120 percent of the median income of the region, and the low income is up to 80 percent of the median income of the region. The number is published annually by the HUD office.
Commissioner Garcia:	Asked what the median income is in our region.
Attorney Berger:	Replied that the median income is usually calculated for household in size in a region, such as Los Angeles County. Typically, affordable housing refers to entry level

police officers or teachers, around annually income of \$38,000 to \$40,000 for a household.

Commissioner Garcia: Asked how the ratio of senior citizens occupancy can be enforced.

Planner Tewasart: Replied that the code provision requires the property management to prepare annual reports for the City to review.

Commissioner Garcia: Asked if the report is sent to the Council.

Planner Tewasart: Replied that the report will go to staff.

Commissioner Garcia: Asked if the staff will enforce this.

Planner Tewasart: Replied yes.

Commissioner Garcia: Asked in the planning approval process, if the response of neighbors of the property will be included.

Planner Tewasart: Replied that the City prepared an Initial Study and Mitigated Negative Declaration and a public notice was mailed, posted, and published.

Commissioner Garcia: Asked if neighbors of the property can review these documents.

Planner Tewasart: Replied that the legal notice of this hearing was mailed to property owners within a 300 feet radius, which also notified them that the files and documents are available to review at the Planning counter, Library, and City Clerk's office.

Commissioner Garcia: Asked about the process of the planning approval.

Attorney Berger: Explained the difference between ministerial permit process and discretionary permit process. This type of land use application requires "discretionary" permit process. "Ministerial" permit describes a governmental decision involving little or no personal judgment by the public official, which is like a building permit. "Discretionary" means a project which requires public agency to provide certain findings in the exercise of judgment or deliberation. So before a "discretionary"

permit is issued, neighbors will get notification that such application has been made.

Commissioner Choi: Clarified that sometimes the property owners within the 300 feet radius may not inform the tenants, who may also have concerns. He asked if there were any comments received during the public comments period, except for the comments from Dr. Joseph Chan.

Planner Tewasart: Replied no.

Commissioner Choi: Asked how many units make up other senior housing projects in the City.

Planner Tewasart: Replied that staff did not have the information on hand.

Commissioner Sullivan: Stated Lions Manor, a hub project, has 127 units.

Commissioner Choi: Asked if staff is confident with the project without a traffic study.

Planner Tewasart: Replied that unlike other more intense use, like retail, senior housing would not generate a lot of traffic.

Commissioner Choi: Asked if public transit is accessible from this site.

Planner Tewasart: Replied that the majority of the residential area is not in the Spirit Bus circulation route.

Commissioner Sullivan: Asked whether the 60/40 percentage criterion is based on square footage or units.

Planner Tewasart: Replied that it is based on square footage.

Commissioner Sullivan: Asked if the 44/56 ratio meets the criteria; and after subtracting the management unit, if the project still meets the 60/40 percentage criteria.

Planner Tewasart: Replied that the 60 percent is the maximum percentage of moderate housing, so 56 percent meets the requirement.

Chair Hamner: Stated that the open space that is provided is than the required square footage, and asked if that is a typo.

Planner Tewasart: Replied yes.

- Chair Hamner: Asked if the required parking is calculated according to the new version of code ordinance.
- Planner Tewasart: Replied that the parking requirements for both the new and old ordinance are the same.
- Chair Hamner: Asked about other senior housing projects and size, except for the one mentioned above.
- Planner Tewasart: Replied that another senior housing project is Villa Garfield on South Garfield Avenue that has 88 units, however, staff does not have all the other senior housing developments.
- Chair Hamner: Stated that learned from the previous projects, the parking spaces provided are not sufficient, which is not included in the traffic analysis. He also spoke about the covenant, which only states that the senior housing has to remain senior housing for 55-year period, and asked about the definition for "seniors".
- Attorney Berger: Replied that the 55-year covenant comes from Health and Safety Code Provision regarding affordable housing. And, asked staff if this project is only an affordable housing project.
- Planner Tewasart: Replied that the municipal code also has an age requirement.
- Attorney Berger: Stated that the senior part is an addition requirement in the City's municipal code, and the age requirement is 55.
- Chair Hamner: Asked if the property is for sale.
- Planner Tewasart: Replied the property is owner/developer.
- Chair Hamner: Asked how the City can affirm the project's senior status. He spoke about a possibility that after the owner passing away, his or her kids become the owner through heritage.
- Lead Planner Funk: Replied that this is an ongoing problem in a lot of cities. The city needs to regulate the subject matter through a routine process. He stated that during the process when any building permits are obtained, a reviewing of the residents in the building can be processed at the same

time. Because the covenant is a land use regulation, the City can enforce that more easily.

Chair Hamner: Asked if the project has 9 two-bedroom units.

Planner Tewasart: Replied yes.

Chair Hamner: Stated that two-bedroom means that the second bedroom may be use to accommodate guests or extended family, which may require more parking.

Planner Tewasart: Replied that the second bedroom can also be used for nursing care.

Chair Hamner: Stated that this would probably increase the demand for parking. If the project cannot be self-contained they will take up the street parking spaces.

Commissioner Sullivan: Stated his concern for insufficient parking spaces for the number of units, that 9 two-bedroom units may take 18 parking spaces, and that 35 other units may take another 44 parking spaces.

Commissioner Lam: Asked if it is feasible to allow only one car for one unit.

Planner Tewasart: Replied that the measure of assigned parking spaces is taken in some developments. The proposed project does meet the minimum requirement for parking spaces.

Chair Hamner: Stated that the problem is that the requirement for the parking spaces in the code is less than 1 space per unit.

Commissioner Garcia: Expressed his concern of increasing the density of the lot from 12 units to 45 units. He asked if there is rent control for this project.

Lead Planner Funk: Asked if it is legal to control the rent.

Attorney Berger: Replied that it is not practical to control the rent, in terms of personnel and costs, so the City won't invest in that regulation. Stated that the necessity of building affordable housing, in this case, senior affordable housing, from the perspective of California state law, and of the housing element in City's General Plan. He also stated that, legally speaking, the proposed project has already

provided enough parking spaces, but the Commission can ask for more parking spaces for community sake. He spoke about the rent control, which is not part of the project.

Commissioner Garcia: Stated that there is a mismatch between the affordable housing and this senior housing project.

Attorney Berger: Replied that he is talking about affordable housing in a general sense, and that the State does have a rent control program which is not on the local level.

Planner Tewasart: Stated that the draft of Housing Element will be brought to the Commission on the September 10th meeting, which will require a certain ratio of low and very low income housing in the City. She stated that the proposed project already has 5 additional parking spaces compared to the minimum parking requirement in the code.

Lead Planner Funk: Stated the importance of controlling the occupancy, and the difficulties of regulating and enforcement.

Commissioner Choi: Asked if multiple languages were provided in the notice.

Planner Tewasart: Replied that government code does not require other languages.

Commissioner Choi: Commented that it would be helpful of translating the notice into other languages.

PUBLIC HEARING OPENED: Chair Hamner opened the public portion of the meeting.

ARCHITECT:
Sergio Gonzalez: Stated he is available to answer any questions.

Chair Hamner: Asked if the project architect reviewed and agreed to the conditions of approval in the resolution.

Architect Gonzalez: Replied most of it and yes, respectively.

Commissioner Lam: Stated that it is difficult for the City to enforce the affordable housing. He asked how much it would cost to build this 45-unit project.

- Architect Gonzalez: Stated that the cost may vary depending on the time, construction and company, and the cost may vary from \$100 per square feet to \$200 per square feet.
- Commissioner Lam: Asked how much would the rent be.
- Architect Gonzalez: Replied that he is not sure about the question.
- Commissioner Lam: Asked if the City has a high demand for senior housing.
- Architect Gonzalez: Replied that he did communicate with the City's Planning Department at the beginning stage of the project, which triggers the idea of senior housing.
- Commissioner Lam: Asked if the project owner has any experience of doing senior housing projects before.
- Architect Gonzalez: Replied yes, they had done projects in Pasadena, Pomona, and Monterey Park before.
- Commissioner Garcia: Asked if the architect is proud of this design, and if the project would be an asset to the City.
- Architect Gonzalez: Replied that he convinced the property owner to invest more detail to the building and to enhance the building's appearance.
- Commissioner Choi: Expressed his concern about the damage that will be caused during the construction.
- Architect Gonzalez: Stated that the insurance will cover the damage.
- Commissioner Choi: Asked if the applicant would consider decreasing the number of units for the proposed development.
- Architect Gonzalez: Replied that if there is no option and required by the code, the applicant would decrease units' number, and that if it were up to the applicant's decision, they would not decrease the number of units.
- Commissioner Choi: Asked if the applicant would do any changes, after hearing the discussion from Commissioners.
- Architect Gonzalez: Stated that the proposed parking space is 5 spaces more than minimum required parking spaces, so the proposed units would not change.

- Commissioner Sullivan: Asked about the number of elevators in the building.
- Architect Gonzalez: Replied two.
- Commissioner Sullivan: Asked if the big furniture would need to go through the front door when being delivered.
- Architect Gonzalez: Replied that there was a stair beside the elevator.
- Commissioner Sullivan: Stated that in the proposed plan, the front elevator is normal size and that the back elevator is at the far end of the building. And, asked if it is wise for 175 residents and heavy stuff to share the same elevator. He also spoke about the concern of the distance between the elevators, and the size of the elevator, especially when people are moving. In addition, he emphasized the issue of parking spaces: for two-bedroom units, there would be potentially three cars looking for parking spaces. He mentioned his observation of the street near the project site, on which plenty of cars had been parking at 3 p.m.
- Chair Hamner: Stated that he would use his experience as a planning commissioner and design review board member, and inquired about the mitigated measures for this specific case. He asked whether the applicant prepared an initial assessment for the project and reviewed by the staff.
- Planner Tewasart: Replied that a consulting firm prepared the analysis.
- Chair Hamner: Indicated his disagreement to the initial report.
- Lead Planner Funk: Stated that in this specific case, there is a traffic projection done by consultants on page 89, which is estimated based on senior housing trip generation data from Traffic Generation Manual 9th Edition from trip generation traffic engineer.
- Chair Hamner: Stated that he would look into the dynamic in Monterey Park and cities in San Gabriel Valley, rather than a generalized manual for an industry standard. He also asked if some contents from the report were from the answers provided by the applicant.
- He stated the importance for applicant to read the conditions of approval. He mentioned that a senior

housing project near where he lives had cars parking on the street overnight, where cars should not park from 2 a.m. to 5 a.m., and he requested the architect to employ better design measures to solve the parking problems and mitigate the impacts. He stated that a simple and favorable resolution could be providing more parking spaces, such as subterranean parking.

In addition, he doubted the quality of public open space over the deck for gathering seniors, where little landscape area are provided and not good for the seniors, and he also expressed his concerns of softscape area, which is in the rear setback area. He brought up the rationale of fewer parking spaces means more senior citizens will stay at this place which requires more favorable and qualified open space and entertaining area.

He spoke about the possibility to bring senior citizens to the public amenities, such as City Hall through public transit. He referred to previous projects which gave more credit to those projects that were closed to public transit or the Garvey shopping area, and he stated this project did not fall into that category. He spoke about the nature of the seniors who have less mobility, and who needs more help to get access to public transit. In the end, he expressed his big concern of the quality of this housing project.

Architect Gonzalez:

Replied that outdoor grass is provided for the seniors' activities in the side and rear yard, and that indoor entertaining room is also provided for indoor parties, which are all isolated from all the units for noise prevention purpose. On-site security cameras would be provided at the parking lot.

Commissioner Sullivan:

Expressed concern of the multiple power poles shown in photos 3 and 6. He asked how the architect is going to mitigate the power poles which would impact the neighboring lot.

Architect Gonzalez:

Stated that they will work with Edison and the cable companies to address the issue.

- Commissioner Sullivan: Asked if the wire would be put above the ground or under the ground.
- Architect Gonzalez: Replied that it would be under the ground.
- Commissioner Sullivan: Asked how they are going to compensate the neighboring property, since the neighboring lot is also using the poles.
- Architect Gonzalez: Replied that they would work with the neighboring lot.
- Commissioner Sullivan: Stated that the same problem also exist on the west side of the property that the subject property share three poles with adjacent lot. He suggested the architect to work with the owner from the adjacent property. He inquired whether the applicant planned to put those poles back.
- Architect Gonzalez: Replied no.
- Lead Planner Funk: Stated that in a neighboring city, there is one problem of the affordable housing in that those households who are qualified for affordable housing are probably not qualified for mortgage, which would probably result in the situation that those units are difficult to sell. He asked the architect how the dilemma can be addressed.
- Chair Hamner: Stated that it is important to consider this issue ahead of units being built.
- Architect Gonzalez: Replied that the property owner had a meeting with the realtor this morning, and probably they would have a selling price and a rental price for the units in this project. He stated that the only thing he provided to the property owner was the construction cost and long-term return.
- Chair Hamner: Emphasized that this project is a for-sale condominium project, and asked about the limitation of the for-sale price. He stated that the presentation about site plan, elevations, and finishes and materials to be used should be brought to the Design Review Board.
- Attorney Berger: Stated that the moderate income households refer to household with income up to 120 percentage of the region's median household income. He referred to the other county he worked with, Venture County, whose

annual median household income is \$70,000, yet he also indicated the difference between Venture County and LA County in terms of the population size and the number of cities.

Lead Planner Funk:

Stated that even if the land is free, limited income level household probably cannot support a project like that, and that the property owner cannot get their investment returned. He expressed his concern to the property owner if an expensive project with parking structures at such high-price land location like this would succeed without asking the City to relieve the requirement of selling and renting those units to low income households.

Attorney Berger:

Indicated that the median income for Los Angeles County from the year of 2007 to 2011 is \$56,266.

Chair Hamner:

Asked the limitation for the selling price of a one-bedroom 762 square feet in terms of affordable housing.

Lead Planner Funk:

Replied that the selling price does not have a limit, and that limitations are on the buyer side. He stated that the buyers are limited to those retirees with \$100,000 to \$200,000. He referred to a neighboring city, which had a bad time to find those who are qualified to buy the unit.

Attorney Berger:

Stated that the Commission's duty is to process the land use application. He explained that the planning process is for staff to prepare the report, and that if the commission is opposed to the findings in staff report, or consider the findings to be insufficient, the commissioners should not process it. He stated that the economic side of this project should not be the commissioners' concern, but the applicant's concern before the application.

Chair Hamner:

Agreed with the attorney's viewpoint. He stated that the report is about low income housing, so the Commission needs to know what that means and how that works. He stated that, there is a high possibility for 65-year-old citizens to pass away after 10 or 20 years, so those who would occupy these units afterwards should be considered when it comes to the mitigated measures for parking. He expressed his doubt on the traffic study

based on his experience that the traffic company can always give a positive report.

Commissioner Choi:

He stated that the reason why this project being brought to Planning Commission is that the project needs to be viewed from various perspectives; otherwise the project can be processed directly through building department for building permit.

Chair Hamner:

Asked whether there is an economic development report for this project.

Attorney Berger:

Stated that he did not mean to interrupt the discussion, but the role of Planning Commission is to act as planning agency for the City, whose responsibility has to do with land use. He addressed the value of these questions. He stated that the Planning Commission would need to make recommendations to the City Council to approve this project, since a zone change is part of the project, and only the City Council can approve a zone change, which means changing of the law for the city. He stated that the Planning Commission can approve the Conditional Use Permit, and Variance, and that authority is delegated by the City Council under the Municipal Code. He explained that these types of permits are not law change, but certain permit with sufficient findings to support, and that the findings does not need to deal with the applicant's finances. He further explained that the first step for the commission to review is to make sure the project meeting the code, which is provided in the staff report, and that the Commission can decide whether the project would be detrimental to the community in the Conditional Use Permit application process not just in economic terms. He stated that the Planning Commission would act as an initial check for a project. He stated that this is an educational process.

Chair Hamner:

Stated that the City does not have an independent economic development department and that this is a reason why they would not see a resolution from economic department. He stated that the departments got combined.

SPEAKER:

David Barren:

Asked if the Commission have the right to adopt a resolution to direct staff to post on notices with more than one language.

Attorney Berger:

Replied that the Commission has no authority to direct the staff to translate things and add them to notices.

Speaker Barren:

Asked if the Commission can ask developer to do so. He stated that in the Business Improvement District all the notices are posted in Chinese and English. He stated that the project looks too big for the neighborhood like Lion Manors on Chandler, and that the number of units on the lot will increase from 12 to 45 where the streets nearby already had a lot of traffic generated by the high school. He also stated that parents are using East Newmark Avenue to send their kids to high school, rather than Garfield. He further spoke about the bad traffic condition on East Newmark Avenue between 7 a.m. to 8 a.m.

In addition, he stated that the project does not fit the neighborhood. He stated that the site is providing low income housing, where some single elderly people are living right now and that the proposed project would force these residents to move out. He suggested the planning department to do some studies over the income level for the project site right now.

He also stated his concern that residents nearby had no idea there would be a public hearing, where they can speak out their opinions no matter what position they had. He asked the Chair whether he can invite residents to the hearing. He stated that he had no idea of the project's design, windows, patio, and unit plan, which should be all public.

He stated that grass is not a preferable surface in terms of activities in that people cannot do Tai Chi on grass, and that Tai Chi requires a smooth pavement area no matter summer or winter. He referred to other cities, which would provide paved area for people to do activities, dancing, Tai Chi, etc.

He stated that the senior housing is a shame in that developers use this to obtain extra units and reduced

parking requirement. He referred to the lawsuit on project on Garfield Avenue, the units from which cannot find buyers so get rented out in the end. He suggested adding a condition of approval that a notice showing who to call in both English and Chinese should be posted in the proposed building.

He stated again that his main concern is that the project is a little big for the site. This project may bring some unavoidable issues, such as traffic, and residential motel. Once the building is built it will be a done deal, and the City is short of staff so enforcement and regulation is difficult.

Chair Hamner:

Stated that the Commission welcome any other neighbors to speak. He read a letter from the neighbor Dr. Joseph Chan at 817 East Newmark Avenue #A, dated July 16th, addressing James Funk the interim director. In the letter, Dr. Chan expressed his opposition to the project at 809 East Newmark Avenue. He stated that the proposed project would be significantly negative to his quality of life. During the construction phase, the project would cause significant traffic and noise impacts to the neighbors and to public access. After the construction phase, the project would cause significant traffic increase to streets. He asked the Planning Commission to request the applicant of the project to set up a complimentary fund to compensate the neighbors around 809 E Newmark Avenue. He requested the Planning Commission to request the investment company to prepare an environmental study of the neighboring properties to ensure that the foundation of neighboring properties, sewage pipe, water pipe, electric wiring, and any other material would not be damaged, in order to compensate the decrease quality of life during and after the construction. In the event of damage the company should be responsible to fix the damage of utilities and to compensate the neighboring loses.

Commissioner Sullivan:

Asked whether live/work unit would be part of the project.

Planner Tewasart:

Replied that this was not a mixed-use development.

PUBLIC HEARING CLOSED:

Chair Hamner closed the public portion of the meeting.

- Chair Hamner: Expressed his thanks to everyone for their patience, and stated that he had no further comments.
- Commissioner Garcia: Recommended to have a separate session to discuss parking in this project. And he also recommended the property owner to be present to answer some questions. He stated that he felt uncomfortable to adopt the resolution, and that he was uncomfortable for the parking.
- Commissioner Choi: Stated that after the thorough discussion this night, many questions were still awaiting to be answered. He asked the staff to get all the information available before the Commission meeting.
- Chair Hamner: Suggested to continue this item. He stated that he is not confident to vote on this item yet since he had not finished reading all the documents. He would like to see a presentation from the applicant talking about the economic side of the project and how the project would weather the city. He had seen much more prepared project, which could have responded to the questions earlier. He asked about the opinions on continuing this item and if staff is ok with that.
- Planner Tewasart: Asked what specific information staff needs to bring back for the next meeting.
- Commissioner Sullivan: Replied the project's quality in terms of how the density would impact the neighbors, the project's self-efficiency. He stated that he was not ready to vote.
- Commissioner Choi: Stated that he needs to see more due diligence for the relationship between the units and the number of parking spaces. He would like to see a traffic study. He expressed concern over the elevators in that only two standardized size elevators are provided for these many units.
- Chair Hamner: Asked whether the Commission had a motion to continue this item. He stated the possibility that most of the tenants were unaware of the proposed project.
- Planner Tewasart: Stated that for this project tenants on the site were notified.

- Chair Hamner: Asked whether only the tenants from the 12 units were notified.
- Planner Tewasart: Replied yes, as a courtesy rather than a requirement. Notifying the tenants on the project site is a standard practice of notification.
- Chair Hamner: Expressed his concern that probably the residents cannot understand the notice. He asked the opinion in terms of bringing this matter to the City Council.
- Commissioner Choi: Stated that in practice he would definitely ask the surrounding neighbors for their opinions no matter owners or tenants.
- Chair Hamner: Asked the attorney whether the Commission can ask the applicant to conduct a survey regarding neighbors' opinions on the proposed project.
- Attorney Berger: Replied yes.
- Commissioner Choi: Clarified that not only the tenants' opinions but also opinions from the owners within 300 feet radius.
- Attorney Berger: Suggested that the Commission should ask whether the representative of the applicant would agree on this, since the survey cannot be imposed.
- Architect Gonzalez: Asked what the appropriate ways to conduct the survey are, and stated the difficulties of communicating with residents as a non-Chinese speaker.
- Chair Hamner: Replied that he could leave some letters or information to the residents to prove his due diligence, and at least he can communicate with those who are in immediate area of the project site. The Commissioners are afraid of neighboring unawareness of the proposed project. Expressed his concern of the design in terms of the connection between the courtyard and the rear usable open space, and suggested some improvements to the design. He asked the architect whether he wanted to continue the item on a certain or uncertain date.
- Attorney Berger: Stated that if the item would be continued on a date uncertain the Commission would need to re-notify the

public hearing; if choosing to continue the item to a date certain, the Commission preserves the notice of public hearing.

Chair Hamner: Further explained that if an uncertain date was chosen, letters would need to be sent out again.

Planner Tewasart: Recommended to work with the company that prepared the mailing label and radius map, and to include addresses from on site property. She stated that staff would work with the traffic consultants to expand traffic study. She stated that for other requirements such as the design of elevation and open space connection, pro forma, workshop, are all due diligence on the part of applicant.

Chair Hamner: Expressed his trust on the architect.

MOTION: Moved by Commissioner Sullivan, seconded by Commissioner Choi, to **CONTINUE** Zone Change, Conditional Use Permit, Tentative Tract Map No. 071978 (ZC-12-01/CU-12-07/TM-12-02) to September 24, 2013. The motion was voted on as follows:

VOTE:

AYES:	Chair Hamner, Commissioners Sullivan, Choi, Garcia, and Lam
NOES:	None
ABSTAIN:	None
ABSENT:	None

3. CONDITIONAL USE PERMIT– 760 WEST GARVEY AVENUE (CU-13-04)

Planner Tewasart: Provided a summary of the staff report.

Chair Hamner: Asked if there were any questions to staff.

Commissioner Lam: Replied no questions.

Commissioner Garcia: Stated that along Garfield Avenue there are certain areas that are designated for clinic and medical, and that the mish mash of use is defeating the idea of zoning.

Commissioner Choi: Asked if there were any existing clinics or medical offices in this shopping center.

Planner Tewasart: Replied no.

Commissioner Choi: Asked if the proposed medical office would be a detriment to the restaurants and retail stores in the plaza in terms of public health.

Planner Tewasart: Replied no.

Commissioner Choi: Asked if the opinion was from the staff.

Planner Tewasart: Replied that nothing could substantiate that the proposed use, a typical medical clinic, would generate any hazardous materials similar to manufacturing and industrial use.

Commissioner Choi: Asked what kind of medical clinic would this be.

Planner Tewasart: Replied that the business owner would present later and can respond to this question.

Commissioner Sullivan: Asked if the property owner and applicant are here.

Planner Tewasart: Replied that the property management, business owner, and project representative are present.

Commissioner Sullivan: Stated that in the proposed site plan, there are no indications for lighting, that there are no signs in the plaza attracting people to enter the plaza, and that there is a significant lack of lighting in the rear parking lot. Lighting should be added to the back of the property for safety purposes. He expressed his concern of the trash enclosure located at where #E parking begins, which is being locked and not in use. He asked whether the proposed clinic business would use this trash enclosure or they would need to use the other trash enclosure at the far end of the driveway.

Planner Tewasart: Stated the property management can respond to why it is locked.

Commissioner Choi: Asked whether there is an OD, which means optometry, in Unit 9, as noted on Page 3.

Planner Tewasart: Replied yes.

Chair Hamner: Stated that he had no questions, and would address the applicant.

PUBLIC HEARING OPENED: Chair Hamner opened the public portion of the meeting.

REPRESENTATIVE:
Stan Szeto:

Introduced the history of the shopping center, which was built in the early 80s. He stated that the project site was originally used as a food market, which turned out to be not big enough in the late 80s and was taken over by a bookstore. The book store had a bad time to benefit in the last 10 or 5 years, so the store only occupied half of the space for less rent. He stated one previous plan of dividing up the space into small tenant spaces, which will cause the southern tenant to not have visibility from the street. Another previous plan was dividing up the space into two triangular tenant spaces. The obscurity of this project tenant space, which can hardly be seen from Atlantic Boulevard. From the land use standpoint, the proposed use was a good adaptive reuse of the space, turning this retail space to a medical office.

ARCHITECT:
Alex Ngo:

Introduced himself as the applicant and also the architect for the project. He introduced everyone present for the project, Dr. Le from the clinic, and Bill Tang as the property management.

PROPERTY MANAGEMENT:
Bill Tang:

Introduced himself as the property management since June, 2003. He stated that he could change the lighting in the back parking lot. The trash enclosure was first designed for market use a long time ago in late 80s. The food market moved out after 3 or 4 years because of the competitive markets nearby including Ralph's and 99 Ranch. The size of the project tenant space is too big for a convenience store such as 7/11, and too small for a market. The trash has not been used, since the bookstore had only small amount of trash. The space was rented to the bookstore for 20 years owned by a doctor with a monthly rent of \$14,000 which was sold to

Joseph Chan about 3 years ago. The rent was decreased to \$7,000 a month; it is difficult for the bookstore to survive these days. If the project is approved, the owner promises to move the bookstore to 134 S Atlantic, a 900 square feet space, which has been in the space for 21 years.

Commissioner Lam:

Stated that the project is good. There were not many pedestrians when he went to the site. He asked how the owner could afford the expenditure if there were not a lot people to buy things. The space is too small for a market today, and that the big markets across the street are too competitive for those who are going to rent this place as a market. He expressed his support to the proposed clinic use referring to a doctor office on Valley Boulevard. A doctor office space would not generate sale tax, but would employ many employees. The City of San Gabriel approves this type of use. The space is 250 feet away from the street, which is a proper space for the proposed project. The people who work there would likely go out to eat and shop in the surrounding area. If the space is filled, the tenant would pay the landlord the rent, the landlord would pay the County the property tax. In the end the County pays the property tax to the City of Monterey Park. He supported the project in that a group of people would like to invest the money to change the existing facility to better serve the residents' health.

Commissioner Choi:

Stated his first impression over the proposed large clinic, is that it would not fit the surroundings as good as retail, in terms of the traffic generation. He asked if the property owner thought of investing on a monument sign, which would largely mitigate the problems of the long setback and the blockage from trees and the gas station.

Property Management Tang:

Stated that they have three monument signs in total, a monument sign on top at the corner bookstore, one on the Garvey side and another monument sign on the Atlantic side.

Commissioner Choi:

Asked if the monument sign only indicated the name of the plaza rather than the names of the tenants.

Property Management Tang:

Replied no. The medical clinic would bring more

costumers compared to other businesses. The clinic office only operates from 9 a.m. to 5 p.m. which will not conflict with the restaurants usually being busy after 5 p.m. He believes that enough light is being provided, but he will take look at it. The trash area can be reopened at any time, but it is a waste to open it now.

Chair Hamner: Expressed his agreement of not opening the trash area now.

Commissioner Choi: Asked if there are any businesses waiting to lease the space.

Property Management Tang: Replied no. He talked with a bank, but the bank had the same issue of the location. The bank did not like to be located in the back. He also mentioned the space they are saving on Atlantic for the bookstore is a hot spot for retailers.

Commissioner Choi: Asked if the manager had a concern of the demand for clinic space.

Property Management Tang: Replied that the clinic is in high demand. He stated that he had talked to the residents nearby, and the residents would like to have a clinic within their walking distance.

Commissioner Sullivan: Asked the business owner how many employees the clinic would have.

Business owner Li: Replied that currently they have two clinics in the San Gabriel Valley area. Two doctors and two nurses can serve 60 patients on a daily basis.

Commissioner Sullivan: Asked if there will be around 8 to 10 people working in the place.

Business owner Li: Replied that they hope to have more employees. He stated that he and his colleagues already started other clinics in the area, and that they began the application because they know there is a high demand for clinics at this area.

Commissioner Sullivan: Asked if the back parking had been in use.

Property Management Tang: Replied not right now.

Commissioner Sullivan:	Expressed his concern on the back parking lot, which would probably be used by employees from the proposed clinic and other businesses. He disagreed with the property management's comment that the light is enough. He stated that when he went out to the plaza, the parking lot only gets reflection from the adjacent property. He requested the property management to add a lighting fixture to the back parking lot.
Property Management Tang:	Replied of course.
Commissioner Sullivan:	Stated that the problem of the trash enclosure needs to be addressed, and that currently there were three buses parking in the rear parking lot.
Property Management Tang:	Stated that they park temporarily.
Commissioner Sullivan:	Asked what temporarily means.
Property Management Tang:	Replied that the buses park there for several weeks. He stated that they would be moved out.
Commissioner Sullivan:	Asked whether the parking space would be available after that.
Property Management Tang:	Replied yes, and added that employees for the plaza could park in the back.
Commissioner Sullivan:	Asked the business owner if he is confident with the building since his business is located somewhere else.
Business owner Victor Li:	Replied yes.
Commissioner Sullivan:	Stated that the interior remodel looks significant to him, and asked about the time frame for the entire process.
Architect Alex Ngo:	Stated that he had worked with several contractors to build this type of clinic, and he believes it would take around 6 months and the time would vary depending on the submission, plan checking, and inspections.
Commissioner Sullivan:	Asked if the property management is comfortable with the timeframe.

- Property Management Tang: Replied that the landlord has no problem. He stated that this would be a long-term process for the landlord, and that this would be a 20-year lease.
- Commissioner Sullivan: Required a light fixture to be put in the back parking, and buses to be removed.
- Property Management Tang: Asked when this needs to be done.
- Commissioner Sullivan: Replied that staff would put this into the recommendations and give the timeframe.
- Planner Tewasart: Replied that this would be a requirement during plan check.
- Chair Hamner: Asked Mr. Szeto whether they received the conditions of approval in the resolution.
- Representative Szeto: Replied that they had reviewed it and had no objections to any of the objections. And he stated that they had no objections to adding a new lighting in the back parking lot.
- Chair Hamner: Asked if this is a general clinic practitioner, where people come and get service for their broken arms. He stated that this type of project is like we react after the fact. He stated that this old development was viewed as an important and successful project when it was built, and that the sales tax was important to the City, but now the City has gotten to a point to change this use simply because the space cannot be left vacant. He stated that this is kind of similar to the proposed senior housing project, and that the project on Atlantic was first proposed as a condominium project, but now it is being rented and the quality has changed. He stated that this project is about changing the space to a sales tax exempted space. He stated that the City does not have a solution to this, and that if time changes this would probably become a valuable retail space. He also stated the importance of bringing people to the area by referring to the Chase Bank project which also goes through the Planning Commission appealed by City Council, and he further stated that the bank project brings potential customers to retail stores and restaurants nearby although the space itself is not tax-generating.

Commissioner Sullivan: Asked if the book store would be relocated.

Property Management Tang: Replied yes, to another smaller unit within the plaza.

Chair Hamner: Spoke about the possibility of bringing in a restaurant.

Property Management Tang: Stated that they do not have the passion for that.

Architect Ngo: Stated that the median on Garvey and Atlantic made it difficult for people to reach the property, which leads to the fact that this place can only act as a destination place which is a headache for any retailers.

PUBLIC HEARING CLOSED: Chair Hamner closed the public portion of the meeting.

MOTION: Moved by Commissioner Lam, seconded by Commissioner Sullivan, to **APPROVE** the Conditional Use Permit (CU-13-04), with added conditions. The motion was voted on as follows:

VOTE:

AYES: Chair Hamner, Commissioners Sullivan, Choi, and Lam

NOES: None

ABSTAIN: Commissioner Garcia

ABSENT: None

**ITEMS FROM THE DIRECTOR
OF DEVELOPMENT SERVICES:**

Workshop – 500 E Markland Drive – Specific Plan for proposed three-story public storage

Planner Tewasart: Stated that the subject property at 500 E Markland Drive is brought before the Commission as a workshop item. The project would apply for the approval of a specific plan.

PROPERTY OWNER:

John Wang: Stated that he came to this country in 1980 unable to speak English, and that he found the only place he can survive was Monterey Park. He also expressed his emotion to the city where he got his first job, got marry, and got his first child. He stated that he treated the city as

his hometown, where he should invest and build project. He stated that he did some study to find out that in last 25 years there was no mini-storage in town but the population increased dramatically, which means the supply doesn't match up with the demand. He stated that the project he is proposing is a third generation facilities, in door storage, which people can hardly tell storage. He stated that the site area is pretty unique in that the land is 14 feet below Markland Drive, and 25 feet below the Freeway off-ramp, and that the land hadn't been used for a long time. He stated that the proposed design would build 2-level basement taking advantage of the elevation difference, and that the building would look like a 2-story building from the outside. He stated that the third story is used to store utilities so that people on highway won't see those utilities directly. He spoke about the reason why they are doing this specific plan is FAR. He stated that he is a building contractor having the experience of designing and building 400,000 sq ft mini-storage, and that the biggest one he had built had 1,855 units occupying 10.8 acre of land. He stated that he would do his best to design this project and hoped to get recommendations from the commission.

- Commissioner Lam: Asked if this is a hotel, motel project which he would see after his driving off 60 Highway.
- Planner Tewasart: Replied that the proposed project is a public storage facility.
- Commissioner Lam: Asked if this has anything to do with the hotel.
- Chair Hamner: Relied that this project is at the corner of 60 off ramp and Potrero Dr., facing the Shell Station.
- Commissioner Lam: Asked when the applicant planned to build this project.
- Property Owner Wang: Replied as soon as he gets approve. He stated that they wouldn't be able to build in raining season, so April, 2014 was his goal.
- Commissioner Lam: Asked how long this type of project would take to complete.
- Property Owner Wang: Replied 6 to 8 month. He stated that he once finished

125,000 square feet mini-storage in 5 months.

- Commissioner Lam: Asked if there are other mini-storages within the city's jurisdiction.
- Property Owner Wang: Replied that there is one on the other side of the Freeway.
- Commissioner Lam: Asked if the space would be used by people to lock things up.
- Property Owner Wang: Replied yes.
- Commissioner Lam: Asked if the place would be 24/7 in and out.
- Property Owner Wang: Replied that it depends, and that the operation hours maybe from 7 a.m. to 8 p.m.
- Commissioner Lam: Asked if John Wang was the owner.
- Property Owner Wang: Replied yes.
- Commissioner Lam: Asked if this type of business would cause any kind of danger since they do not know what people would put inside in the storage space.
- Property Owner Wang: Replied that he has been involved with the business since 2001, and that they only had quite limited issues. He stated that cameras would be put at the entrances, and the indoor storage only had very limited access. He stated that different from traditional storage with a lot of roll up doors this indoor storage would not be able to open once the unit get locked.
- Commissioner Lam: Asked what problems he encountered in his other business locations.
- Property Owner Wang: Replied that they are usually inside jobs, where tenants would break into other tenants' units. He stated that the design on this one is different, and that every door has its own door alarm. He stated that once people without the right code entering the unit, the alarm would soar. He added that there would be cameras and on-site security for safety purpose.

- Commissioner Garcia: Asked if the land cannot be used for any other uses.
- Property Owner Wang: Replied that the lot was quite challenging in that the land is surrounded by the freeway on three ways, and the only access way is Markland Drive, which is a 60 feet local street. He stated that the land can hardly support the traffic generated by other commercial uses, and that mini-storage would generate limited traffic. He stated that the proposal was the best use for the site.
- Chair Hamner: Stated that there was once a proposal of a strip center in front of the Planning Commission by a different developer. He stated that at that time the proposal wanted to take advantage of the egress of freeway 60.
- Commissioner Garcia: Stated that he tried to find the best use for the site.
- Commissioner Choi: Stated that this type of business was usually located at a less advantaged area. He asked which project the architect designed in Alhambra.
- Property Owner Wang: Replied the one at Fremont and Hellman, which just broke ground in the last few weeks.
- Commissioner Sullivan: Stated that they were driven by the sales tax, and asked how that would apply to the proposed business.
- Property Owner Wang: Replied that there was no sales tax in the rent.
- Commissioner Sullivan: Asked if this project would generate no revenue.
- Property Owner Wang: Replied only property tax. He explained that the lot is small, a little more than one acre, but the proposed building is 127,000 square feet in size, which would generate a big amount of property tax.
- Commissioner Sullivan: Asked about the signage issue the business owner spoke about.
- Property Owner Wang: Stated that the City prohibited pole signs for the freeway.
- Chair Hamner: Asked if the 70 feet requirement for signage had been removed.
- Commissioner Sullivan: Stated that in the renderings, there are no signs included,

that is the reason why he asked about the signage issue.

ARCHITECT:

James Goodman:

Stated that the look presented is only for the specific plan, which would be incorporated into the final version. He stated that in the future the design for signage would be separate.

Commissioner Sullivan:

Asked if the new code had been adopted.

Planner Tewasart:

Replied yes.

Commissioner Sullivan:

Asked about the issue that the City Council have in terms of English on signage.

Planner Tewasart:

Replied that is not part of the current code.

Commissioner Sullivan:

Asked whether that was one supplemental thing which needs to be fixed.

Planner Tewasart:

Replied that some of the follow up items would be brought back to the Planning Commission in following meetings. She explained the code amendment was mainly a layout change.

Commissioner Sullivan:

Asked whether two driveways towards E Markland Drive are ingress and egress to the project.

Property Owner Wang:

Replied yes.

Commissioner Sullivan:

Asked if there would be any problems of the driveway in terms of the Shell station across the driveway.

Planner Tewasart:

Replied that the minimum requirement for egress and ingress driveway width is 26 feet, and that this is proposed at 30 feet.

Commissioner Sullivan:

Asked if both driveway widths are 30 feet.

Architect Goodman:

Replied that the main driveway would be two-lane, serving the customers.

Chair Hamner:

Asked if the architect expected north bound traffic would do left turn entering the project.

- Architect Goodman: Replied that they had the design for the previous proposed shopping center to learn from.
- Commissioner Sullivan: Asked if the street was double solid yellow line.
- Chair Hamner: Replied yes, and asked how the architect could propose west bound left turn.
- Architect Goodman: Replied this was from the previous specific plan. He stated that the egress was only used for secondary exit.
- Chair Hamner: Stated that it was interesting for the applicant to not take advantage of what was proposed before, and asked if the idea was from staff.
- Planner Tewasart: Replied no. She stated that the entitlement coming for the Planning Commission is a Conditional Use Permit for the mini-storage, and a specific plan because the size of the building does not meet the FAR requirement. She stated that according to the code, the floor ratio is 100 percent, while the proposed floor ratio is 300 percent.
- Chair Hamner: Stated that the renderings look like a beautiful retail project to him.
- Architect Goodman: Stated that the property owner found him as designer from an Alhambra project. He stated that because he had done some a similar design in Alhambra, so they would like to use the same idea for this project site. He stated that the reason to generate this specific plan is FAR. He stated that even though it sounds scary to raise the FAR to that high, the floor area that would be used by people is only 20 percent, which will not result in a lot of traffic, as shopping centers do. He stated that the proposed parking is a little under the new code, but is already more than adequate.
- Chair Hamner: Stated that everything that gets permitted would become precedent for later cases. He stated that he had never heard of this kind of specific plan in Monterey Park which means they need to be careful in case this would become a leap frog for future cases.
- Attorney Berger: Stated that "precise plan" and "specific plan" is indeed the same thing.

- Architect Goodman: Stated that the project is unique in that the land is like an island surrounded by 3-way freeway.
- Chair Hamner: Stated that many applicants thought the case was unique, and that the back side design of the building also required efforts.
- Architect Goodman: Replied agreed.
- Commissioner Sullivan: Stated that the design was good, and this would attract people to enter the area.
- Chair Hamner: Asked whether the space was all air-conditioned.
- Property Owner Wang: Replied the two-level basement and one story, but not for the top floor.
- Chair Hamner: Asked whether this would be 24-hour on-site living, and about the living environment for security.
- Property Owner Wang: Replied that the building would have 2 bedrooms and 2 bathrooms with 1,500 square feet living area, which would be located right on top of the office.

ITEMS FROM THE COMMISSION:

- Chair Hamner: Stated that he should have asked a summary of all the changes in the municipal code. He spoke about the condition of only one employee being working on so many items, but he expressed that he would like to have a better understanding of the new code.
- Lead Planner Funk: Stated that he talked in front of the City Council about taking out the English-only signage provision. He explained the 14 items that would be talked about, such as the size and the number of canopies one house can have. He stated that 11 of the 14 items were new. He stated that the items to be discussed were for the commissioners to review and to make recommendations.
- Chair Hamner: Asked how many changes occur in the code.
- Planner Tewasart: Replied hundreds.

Chair Hamner:

Stated that he caught several items in the parking chapter that may have issues which should be put together with the building code to see if they are in alignment. He stated that citizens are expecting planning commissioners to be knowledgeable about issues related to planning, so commissioners may need to go through all the changes.

Attorney Berger:

Stated that ideally the new code should be reviewed one chapter by one chapter, and that right now the Commission can still make recommendations on a chapter by chapter basis.

ADJOURNMENT:

The Planning Commission adjourned the meeting at 11:00 p.m. on August 13, 2013, until the next regular meeting of August 27, 2013, at 7:00 p.m. in the Council Chambers.

James Funk, Secretary

Liping Zhang
Minutes Clerk