

**OFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
APRIL 28, 2015**

The Planning Commission of the City of Monterey Park held a Regular Meeting of the Board in the Council Chambers, located at 320 West Newmark Avenue in the City of Monterey Park, Tuesday, April 28, 2015 at 7:00 p.m.

CALL TO ORDER:

Chairperson Garcia called the meeting to order at 7:00 p.m.

ROLL CALL:

Planner Luna called the roll:

Commissioners Present: Rodrigo Garcia, Ricky Choi, Michael Hamner, and Larry Sullivan

Commissioners Absent: None

ALSO PRESENT: Karl H. Berger, Assistant City Attorney, Michael A. Huntley, Director of Community and Economic Development, Harald Luna, Assistant Planner, Samantha Tewasart, Senior Planner

ORAL AND WRITTEN COMMUNICATIONS: None

AGENDA CHANGES AND ADOPTION: None

APPROVAL OF MINUTES: None

PUBLIC HEARING: None

OLD BUSINESS: None

UNFINISHED BUSINESS:

1-A. CODE AMENDMENT – RESIDENTIAL CHAPTER (CA-15-03)

Director Huntley provided a brief summary of the proposed amendments. Director Huntley stated that the City is initiating a code amendment to amend the residential chapter of the Zoning Code related to portable canopies, home occupation permits, mechanical equipment and landscaping; and the commercial chapter related to building height along Corporate Center Drive. The proposed code amendments are intended to address specific concerns thereby preserving and protecting the public health, safety, and welfare of the community.

Chair Garcia inquired if the Planning Commission was only going to review the proposed amendments and not approve the amendments. Director Huntley stated that the Planning Commission is only going to provide direction to staff and if the Planning Commission is ok with the proposed changes then staff will prepare a resolution for the Planning Commission and an Ordinance for the City Council. Assistant City Attorney Berger provided a brief summary of the process involved with

allowing the Planning Commission time to review the proposed amendments provide feedback to staff and bring back a resolution to the Planning Commission.

Director Huntley provided a brief summary of the City of Monterey Park Municipal Code Section 21.08.040 (H) Portable Canopies code amendment. Director Huntley indicated that the recommendation to limit portable canopies is not by a fixed number of canopies per residential unit, but rather limiting canopies by establishing a maximum allowable square footage area not to exceed 240 square feet per lot, and not per residential unit.

Commissioner Sullivan inquired about the definition of the word portable. Director Huntley replied that portable mean something that can be picked-up and carry around. Commissioner Sullivan asked if a canopy is placed on a driveway and is significant in size with a metal top is it considered a portable canopy. Director Huntley replied that there is a definition for canopy typically it relates to whether if it could be portable and also relates to the type of material on it typically a temporary canvas or vinyl and when you have a metal top then it will turn into a structure which is regulated by the building code.

Commissioner Hamner stated that the definitions for temporary and portable should be aligned with the definitions under the building code including the structural foundation should be a factor in defining a structure whether or not it is temporary or portable for consistency. Assistant City Attorney Berger stated that the City's definition for a portable canopy is "a prefabricated structure consisting of a supporting frame in which a solid durable material is attached for the purpose of providing protection from natural elements." It is a bit of a broad definition but the main thing would be as long as it is not defined as a structure for purposes of the building code and is portable as opposed to permanent. Commissioner Hamner stated that commissioner Sullivan brought up an interesting point and inquired if you have a foundation that was fixed, say a sleeve like bollard, use as an example, and you have the poles that can slip in, bolt lock and can be removed is that something that we would consider. Planner Tewasart stated that in addition to the portable canopy definition, the city also defines a structure as "anything constructed or erected, which requires a fixed location on the ground, or is attached to a building or other structure having a fixed location on the ground." Therefore if it is fixed then it would be qualify as a structure as opposed to a portable canopy.

Commissioner Sullivan inquired that it would also have to meet the 25 foot setback from the front property line and 15 feet from the street side setback and the other criteria in addition those points. Planner Tewasart replied yes.

Commissioner Sullivan inquired if the existing portable canopies will be grandfathered and how will the proposed changes be implemented for anything new. Assistant City Attorney Berger stated that the grandfathering of existing uses that do not meet the code update will be considered as "legal non-conforming uses." So if those uses are incompatible with the changes to the code, they will be continued to be allowed as legal non-conforming uses if they were conforming with the code as it exists today.

Commissioner Hamner stated as a perspective of advice more of a global type of deal that after looking at the examples of the code updates, specifically the residential area, and stated that if he was to characterize these changes its about

the quality of the neighborhood. The Planning Commission was tasked to look at the overall code with a number of code changes with lots of questions being asked and that this method is more managed way at looking at it.

Chairperson Garcia inquired if this is a continuation item, how much dialogue has been discussed in the past. Director Huntley answered that this is the first time it comes to the Planning Commission. Chair person Garcia inquired if the previous time it was opened up for discussion or presentation at that moment of time what was the discussion or do we have minutes. Director Huntley provided background information of the comprehensive update to the Zoning Code and stated that the intent of the meeting is to discuss the additional items of concern that the City Council felt needed to be looked at.

Commissioner Hamner inquired whether the commission should look at these items as a whole. Assistant City Attorney Berger stated that staff has been working on the zoning code updates for the past 5 years now. This particular effort that is before you tonight is part of that 5 year process, which was, that the City contracted a consultant to do a comprehensive update to the code to make sure that there was consistency between the recently updated General Plan and the zoning code. The items that you are reviewing tonight is the technical clean-up language of the updated zoning code that was addressed by the City Council and Planning Commission in order to update the code to bring it into conformance with what the understanding was by the policy makers at the time they adopted the comprehensive updated zoning regulations. Staff is now trying to have the Planning Commission look at what the City Council directed at City Council level. Director Huntley is now the third director that is working on these updates and is trying to take list of items prepared by his predecessors, City Council members and Planning Commission and put them all together into a series of regulations for consideration and ultimate adoption to update the code. What Commissioner Hamner has identified is what has been discussed before which is we can adopt all the regulations we want, but there is the question of the regulations versus enforcement of the regulations.

Vice-Chair Choi stated that the commission can go through the items that are not as controversial first, and then continue the discussion on the other matters.

Chairperson Garcia inquired what the Commissioners thoughts were on the code items before them beginning with portable canopies.

Commissioner Sullivan stated that the definition for portable was addressed and that he had no other questions.

Commissioner Hamner inquired what dictated the portable canopy size increase allowed from 120 square feet to 240 square feet. Director Huntley stated that the typical portable canopy size is larger than the current maximum size allowed.

Vice-Chair Choi stated that he also wanted to know where the 240 square feet came from, but if that is the typical size that stores are selling then it is ok.

Director Huntley provided a brief summary of the City of Monterey Park Municipal Code Section 21.08.040 (D) (5) Home Occupation Permits code amendment.

Commissioner Hamner inquired if the other provisions about the other limitations for

Home Occupation Permits been removed. Director Huntley replied that the other limitations are still there and there are no changes to those other regulations.

Vice-Chair Choi inquired about the one bedroom limitation. Director Huntley replied that it should be one room instead of bedroom.

Director Huntley provided a brief summary of the City of Monterey Park Municipal Code Section 21.08.040 (G) (2) Mechanical Equipment code amendment.

Commissioner Hamner inquired as a clarification for item 4 the visibility requirement for mechanical equipment from an abutting lot. Director Huntley stated that mechanical equipment should be screened from the public view. Commissioner Hamner inquired whether item 6 is the last resort. Director Huntley replied that if someone has a good argument, they can present it to the planner for further review.

Chairperson Garcia inquired that the code is being simplified for the setback requirement due to the noise created by the equipment. Director Huntley stated that as the code is written today it requires applicants to go through hoops to obtain the information necessary. The process makes it easier to apply it if we just had a standard setback, making sure it stays away from the side yard setback instead of having to identify where the opening is located on the adjacent property.

Director Huntley provided a brief summary of the City of Monterey Park Municipal Code Section 21.08.080 (W) Landscaping Ordinance code amendment.

Commissioner Sullivan inquired if City of Monterey Park has an incentive program for planting drought-tolerant landscaping. Director Huntley replied that the Public Works Department is working on a program that will have \$50,000 in funding, but currently there is not a refund program. Commissioner Sullivan inquired what the time frame will be. Director Huntley replied that the Ron Bow, Public Works Director/Assistant City Manager is currently working with the water division manager right now and anticipates within the next 2 months. Commissioner Sullivan inquired about item 3 whether it applies to residential backyards. Director Huntley stated that this item is focused on front yards visible from the public right-of-ways. Commissioner Sullivan inquired about city's regulation for synthetic lawns. Director Huntley stated that higher quality synthetic grass is allowed and the city does not want residents to use low-quality synthetic grass that you can roll out and degrades easily with the sun. Commissioner Sullivan inquired whether the overgrown statement of the ordinance will regulate empty lots with overgrown vegetation. Director Huntley replied yes and there are other sections of the code will regulate that.

Commissioner Hamner stated that the landscaping ordinance needs additional language pertaining to landscaped areas visible from the public right-of-way. Commissioner Hamner stated that there should be more provisions on where parking can occur, including permissible parking locations for recreational vehicles. Director Huntley replied that yes there are provisions in the code and no is not one of the clean up items. However in talking with the Monterey Park Police Chief some concerns were recently brought up about where recreational vehicles may park. Planner Tewasart stated that there is an existing provision in the code that reads "No person may park any vehicle or any component thereof, for any purpose, in any front or side yard area on any residentially zoned lot, except the parking on driveways of

passenger vehicles or as otherwise permitted by this chapter.” Commissioner Hamner stated that his recommendation based on that provision the delineation now is more blurred because there are DG driveways and lots of designs for driveways that do not have to have permeability, and lastly boats parked on driveways in front of the garage prohibiting access to park the vehicles inside of the garage and as other examples come down the line where are the policies on all those items.

Commissioner Sullivan stated that he recalls discussing the issue of parking recreational vehicles on the side yard and said that if someone put down a concrete pad for a driveway so that the vehicle is able to drive in, park and drive out, it would be acceptable. Commissioner Sullivan agrees with Commissioner Hamner, there are residents who are now parking their recreational vehicles in the backyard on bricks. Planner Tewasart stated that this issue is more related to the Off-Street Parking Chapter. Director Huntley stated that the item can be further discussed in the off-street parking section in a future meeting. Planner Tewasart stated that within current off-street parking chapter there is a provision within R-2 and R-3 zones that states that off-street parking cannot be located in front of a main building. Which can be expanded to include the single-family area or it can be additional language added to what is being discussed this evening in the landscaping section. Commissioner Sullivan stated that it should be added to the discussion with the police department at the same time, because if people are just pulling their motor home on the side of their lot and they just park it and have it sitting on a concrete pad that they have installed themselves is not sufficient or is it. Assistant City Attorney stated that recreation vehicles or boats should not be allowed to park in the front.

Commissioner Hamner stated that the city needs to find a balance between being proactive and preserving the resident’s rights.

Chairperson Garcia inquired whether synthetic grass is permeable. Director Huntley replied yes and synthetic grass does require maintenance.

Director Huntley inquired whether the commission wants staff to clarify some of the questions of concern addressed by the commission during this meeting and report back to them.

Chairperson Garcia inquired about the commercial zone and environmental section. Director Huntley stated that the commercial section deals with properties located at Corporate Center Drive, and it is related to building height that was left out and is being re-inserted back into the code. Director Huntley stated that the environmental section is required by the California Environment Quality Act.

Chairperson Garcia opened the public hearing to the public and since there were no public speakers closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing directed staff to prepare a resolution amending the Monterey Park Municipal Code (“MPMC”) Chapter 21.08 and MPMC Chapter 21.10, with two recommendations.

Motion: Moved by Commissioner Hamner and seconded by Commissioner Choi, motion carried by the following vote:

Ayes: Commissioners: Choi, Hamner, Garcia, and Sullivan
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

NEW BUSINESS: None

COMMISSION COMMUNICATIONS: None

FUTURE AGENDA ITEMS AS DIRECTED BY THE COMMISSION: None

STAFF UPDATES:

Director Huntley stated that Stephen Lam has appointed a new commissioner that needs to be sworn in and is hoping that the new commissioner is present at the next meeting.

CLOSED SESSION:

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned on April 28, 2015 at 7:19 p.m. to the next regular meeting on May 12, 2015 at 7:00 p.m. in the Council Chambers.

Michael A. Huntley
Director of Community and Economic Development

Approved on at the regular Planning Commission meeting.