

**OFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
November 22, 2016**

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, November 22, 2016 at 7:00 p.m.

CALL TO ORDER:

Chairperson Choi called the meeting to order at 7:04 p.m.

SWEAR IN:

ROLL CALL:

Planner Tewasart called the roll:

Commissioners Present: Ricky Choi, Larry Sullivan, Theresa Amador, Delario Robinson, and Paul Isozaki

Commissioners Absent: None

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

ORAL AND WRITTEN COMMUNICATIONS:

None

AGENDA CHANGES AND ADOPTION:

None

APPROVAL OF MINUTES:

September 27, 2016 –

Commissioner Robinson clarified that on page 7 his vote was nay and not aye.

Chairperson Choi stated that Item 2A on page 2, second paragraph, is missing a second part. He had raised a question about the recent parking code amendment and Planner Tewasart replied that the code had not taken effect.

Action Taken: The Planning Commission approved the minutes of September 27, 2016 with amendments.

Motion: Moved by Commissioner Amador and seconded by Commissioner Robinson, motion carried by the following vote:

Ayes: Commissioners Choi, Sullivan, Amador, Robinson, and Isozaki

Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

CONSENT CALENDAR:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS (PUBLIC HEARING):

**2-A. RECONSIDERATION OF RECOMMENDATIONS TO THE CITY COUNCIL
REGARDING AMENDMENTS TO THE MONTEREY PARK MUNICIPAL CODE
CHAPTER 9.06 REGULATING AIRPLANE FLIGHTS**

Attorney Berger provided a brief summary of the staff report.

Commissioner Sullivan inquired about how to address the issue. Attorney Berger replied that the City Attorney's Office recommended to the City Council to adopt a social media policy that has not yet come before the City Council for consideration. Attorney Berger stated that social media allows for a great deal of communication with the public and allows the public to interact with their public officials, but there are potential dangers with that from the standpoint of transparency laws. The appearance of potential impropriety through the optics of people looking outside rather than understanding the scope of the inside occurrences is the reason why the item was brought back. It also demonstrates and highlights the problems with social media.

Commissioner Amador stated that with the explosion of social media the direction from the Planning Commission should be to recommend to the City Council to develop a social media policy so that everyone is on the same page, anyone on a commission, as a volunteer, or an elected official.

Commissioner Robinson stated that the Commission was leaning towards not moving the item forward, but some of the Commission wanted to show support. He stated that the item should have not moved forward in the first place.

Chairperson Choi opened the public hearing.

Chairperson Choi closed the public hearing.

Chairperson Choi stated that the Commission had a spirited discussion at the last meeting regarding this matter. He stated that he still believes that although the airplane altitude issue is an important issue and of great concern to the community, regulating airplane altitude is not within the purview of the Planning Commission. He inquired that since the Commissioner who originally made the request is no longer on the Commission if it makes sense to continue to take action.

Attorney Berger replied that if the Commission wanted to take action, the Commission can vote to make a recommendation to the City Council. If the Commission chooses not to take any action, there is no need to make any motion or take any vote. This is a matter for reconsideration. For all intents and purposes, the vote that occurred on September 27th, 2016 is in front of the Commission, but the recommendation would be to treat it as not a vote simply because of the concerns over the appearance of potential violations of the Brown Act. There is no evidence that anything actually occurred, but the only way to cure any potential Brown Act violation is to bring it back for reconsideration to the body that originally thought about it and considered it. If the Commission wants to take a no action, then the minutes will simply reflect that the Planning Commission took no action. If the Planning Commission wishes to make a motion to make a recommendation as it did on September 27th, 2016 than that is something that can be done as well.

Commissioner Sullivan inquired if a no position was taken, would the action negate what the Airport Commission group from the City is doing. Attorney Berger replied that this item was brought up under Commissioners Items. It was a motion from the dais. From a legal standpoint the City's ability to regulate any type of airplane flights is restricted by the FAA and federal law. Nothing that the Planning Commission does with regards to this particular issue will affect anything that the City Council does other than if the Planning Commission wishes to advise the City Council to do something. It is a vote of confidence that the Planning Commission would like something to happen. In terms of practical or legal implications there are no ramifications from it.

Commissioner Sullivan stated if the residents wanted to send in letters that would probably get more attention.

Commissioner Isozaki stated that the item is not a function of the Planning Commission, but he does not want to vote to rescind the vote from September 27th, 2016, because it is an important issue to the City. He understands the government hierarchy and the federal government controls the airports. He stated that it is pointless what the Planning Commission does because the truth is the Commission does not have the power. He stated that he would like to leave it as a no action.

Commissioner Robinson retracted his motion to rescind the vote on September 27th, 2016 and Chairperson Choi seconded.

Action: The Planning Commission took no action.

3-A. ZONE CHANGE (ZC-16-01) TO CREATE A SENIOR-CITIZEN-HOUSING (S-C-H) OVERLAY ZONE, CONDITIONAL USE PERMIT (CU-16-04) FOR AN AFFORDABLE SENIOR HOUSING DEVELOPMENT, AND TENTATIVE MAP NO. 073741 (TM-16-02) TO SUBDIVIDE AIR RIGHTS FOR THE CONSTRUCTION OF A 54-UNIT SENIOR CITIZEN HOUSING CONDOMINIUM PROJECT AT 130-206 SOUTH CHANDLER AVENUE

Planner Tewasart provided a brief summary of the staff report.

Chairperson Choi opened the public hearing.

Commissioner Isozaki inquired about the number of parking spaces provided and the number of elevators. Planner Tewasart replied that the required number of parking spaces is 42 plus 14 guest parking space and the project will provide 55 spaces plus 15 guest parking spaces.

Architect Yung Kao, 235 East Main Street, Alhambra, CA 91801, stated that this is a senior housing project and the proposed units are approximately 800 square feet in size, compared to a more typical non-senior housing unit, which are approximately 1,800 to 2,200 square feet. Every two and a half units in this proposed project is equivalent to a regular condominium project. The occupants of the proposed project will be seniors who do not drive as often as non-seniors. The project is not for younger families.

Commissioner Isozaki stated that the age restriction is 55 years or older and inquired about the proposed two bedrooms. Architect Kao replied that there can be a caretaker, but the second bedroom can also be used as a study or office. Commissioner Isozaki stated that his concern is that the two-bedrooms have the potential to add a second vehicle per unit. He stated that he understands the code requirements, but there is common sense as well. Architect Kao replied that the parking requirement is derived from the actual usage of senior housing developments.

Commissioner Robinson inquired about condition number 76 and the trees in the courtyard and public right-of-way. Architect Kao replied that the landscaping details are a part of the packet and the condition from the Parks Division is a standard requirement.

Commissioner Amador inquired about the number of senior housing developments that the applicant has constructed. Developer Kenny Gao replied no other developments.

Commissioner Sullivan inquired if the proposed project is live/work. Planner Tewasart replied no, it is strictly residential. Commissioner Sullivan inquired about the masonry wall and the condition of the water lines on Chandler Avenue. Commissioner Sullivan expressed concerns about the height relative to the adjacent properties and inquired about outreach efforts to partner with the adjacent properties and be a good neighbor.

Architect Kao replied that they would be happy to work with the adjacent properties. He stated that density is a critical element to make affordable senior housing feasible. There are existing senior housing developments that are either the same height or taller. The proposed project is in-line with existing senior housing developments in the city. It is typical for senior housing projects to be four to six stories. The shadow study shows that the properties to the north will see the most amount of shadowing.

Commissioner Robinson stated that the project appears to be consistent with the General Plan and the zoning allows for higher density development. Also, affordable housing is needed.

Chairperson Choi stated that he is in one hundred percent support of affordable housing and senior housing. However, there is a concern with the large footprint of the proposed project. He also expressed concerns with the parking, especially if the units will have caretakers. Architect Kao replied that the occupants that will need a caretaker may not necessarily drive.

Commissioner Sullivan stated that his concern is that the project is so close to the property lines and he is sympathetic to the people in the community.

Commissioner Robinson stated that there will be more seniors in the future and senior housing is needed.

Commissioner Sullivan stated that he agreed with Commissioner Robinson; however, the project only provides six affordable units and more affordable units are needed.

Attorney Berger stated that the proposed project cannot move forward with the way it is currently designed without the discretionary approvals from the City Council. The Council would have to adopt an ordinance and approve the proposed zone change and conditional use permit. The project does not conform to the underlying zone without the zone change. Now is the time to discuss additional concessions on the developer's behalf in order to move forward with the project. It is completely a discretionary thing on the City's behalf.

Commissioner Isozaki inquired about what will happen to the occupants that currently live on the subject property. He inquired if the occupants will be vacated. The developer replied that the occupants will be given notice.

Commissioner Robinson inquired about the sales price. The developer replied that they do not have that number for now. Architect Kao stated that the price is determined by the County and the developer would have to follow those regulations and restrictions. The rest of the market rate units will be dictated by the market.

Commissioner Amador stated that the City Council should consider looking at a higher ratio of affordable housing units in the future. Director Huntley replied that the City has adopted the State density bonus regulations, which allows for additional density. The Planning Commission can recommend to the City Council to look at requiring additional affordable units.

Commissioner Isozaki inquired about who will get to purchase the low-income units. Director Huntley replied that it would be up to the developer. Commissioner Isozaki stated that if there are low-income seniors living in the existing units that they should be given the opportunity to be one of the first to buy it. Director Huntley stated that if there are conditions that the Commission would like to add that can be something that the Commission can consider.

Commissioner Sullivan inquired if additional setbacks can be provided on the north and south sides of the property, possibly 15 feet instead of 10 feet. Architect Kao replied that the proposed units are basic size, but some of the units can be slightly moved in.

Commissioner Sullivan inquired if that is something that can be revised and brought back to the Commission. Architect Kao inquired if that can be added as a condition of approval instead. Director Huntley stated that there are no issues with adding certain conditions, but if the comment is to change the building design it should be brought back to the Planning Commission.

Chairperson Choi stated that there appears to be two main concerns, one being the setbacks and other being the number of units that are low-income. This project is called an affordable senior housing project, but only 6 out of the 54 units are affordable. If the developer would like to reevaluate the number of low-income units that will be provided to see if it will be viable to make adjustments, it is strongly recommended as well as making adjustments to the setbacks.

Commissioner Sullivan stated that he would compromise on the additional 5 feet if more of the units will be made affordable. Architect Kao replied that the pro forma justifies why the density bonus is needed, because it takes that much additional density to make up the subsidies the developer would have to do for the six units. The land and construction cost would substantially exceed the sales price of the six units that is dictated by the county. In order to make the project work that is just about what you need to get the project going. The fact that the City has not had any senior housing coming forward in many years there must be a financial and market reason for that. In this city with the land cost, it is not easy to make a senior project pencil out.

Attorney Berger stated that one condition was added. The other item discussed was an additional 5 feet setback and staff's recommendation was to revise the plans as requested and resubmitted for consideration. If those changes are made there is a possibility that it will have CEQA ramifications, which will require revisions to the CEQA or some other clarification to the document so that the Commission has a full understanding of what that setback accomplishes. This is a discretionary project. The project cannot move forward without the zone change and a zone change is a completely legislative act by the City Council. If the Planning Commission is asking for additional affordable units and the developer does not want to provide additional affordable units, then that is something that the Planning Commission can inform the City Council.

Commissioner Amador inquired if the developer would consider the recommendations. Architect Kao replied that they can massage the project and experiment with certain portions of the north side of the building, if not entirely.

Chairperson Choi inquired if staff believes providing additional setbacks would make a difference with regards to the concerns for the neighbors. Director Huntley replied that it would help to reduce some of the perceived impacts to the neighboring properties.

Commissioner Amador stated that she is in favor of seeing more affordable housing although it is miniscule it is a step in the right direction. She is just trying to ensure that the neighbors are going to be happy with the project. She stated that the Commission is not only looking at the project, but also how the project will affect the adjacent

properties. That is why the Commission is looking at the parking and sustainability of the project. Architect Kao stated that the project will be replacing the existing dilapidated homes that were built in the 1920s with high quality materials that are a few notches above the standard condominiums that are being proposed nowadays.

Chairperson Choi stated that there is a clear and evident need for affordable housing and the Commission sees the need for that. He stated that the developer is willing to massage the setbacks, but inquired if the developer is willing to massage the number of affordable units. Architect Kao stated that the developer will not be able to provide an answer right away. They probably need to go back and take a hard look at the numbers.

Chairperson Choi closed the public hearing.

Action: The Planning Commission **continued** the Zone change (ZC-16-01) to create a senior-citizen-housing (S-C-H) Overlay Zone, Conditional Use Permit (CU-16-04) for an affordable senior housing development, and Tentative Map No. 073741 (TM-16-02) to subdivide air rights for the construction of a 54-unit senior citizen housing condominium project at 130-206 South Chandler Avenue to allow the applicant additional time to address the Commission's concerns to the December 13, 2016 Planning Commission meeting.

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

Ayes: Commissioners: Choi, Sullivan, Amador, Robinson, and Isozaki
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

3-B. RECESS TO WORKSHOP AND TRAINING REGARDING BROWN ACT; ETHICS, INCLUDING AB 1234; LAND USE REGULATION; AND SCOPE OF AUTHORITY FOR PLANNING COMMISSION. NO ACTION WILL OCCUR. TRAINING AND WORKSHOP WILL BE HELD IN THE ADMINISTRATIVE CONFERENCE ROOM (ROOM NO. 266). THE MEETING WILL ADJOURN FROM THAT LOCATION.

Attorney Berger provided a presentation to the Planning Commission.

COMMISSION COMMUNICATIONS:

None

FUTURE AGENDA ITEMS AS DIRECTED BY THE COMMISSION:

None

STAFF UPDATES:

None

CLOSED SESSION:

None

ADJOURNMENT:

There being no further business for consideration, the meeting was adjourned on November 22, 2016 at 10:00 p.m. to the next regular meeting on December 13, 2016 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.