

**OFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
MARCH 26, 2019**

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, March 26, 2019 at 7:00 p.m.

CALL TO ORDER:

Chairperson Delario Robinson called the Planning Commission meeting to order at 7:00 p.m.

ROLL CALL:

Planner Tewasart called the roll:

Board Members Present: Delario Robinson, Eric Brossy De Dios, Theresa Amador, and Ricky Choi

Board Members Absent: Margaret Leung

ALSO PRESENT: Natalie Karpeles, Deputy City Attorney and Samantha Tewasart, Senior Planner

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS: None

ORAL AND WRITTEN COMMUNICATIONS:

[1.] **PRESENTATIONS:** None

[2.] **CONSENT CALENDAR:** None

[3.] **PUBLIC HEARING:**

3-A. TENTATIVE MAP NO. 78209 (TM-17-12) TO ALLOW FOR THE SUBDIVISION OF ONE LOT INTO TWO LOTS IN THE R-1 (SINGLE-FAMILY RESIDENTIAL) ZONE – 772 BARNUM WAY

Planner Tewasart provided a brief summary of the staff report.

Chairperson Robinson stated that the project has been before the Commission before and the Commission asked for more study as far as the hillside. He stated that he went by the property and saw the possibilities that would concern the Planning Commission as far as the possibilities of building and there are some insinuation in the geotechnical feasibility study that insinuated that there was going to be possible building in the future.

Commissioner Brossy de Dios inquired if the time expiration on the map expires unless the property is sold or developed. Planner Tewasart replied that it is a two year approval for the final map to be processed and recorded.

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Commissioner Choi stated that the applicant took the time to do the limited geotechnical feasibility report, but is a little disappointed in the limited scope and inquired if it was an election by the applicant to do a limited study as opposed to doing some additional testing because the main concern was about erosion and landslides and the report does not go into any of that. For the most part it just takes into account some aerial photos, there was a site field inspection, literature review. It did not take into account any of the subsurface investigation. It also stated that some of the areas could not be studied because of the dense vegetation. The conclusion states that although the property can stay and remain as is, it is suggesting and recommending that additional geological investigation and subsurface exploration is recommended to evaluate stability. Commissioner Choi stated that it does not really answer the questions that the Commission had generally about the stability of the slope. It makes an effort in its observation and it is a preliminary observation, but it does not dive into the questions and answer the concerns that the Commission had.

Planner Tewasart replied it was deferred to the applicant's engineer who was present at the prior hearing and heard the comments from the Planning Commission and the concerns expressed and this was the approach that they decided to take. The limited feasibility study identified existing conditions and gathers all the existing documentation available on the property. As far as site disturbance to the existing hillside and the scope that is proposed associated with the subdivision map which is not tied into any specific type of the development proposal, staff found that the study included data on the existing hillside and looked into the history of the property, especially in association with the prior subdivision in this area. Also the City's Engineering Division reviewed the study and did not require additional analysis.

Chairperson Robinson stated that this is a subdivision with insinuation of possible development, but at this point it is only a subdivision. Chairperson Robinson asked the Deputy City Attorney to go over the responsibilities of the Planning Commission. Deputy Attorney Karpeles replied that the role of the Planning Commission for tonight's meeting is to consider the tentative before it. While additional considerations are within the scope of the Planning Commission, the action in itself this evening will be on the tentative map.

Chairperson Robinson opened the public hearing.

Representative Narith Lao of NL Engineering & Surveying, Inc., 790 South Atlantic Boulevard, Suite 106, Monterey Park, CA 91754, on behalf of the applicant Sonny Ho, provided a brief presentation of the proposed project. He stated that the scope of work is just to subdivide the property into two lots. One lot will have the existing residential house and other is to be left vacant. The proposed subdivision is for financing purposes. He talked with the geologist and geotechnical engineer in regards to the limited study and at this point they advised the applicant that it is best to explore the rock formations as to the stability of the hill and whether or not it is feasible to put structures on it. They did not go into details because usually when you do subsurface exploration it is normally with structures on it, otherwise you would be boring for nothing. You could get residual values, but the values have no application to it, so at this time they did not do any in depth exploration until an actual structure was proposed and that was the reason for the limited study.

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Commissioner Amador stated that what is being proposed is to split the lot into two lots and for financing. She inquired if the representative is saying that at no time in the future will a building be built. Representative Lao replied that his contract does not include doing anything further than subdividing the lots.

Commissioner Amador inquired if the representative is aware that directly behind the lot on Barnum that there is a lot of black plastic that comes down several hundred feet and inquired if that is a water problem seeping into the Barnum property. Representative Lao replied that he was not aware of that and that it must have happened during the rains because when he was there he did not observe any plastic on there, so it must have been during the rains. Commissioner Amador inquired if there are any problems with water coming down the hillside and into the home. Representative Lao replied that they did not observe any water or landslides coming into any of the other properties.

Commissioner Amador stated that her other concern is that the applicant may have a credibility problem because the Planning Commission mentioned that there needed to be some property improvements, but there is still debris in the front yard including abandon tiles and mattresses and no efforts have been made to improve the existing house and to bring it up to standards. The property owner is an absentee landlord. Commissioner Amador believed that the applicant has not addressed the comments provided by the Commission. It is the Planning Commission's responsibility to ensure that our properties are maintained and have value. Representative Lao replied that he can have the property cleaned up right away and have the City come and inspect it. Commissioner Amador also inquired if they can look at the black tarp as well and assure the Commission that there is no water that is draining into the property. The newly created lot only has one v-trench that drains towards the street.

Chairperson Robinson stated that the seriousness of this site and what is possibly going to become of it, he would like to see the owner present and hear the concerns from the Planning Commission so he can get an idea that it is serious for the Commission. It is important to the community.

Opponent Wilson Quang, 797 Barnum Way, Monterey Park, stated that the slope is right across his property. He inquired about the zoning and if it will remain R-1 (Single-Family Residential). Planner Tewasart replied yes, the zone is not changing. He stated that back in 1979 when the homes were being built along Barnum Way there had to be a reason why at the time the slope area was left alone, probably because it was not buildable. He stated that the geological study back in 1979 must have proven that the land is not buildable and inquired why there is discussion on a subdivision unless something can happen in the future to build something on that vacant piece of land. He stated that when it rains a lot of water does come down, so once you put a structure on it and disturb the land anything can happen at that time and inquired who will be responsible. He stated that the owner never maintains the property. Since the owner is an absentee owner, if something happens in the back, he will have no idea.

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Opponent Richard Martinez, 813 Barnum Way, Monterey Park, stated that he lives across the street and when it rains there is a lot of rain and dirt came down. There is a ditch and it was piled up. The hill is unstable and the property is a mess.

Chairperson Robinson stated that he did go by the property and saw the absentee landlord concerns and the poorly kept property. He also saw that the developments did stop construction at that point where may not have wanted to go any further because of the hill in that area, but modern technology, new grading system, water drainage type things that will not saturate the hillside. There are a lot of constructions that are on hillsides.

Commissioner Brossy de Dios stated that he sees what is in front of the Commission is a tentative map. The assumption has to be made that there will be a construction at one point in the future if the intent is to divide the property in two. At that time when the construction is committed to that, the project will have to come before the Design Review Board and will also have to be reviewed by the City Engineer. The preliminary soils report that was submitted is sufficient and there does not appear to be significant landslide activity. It is an erosion question and in his opinion if the property is left undeveloped, there is probably a greater risk with nothing being done and either having to have a clean-up action or code enforcement action in order to get something done as opposed to developing it and having it engineered and having the issues address water capture and properly drain on the site. He did not see anything in the soils report other than repair issues that is not a part of this tentative map.

Commissioner Amador stated that she sees the soils report as very limited and would rather see a soils report that addressed the potential if the property were to be developed and what would have been some of the remedies and some of the actions. It is very limited and the property owner is an absentee landlord. There is a retaining wall that runs from the property to the corner and it is a graduated retaining and there is darkness on the street side that indicates that when it rains there is a lot of dirt coming over the retaining wall. The soils report does not go in depth enough to substantiate the request.

Chairperson Robinson stated that this is a subdivision and if this particular subdivision goes through there will be further investigation and an additional geological report will be done at that time in depth.

Commissioner Choi stated that his concern is that he was present at the last meeting and understands that this is a tentative map to subdivide the lot into two. At the time the applicant stated that the subdivision was for the purposes of financing and there were no plans to build on the second lot. The Commission requested that the applicant go through this exercise of doing a geotechnical feasibility report, but the report does not say anything, so nothing has changed from the last meeting to this meeting. He inquired if the project goes to the Design Review Board do they take into account geotechnical concerns and subsurface issues that may arise as part of their review.

Planner Tawasart replied that the Design Review Board reviews the architecture, quality of design and materials, and compatibility with the character of the neighborhood. Conditions of approval have been included in the resolution that requires additional analysis when a

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project is proposed. Deputy Attorney Karpeles added that if there is anything above and beyond what staff can do administratively and is required to be reviewed by the Planning Commission that would have to come before the Planning Commission as well. Commissioner Choi inquired what those items would be. Deputy Attorney Karpeles replied such as a variance or conditional use. This would depend on the type of project that the applicant decides to build on the subdivide lots at that time.

Commissioner Brossy de Dios added that if the applicant decided to subdivide the lot further than it would have to go before the Commission again. He stated that based on his experience this level of report is not uncommon and the civil engineer for the applicant was accurate in saying that typically an in depth geotechnical report is done with a particular design in mind. You know the size, location, type, and weight of the building you are attempting to build there so the engineer can provide recommendations for that proposed design. At this time it will be difficult for specific recommendations to be made and do the in depth boring and studies without something of that nature.

Commissioner Choi stated that that is his point and whether the report was even necessary and whether the continuance was necessary.

Chairperson Robinson stated that he understands the concerns which should be justly reviewed and the property is poorly kept and there is a concern with the extension of that even if there was a new development. He would like to hear from the property owner and whether improvements can be made.

Chairperson Robinson closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing did not take action on Tentative Map No. 78209 (TM-17-12) to allow for the subdivision of one lot into two lots in the R-1 (Single-Family Residential) Zone at 772 Barnum Way.

Motion: Moved, by Commissioner Brossy de Dios to adopt the resolution approving Tentative Map No. 78209 (TM-17-12). There was no second and no alternative motion.

3-B. CONDITIONAL USE PERMIT (CU-19-03) TO ALLOW A BANK AT 404 SOUTH ATLANTIC BOULEVARD #C

Planner Tewasart provided a brief summary of the staff report.

Chairperson Robinson opened the public hearing.

Representative Zachary Ulrick of Marchi & Associates, 2599 Baseline Avenue, Solvang, CA 93463, provided a brief presentation of the proposed project.

Commissioner Amador inquired about other Universal Bank locations. Representative Ulrick replied in Rosemead and West Covina. This bank is a relocation of an existing branch located two blocks north of this property.

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Commissioner Choi inquired if there will be dedicated parking in front of the bank. Planner Tewasart replied that there is a joint and shared parking analysis for this property.

Chairperson Robinson closed the public hearing.

Action Taken: The Planning Commission after considering the evidence presented during the public hearing adopted **Resolution No. 06-19** approving Conditional Use Permit (CU-18-06) to allow the operation of a bank/financial institution (office use) in the S-C, P-D (Shopping Center, Planned Development) Zone at 404 South Atlantic Boulevard #C.

Resolution No. 06-19

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CU-19-03) TO PERMIT OPERATION OF A BANK/FINANCIAL INSTITUTION (OFFICE USE) AT 404 SOUTH ATLANTIC BOULEVARD #C.

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

Ayes: Commissioners: Robinson, Brossy de Dios, Amador, and Choi
Noes: Commissioners: None
Absent: Commissioners: Leung
Abstain: Commissioners: None

[4.] **OLD BUSINESS:** None

[5.] **NEW BUSINESS:** None

[6.] **COMMISSION COMMUNICATIONS AND MATTERS:** None

[7.] **STAFF COMMUNICATIONS AND MATTERS:**

Planner Tewasart provided an update on the General Plan project, provided flyers and surveys to the Commission, and informed the Commission to assist with public reach out and to encourage public participation.

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 7:38 p.m.

Next regular scheduled meeting on April 9, 2019 at 7:00 p.m. in the Council Chambers.

Mark A. McAvoy
Director of Public Works/City Engineer/City Planner

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