

**PLANNING COMMISSION OF MONTEREY PARK
AGENDA**

**REGULAR MEETING
Monterey Park City Hall Council Chambers
320 West Newmark Avenue**

**Tuesday
September 27, 2022
6:30 PM**

MISSION STATEMENT

**The mission of the City of Monterey Park is to provide excellent services
to enhance the quality of life for our entire community.**

GENERAL INFORMATION

Documents related to an Agenda item are available to the public in the Community Development Department – Planning Division located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and the City's website at <http://www.montereypark.ca.gov/AgendaCenter>.

PUBLIC PARTICIPATION

You may speak up to 5 minutes on Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Chairperson and Planning Commission Members may change the amount of time allowed for speakers.

Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall at (626) 307-1359 for reasonable accommodation at least 24 hours before a meeting. Council Chambers are wheelchair accessible.

CALL TO ORDER

Chairperson Sam

FLAG SALUTE

Vice Chairperson Ricky Choi

ROLL CALL

Chairperson Tammy Sam, Vice Chairperson Ricky Choi, Jack Chiang, Peter Fung, Jasmine Pesantes

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS. While all comments are welcome, the Brown Act does not allow the Commission to take discuss, deliberate, or take action on any item not on the agenda. The Commission may briefly respond to comments after Public Communications is closed. Persons may, in addition to any other matter within the Commission's subject-matter jurisdiction, comment on agenda Items at this time. If you provide public comment on a specific agenda item at this time, however, you cannot later provide comments at the time the agenda Item is considered.

ORAL AND WRITTEN COMMUNICATIONS

[1.] PRESENTATIONS

[2.] CITY OF MONTEREY PARK- CONSENT CALENDAR

2-A. APPROVAL OF MINTUES

It is recommended that the Planning Commission consider:

- (1) Approving the minutes from the meetings of the Planning Commission of Monterey Park on March 8, 2022, April 12, 2022, May 10, 2022, and July 27, 2022;
- (2) Taking such additional, related action that may be desirable.

[3.] PUBLIC HEARING

3-A. CODE AMENDMENT (ZCA 22-01) TO ESTABLISH INCLUSIONARY HOUSING REQUIREMENTS OF FOR CERTAIN RESIDENTIAL AND MIXED-USE DEVELOPMENT PROJECTS, APPLICABLE CITYWIDE

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) After considering the evidence received during the public hearing, adopting resolution recommending approval to the City Council ZCA 22-01, an ordinance amending Title 21 of the Monterey Park Manipal Code (MPMC) to establish an Inclusionary Housing Ordinance requirement for residential and mixed use with residential development projects that will be applicable Citywide;
- (5) Taking such additional, related action that may be desirable.

Pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*; “CEQA”) and its implementing guidelines, the proposed code amendment (ZCA 22-01) is exempt from further CEQA review for the following reasons: (1) it will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2); (2) there is no possibility that the ordinance may have a significant effect on the environment because this is a non-discretionary review of proposed legislation and any potential, associated housing projects would undergo discrete environmental review (14 Cal. Code Regs. § 15061(b)(3); and (3) the ordinance, by itself, does not constitute a “project” as defined in the CEQA Guidelines because it involves a policy action that is administrative in nature relating to affordable housing requirements and prospective future development to comply with Housing Element Program 15 (14 Cal. Code Regs. § 15378).

[4.] OLD BUSINESS

4-A. TENTATIVE PARCEL MAP NO. 82319 (TM-19-02) TO ALLOW THE CREATION OF A TWO-PARCEL SUBDIVISION IN THE R-1 (SINGLE FAMILY RESIDENTIAL) ZONE - 1374 S. GRANDRIDGE AVENUE

It is recommended that the Planning Commission consider:

- (1) Tabling the item at the request of the Applicant;
- (2) Taking such additional, related action that may be desirable.

Pursuant to the California Environmental Quality Act (CEQA) guidelines, the project is Categorically Exempt under § 15332 as a Class 32 categorical exemption (In-Fill Development Projects) because the project consists of the reconfiguration of three parcels to create a two-parcel subdivision, with existing structures to remain. The proposed project occurs within city limits on a project site of not more than five acres substantially surrounded by urban uses and does not have value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air

[5.] NEW BUSINESS – None.

[6.] COMMISSION COMMUNICATIONS

[7.] FUTURE AGENDA ITEMS

ADJOURN

Next regular scheduled meeting is on October 11, 2022.

**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
March 8, 2022**

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 8, 2022 at 7:00 p.m.

CALL TO ORDER:

Chairperson Sam called the Planning Commission meeting to order at 7:01pm.

FLAG SALUTE:

Chairperson Sam called for the Flag Salute.

ROLL CALL:

Administrative Secretary Cristina Garcia called the roll:

Board Members Present: Tammy Sam, Jack Chiang, Ricky Choi, Peter Fung

Board Members Absent: None

ALSO PRESENT: Cristina Garcia, Administrative Secretary, Steve Sizemore, Interim Director of Community Development, Jessica Serrano, Planning Manager, Joaquin Vazquez, Deputy City Attorney, Karl H. Berger, City Attorney

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS: None

ORAL AND WRITTEN COMMUNICATIONS: None

[1.] PRESENTATIONS: None

[2.] CITY OF MONTEREY PARK - CONSENT CALENDAR:

**2-A APPROVAL OF MINUTES FROM THE PLANNING COMMISSION MEETING
FROM OCTOBER 26, 2021, NOVEMBER 9, 2021, AND FEBRUARY 8, 2022**

- Commissioner Choi had revisions for minutes from October 26, 2021.

- Chairperson Sam had comments for minutes on February 8, 2022. Planning Manager Serrano summarized that there was a consensus accepting a rotating chair. Sam requested that a draft would be provided for rules 3.1 and 3.2 which was accepted by staff.

Action Taken: The Planning Commission approved the minutes from the Planning Commission meeting from October 26, 2021, November 9, 2021, and February 8, 2022.

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

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Ayes: Commissioners: Sam, Chiang, Choi, Fung
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

[3.] PUBLIC HEARING: None

[4.] OLD BUSINESS:

4-A RESOLUTION AMENDING BY-LAWS/PROCEDURAL RULES FOR CONDUCTING PLANNING COMMISSION MEETINGS

- Planning Manager Serrano provided a brief presentation on the summary of the Planning Commission By-Laws activities, including references to a code section about Planning Commission term regulations and explained them, details of the election of the chair and the vice-chair. Planning Manager Serrano answered Chairperson Sam's question explaining that the chairperson is voted on first. The vice-chair would be chosen by automatic selection and the chairperson would not be in that automatic selection rotation. The rotation starts with any commissioner that has never served and is the most senior. Then the rotation goes down the line accordingly. Any new commissioner will go at the bottom of the rotation list.

- Commissioner Fung asked about the role of the vice-chairperson. Planning Manager Serrano answered and explained that the vice-chairperson is the substitute for the chair when the chairperson is absent.

- Chairperson Sam asked if the rotation would nullify the election. Planning Manager Serrano answered that the commissioner would still have to do a roll call vote on the election of the new chair. Despite the rotation procedure, commission with majority vote may elect a different commissioner.

-Interim Director Sizemore recommended utilizing the rules as guidelines. Commissioner Chiang stated that he is okay with the set-up of the rules as the rotation prevents a dominant candidate and provides balance of powers. Commissioner Choi concurs. Commissioner Fung also said that this set up and the rules should be used as guidelines.

Action Taken: The Planning Commission approved to adopt the resolution for procedural rules for conducting Planning Commission Meeting.

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

Ayes: Commissioners: Sam, Chiang, Choi, Fung
Noes: Commissioners: None
Absent: Commissioners: None
Abstain: Commissioners: None

[5.] NEW BUSINESS:

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5-A DISCUSSION OF CODE OF CONDUCT AND SOCIAL MEDIA POLICY

- City Attorney Berger gave introduction on the subject before turning over to the staff report. Stated that the emergencies due to the pandemic will eventually be terminated and go back to “normal” regarding how things are processed. Chairperson Sam asked if this means that the Planning Commission will review projects that would normally come before the pandemic. Berger stated that those are codified in the code and will not change with this staff report.

- City Attorney Berger clarified Commissioner Choi’s question about participating in open and closed forums per social media policy. Closed forums are difficult to track from a city’s standpoint and could be perilous for the city per the Brown Act. Under social media policy, the commissioners shall not state their public title. Defined that a closed forum is something similar to NextDoor where one would have to be admitted as a member by the administrator that is not open to the general public. This includes Whatsapp or text messages but are not part of social media policy but are part of electronic messaging policy.

Action Taken: The Planning Commission motioned to receive and file of discussion of the code of conduct, social media policy, and presentation.

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

Ayes: Commissioners: Sam, Chiang, Choi, Fung

Noes: Commissioners: None

Absent: Commissioners: None

Abstain: Commissioners: None

5-B DISCUSSION OF PENDING MONTEREY PARK MUNICIPAL CODE UPDATES

- Planning Manager Serrano provided presentation outlining various code updates that city staff deemed necessary. Staff prepared a draft program to identify the process of pending municipal code updates.

- Commissioner Choi asked why the inclusionary housing ordinance was brought up. Planning Manager Serrano stated that they want to address a concern/comment and that it is part of the Housing Element. This is already something that the City Council is working on.

- Commissioner Fung asked if this is available to the public. Planning Manager Serrano said that since this is presented to the Planning Commission, it will be available to the public. This is available on the Agenda Center on the City website.

- Commissioner Chiang asked about density bonus ordinance. Planning Manager Serrano said that there is one but it is not in conformance with state law. Commissioner Chiang asked if there is a consultant to do an inclusionary housing feasibility study. Planning Manager Serrano said that the city currently does not but agrees that one will be needed. Chiang would like to see the density bonus ordinance as a higher priority.

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- Deputy Attorney Vazquez clarified that certain code amendments such as the easy ones would go straight to Council. Aiming to not burden the Planning Commission with code amendments that just requires minor language changes. Interim Director Sizemore also clarified that the code amendment list is a living document.

- Chairperson Sam asked if they could put this on the agenda. Interim Director Sizemore said that staff should be the ones to determine which items should go forward to Planning Commission.

- Planning Manager Serrano clarified to Chairperson Sam about item #12 that this is just to make the zoning map consistent with the Land Use Element. Therefore, staff would not be creating or making discretionary decisions. Deputy Attorney Vazquez said that since this was with the vote of the people, any changes would have to be taken to the vote of the people.

- Planning Manager Serrano went through the items that were labeled “none” which meant that the item would not have get Planning Commission’s discretion. Chairperson Sam would like to see item #12 come to Planning Commission. Sam reasoned that this would be a topic that would garner attention from the public. Planning Manager Serrano and Interim Director Sizemore explained that bringing this item creates consistency between the General Plan and Zoning code. Chairperson Sam withdrew her inquiry of seeing item #12 as a Planning Commission item.

Action Taken: The Planning Commission motioned to receive and file a report and accept the program as provided by staff.

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

Ayes: Commissioners: Sam, Chiang, Choi, Fung

Noes: Commissioners: None

Absent: Commissioners: None

Abstain: Commissioners: None

[6.] COMMISSION COMMUNICATIONS AND MATTERS:

- Commissioner Choi brought up the potential bond measure and if they could get a presentation on it. Interim Director Sizemore said that they are preparing something for all of the commissioners to look at.

[7.] FUTURE AGENDA ITEMS:

Chairperson Sam asked about a request for housing information and asked if that was still coming. Planning Manager Serrano stated that they were not going to provide additional information as City Council is still discussing the item. Therefore, staff wants to table the discussion until they receive direction from City Council.

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Chairperson Sam brought up EV charging and desires Monterey Park to be a leader in the green movement by being more stringent than the CA standard building code. Was wondering if this could be put as a policy. Interim Director Sizemore said that there will be a presentation coming in around a month or so.

Director Sizemore said that the Land Use Element sets the City up positively. It promotes allowing for a more vibrant downtown which would better serve the community.

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 8:58 p.m.



Steven Sizemore
Interim Director of Community Development

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**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
April 12, 2022**

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 12, 2022 at 6:30 p.m.

CALL TO ORDER:

Chairperson Sam called the Planning Commission meeting to order at 6:30pm.

FLAG SALUTE:

Vice-Chairperson Choi called for the Flag Salute.

ROLL CALL:

Planning Manager Jessica Serrano called the roll:

Board Members Present: Tammy Sam, Ricky Choi, Peter Fung, Jack Chiang

Board Members Absent:

ALSO PRESENT: Steve Sizemore, Interim Director of Community Development, Jessica Serrano, Planning Manager, Joaquin Vazquez, City Attorney, Okan Demirci, Transtech Engineer

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS: None

ORAL AND WRITTEN COMMUNICATIONS: None

[1.] PRESENTATIONS: None

[2.] CITY OF MONTEREY PARK - CONSENT CALENDAR:

2-A APPROVAL OF MINUTES FROM THE JOINT MEETING OF THE COMMISSIONS, COMMITTEES, AND BOARDS OF MONTEREY PARK FROM MARCH 30, 2022

Action Taken: The Planning Commission approved the minutes from the joint meeting of the commissions, committees, and boards of Monterey Park from March 30, 2022.

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

Ayes: Commissioners: Sam, Choi, Fung, Chiang

Noes: Commissioners: None

Absent: Commissioners: None

Abstain: Commissioners: None

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[3.] PUBLIC HEARING: None

[4.] OLD BUSINESS: None

[5.] NEW BUSINESS:

5-A DISCUSSION OF COMPLETE STREETS POLICY

- Planning Manager Serrano stated that there was one comment via email. The email complained about the intersection of Garvey and Atlantic. The metro bus stop signs must be considered to move a little further down the streets as they are too close to the intersection. This could create accidents and is a safety issue. This email was from Cindy Yee.

- Engineer Demirci gave a presentation on the Complete Streets Policy.

- Commissioner Choi inquired for more of an overview of the policy itself and if it is applied to just metro projects or does it involve all projects within the City's jurisdiction. Engineer Demirci stated this is a policy document for all projects with some exceptions. Engineer Demirci answered and gave clarification to the commissioners. This policy would apply to facilities in the public right-of-way. This does not encapsulate a private developer-planning type of case. Chairperson Sam stated that this complete streets policy will support a more walkable community. This would help the small businesses. Policies promoting more walkability are essentially more equitable to various types of people and incomes.

- Chairperson Sam asked if anyone from the public would like to comment. No one came forward. Discussion was opened up to the commission.

- Chairperson Choi would like to encourage community and business engagement with the development of this policy.

- Interim Director Sizemore answered Commissioner Fung's question about criteria or guidelines stating it would be a case-by-case basis. The complete street principles would serve as guidance according to Interim Director Sizemore. This policy is an umbrella policy that indicates that Monterey Park values complete streets. Chairperson Sam stated that policies may sound great but implementation gets watered down. Therefore, Chairperson Sam is proposing more concrete guidelines. Engineer Demirci stated that the design criteria would be applicable to the standards established by LA County and Cal Trans. Therefore, the design criteria will not really change because those facilities will be built in accordance to those criteria established by regional and state agencies.

- Commissioners are urging for more specific and concrete language in the policy. Chairperson Sam would like the Council to hash this policy out more. Engineer Demirci said that this policy can be considered as a living document. However, there is a time limit for the decision as it is a requirement for funding from Metro. This is associated to Measure M funding.

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- Planning Manager Serrano recommended to add a letter "C" that guidelines would have to be developed that are in line with the principles of this policy. The commission can make a recommendation that the City Council approve the proposal with the following addition. Engineer Demirci said that the initial game plan was to schedule this policy for City Council review at the next meeting due to the funding timelines.

- Commissioner Fung thought Planning Manager Serrano's recommendation would address his initial concern of a very general policy document. He has no reservations with moving this forward to City Council. Commissioner Chiang also agrees that Planning Manager Serrano's recommendation would be a good addition.

Action Taken: The Planning Commission motioned to recommend the Complete Street policy to City Council with the amendment to add subsection 3C and delete subsections C1-B and C1-C.

Motion: Moved, by Commissioner Chiang and seconded by Commissioner Fung, motion carried by the following vote:

Ayes: Commissioners: Sam, Chiang, Choi, Fung

Noes: Commissioners: None

Absent: Commissioners: None

Abstain: Commissioners: None

[6.] COMMISSION COMMUNICATIONS AND MATTERS:

- Planning Manager Serrano, in response to Commissioner Fung, stated that there are projects that have deviated by the density as dictated by Land Use Element and zoning. A lot of those projects have invoked state law that has allowed for that to happen.

- Commissioner Chiang inquired about a hillside construction going on at Abajo and Garvey. Deputy Attorney Vazquez stated that the city is making remediation to that site, but cannot go into details as there is ongoing litigation on that site.

[7.] FUTURE AGENDA ITEMS:

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned at 8:00 p.m.



Steven Sizemore

Interim Director of Community Development

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**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
MAY 10, 2022**

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, May 10, 2022 at 6:30 p.m.

CALL TO ORDER:

Chairperson Sam called the Planning Commission meeting to order at 6:30pm.

FLAG SALUTE:

Chairperson Sam called for the Flag Salute.

ROLL CALL:

Planning Manager Jessica Serrano called the roll:

Board Members Present: Tammy Sam, Ricky Choi, Jack Chiang, Peter Fung

Board Members Absent: None

ALSO PRESENT: Steve Sizemore, Interim Director of Community Development, Jessica Serrano, Planning Manager, Joaquin Vazquez, Deputy City Attorney

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS: None

ORAL AND WRITTEN COMMUNICATIONS: None

[1.] PRESENTATIONS:

[2.] CITY OF MONTEREY PARK - CONSENT CALENDAR: None

[3.] PUBLIC HEARING: None

[4.] OLD BUSINESS: None

[5.] NEW BUSINESS:

5-A DISCUSSION OF PLANNING COMMISSION TRAINING OPPORTUNITIES

- Interim Director Sizemore gave presentation on potential Planning Commission training opportunities. Asked for the Commission's feedback on whether they want to invest money into the budget for these training opportunities. Commissioner Choi, Fung, Chiang voiced their support. Interim Director Sizemore said that they will work on a budget and will have something presented in the future.

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- Chairperson Sam asked for guidelines for the chairperson and the vice-chairperson. Director Sizemore said that there may be a cheat sheet that could be used. Attorney Vazquez further clarified that some of the procedures are codified.

5-B GOING GREEN DRAFT WORK PROGRAM

- Planning Manager Serrano gave a presentation on the Going Green Draft Work Program. This program creates a roadmap for the Going Green Campaign. The Going Green Campaign addresses climate change, mitigation and adaptation within the community. The initiative will go through 5 different phases. Planning Manager Serrano proceeded to explain the initiatives one-by-one. Staff will have a CivicSpark Fellow aid the team. This fellow will spearhead the initiatives. Planning Manager Serrano asked for the Commission's feedback on the program.

- Commissioner Fung expressed his enthusiasm for this program. Planning Manager Serrano further explained that this program is not just a city hall effort, but a community-wide effort as well.

- Commissioner Chiang agreed with Commissioner Fung that this is a really robust process. Proposed a landscaping or tree ordinance if the city does not already have one. Also stated that the building code in terms of going green would need to be beefed up.

- Chairperson Sam proposed to post notifications on the Facebook group Monterey Park Life as many people utilize that. She explained how the public often complain when they do not know that updates are taking place. Also suggested that some kind of ordinance creating a community garden would be desirable. Cited Rosemead's community garden as a great example of engaging the community and providing beauty. Proposed to bring back the Spirit bus to provide other modes of transportation. Promoting more outlets to travel aside from automobiles.

- Commissioner Chiang proposed to utilize the newspaper and media for the outreach as well. He himself does not really use social media. Gives an account that his family buys the Chinese newspaper for obtaining news. Also talked about utilizing the fruit trees to the benefit of the community. Talked about how palm trees do not provide proper shading and are not native.

- Commissioner Fung brainstormed and discussed potential ways/incentives to get the community involved in sustainability and beautification of the community.

- Commissioner Chiang said that there should be more deliberate enforcement to go around the community to correct certain problems. Planning Manager Serrano clarified that the Code Compliance division is reactive rather than being proactive.

- Chairperson Sam talked about how implementing some sort of language to include impervious paving to reduce runoff would be beneficial for sustainability. Commissioner Fung proposed capturing rainwater with certain roofing tactics.

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[6.] COMMISSION COMMUNICATIONS AND MATTERS: None

[7.] FUTURE AGENDA ITEMS: None

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned honoring Commissioner Choi's mother, Monique Choi.



Steven Sizemore
Interim Director of Community Development

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**UNOFFICIAL MINUTES
MONTEREY PARK PLANNING COMMISSION
REGULAR MEETING
July 26, 2022**

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, July 26, 2022 at 6:30 p.m.

CALL TO ORDER:

Chairperson Sam called the Planning Commission meeting to order at 6:30pm.

FLAG SALUTE:

Chairperson Sam called for the Flag Salute.

ROLL CALL:

Planning Manager Jessica Serrano called the roll:

Board Members Present: Tammy Sam, Jack Chiang, Jasmine Pesantes

Board Members Absent: Ricky Choi, Peter Fung

ALSO PRESENT: Jessica Serrano, Planning Manager, Beth Chow, Senior Planner and Karl H. Berger, City Attorney.

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS: None

ORAL AND WRITTEN COMMUNICATIONS: None

[1.] PRESENTATIONS:

1-A SWEARING IN OF NEW PLANNING COMMISSOINER – JASMINE PESANTES

- Jasmine Pesantes was already sworn in earlier in the day

[2.] CITY OF MONTEREY PARK - CONSENT CALENDAR: None

[3.] PUBLIC HEARING: None

[4.] OLD BUSINESS: None

[5.] NEW BUSINESS:

5-A DISCUSSION OF OUTDOOR BUSINESS OPERATIONS

- Planning Serrano gave a presentation on outdoor business operations. There are temporary conditions in place due to COVID that will expire by the end of this year. The Commission will be asked to see if there are some conditions that they would like to be permanent,

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modified or removed. There are also potential standards that could be implemented on the report. The Commission was asked for feedback on these potential standards.

- Commissioner Pesantes expressed concern in allowing tents in the parking lots due to safety.

- Commissioner Chiang asked staff how many businesses will benefit from this ordinance. Planning Manager Serrano said that about 10 businesses have this kind of operation. Commissioner Chiang agrees with Commissioner Pesantes in that permanent outdoor dining, under a permanent awning or roof structure is desirable and provides a pleasing aesthetic. Those temporary canopy or similar structures should not be permanent. Commissioner Chiang supports some sort of performance standards regulating outdoor dining business.

- Chairperson Sam stated that she would still love to see outdoor seating. However, similar to Commissioner Chiang, it needs to have some kind of standards. Further, allowing merchants to utilize outdoor business so that Monterey Park does not resemble a flea market is not desirable.

- Commissioner Pesantes stated that she likes the al fresco dining and that having too much activities on the public streets sometimes evoke an unstable or frantic atmosphere. Both Chairperson Sam and Commissioner Chiang stated that this should be limited to dining instead of an entire store outside.

- Chairperson Sam questioned the process to add more business districts. City Attorney Berger stated that the BID process is completely separate from land use issues.

- The Commissioners generally agree that outdoor dining should not intrude onto the sidewalks and do not want to create a situation where pedestrians have to walk on the street in order to navigate through sidewalk and sidewalk dining areas. However, it is not a "one size fits all" kind of situation. Some sidewalks may be wider and could be suitable for outdoor dining. Also, outdoor dining should not create a parking deficiency.

- Planning Manager Serrano asked whether the City should allow businesses to have outdoor dining but be deficient in parking. Commissioner Chiang said that there should be some sort of zoning variance. Planning Manager Serrano also commented that the City has relaxed certain standards to allow for businesses to thrive during COVID. One of those was alleviating parking. This could be an appropriate avenue to allow businesses to have outdoor dining. Chairperson Sam posed questions related to use of valets in the City. City Attorney Berger confirmed that there are no valets in the City.

- Commissioner Chiang stated that the Commission should be looking at deviations from the zoning code. Planning Manager Serrano said that this would be up to City Council to make those decisions. City Attorney Berger clarified that zone changes go directly to the City Council unless they delegate it to the Planning Commission. Discretionary review has not been taken away from the Planning Commission.

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- Commissioner Chiang believes that operation hours should be limited especially for those businesses near residential area.

- Attorney Berger suggested the Commission to look at the aesthetics. Chairperson Sam said that she likes “streetery” specifically for Garvey. “Streetery” are also known as parklets. Pasadena has made parklets permanent. Commissioner Pesantes commented that they should be cognizant of the exact location of these parklets. Commissioner Chiang has reservations for the parklets design. Stated that parklets could potentially be distracting. Not sure if it is viable for Monterey Park.

[6.] COMMISSION COMMUNICATIONS AND MATTERS:

- Planning Manager Serrano introduced new Senior Planner, Beth Chow. Senior Planner Chow introduced herself.

[7.] FUTURE AGENDA ITEMS: None

ADJOURNMENT:

There being no further business for consideration, the Planning Commission meeting was adjourned.



Steven Sizemore
Interim Director of Community Development

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Planning Commission Staff Report

DATE: September 27, 2022

AGENDA ITEM NO: 3-A

TO: The Planning Commission

FROM: Steve Sizemore, Interim Director of Community Development
Jessica Serrano, Planning Manager

SUBJECT: **PUBLIC HEARING – ZONING CODE AMENDMENT NO. 22-01 (ZCA 22-01)** - Resolution recommending City Council approval of an amendment to Title 21 (Zoning) of the Monterey Park Municipal Code to add Chapter 21.19, entitled "Inclusionary Housing," to implement the Monterey Park Housing Element.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

1. Opening the public hearing;
2. Receiving documentary and testimonial evidence;
3. Closing the public hearing;
4. After considering the evidence received during the public hearing, adopting a Resolution recommending City Council approval of an amendment to Title 21 (Zoning) of the Monterey Park Municipal Code to add Chapter 21.19, entitled "Inclusionary Housing," to implement the Monterey Park Housing Element; and
5. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

Pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*; "CEQA") and its implementing guidelines, the proposed code amendment (ZCA 22-01) is exempt from further CEQA review for the following reasons: (1) it will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2); (2) there is no possibility that the ordinance may have a significant effect on the environment because this is a non-discretionary review of proposed legislation and any potential, associated housing projects would undergo discrete environmental review (14 Cal. Code Regs. § 15061(b)(3); and (3) the ordinance, by itself, does not constitute a "project" as defined in the CEQA Guidelines because it involves a policy action that is administrative in nature relating to affordable housing requirements and prospective future development to comply with Housing Element Program 15 (14 Cal. Code Regs. § 15378).

EXECUTIVE SUMMARY:

The City of Monterey Park Housing Element requires that the City Council consider an inclusionary housing ordinance before the end of this year. The draft inclusionary housing ordinance ("Ordinance") for ZCA 22-01 has been prepared for the Planning Commission's consideration. The Planning Commission serves as recommending body to the City Council on Zoning Code amendments. The attached resolution recommends City Council approval of an amendment to Title 21 (Zoning) of the Monterey Park Municipal Code to add Chapter 21.19, entitled "Inclusionary Housing," to implement the Monterey Park Housing Element and is contained in Attachment 1.

The proposed Ordinance (Attachment 1, Exhibit A) is intended to encourage the production of affordable units in new housing developments. This is accomplished by two methods, or a combination of methods: (1) require actual construction of affordable units; and/or (2) pay an in-lieu fee to the City that is commensurate with the cost of a new unit. For option #2, fees will be consolidated into an affordable housing trust fund. Separate from the City's General Fund, the City must affordable housing trust fund monies may then be leveraged by the City to help pay for affordable housing in other projects. Should the Planning Commission recommend City Council approval of the proposed Ordinance, the in-lieu fee will be established by City Council at a duly noticed public hearing.

BACKGROUND:

The City adopted the 2021-2029 Housing Element of the General Plan on January 19, 2022. As part of ongoing efforts to address housing for all income levels, Housing Element Program 15 commits the City to considering a program for the City to develop an inclusionary housing program. Such programs require certain residential and mixed-use developments to designate a percentage of units for affordable housing. Inclusionary housing programs provide alternatives to the production of housing onsite, such as the payment of an in-lieu fee established by City Council resolution.

On September 7, 2022, the City Council held a discussion on potential inclusionary housing standards. The Council was generally in support of the City considering inclusionary housing requirements and provided direction to staff to develop an ordinance that was balanced and fair, in line with the requirements of our neighboring communities, would not deter housing development from occurring, and that the City consider adopting in-lieu fees which are calculated per unit rather than per project, among others.

Staff has prepared a proposed Ordinance for the Planning Commission's review and recommendation to the City Council. The proposed Ordinance together with the Planning Commission's recommendation will be scheduled for a City Council public hearing for final approval. Upon approval by the City Council, the Ordinance will be scheduled for a second reading together with the adoption of the in-lieu fee and creation of an affordable housing trust fund, which will become effective 30 days after adoption.

The Ordinance would require the City's deposit of inclusionary housing in-lieu fees into the affordable housing trust fund, and the fund's monies would be required to be used exclusively for providing affordable housing in the City and for reasonable costs associated with the acquisition, development, maintenance, improvement, and oversight of affordable housing. Such funds may be leveraged with other regional, state, and federal funding sources to augment the City's affordable housing stock.

Once created, the City would be able to deposit \$100,000 into the affordable housing trust fund. This money stems from the Celadon mixed-use project that the City Council approved earlier this year and constitutes one of the public benefits promised by that developer to off-set the impacts from the development. The City Council anticipated the creation of this trust fund at that time and expected the developer to assist the City with implementing the Housing Element objectives.

PROPOSED ORDINANCE:

As part of the research conducted in the drafting of this Ordinance, several inclusionary housing ordinances were reviewed, including ordinances for nearby communities and for communities beyond the San Gabriel Valley. Attachment 3 contains a summary of some of the inclusionary housing ordinances that were reviewed.

The following table provides a summary of the major components of the proposed Ordinance:

Applicability	Projects creating 5 or more dwelling units
Affordability Levels*	For rent projects: - 9% Low-Income Households - 6% Moderate-Income Households For sale projects: - 15% Moderate-Income Households
Alternative Compliance Methods	- Inclusionary Housing In-lieu Fee prior to issuance of certificate of occupancy - Off-Site Units
Standards for For-Sale Units	- Must be affordable for 45 years - Must certify purchaser's income - City consent required prior to leasing or renting inclusionary unit - Purchaser of inclusionary units must occupy as "principal residence" - Affordability restrictions must be disclosed to new owners
Standards for Rental Units	- Must be affordable for 55 years - Must certify renter's income - Renter cannot sublease without City approval - Affordability restrictions must be disclosed to new owners

Standards	- Inclusionary Housing Units must be comparable to market rate units and dispersed throughout development - Certification of continuing occupancy of inclusionary unit by eligible households
Agreement	Inclusionary Housing Agreement required between developer and City prior to building permit issuance
Modifications or Waivers	- Modifications or waivers to requirements may be allowed under certain circumstances, subject to Director approval - Director's approval may be appealed to Planning Agency

* Income levels are established on an annual basis by the California Housing and Community Development Department (HCD).

FISCAL IMPACT:

Staff time and City Attorney fees will be absorbed into the Planning Department's budget. In-lieu fees would be deposited and programmed pursuant to the restrictions described above.

Respectfully submitted,



Steve Sizemore
Interim Director of
Community Development

Prepared by:



Jessica Serrano
Planning Manager

Reviewed by:



Joaquin Vazquez
Deputy City Attorney

ATTACHMENTS:

- Attachment 1: Planning Commission Resolution Recommending City Council approval an amendment to Title 21 (Zoning) of the Monterey Park Municipal Code to add Chapter 21.19, entitled “Inclusionary Housing”, to implement inclusionary housing requirements, and Exhibit “A” Draft Inclusionary Housing Ordinance
- Attachment 2: Survey of Inclusionary Housing Ordinances in Surrounding Communities
- Attachment 3: Notice of Exemption

ATTACHMENT 1

Planning Commission Resolution and
Exhibit "A" Draft Inclusionary Housing Ordinance

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING CITY COUNCIL APPROVAL OF AN AMENDMENT TO TITLE 21 (ZONING) OF THE MONTEREY PARK MUNICIPAL CODE TO ADD CHAPTER 21.19, ENTITLED “INCLUSIONARY HOUSING,” TO IMPLEMENT THE MONTEREY PARK HOUSING ELEMENT.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1. The Planning Commission finds and declares that:

- A. The state of California (“State”) Legislature declared that cities must use their vested powers to facilitate housing development “for the housing needs of all economic segments of the community” (Gov’t. Code § 65580(d)).
- B. In *Building Industry Association v. City of San Jose* (2015) 61 Cal.4th 435, the California Supreme Court upheld cities’ ability to adopt inclusionary housing requirements utilizing their police powers.
- C. Pursuant to Government Code §§ 65850 and 65850.1, cities may adopt ordinances requiring inclusionary housing requirements for *rental* residential developments so long as they offer alternative means of compliance.
- D. On January 19, 2022, the City Council adopted the 2021-2029 Housing Element to develop a comprehensive strategy for providing safe, decent and affordable housing within the community.
- E. Goal 4 of the adopted Housing Element for the city of Monterey Park (“City”) commits to assist in providing housing that meets the needs of all economic segments of the community.
- F. Policy 4.1 of the City’s Housing Element encourages using regulations to facilitate affordable housing development.
- G. Housing Element Program 15 commits to the City’s consideration of inclusionary housing regulations to bolster the City’s’ affordable housing stock.
- H. The California Legislature declared that California is experiencing a housing shortage for households of very low-, low-, and moderate-incomes which is detrimental to the public health, safety, and welfare. This Ordinance utilizes the City’s police power to regulate land use and ensure the limited supply of the City’s developable land provides housing opportunities for households of all income levels without constraining housing development.
- I. The City initiated this zoning code amendment provided through this Ordinance (“ZCA 22-01”) pursuant to Monterey Park Municipal Code (“MPMC”) § 21.38.020.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 5**

- J. On September 27, 2022, the City's Planning Commission conducted a duly noticed public hearing to assess the proposed MPMC amendments in ZCA 22-01. This Resolution, and its findings, is adopted based upon the evidence set forth in the entire record including, without limitation, documentary and testimonial evidence; the staff report; and such additional information set forth in the entire administrative record that is too voluminous to reference, but is on file in the Community Development Department.
- K. On September 7, 2022, the City Council held a discussion item regarding potential inclusionary housing regulations, at which time, staff received direction to proceed with developing an inclusionary housing ordinance which is balanced and fair, and aligned with ordinances from our neighboring communities, among others.
- L. On September 27, 2022, the City's Planning Commission conducted a duly noticed public hearing to assess the proposed MPMC amendments to ZCA 22-01. This Resolution, and its findings, is adopted based upon the evidence set forth in the entire record including, without limitation, documentary and testimonial evidence; the staff report; and such additional information set forth in the entire administrative record that is too voluminous to reference, but is on file with the Community Development Department.

SECTION 2. Factual Findings and Conclusions. The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The MPMC amendments in this Ordinance are consistent with the goals, policies and objectives of the General Plan. Among other things, these regulations will provide housing opportunities for households in all income levels without constraining housing development in the City.
- B. These regulations will not adversely affect surrounding properties. Such regulations will operate citywide and will not affect a change in the use or the intensity of use of property in any zone.
- C. These regulations promote public health, safety, and general welfare and serve the goals and purposes of the MPMC's zoning regulations. The inclusionary housing regulations will continue to promote the public health, safety, and general welfare while serving the goals and purposes of the zoning regulations. Among other things, the regulations will facilitate creation of housing to address the Legislature's determination regarding a statewide housing shortage for households of very low, low, and moderate incomes.

PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 5

SECTION 3. *Environmental Assessment.* The Planning Commission makes the following environmental finding:

- A. Pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*; “CEQA”) and its implementing guidelines, the proposed code amendment (ZCA 22-01) is exempt from further CEQA review for the following reasons: (1) it will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2); (2) there is no possibility that the ordinance may have a significant effect on the environment because this is a non-discretionary review of proposed legislation and any potential, associated housing projects would undergo discrete environmental review (14 Cal. Code Regs. § 15061(b)(3); and (3) the ordinance, by itself, does not constitute a “project” as defined in the CEQA Guidelines because it involves a policy action that is administrative in nature relating to affordable housing requirements and prospective future development to comply with Housing Element Program 15 (14 Cal. Code Regs. § 15378).

SECTION 4. *Actions.* The Planning Commission recommends that the City Council takes the following actions:

- A. Adopt the Draft Inclusionary Housing Ordinance attached as Exhibit “A,” and incorporated into this Resolution by reference;
- B. Determine that, pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*; “CEQA”) and its implementing guidelines, the proposed code amendment (ZCA 22-01) is exempt from further CEQA review for the following reasons: (1) it will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2); (2) there is no possibility that the ordinance may have a significant effect on the environment because this is a non-discretionary review of proposed legislation and any potential, associated housing projects would undergo discrete environmental review (14 Cal. Code Regs. § 15061(b)(3); and (3) the ordinance, by itself, does not constitute a “project” as defined in the CEQA Guidelines because it involves a policy action that is administrative in nature relating to affordable housing requirements and prospective future development to comply with Housing Element Program 15 (14 Cal. Code Regs. § 15378).

SECTION 5. *Reliance on the Record.* Each and all of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 4 OF 5**

SECTION 6. *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts were made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 7. *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 8. This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 9. The Planning Commission Secretary is directed to mail a copy of this Resolution to any person requesting a copy.

SECTION 10. This Resolution will take effect immediately upon adoption.

ADOPTED AND APPROVED this 27th day of September 2022.

Chairperson Tammy Sam

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 27th day of September 2022, by the following vote of the Planning Commission:

AYES:
NOES: None
ABSTAIN: None
ABSENT: None



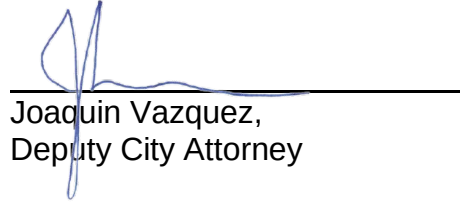
Steve Sizemore, Secretary

APPROVED AS TO FORM:

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 5 OF 5**

KARL H. BERGER, CITY ATTORNEY

By:



Joaquin Vazquez,
Deputy City Attorney

EXHIBIT "A"
INCLUSIONARY HOUSING ORDINANCE
(CODE AMENDMENT 22-01)

**EXHIBIT A
ORDINANCE NO.**

**AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE
TITLE 21 (ZONING) TO ADD CHAPTER 21.19, ENTITLED
“INCLUSIONARY HOUSING,” TO IMPLEMENT THE MONTEREY PARK
HOUSING ELEMENT.**

The City Council of the City of Monterey Park does ordain as follows:

SECTION 1: The City Council finds and declares that:

- A. The California (“State”) Legislature declared that cities must use their vested powers to facilitate housing development “for the housing needs of all economic segments of the community” (Gov. Code § 65580, subd. (d)).
- B. In *Building Industry Association v. City of San Jose* (2015) 61 Cal.4th 435, the California Supreme Court upheld cities’ ability to adopt inclusionary housing requirements utilizing their police powers.
- C. Pursuant to Government Code §§ 65850 and 65850.1, cities may adopt ordinances requiring inclusionary housing requirements for *rental* residential developments so long as they offer alternative means of compliance.
- D. January 19, 2022, the City Council adopted the 2021-2029 Housing Element to develop a comprehensive strategy for providing safe, decent and affordable housing within the community.
- E. Goal 4 of the adopted Housing Element for the city of Monterey Park (“City”) commits to assist in providing housing that meets the needs of all economic segments of the community.
- F. Housing Element Policy 4.1 encourages using regulations to facilitate affordable housing development.
- G. Housing Element Program 15 commits to the City’s consideration of inclusionary housing regulations to bolster the City’s affordable housing stock.
- H. The California Legislature declared that California is experiencing a housing shortage for households of very low-, low-, and moderate-incomes which is detrimental to the public health, safety, and welfare. This Ordinance utilizes the City’s police power to regulate land use and ensure the limited supply of the City’s developable land provides housing opportunities for households of all income levels without constraining housing development.
- I. The City initiated this code amendment by this Ordinance (“ZCA 22-01”)

pursuant to Monterey Park Municipal Code (“MPMC”) § 21.38.020.

- J. On September 27, 2022, the Planning Commission conducted a duly noticed public hearing to assess the proposed MPMC amendments in ZCA 22-01, considered all oral and written evidence, and adopted Resolution [REDACTED] recommending that the City Council adopt this Ordinance.

SECTION 2: Pursuant to MPMC § 21.38.050, the City Council finds as follows:

- A. The MPMC amendments in this Ordinance are consistent with the goals, policies and objectives of the General Plan. Among other things, these regulations will provide housing opportunities for households in all income levels without constraining housing development in the City.
- B. These regulations will not adversely affect surrounding properties. Such regulations will operate citywide and will not affect a change in the use or the intensity of use of property in any zone.
- C. These regulations promote public health, safety, and general welfare and serve the goals and purposes of the MPMC’s zoning regulations. The inclusionary housing regulations will continue to promote the public health, safety, and general welfare while serving the goals and purposes of the zoning regulations. Among other things, the regulations will facilitate creation of housing to address the Legislature’s determination regarding a statewide housing shortage for households of very low-, low-, and moderate-incomes.

SECTION 2: *Environmental Review.* The City Council finds and determines that this ordinance is not subject to further review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*; “CEQA”) for the following reasons: (1) it will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2); (2) there is no possibility that the ordinance may have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3); and (3) the ordinance, by itself, does not constitute a “project” as defined in the CEQA Guidelines (14 Cal. Code Regs. § 15378).

SECTION 3: A new Chapter 21.19 is added to the MPMC to read as follows:

“Chapter 21.19

INCLUSIONARY HOUSING

- 21.19.010 Purpose.
- 21.19.020 Definitions.
- 21.19.030 Applicability; Exemptions.
- 21.19.040 Inclusionary Housing Unit Requirements.

- 21.19.050 Alternative Compliance.
 - 21.19.060 Standards for Inclusionary Housing Units.
 - 21.19.070 Eligibility Requirements.
 - 21.19.080 Inclusionary Housing Plan.
 - 21.19.090 Inclusionary Housing Agreement.
 - 21.19.100 Modifications or Waivers.
 - 21.19.110 Administration and Enforcement.
-

21.19.010 Purpose.

This Chapter is adopted in accordance with Article XI, § 7 of the California Constitution and with reference to Government Code §§ 65850 and 65850.1 for the purpose of establishing requirements, standards, and procedures to facilitate affordable housing development for a range of households with varying income levels to implement the goals and objectives of the City's Housing Element.

21.19.020 Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter:

- A. "Affordable housing" means dwelling units made available to low-, very low-, or moderate-income households.
- B. "Affordable housing cost" means the maximum monthly amount allowed for an owner or renter to pay for an allocated unit in accordance with Health and Safety Code §§ 50052.5 and 50053, or successor statutes or regulations, adjusted for household size and income level, less the appropriate allowance for utilities.
- C. "Affordable housing trust fund" is described in § 21.19.050.
- D. "Area median income" means the median family income of a geographic area.
- E. "Developer" means the person or persons seeking City approval of a project
- F. "Director" means the City Manager or designee.
- G. "Dwelling unit" means one or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with full cooking, sleeping, and bathroom facilities for the exclusive use of a single household.
- H. "Eligible household" means a household eligible to purchase or rent an inclusionary housing unit, as applicable.
- I. "Health care facility" means a facility, place, or building, other than a hospital, which

is maintained and operated as a residence for patients to provide them long-term medical care, and includes nursing homes, intermediate care facilities, extended care facilities, hospice homes, and similar facilities licensed by the California Department of Health Services, pursuant to Health and Safety Code § 1200 et seq.

- J. “HUD” means the U.S. Department of Housing and Urban Development.
- K. “Inclusionary housing unit” means a dwelling unit built pursuant to the requirements of this chapter and made available to low-, very low-, or moderate-income households.
- L. “Inclusionary housing in-lieu fee” is described in § 21.19.050.
- M. “Low-income household” means a household income that does not exceed 80% of area median income for Los Angeles County, as published periodically by HUD, pursuant to Health and Safety Code § 50079.5 and any successor statute or regulation.
- N. “Market rate unit” means a dwelling unit where the rental rate or sales price is not restricted by applicable law.
- O. “Moderate-income household” means a household income that does not exceed 120% of area median income for Los Angeles County, as published periodically by HUD, pursuant to Health and Safety Code § 50093 and any successor statute or regulation.
- P. “Project” means any residential or mixed-use proposal for the creation of five or more new dwelling units.
- Q. “Very low-income household” means a household income that does not exceed 50% of area median income for Los Angeles County, as published periodically by HUD, pursuant to Health and Safety Code § 50105 and any successor statute or regulation.

21.19.030 Applicability; Exemptions.

- A. This chapter applies to projects creating five or more dwelling units for rent or sale, including the residential portions of mixed-use developments.
- B. The following are exempted from this chapter’s requirements:
 - 1. Any eligible project for which the City enters into a development agreement, pursuant this code that provides comparable community benefits, as determined by the City Council.

2. Any eligible project that is 100% affordable for low-, very low-, or moderate-income households that will be deed-restricted for a period of at least 55 years for rental units or 45 years for for-sale units.
3. Development of emergency shelters, community care facilities, or health care facilities.
4. Reuse of a designated landmark or contributing structure for housing within a historic district.
5. Accessory dwelling units, junior dwelling units, or units created pursuant to Government Code §§ 65852.21 and 66411.7, provided that the replacement or restoration does not increase the number of existing units by five or more.
6. Residential building additions, repairs, or remodels, provided the work does not increase the number of existing units by five or more.
7. Replacement or restoration of residential units damaged or destroyed by fire, flood, earthquake, or other disaster, provided that the replacement or restoration does not increase the number of existing units by five or more.
8. Any eligible project otherwise exempt under state or federal law.

21.19.040 Inclusionary Housing Unit Requirements.

- A. Inclusionary Units for Rent. Developers with projects creating five or more units must rent 15% of the units to affordable households as follows:
 1. Nine percent to very low-income households or low-income households; and
 2. Six percent moderate-income households.
- B. Inclusionary Units for Sale. Developers with projects creating five or more must sell 15% of the units to moderate-income households.
- C. Calculation of Inclusionary Housing Units Fractional Units.
 1. The percentage of inclusionary housing units required in this section will be applied to the project's total number of proposed dwelling units.
 2. If an inclusionary housing unit calculation in this section results in a fractional remainder, the developer may choose one of the following options:
 - a. Round up to the next whole number and provide the resulting unit onsite; or

- b. Pay the fractional amount above the whole number as an inclusionary housing in-lieu fee pursuant to this chapter.

21.19.050 Alternative Compliance.

A. Inclusionary Housing In-lieu Fee; Affordable Housing Trust Fund.

1. The requirements of § 21.19.040 may be satisfied if the developer causes an inclusionary housing in-lieu fee to be paid to the City.
2. A developer may satisfy the requirements of § 21.19.040 by providing some of the required inclusionary housing units onsite and paying an the in-lieu fee required under this section for any remaining, required inclusionary housing units.
3. The City Council will establish the inclusionary housing in-lieu fee by resolution.
4. The inclusionary housing in-lieu fee must be paid, in full, to the City before it issues a final certificate of occupancy for the project, unless otherwise prohibited by law.
5. The City Council establishes an inclusionary housing trust fund, and all inclusionary housing in-lieu fees, and other funds authorized under this chapter, or otherwise by the City, must be deposited into this inclusionary housing trust fund. The monies in such fund must be used exclusively for providing affordable housing in the City and for reasonable costs associated with the acquisition, development, maintenance, improvement, and oversight of affordable housing.

B. Off-site Units.

The requirements of § 21.19.040 may be satisfied if the developer develops, or causes an established third-party affordable housing developer, as reasonably determined by Director, to develop, the allocated affordable housing units off-site on property located within the City in accordance with the following requirements, subject to Director review and approval:

1. Any third-party (e.g., nonprofit housing agency) the developer associates with to create off-site units under this section must agree, in writing, to all the provisions of this chapter and be a signatory to the inclusionary housing agreement required under this chapter.
2. The off-site affordable units developed must at least be equal to the inclusionary housing units required for the project and consistent with the standards set forth in this chapter.

3. To ensure the creation of the off-site affordable units developer must provide a surety, in a form approved by the City Attorney, equal to 25% of the total estimated cost to construct the off-site affordable units to ensure performance. Examples of sureties that may be acceptable include the following: performance bonds; surety bonds; cash deposits; money orders; letters of credit; and certificates of deposit. The Director will relinquish the surety at the time that the Building Official a final certificate of occupancy for the last of the off-site affordable units.
4. The developer must pay an in-lieu fee in an amount required by this chapter to the City in the event the off-site units are not timely completed.

21.19.060 Standards for Inclusionary Housing Units.

A. Projects are subject to the following requirements:

1. The developer must identify all contiguous property under common ownership or control in its project application. If the developer does not plan to develop all such property, then it must record a covenant, in a form approved by the City Attorney, requiring that such undeveloped property include inclusionary housing units or pay the in-lieu fee as required by this chapter at such future date that an application is filed for ministerial or discretionary approval of a residential development subject to this chapter. Such covenant must run with the land and be effective for at least 30 years pursuant to Civil Code § 885.030.
2. All inclusionary housing units must be reasonably dispersed throughout the project to avoid any concentration of inclusionary units within a project.
3. All inclusionary housing units must be comparable to market rate units included within a project in terms of number of bedrooms, design, materials, size, finished quality, appearance, or other material conditions.
4. All inclusionary housing units must be accessible to project amenities, utilities, and facilities available to market rate units at the same or lower cost chargeable, if at all, to market rate units.
5. All inclusionary housing units must be constructed before or concurrent with the construction of market rate units in the project, and in phased projects, inclusionary housing units may be constructed in proportion to the number of units in each phase of the residential development.
6. A developer must submit a written report to the Director, within 30 days of the Director's written request, that identifies the income and family size of the occupants of the inclusionary unit. The City may impose a fee to recover its associated regulatory costs pursuant to this chapter.

B. Inclusionary housing units for sale are subject to the following restrictions:

1. Such for-sale units must be deed restricted to the target household income group for a minimum of 45 years.
2. The developer, property owner, and all subsequent owners of an inclusionary housing unit offered for sale must certify, in a form and content acceptable to the Director, the purchaser's income.
3. An owner of such a for-sale unit is prohibited from leasing or renting the unit unless the City has given its prior written consent to such lease or rental on the basis of a demonstrated hardship by the owner.
4. A purchaser of inclusionary housing units offered for sale must occupy the unit as their "principal residence" as such term is defined for federal tax purposes in the United States Internal Revenue Code, except with the City's prior written approval. The purchaser must be presented to the City that the owner is unable to occupy the unit due to illness or incapacity. In such cases, the units must be rented to a person within the same target household income category.
5. The City must approve subsequent owners of such for-sale units who must meet the same qualifications as the original owner.
6. Before the escrow closing for such a for-sale unit, the seller must provide written notice to the buyer of the affordability restrictions including, without limitation, resale price restrictions, in a document written in plain language and approved, in writing by the Director.
7. Title in a for-sale unit may transfer because of changes in circumstance, including, without limitation, death, marriage, and divorce. Except as otherwise provided, if such a changed circumstance results in a title transfer which causes a household to become ineligible for an inclusionary housing unit then the housing unit must be sold to an eligible household within nine months after such title transfer occurs.
8. Upon the death of one owner, title in the for-sale unit may transfer to the surviving joint tenant without respect to the joint tenant's household income eligibility.
9. If a for-sale unit is sold for an amount more than the resale price authorized under this chapter, the buyer and seller are jointly liable to the City for the entire purchase price of the unit. Funds recovered by the Director must be deposited in the affordable housing trust fund. The foregoing notwithstanding, the Director may allow the buyer and seller up to 180 days to cure any violation of this chapter's resale price restrictions upon the buyer and seller's written request for such cure period.

C. Inclusionary housing units for rent will be subject to the following restrictions:

1. Such rental units must be deed restricted to the target household income group for a minimum of 55 years.
2. The owner of the rental units must certify to the Director, in a form acceptable to the City, the income of the tenant at the time of the initial rental and annually thereafter.
3. The renter of an inclusionary housing unit is prohibited from subleasing the unit unless the City has given its prior written consent to such sublease on the basis of a demonstrated hardship by the renter. Any rent obtained through an unpermitted sublease of an inclusionary housing unit is forfeited to the City, and recovered funds must be deposited in the affordable housing trust fund.
4. The Director may require the execution and recording of whatever documents are necessary or useful in ensuring enforcement of this section which must be recorded against all applicable inclusionary units.
5. Before the escrow closing of a inclusionary housing unit for rent, the seller must provide written notice to the buyer of the affordability restrictions including, without limitation, to resale price restrictions in a document written in plain language and approved, in writing by the Director.

21.19.070 Eligibility Requirements.

- A. Unless otherwise provided, only applicable eligible households are authorized to occupy inclusionary housing units in this chapter.
- B. Elected and appointed officials or employees of the City subject to the City's conflict of interest code are ineligible to occupy an inclusionary housing unit created under this chapter.

21.19.080 Inclusionary Housing Plan.

No application for a project subject to this chapter's requirements will be complete until the developer submits an inclusionary housing plan to the City in a form acceptable to the Director that contains all of the following, as applicable:

- A. The number, type, and location of all inclusionary housing units for the project.
- B. Any requested modifications or waivers and the basis therefore.
- C. A detailed methodology for determining the rental rates or sale prices of all inclusionary housing units.

- D. The affordability level and affordability term for each inclusionary housing unit.
- E. Deed restrictions, including applicable sale and rent limitations set forth in this chapter.
- F. A timeline of project phasing, including completion timelines for inclusionary housing units in relation to market rate units.
- G. The financing for ongoing monitoring and administrative costs.
- H. Enforcement mechanisms to ensure that inclusionary housing units are occupied by eligible households and are not sold, rented, leased, sublet, assigned, or otherwise transferred to non-eligible households.
- I. The manner in which inclusionary housing units will be marketed and filled, including the screening and qualifying of prospective renters or purchasers of inclusionary housing units.

21.19.090 Inclusionary Housing Agreement.

- A. A written inclusionary housing agreement, in a form approved by the City Attorney, must be entered into between the developer and the City for any project providing onsite inclusionary housing units or off-site inclusionary housing units pursuant to this chapter.
- B. The inclusionary housing agreement must include the following:
 - 1. All information required under § 21.19.080.
 - 2. A clause authorizing the recovery of City costs, including, without limitation, attorney's fees, incurred in any action taken to enforce compliance with the inclusionary housing agreement.
 - 3. Any additional reasonable information the Director requires in ensuring compliance with this chapter.
- C. The City will not issue a building permit for a project subject to this section's requirements until all of this chapter's applicable requirements of are satisfied, including, without limitation, full execution of an inclusionary housing agreement.
- D. The inclusionary housing agreement must be recorded with the Los Angeles County Recorder and will run with the land, binding any developer successor in interest, including bona fide purchasers.

21.19.100 Modifications or Waivers.

- A. The City may modify or waive this chapter's requirements if the developer demonstrates for good cause shown and by substantial evidence to the Director that this chapter's application would constitute a violation of applicable law or a taking of property in violation of the United States or California Constitutions.
- B. Any developer requesting an adjustment or waiver of this chapter's requirements must submit documentation concurrently with filing the project application that presents substantial evidence to support the adjustment or waiver request. This documentation must set forth in detail the factual and legal basis for any such claim.
- C. Before or in conjunction with a decision on the proposed project, the Director must render a written decision on the proposed adjustment or waiver of this chapter's requirements. The Director's decision may be appealed to the Planning Agency in a manner provided in this code.

21.19.110 Administration and Enforcement.

- A. The City Council may establish fees by resolution for the City's ongoing administration of this chapter.
- B. Any public official, employee, or agent's failure to fulfill this chapter's requirements does not excuse any person, owner, household, or other party from complying with such requirements.
- C. The City will not issue a final certificate of occupancy for a project subject to this chapter's requirements until all of this chapter's applicable requirements are satisfied, unless otherwise provided in an inclusionary housing agreement.
- D. In addition to the general remedies provided in this code and other applicable law, the City Attorney is authorized to take any appropriate enforcement action to ensure compliance with this chapter, including, without limitation:
 - 1. Actions to revoke, deny, or suspend any permit, including a building permit, certificate of occupancy, or discretionary approval.
 - 2. Actions to recover civil fines, restitution to prevent unjust enrichment for violating this chapter, and/or enforcement costs, including attorney's fees.
 - 3. Eviction or foreclosure.
 - 4. Any other appropriate action for injunctive relief or damages."

SECTION 4: *Electronic Signatures.* This Ordinance may be executed with electronic signatures in accordance with Government Code § 16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 5: *Construction.* This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 6: *Severability.* If any part of this Ordinance or its Application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 7: *Recordation.* The City Clerk, or designee, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, and cause it to be published or posted in accordance with California law.

SECTION 8: *Effective Date.* This Ordinance will become effective 30 days after second reading and adoption.

PASSED AND ADOPTED this ____ day of _____, 2022.

Henry Lo, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:
KARL H. BERGER, CITY ATTORNEY

Joaquin Vazquez, Deputy City Attorney

ATTACHMENT 2

Survey of Inclusionary Housing Ordinances

Survey of Inclusionary Housing Ordinances

Jurisdiction	Threshold Units	Inclusionary Percentage	In Lieu Fee	Other Alternatives	Rental-Units Income Category	For-Sale Units Income Category	Term of Affordability
Monterey Park (Proposed)	5+ unit residential development	15%	Yes	Off-site units	9% low-income households 6% moderate-income	Moderate-Income households	45 years
Alhambra	5+ unit residential development	15%	Yes	- Off-site units - Land donation	9% low-income households 6% moderate-income households May be reduced if: - Very low-income units in lieu of low-income = credit of 1.5 units/unit - Very low-income units in lieu of moderate-income = credit of 2 units/unit - Low-income units in lieu of moderate-income = credit of 1.5 units/unit	9% low-income households 6% moderate-income households May be reduced if: - Very low-income units in lieu of low-income = credit of 1.5 units/unit - Very low-income units in lieu of moderate-income = credit of 2 units/unit - Low-income units in lieu of moderate-income = credit of 1.5 units/unit	45 years
Duarte	4+ unit residential development	15%	Yes	NA	- very low, low or moderate-income households 40% of inclusionary units must be for very low-income households May be reduced if: - Very low-income units in lieu of moderate-income = credit of 2 units/unit - Low-income units in lieu of moderate-income = credit of 1.5 units/unit	- Moderate-Income households May be reduced if: - Very low-income units in lieu of moderate-income = credit of 2 units/unit - Low-income units in lieu of moderate-income = credit of 1.5 units/unit	- Rental Units: 55 years - For-Sale Units: 45 years

Survey of Inclusionary Housing Ordinances

Jurisdiction	Threshold Units	Inclusionary Percentage	In Lieu Fee	Other Alternatives	Rental-Units Income Category	For-Sale Units Income Category	Term of Affordability
La Habra*	10+ unit residential development	15%	Yes	- Off-site units - Land donation - Acquire and reconstruct existing units - Combination of options allowed	6% low-income households 9% moderate-income households	Households earning no more than 110% AMI**	- Rental Units: 55 years - For-Sale Units: 45 years
Los Angeles County	5+ unit residential development	Rental (< 15 units): 40% AMI or less = 5% 65% AMI or less = 7% 80% AMI or less = 10% Rental (15 units or >): 40% AMI or less = 10% 65% AMI or less = 15% 80% AMI or less = 20% For-Sale (< 15 units): 135% AMI or less = 7% For-Sale (15 units or >): 135% AMI or less = 15%	No	Off-site units	Extremely low, very low, low or moderate-income households	Moderate or middle income households	- Rental Units: in perpetuity - For-Sale Units: determined by equity-sharing agreement

Survey of Inclusionary Housing Ordinances

Jurisdiction	Threshold Units	Inclusionary Percentage	In Lieu Fee	Other Alternatives	Rental-Units Income Category	For-Sale Units Income Category	Term of Affordability
Pasadena	10+ unit residential development	20%	Yes	- Off-site units - Land donation - Off-site units when very low, low or moderate-income households are displaced	5% very low-income households 5% very low or low-income households 10% very low, low or moderate-income households	very low, low or moderate-income	- Rental Units: in perpetuity - For-Sale Units: 45 years
South Pasadena	3+ unit residential development	20%	Yes	- Off-site units - Rehabilitation/ conversion of equivalent number of existing units to affordable units - Land donation	≤10 Units – 2 units lower income, or 1 very low & 1 non-above moderate income 11+ Units – 50% extremely low or very low and 50% lower income	Moderate-income	55 years

* Outside of the San Gabriel Valley.

** AMI = Area Median Income means the median family income of a geographic area.

ATTACHMENT 3

Notice of Exemption

Notice of Exemption

From: City of Monterey Park Planning
320 W. Newmark Avenue
Monterey Park, CA 91754

To:

- ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814
- ☐ Los Angeles, County Clerk
Environmental Filings
12400 Imperial Highway #1201
Norwalk, CA 90650
Attn: Business Filings and Registration

Project Title: Zoning Code Amendment (ZCA 22-01)
Project Location - Specific: Citywide
Project Location - City: Monterey Park
Project Location - County: Los Angeles

Description of Project:

Approval of a code amendment to Title 21 (Zoning) of the Monterey Park Municipal Code to add Chapter 21.19, entitled "Inclusionary Housing," to implement the Monterey Park Housing Element.

Name of Public Agency Approving Project: City of Monterey Park
Name of Person or Agency Carrying Out Project: City of Monterey Park

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____

☒ Statutory Exemptions. State code number: 15061(b)(3); 15061(b)(3); and 15378

Reasons why project is exempt:

Code amendment (ZCA 22-01) is exempt from further CEQA review for the following reasons: (1) it will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2); (2) there is no possibility that the ordinance may have a significant effect on the environment because this is a non-discretionary review of proposed legislation and any potential, associated housing projects would undergo discrete environmental review (14 Cal. Code Regs. § 15061(b)(3); and (3) the ordinance, by itself, does not constitute a "project" as defined in the CEQA Guidelines because it involves a policy action that is administrative in nature relating to affordable housing requirements and prospective future development to comply with Housing Element Program 15 (14 Cal. Code Regs. § 15378).

Lead Agency Contact Person: Jessica Serrano Telephone (626) 307-1315

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature:  Date: _____ Title: Planning Manager

- ☐ Signed by Lead Agency Date received for filing at OPR: _____
- ☐ Signed by Applicant



Planning Commission Staff Report

DATE: September 27, 2022

AGENDA ITEM NO: 4.A

TO: The Planning Commission

FROM: Steve Sizemore, Interim Director of Community Development
Jessica Serrano, Planning Manager
Kevin Tan, Assistant Planner

SUBJECT: Request to Table - Tentative Parcel Map No. 82319 (TM-19-02) to allow the creation of a two-parcel subdivision at 1374 S. Grandridge Avenue

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Tabling item at the request of the Applicant;
- (2) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY

A public hearing to consider TM-19-02 was noticed for the Planning Commission's August 23, 2022 meeting. The Planning Commission Secretary adjourned this August 23, 2022 meeting and continued associated public hearing pursuant to Government Code §§ 54955 and 54955.1.

Subsequently, staff and the applicant have conferred to discuss potential revisions to the project's scope to address the applicant's goal and ensure compliance with the City's General Plan and Zoning Code. Accordingly, the applicant, on August 22, 2022 requested that the Planning Commission forego a public hearing and table the proposed TM-19-02 item to allow further due diligence (Attachment 1). If this project returns in a manner that requires approval by a legislative body, new public noticing will be completed consistent with the City's Municipal Code regulations.

FISCAL IMPACT

None, staff time and resources will be absorbed into the Planning Department's budget.

Respectfully submitted and prepared
by:

A handwritten signature in blue ink, reading "Steve Sizemore", is written over a horizontal line.

Steve Sizemore,
Interim Director of Community
Development

Reviewed by:

A handwritten signature in blue ink, reading "Joaquin Vazquez", is written over a horizontal line.

Joaquin Vazquez
Deputy City Attorney

ATTACHMENT

Attachment 1: Request to Table (E-mail)

ATTACHMENT 1

Request to Table (E-Mail)

From: [john](#)
To: [Tan, Kevin](#); ["Anthony Wong"](#)
Cc: ["Linda"](#)
Subject: RE: 1374 S Grandridge Ave
Date: Wednesday, September 21, 2022 9:28:43 AM

[EXTERNAL EMAIL]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Kevin:

After discussion with owner, we agree with planning and decided not to go for the hearing for tentative parcel map. We'll work with a architect with SB9 lot split instead.

thanks

John Wang



135 N. San Gabriel Blvd. San
Gabriel, CA. 91775 Tel: 626-
570-1918
Email: John@Tritechengineer.com