Approved as submitted
September 15, 2014

PLANNING COMMISSION | MINUTES

Wednesday, September 3, 2014

A special meeting of the Planning Commission was called to order by Chairperson Garcia at 6:00 p.m., in the City Hall Council Chambers, 6615 Passons Boulevard, Pico Rivera, CA.

STAFF PRESENT:
Ben Martinez, Director
Julia Gonzalez, Deputy Director
John Lam, Assistant City Attorney

ROLL CALL:

PRESENT: Commissioners Celiz, Elisaldez, Garcia, Gomez, Zermeno

ABSENT: None.

FLAG SALUTE: Led by Commissioner Elisaldez

APPROVAL OF MINUTES:

July 21, 2014

Motion to approve the minutes was made by Commissioner Celiz and seconded by Commissioner Gomez:

AYES:	Celiz, Elisaldez, Garcia, Gomez, Zermeno
NOES:	None
ABSTAIN:	None
ABSENT:	None

PUBLIC HEARING:

CONDITIONAL USE PERMIT NO. 710, GENERAL PLAN AMENDMENT NO. 52, ZONE RECLASSIFICATION NO. 314 - A REQUEST TO DEVELOP A 29 TOWNHOME APARTMENT UNIT DEVELOPMENT ON THREE SEPARATE PARCELS LOCATED AT 8540, 8554, AND 8642 BEVERLY BOULEVARD AND A GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION TO CHANGE THE LAND USE DESIGNATION AND ZONING FROM COMMERCIAL TO RESIDENTIAL

Project Planner: Julia Gonzalez
Deputy Director

Deputy Director Julia Gonzalez presented the staff report. The project, located near the southwest corner of Beverly Boulevard and Paramount Boulevard, consists of three separate parcels of different widths and depths, which has made it difficult to develop on.

Site one, located at 8540 Beverly Boulevard has been vacant for 18 years. Site two, located at 8554 Beverly Boulevard has two dilapidated structures existing on the site. The site has been vacant for the last 13 years. Site three, located at 8642 Beverly Boulevard, has been vacant for 15 years, and has three existing structures at the site.

The project includes an application for a General Plan land use designation amendment and zone reclassification from commercial to residential. The General Plan designation is proposed for High-Density and the zone classification is proposed for Multiple-Family Residential. The residential zone is consistent with the surrounding residential neighborhoods. The project consists of 29 townhomes, two to three stories in height, 24 to 32 feet. There is approximately 80-100 sq. ft. of private open space for each unit and approximately 7,000 sq. ft of common open space, two parking spaces per unit and six guest parking spaces, which exceeds the guest parking requirements per the City's municipal code. The site features Spanish architectural features.

Site 1 is proposed to be developed with 10 units. The site will be developed with carports towards the rear of the site; there is a 20 foot building setback from the main residential structure to the rear of the property. The applicant provided a line-of-sight analysis, which included trees to provide privacy to the rear single-family homes. The applicant is requesting concessions from setbacks.

Site 2 is proposed with eight units. Most of the units are oriented towards Beverly Boulevard, and two units are oriented towards the rear. The two rear units have a rear side setback of 20 feet, which is the minimum required. The side and front setbacks vary from four to twenty feet.

Site 3 has eleven units. The entrance and exits are through Beverly Boulevard. There is a 20 foot setback from the residential structures to the rear of the properties. There is a zero setback where the carport is proposed to the commercial strip center and the Department of Water and Power property.

The applicant is requesting concessions from required setbacks, open space and the use of the carport which will house the parking spaces. The State's Density Bonus Law will be utilized to allow the developer to obtain the noted concessions while in turn, the developer will have to include some units for low or moderate income housing as

required per state law. The applicant will not be granted a density greater than what is permitted in the Multiple-Family residential zone.

Deputy Director Gonzalez stated that staff is proposing revisions to the stated conditions. Public Works condition #49 stated that no parking will be allowed on Beverly Boulevard. Staff is requesting to eliminate condition #49 and work with the Public Works Department to investigate if street parking could be allowed on either side of Beverly Boulevard. A preliminary traffic study was also prepared which stated that parking on Beverly Boulevard was possible.

Staff also proposed to remove condition #50, regarding the construction of a bus shelter. The applicant is already being impacted by the condition to construct two fire hydrants and possibly replace the street lights.

The traffic study indicated that a traffic light was warranted at the intersection of Beverly Boulevard and Pine Street. The engineer stated that the traffic light would be warranted with or without the project. The developer will be asked to contribute a $20,000 towards the traffic light instead of the entire cost.

Staff also requested to add condition #61, that requires the developer to assign the parking spaces.

Staff has received comments from the public. Two letters were provided by residents that live behind the proposed development, in the single family homes. They are concerned about the lack of on-street parking due to the townhomes located on the north side of Beverly Boulevard.

Staff recommended that the Planning Commission approve Conditional Use Permit 710 and the General Plan designation and zone reclassification to the City Council.

Director Martinez stated the subject properties have been vacant for many years. Staff has worked to develop a quality design and the street parking issue will be further discussed with Public Works.

Commissioner Elisaldez asked why 29 units are being proposed at this area and if the number could be modified.

Director Martinez stated that this question should be addressed to the developer. However, for the developer the number of units is important because the project must be economically feasible.

Commissioner Elisaldez stated that the two assigned parking spaces per unit will not be enough. Parking in this City is a major concern. He also stated that privacy will be a concern.

Commissioner Gomez asked if the proposal was for rental apartments or condominiums.

Director Martinez stated the units would be rented as apartments but could be subdivided for condominiums in the future.

Commissioner Celiz asked if some of the units would be developed for low income housing.

Deputy Director Gonzalez responded that the developer has the choice to develop either four low income or nine moderate income housing units. Per the State income guidelines if the developer chose the moderate income rent, the max rental amount permitted would be $1,600 to $1,700 per month. This amount could potentially be a higher rent than the average Pico Rivera rental rate per the latest census.

Commissioner Celiz stated that the City needs to be careful when brining in low income apartments because it may not be safe for the community. She stated there are also privacy issues.

Chairperson Garcia opened the public hearing.

Phil Pace of Pace Development spoke on the project. Mr. Pace stated that he has conducted several feasibility studies and chose 29 units, which would make the project feasible. He stated that eventually they would be converted to condominium projects. He stated that the project is aesthetically pleasing and includes private and common open space which is not typical of rental projects. He stated that he had already looked at trying to make it a commercial project but it did not work.

Commissioner Zermeno asked why it would not be feasible to build single family homes for sale.

Mr. Pace responded that in the current economy it is not feasible to sale the units.

Commissioner Zermeno responded that the rooms are small and is concerned about the number of windows. He expressed concerns in regards to privacy.

Mr. Pace responded that the units are larger than 1,100 square feet. He stated in general there are not many rental properties this size.

Commissioner Gomez asked Mr. Pace how long he owned the properties.

Mr. Pace responded that he has owned the property for 12 years. He stated that he has worked on this project for many years. This project would be the most feasible.

Commissioner Gomez asked how many units were across the street from this location.

Deputy Director Gonzalez responded that the units are built at a density of 30 units per

acre. The units were built in the early 90's and with similar parking requirements. The units located on the left are three stories and the ones to the right are two stories.

Commissioner Elisaldez stated that the complaints on the parking are the same complaints that the residents have now regarding the existing condominiums and there not being enough parking.

Commissioner Gomez asked Mr. Pace what he originally planned for this property.

Mr. Pace responded that they were thinking of putting commercial development at the site. After several studies, commercial development did not fit there because of the depth of the lots.

Virginia Corral, a resident, stated she has concerns with the existing condominiums already taking up their street parking. The residents have four to five vehicles per unit, and the residents leave their vehicles the entire week. She stated she has complained to the City several times. Ms. Corral's husband has had confrontations with someone due to the parking issue. The elderly residents that live in the area do not want to say anything for fear of retaliation. Ms. Corral also has concerns with the properties being rentals, not homes for sale. Ms. Corral asked if the residents should start a petition. She asked what they can do in opposition of the rental units being built.

Guadalupe Velasquez, a resident of 8521 Arma Street, has had issues with cars from the residents of the condos parking for up to a week. She stated she has called the City several times. She stated they only move the cars when the street sweeper goes by. Also, Ms. Velasquez, has concerns with her backyard facing these apartments. Ms. Velasquez has a pool and teenagers and is concerned with her family's privacy. Also, Beverly Boulevard is a high traffic street, and parking on this street does not seem possible. Ms. Velasquez stated she was worried that some of her neighbors did not know the day before that the meeting was cancelled, and that is the reason they were not at this meeting to speak in opposition of this development. She stated that she is willing to obtain signatures. She stated that a few years ago her mother tried to build a two story home and she was not allowed to build because of privacy issues.

Chairperson Garcia stated that staff waited until 6:15 p.m. the day before to advise the public of the meeting change. Signs were posted as well at the doors that the meeting would be postponed for Wednesday.

Martha Raya and her husband have lived in this area for over 20 years. Over the last few years, the parking has been an issue with residents from the condominiums taking up parking on Pine Street. She stated that people go there to sleep in their cars. Mrs.

Raya's husband has had issues with trying to back out of their driveway due to parked cars blocking a portion of the driveway. Mrs. Raya is concerned with several people living in the same home in order to pay for the rent. She stated that there will not be sufficient parking with only two spaces being assigned per unit. She stated that she has had problems with one person who owns five vehicles that park on her street. She also has problems with the owner of a large truck parked on her street which blocks her visibility. When Ms. Raya first moved in, there were several commercial businesses, which included a gas station, a dairy, and a mechanic shop which did not cause issues to the neighborhood. She also asked if she should obtain signatures from her neighbors.

Jamie Corral, a resident of 4435 Pine Street. He was surprised that the development was being proposed to be rentals units and not for sale. He stated that it is good for the developer to invest in the properties but not for the residents. He stated that some of the units are up to three stories and his property will not have privacy. He believes the properties should be used for commercial development. There will be a lot of people and families due to this project. He said entering and exiting the site will be a problem. He will need to call his neighbors to help to protest.

Fidencio Raya said that the project is a good investment for the developer but not for the residents that live behind the project. He said the apartments are beautiful. He asked how many people will be brought in due to the development. He also stated that the condominiums on the north side of Beverly Boulevard park on his residential street. Mr. Raya stated that most of the residents in the area are retired, and the additional residents will bring more noise and loud children. He said that at his age, he cannot support additional noise and needs peace.

Mr. Pace stated he understands the public's concerns. He stated the rental apartments would have a manager on-site that would control the parking issues unlike private homes with no control. Mr. Pace feels the development is a benefit to the area and the community and disagrees with the parking concerns.

Commissioner Zermeno asked if 10-12 single-family residences would be feasible.

Mr. Pace responded that he doesn't believe this would be feasible as it would not provide a proper return on his investment.

Commissioner Gomez asked which direction the windows would face. He stated the carports would be oriented towards the rear.

Mr. Pace responded that all the windows would be facing the north towards Beverly Boulevard. He also stated that he believes there are two story homes in that area that

would also cause to have privacy issues.

Commissioner Celiz stated that the residents are concerned with privacy. She asked in which floor the patios would be located on.

Mr. Pace responded that they are trying to orient all the windows towards Beverly Boulevard. All the patios are located on the ground level.

Deputy Director Gonzalez stated that a line–of-sight analysis was prepared which showed the size of the trees to achieve privacy. She also stated that the rear side setback from the structure to the rear setback adjacent to the single family homes is 20 feet.

Chairperson Garcia asked if any windows would be oriented towards the rear. He asked if they would include privacy windows.

Deputy Director Gonzalez stated that only seven units have a third floor loft area. She stated that they could require privacy windows pending approval by the Building Division.

There being no further questions, it was motioned to close the public hearing by Commissioner Elisaldez, seconded by Commissioner Celiz.

Commissioner Elisaldez stated that the parking issue is a real problem, and disagrees with Mr. Pace that this would not be a problem. He said that children will be an issue and that the open space will not be sufficient. He stated that even with an apartment manager parking cannot be controlled. Commissioner Elisaldez stated that he would not want the development in his neighborhood.

Commissioner Gomez stated that he agrees that there is a parking problem. He asked if the neighborhood could have permit parking. He agreed that children would be a problem. He stated that something needed to happen with the property. He is concerned with the high-density. He said that perhaps a for sale project would relieve some of the issues. He stated if the property is owned people will have an incentive to take care of it.

Commissioner Elisaldez stated Mr. Pace is in the right track to try to invest on the sites because the properties are an eyesore, however he disagrees with the type of development. He said he is against commercial development there.

It was motioned to reopen the public hearing.

Mr. Pace asked what the Planning Commissioners wanted at the site if not commercial or residential.

Commissioner Elisaldez stated that he did not want apartments, he preferred for sale property. He commended Mr. Pace for his efforts in trying to revitalize the area.

It was then motioned to close the public hearing.

Commissioner Gomez said if the units were for sale the parking issue may not be a problem.

Commissioner Celiz stated that maybe issuing parking permits for the residents on Pine Street can be looked into. She thought the development was for condominiums and not apartment units.

Commissioner Zermeno mentioned that on Gallatin Boulevard there were five large single family units built recently that residents would like.

Chairperson Garcia stated that he would not like to buy a single family home on Beverly Boulevard, a major thoroughfare. He said that the commercial development that was there in the past would not return and that the residents' concerns in regards to parking and privacy were very compelling. He stated that converting the units to condominiums may alleviate some of the issues. He requested to entertain a motion to turn the project back to the Planning Division to further work with the developer on refining the project.

City Attorney Lam stated that the applicant would need to consent to go back to the Planning Division to further refine the project and address the issues presented. Under California Law developers have a limited amount of time to obtain a decision.

Commissioner Gomez said everyone agreed that they would like to see the site developed with residential units but that the project would need to be modified.

Mr. Pace said that single family homes would not sale on Beverly Boulevard. He stated that he would be willing to look at modifying the project.

City Attorney Lam read the motion to direct staff and the applicant to try to resolve some of the issues that the Commission has brought forward.

Mr. Pace asked if the Commission would be specific about the non-negotiable items.

City Attorney Lam stated that the issues were the privacy, density and parking. He stated that perhaps at twenty units the Planning Commission may reconsider.

Mr. Pace stated that at twenty units the project would not work.

Commissioner Elisaldez stated that the main issue is between rental versus for sale units.

Mr. Pace said it would be a tough to sale the units due to the properties being oriented towards Beverly Boulevard in the current climate. There have been several studies conducted. He stated that he would consider working with staff further to refine the project.

Director Martinez stated that staff has heard the comments from the Planning Commission and residents and recommended that the Planning Commission adjourn the meeting to a date uncertain.

Chairperson Garcia reiterated the issues; ownership versus rental, obtain parking permits, and certain design issues.

City Attorney Lam stated that Public Works would need to research the parking issues further and that permitted parking could not be conditioned.

Commissioner Elisaldez stated that he still considered the project problematic and that it could not be modified because the developer is fixed on 29 units.

Commissioner Celiz stated that she agreed with Commissioner Elisaldez.

City Attorney Lam read the motion to direct staff to further work with the applicant and present a revised project to the Commission.

Commissioner Gomez motioned. A second to the motion was not made.

It was motioned by Commissioner Elisaldez to deny Conditional Use Permit No. 710, seconded by Commissioner Celiz.

Motion carried by the following roll call vote:

AYES:	Commissioners Celiz, Elisaldez, Garcia, Gomez, Zermeno
NOES:	None
ABSTAIN:	None
ABSENT:	None

City Attorney Lam stated that the applicant has 14 days to the City Council, subject to submitting an application and filing requisite fees.

PUBLIC COMMENTS – NON-AGENDA ITEMS: None.

NEW BUSINESS: None.

CONTINUED/OLD BUSINESS: None.

PLANNING COMMISSION REPORTS:

PLANNING COMMISSION REPRESENTATIVE TO THE CITY COUNCIL MEETING OF Tuesday, July 22, 2014.

Director Zermeno had no business to report.

PLANNING COMMISSION REPRESENTATIVE TO THE CITY COUNCIL MEETING OF Tuesday, September 9, 2014.

Chairperson Gomez confirmed his attendance.

There being no further business the Planning Commission meeting was adjourned at 7:55 p.m.

Ruben L. Garcia, Chairperson

ATTEST:

Benjamin A. Martinez, Secretary
Planning Commission
Director of Community and Economic Development