

**MINUTES OF THE REGULAR MEETING OF THE
PLANNING COMMISSION OF THE CITY OF BELL GARDENS
7100 GARFIELD AVENUE, BELL GARDENS, CA 90201**

Wednesday, July 19, 2017

CALL TO ORDER

The meeting was called to order in City Hall Council Chambers by Chairperson Rivera at 6:00 p.m.

INVOCATION & PLEDGE OF ALLEGIANCE

Associate Planner, Hailes Soto gave the invocation.

Director of Community Development, Abel Avalos led the Pledge of Allegiance.

ROLL CALL

Present: Commissioner Hernandez, Vice-Chairperson Carrillo and Chairperson Rivera.

Absent: Commissioner Leon

Staff Present: Abel Avalos, Director of Community Development, John W. Lam, Assistant City Attorney, Carmen H. Morales, City Planner, Hailes H. Soto, Associate Planner, Erika Gutierrez, Planning Secretary and Samantha Lubrani, Translator

APPROVAL OF MINUTES

Chairperson Rivera asked for a motion on the minutes of June 19, 2017. A motion was made by Vice-Chairperson Carrillo and seconded by Commissioner Hernandez to approve the minutes of June 19, 2017. Motion carried by a vote of 3-0.

PUBLIC COMMENT

With no one wishing to speak, Chairperson Rivera closed public comment.

Mr. Avalos stated that staff requested to move the agenda items out of order to give Commissioner Leon time to arrive to the meeting to discuss Public Hearing item No. 1. Therefore, staff would discuss Public Hearing item No. 2 followed by Public Hearing item No. 2.

Chairperson Rivera asked for a motion to move the agenda items out of order as indicated by Mr. Avalos. A motion was made by Vice-Chairperson Carrillo and seconded by Commissioner Hernandez. Motion was carried by a vote of 3-0.

PUBLIC HEARING

A. Planning Commission

1. Zoning Code Amendment No. 2017-035- Ordinance No. 882 (File No. 2017-035) – Accessory Residential Dwelling Units

Ms. Morales gave the presentation on Zoning Code Amendment No. 2017-035 – Ordinance No. 882.

Chairperson Rivera asked the Commission if there were any comments for staff on the Public Hearing Item.

Chairperson Rivera asked staff for clarification on the permit requirements for an accessory dwelling unit (ADU). Ms. Morales stated that a building permit is only required for ADU's that are within the existing walls of a single family dwelling unit or accessory structure. On the other hand, Ms. Morales stated that new constructed detached or attached ADU's would require approval by the Community Development Department.

Mr. Lam also indicated that all new construction requires certain documents to be submitted by current code; however with the new State Law, its purpose is to streamline and promote affordable housing and create a system to approve ADU's. Mr. Lam further indicated that the Government Code deems null and void any existing local ordinances not in conformance with the statute. Therefore, Mr. Lam stated, the City would like to adopt it's own ordinance rather than using the State Government Code.

With no questions from the Commission, Chairperson Rivera opened the public hearing.

Ms. Sofia Urica, resident at 6045 Live Oak Street approached the podium stating that she had never heard of ADU's. Ms. Urica indicated that as it is, parking is a major concern within the vicinity. Ms. Urica further indicated that the City of Bell Gardens is already over populated and by allowing ADU's, it is going to make the parking situation worse. Lastly, Ms. Urica stated that she does not understand how this would be affordable housing being that most people that make minimum wage cannot afford their rent as it is.

Mr. Avalos stated that the City of Bell Gardens has three designated affordable housing properties in the City. The most recent project that was built near the intersection of Clara and Eastern, Terra Bella Senior Apartments, designated for seniors at very low to extremely low incomes. Mr. Avalos further stated that the item proposed is not something that the City or staff undertook because it's a good idea, but rather because the State of California passed a law that states that every city must comply with this new Legislation. Mr. Avalos further indicated that as far as parking issues, the City only has so much control to regulate this issue due to the fact that the State Law does not allow staff to modify or change what the State

Legislature has adopted. Lastly, Mr. Avalos stated that when the law was first introduced, cities argued with their legislatures stating that they were not taking into account the impacts the new law would have on their neighborhoods and communities. Therefore, staff has tried to do everything possible to minimize any potential impacts. Mr. Avalos did indicate that one thing that staff was able to regulate was the minimum lot size requirement.

Ms. Urica asked about the regulation regarding the minimum lot size requirement, which is 7,500 square feet. She asked Mr. Avalos what percentage of Bell Gardens is above 7,500 square feet. Mr. Avalos stated that about 20 percent of the City would qualify for an ADU. Mr. Avalos stated that by establishing this threshold, the City would allow for the creation of affordable housing through ADU's, but not exacerbate the problem throughout the City. Ms. Morales added the new ordinance would require the lot to only have one unit and the unit would have to be owner occupied.

Ms. Urica asked staff what the standards would be for affordable housing and what would be charged for rent. Mr. Lam stated when staff referred to affordable, it wasn't meant to be a certain income requirement, but affordable in a sense of having a family member live on the property rent free or for a very low rent amount.

Commissioner Leon arrived at 6:31 p.m.

Mr. Albert Ramos, resident at 6035 Live Oak Street, approached the podium asking staff if an environmental report would be required in order move forward with the approval. Mr. Lam stated that it is not required due to the fact that under the law, CEQA only applies when there is a discretionary act involved. Mr. Lam further stated that the approval of ADU's in the future, will be considered ministerial and will be approved contingent the project meets all required items established by the Code.

Hearing no one wishing to speak on the matter, Chairperson Rivera closed the public hearing.

A motion was made by Vice-Chairperson Carrillo and seconded by Commissioner Hernandez, to approve staff recommendation of Zoning Code Amendment No. 2017-035 – Ordinance No. 882. Motion carried by a 4-0.

**2. 18 Unit Density Bonus Residential Apartment Project
Density Bonus No. 2017-020 & Site Plan Review No. 2017-020
5945-5953 Live Oak Street (File No. 2017-020)**

Mr. Soto gave the presentation on Density Bonus No. 2017-020 and Site Plan Review No. 2017-020.

Chairperson Rivera asked the Commission if there were any comments for staff on the Public Hearing Item.

With no questions from the Commission, Chairperson Rivera opened the public hearing.

Mr. Manuel Rincon, applicant and property owner of the project approached the podium stating that his intent is to beautify the City itself and would like to have the City's support in approving this project.

Mr. Albert Ramos, approached the podium stating that his father is a property owner in the City and stated that he is not against providing housing in the City of Bell Gardens; however he feels that building 18 units is a substantial amount especially because the project will be three stories high. Mr. Ramos further stated that parking is already an issue within the vicinity and stated that the current properties that exist nearby are very historical craftsman style houses. He then stated that he would rather see the City open a museum just like other cities have done in the past with historical properties.

Ms. Julia Provolic, resident at 6480 Fry Street approached the podium expressing her concerns about parking issues within the vicinity. Ms. Provolic stated that there is a five unit complex to the west of her property and that they have a total of 21 vehicles, as well as trash issues. Ms. Provolic stated that this new development proposal will cause a big impact to the neighborhood.

Mr. Ramos approached the podium asking the Commission if this item would be approved during the meeting or would it get tabled for further discussion. Mr. Lam stated that this item was being considered for approval. Mr. Ramos asked Mr. Lam if this item could be tabled for further discussion at a later date and was advised that there is a process to appeal the Planning Commission decision. Mr. Ramos then asked Mr. Lam if the appeal could be a reason to cancel the proposal. Mr. Lam replied by stating that this project is based on Density Bonus Law by which the State requires cities to grant concessions that would allow additional units to be constructed in exchange for affordable units. Mr. Lam further explained that in this case, two units would be restricted to very low income residents. Mr. Avalos also indicated that there are certain elements to this project that are out of staff's control, for example the State Law states that any project that provides the required percentage of affordable units, is eligible for certain incentives which Mr. Soto identified were building height, lot coverage and building setbacks. Mr. Avalos further clarified what very low income meant and stated that two of the 3 bedroom, 2 bathroom units would be restricted and the rent amount could not exceed \$750.00 a month. Mr. Avalos added that this restriction would be in place for 55 years. Mr. Avalos further indicated that a deed restriction would be placed on the property that would be monitored and enforced.

As far as the parking issue, Mr. Avalos indicated that the State law has a very flexible standard for developers being that if they meet the affordability standard of the two units, they are entitled to a reduced parking standard, which is providing two parking spaces per unit under Density Bonus Law. Lastly, Mr. Avalos stated that an advantage the City has in this project is the requirement for a parking management agreement to monitor the parking on-site to ensure

that residents are using the garage for parking only by having routine inspections as well as having on-site property management.

Mr. Ramos mentioned that another concern he had was that the project would be built in the middle of the street. Mr. Avalos stated that the zoning designation on the property allows for high density residential projects like this one, the code does not identify projects based on mid blocks or corner lots. Mr. Avalos further stated that as long as the project complies with the development standards of that particular zone designation, the applicant has the right to build higher density projects.

Hearing no one else wishing to speak on the matter, Chairperson Rivera closed the public hearing.

Commissioner Leon stated that the Commission did their best to try to limit the impact this project would have in the community and stated that the City, in general, is composed of mostly multi-family residential units versus single family dwelling units.

A motion was made by Vice-Chairperson Carrillo and seconded by Commissioner Leon, to approve staff recommendation of Density Bonus No. 2017-020 and Site Plan Review No. 2017-020. Motion carried by a 4-0.

B. Substandard Properties – None

DISCUSSION ITEMS – None

STAFF INFORMATION ITEMS

Mr. Avalos stated that staff, as well as the Commission, is often placed in difficult positions where staff is asked to implement rules regarding legislation that may not be beneficial to the City. Mr. Avalos reiterated that staff has done all that could be done to try to minimize any impacts and has tried to make this project the best possible for our Community.

COMMISSION INFORMATION ITEMS

Chairperson Rivera thanked staff for their hard work in the staff reports and stated that it is very difficult on the Commission to come across these types of projects, but at the same time, the State Law housing requirements must be met by the City.

ADJOURNMENT

Chairperson Rivera made a motion to adjourn the meeting at 7:31 p.m.

RECORDED BY:



ERIKA GUTIERREZ, PLANNING SECRETARY

