

**CITY OF BELL GARDENS
PLANNING COMMISSION REGULAR MEETING
WEDNESDAY, AUGUST 21, 2019
MINUTES**

LOCATION: CITY COUNCIL CHAMBER, 7100 GARFIELD AVENUE, BELL GARDENS

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (562) 806-7706. Notification 48 business hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

CALL TO ORDER – Chairperson Rivera called the meeting to order at 6:00 p.m.

INVOCATION – was led by Associate Planner, Hailes H. Soto.

PLEDGE OF ALLEGIANCE – was led by Interim Community Development Director, Carmen Morales.

ROLL CALL OF PLANNING COMMISSIONERS

Present: Commissioner Flores, Commissioner Ramirez, and Chairperson Rivera.

Absent: Commissioner Villalobos

Staff Present: Marc Tran, Interim Assistant City Attorney, Hailes Soto, Associate Planner, Erika Gutierrez, Planning Secretary and Samantha Lubrani, Translator

PUBLIC COMMENT ON NON-AGENDA ITEMS

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

PUBLIC HEARING (ITEM NO. 1-2)

- 1. (CONTINUED) - AM-PM TOWING AUTOMOBILE IMPOUND YARD
CONDITIONAL USE PERMIT NO. 2019-024 7535 SCOUT AVE. (FILE NO.
2019-014)**

Chairperson Rivera stated that it was staff recommendation that the Planning Commission continue the public hearing on this item to the September 18, 2019 Planning Commission meeting.

Mr. Soto stated a final clearance letter was received from the Fire Department for this project, but was received after the public hearing notices were due. Therefore, this item was

not able to be heard at this meeting and will be scheduled for the regular meeting of September 18, 2019.

A motion was made by Commissioner Ramirez and seconded by Commissioner Flores to continue Conditional Use Permit No. 2019-024 to the September 18, 2019 regular Planning Commission meeting. A motion was carried by a 3-0.

2. (CONTINUED) – VARIANCE NO. 2019-045 – SEVEN UNIT APARTMENT DEVELOPMENT – 7604 PERRY ROAD / KRESS AVENUE (FILE NO. 2019-045)

Ms. Morales indicated that Mr. Soto would be giving a full presentation of this item. Ms. Morales further stated that since this item was continued from the July 21, 2019 Planning Commission meeting, Mr. Soto would address the issues that were brought up during that meeting in reference to the roof material, parking, density, traffic and neighborhood character.

Mr. Soto gave presentation on Variance No. 2019-045.

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

Commissioner Ramirez asked staff in reference to the applicant's request for the reduction in common open space, if this same process would apply to all future development with the same request. Mr. Soto indicated a variance request is per parcel and independently reviewed by the Planning Commission and analyzed separately. Therefore, each variance that is reviewed may not pertain to the same scenario as what is being proposed in this project.

Chairperson Rivera asked Officer Musquiz from the Bell Gardens Police Department if he could speak about any parking issues within this vicinity. Officer Musquiz stated that Perry Road and Kress Avenue are both small streets compared to other major streets in the City, therefore; the calls for service are much lower compared to the busier main streets in the City.

Chairperson Rivera asked how many parking citations have been issued within this area. Officer Musquiz stated over 100 parking citations have been issued on Perry Road as of the beginning of the year mostly being street sweeping violations. Officer Musquiz further stated that on Kress Avenue, there were about 46 street sweeping violations since the beginning of the year. Officer Musquiz further indicated that these are the main parking citations in this area, other miscellaneous violations issued by the Bell Gardens Police Department were for expired registrations, double parking and a few for parking near fire hydrants at both Kress and Perry Avenue.

Chairperson Rivera asked Officer Musquiz if he felt this specific area had a higher volume of parking citations compared to any other area in the City. Officer Musquiz indicated no, there is a parking problem citywide.

Commissioner Ramirez asked Officer Musquiz if he had a number of how many cars for service they had for vehicles that were vandalized or for theft within the vicinity. Officer Musquiz stated as of the beginning of the year, on Perry Road most of the calls for service were homeless disturbance call but indicated this is a problem throughout the State not just in Bell Gardens. Officer Musquiz further indicated there were 10 vehicle theft reports on Perry Road since the beginning of the year.

With no questions from the Commission, Chairperson Rivera opened the public hearing and asked the architect if he would like to speak regarding the concerns he had from last month's meeting.

Chairperson Rivera asked Mr. Kark Dakteris, Architect for the project his concern regarding the roof material recommended by staff.

Mr. Karl Dakteris approached the podium stating that the reason as to why he was asking for asphalt shingle roofing instead of concrete tile was that tile roofing requires additional maintenance and can easily crack and break, it's an aesthetic issue, and also felt that it is not appropriate for the architectural style.

Commissioner Ramirez asked the owner in reference to addressing the parking concerns stated in last month's meeting for the development of this project, how was he going to enforce the fact that there could only be one family living in each unit with a maximum amount of two vehicles.

Mr. Tom Emtiaz, owner of the property approached the podium stating that the lease agreement would clearly state that the garage must be used for parking of vehicles only and not for storage or living purposes.

Commissioner Flores asked the architect if the roof material they are requesting to change was due to economic reasons. Mr. Dakteris indicated it was not and stated it was more of a maintenance and aesthetic issue.

Mr. Emtiaz approached the podium reiterating the fact that tile roof tend to crack very easy being that he is very familiar with this type of roofing material, therefore; it is not due to economic reasons but more of a maintenance issue.

Mr. Steven Senemar, Project Manager for this project as well as other projects in the City approached the podium stating his concerns with the concrete tile roofing. Mr. Senemar indicated the concerns were the maintenance and the durability of the tile roofing with the cost being the last concern.

Mr. Senemar also added a few items pertaining to the proposed project stating that this project is being built by right meaning that eight units could be built but are only requesting seven. Mr. Senemar further stated that they are complying with all parking requirements and stated the reason as to why this project is being built is due to housing shortage in the

State of California. Lastly, Mr. Senemar advised the Commission he was available to answer any further questions they had.

Ms. Madelina Guerrero, resident at 7565 Kress Avenue approached the podium and thanked the Commissioners for listening to the residents' concerns. Ms. Guerrero further expressed her concerns regarding the common space and the number of units being proposed. Ms. Guerrero further indicated that there are many other options that can be done to improve the quality of life in Bell Gardens, overcrowding the City with more people and vehicles is not one of them. Lastly, Ms. Guerrero asked the Commission to help improve not hurt the City.

Ms. Margie Martin approached the podium expressing her concern with the project being two stories. Ms. Martin stated that on Kress Avenue, all homes are single story and indicated that this project will not aesthetically look well but also destroy the character of Kress Avenue. Ms. Martin also indicated that the properties on each side of the proposed project would not have any privacy. Lastly, Ms. Martin indicated that there is a major traffic problems with vehicles speeding on Kress Avenue and this project is only going to bring additional vehicles to the area.

Mr. Dakteris approached the podium stating that this project is providing parking according to the Zoning Code and feels that it is not the project's responsibility to handle the parking situations of the City and indicated that looking at the neighborhood, it looks as though there are many vehicles being parked on the curbs and driveways but not much of the garages being used. Mr. Dakteris further indicated that the parking problems could be handled by each owner being that some residents who spoke at last month's meeting indicated that they had up to seven vehicles per household.

Commissioner Ramirez indicated that although two parking spaces would be provided per unit, he still felt that the project would still bring in more vehicles in general parking on the street.

Mr. Dakteris advised Commissioner Ramirez that there is a condition included in the Conditions of Approval in Resolution No. 2019-06 that requires all garages to be used for parking of vehicles only.

Ms. Cynthia Ramirez approached the podium stating her concerns pertaining to parking and traffic. Ms. Ramirez indicated that she had made numerous complaints to the Police Department regarding vehicles speeding up and down the street between the hours of 10:00 p.m. – 2:00 a.m. Ms. Ramirez also indicated that another concern she had was that if this project was approved, there will be machinery involved with the construction of this project which will bring in additional traffic to an already busy street. Lastly, Ms. Ramirez indicated she would like to address the current parking problems before adding to the existing.

Mr. Miguel Torres approached the podium stating he has been a Bell Gardens resident for about 50 years and indicated he has seen numerous problems in the neighborhood which the Police Department has been able to address to a certain point. Mr. Torres further

expressed a concern with signs posted on Kress Avenue indicating no trucks over 4,000 pounds being allowed, but they still drive through the street. Mr. Torres also stated that there is a speeding problem where parked cars have been hit and so asked what other problems are the residents going to experience once these units are built. Mr. Torres further indicated there would be many more vehicles per unit and indicated he would like the City to do something for the current residents. Mr. Torres further indicated that there are a lot of abandon lots within the City and asked how come the City doesn't build this type of projects on the abandon lots. Lastly, Mr. Torres asked the Commission not to ruin his neighborhood.

Hearing no one else wishing to speak, Chairperson Rivera closed the public hearing. Seeing a few other people wanted to speak, the public hearing was re-opened.

A Bell Gardens resident (did not state name) approached the podium stating speeding is definitely an issue and stated that speed bumps have been requested, but nothing has been done and recommended adding a public parking lot nearby to alleviate some of the parking issues within the vicinity.

Mr. Senemar approached the podium indicating that as part of the conditions of approval, a condition could be added that each unit could only have two vehicles leaving the guest parking space available, this could potentially alleviate the parking issue. Mr. Senemar also indicated that this project will provide 14 parking spaces with an additional 4 guest parking stalls.

Ms. Araceli Bobailla approached the podium stating that this project is only going to bring additional traffic, crime and additional vehicles within the vicinity. Ms. Bobadilla further indicated that she can rest assure that each unit will have more than two vehicles in addition to more than one family living in each unit resulting in additional vehicles. Ms. Bobadilla asked how long would the construction take and where are the construction vehicles going to park during construction.

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

Commissioner Rivera asked staff about the construction hours, the noise and parking regulations for vehicles associated with the construction of the project. Ms. Morales indicated that under construction measures, the hours of construction would be Monday – Saturday, not before 8:00 a.m. and not after 7:00 p.m. of the same day. Also, no construction or grading of the site could take place on Sundays and holidays. Ms. Morales further stated all noise regulations must comply with the noise regulations of the City. Lastly, to address the concern regarding the construction trucks being parked on the street, Ms. Morales indicated that there is a condition that's states vehicles associated with the construction of the proposed projects shall not be permitted to park on the public right-of-way, they must be parked on-site. Ms. Morales further indicated the project must conform to the provisions contained in the California Building Code and also indicated that the storage of building materials shall be contained within the project site. Lastly Ms. Morales indicated a six foot high chain link fence and gate shall be installed around the perimeter of the property during the entire construction.

Chairperson Rivera asked the developer for an estimate time frame of the construction. Mr. Senemar stated the construction phase would be from seven to nine in a half months depending on the weather. Mr. Senemar indicated that he is currently working on another 10 unit condominium project in the City of Bell Gardens and stated they have not had any complaints from neighbors regarding the construction vehicles on the street. Mr. Senemar further stated that the construction vehicles would not create additional traffic, they would be on the property when loading and unloading.

Chairperson Rivera indicated that the subject site is zoned R-3 meaning that the development of this project would be allowed by right. Chairperson Rivera further indicated that this may not be the last project proposed in this neighborhood unless the zoning designation was to be changed.

Commissioner Ramirez asked the property owner how he typically enforces the lease agreements. Mr. Emtiaz indicated that as part of his lease agreement, a condition would be included that requires each tenant to only have two vehicles and for them to be parked in the garage. As far as how it will be enforced, a property manager would be on-site to do the monitoring.

Ms. Morales reminded the Commission that before a motion was made, the applicant had also requested for the modification of condition No. 42 pertaining to the roofing material. Ms. Morales further indicated that it would be at the discretion of the Planning Commission to approve the modification of the condition to meet the applicant's request or to keep the language in the Condition of Approval as is.

Commissioner Ramirez asked staff if the applicant opts to not merge both lots together, by right would the applicant be allowed three units per lot without the approval of the Planning Commission. Ms. Morales indicated that this was correct.

A motion was made by Commissioner Flores and seconded by Chairperson Rivera approve Variance No. 2019-045 by adopting Resolution #PC 2019-04 with staff's recommendations. Motion carried by a 2-0.

CONSENT CALENDAR (Item No. 3)

3. APPROVAL OF JULY 17, 2019 PLANNING COMMISSION MEETING

Chairperson Rivera asked for a motion on the Minutes of July 17, 2019. A motion was made by Commissioner Ramirez and seconded by Commissioner Flores to approve the Minutes of July 17, 2019. Motion carried by a vote of 3-0.

SUBSTANDARD PROPERTIES – NONE

STAFF COMMENTS – Ms. Morales announced that the City had recently hired a new Community Development Director, Gustavo Romo and indicated that this was a great addition to the Community Development Department, as well as the City.

COMMISSION INFORMATION ITEMS – NONE

ADJOURNMENT - Chairperson Rivera adjourned the meeting and was seconded by Commissioner Villalobos at 7:27 p.m.

RECORDED BY:



ERIKA GUTIERREZ, PLANNING SECRETARY