



**MINUTES OF JULY 7, 2020
REGULAR MEETING OF THE SAN GABRIEL CITY COUNCIL**

CALL TO ORDER

Mayor Menchaca called the regular meeting of the San Gabriel City Council to order at 6:30 P.M. on Tuesday, July 7, 2020, with all Council Members and staff participating by teleconference.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Harrington.

ROLL CALL

Council Members Present: Tony Ding, John R. Harrington, Jason Pu, Vice Mayor Chin Ho Liao, and Mayor Denise Menchaca.

Council Members Absent: None.

Staff Members Present: City Manager Mark Lazzaretto, City Attorney Keith Lemieux, Assistant City Manager/Community Development Director Arminé Chaparyan, Community Services/Interim Mission Playhouse Director Rebecca Perez, Police Chief Eugene Harris, Chief City Clerk Sharon Clark, Public Works Director/City Engineer Greg de Vinck, Fire Chief Steven Wallace, Human Resources/Risk Management Director Edward Macias, Interim Finance Director Kenneth Louie, and Assistant City Clerk Marilyn Bonus.

Chief City Clerk Clark provided information for the public on how to view the meeting and submit comments, and how to request meeting agendas.

1. APPROVAL OF AGENDA ORDER

Hearing no objections, Mayor Menchaca announced the agenda order was approved.

2. PRESENTATIONS

A. COVID-19 BRIEFING

Mayor Menchaca announced that this will be an ongoing presentation on the Agenda until the COVID-19 pandemic ends to keep the public informed directly from the City's first responders and staff.

Presentations were made by Fire Chief Wallace, Police Chief Harris, Assistant City Manager/Community Development Director Chaparyan, Community Services/Interim Mission Playhouse Director Perez, and City Manager Lazzaretto.

3. PUBLIC COMMENT – None.

4. CONSENT CALENDAR

Vice Mayor Liao pulled items 4C – 4E for separate discussion.

Regarding item 4C, in response to questions from Vice Mayor Liao and Council Member Harrington, staff responded that it would be unwise for the City to go without Vehicle Miles Traveled (VMT) thresholds because it would prevent the City Council and the Planning Commission from approving any projects that would require California Environmental Quality Act (CEQA) clearance; explained the impact of using VMT thresholds on current development projects, stated that a more restrictive set of rules would make the City an outlier among local cities, and that levels of service will still be required under project requirements rather than under CEQA.

Regarding item 4D, in response to a question from Vice Mayor Liao and Council Member Ding, Public Works Director/City Engineer de Vinck explained the current and future methodology for rejuvenating pavement in the City and for which streets will be repaired; that projects are now designed in-house; and provided details of funding and how many street-miles will be repaired or reconstructed.

Council Member Pu suggested that an item on the Pavement Management Program be agendaized for a future meeting.

Mayor Menchaca recommended that Council Member Ding meet with Public Works Director/City Engineer de Vinck for an in-depth discussion on the Pavement Management Program.

Regarding item 4E, in response to questions from Vice Mayor Liao about potential funding sources, contacting City businesses, and how a grant lottery would be conducted, Economic Development Manager Domenica Megerdichian provided information on possible options for those aspects of the 10-Point Plan.

A motion was made by Mayor Menchaca, seconded by Council Member Pu, to approve Consent Calendar Items 4A – 4E as presented.

Motion approved Consent Calendar Items 4A – 4E as presented by a vote of 5-0 as follows:

AYES:	DING, HARRINGTON, PU, LIAO, MENCHACA
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

A. APPROVAL OF MINUTES

The City Council approved the Minutes of the City Council Special Meeting of June 9, 2020.

B. MATERIAL DEMANDS

The City Council approved the June 5, 2020, June 11, 2020, and June 19, 2020 Registers of Demands and Warrants for the payment of City expenditures.

C. ADOPT “VEHICLE MILES TRAVELED” (VMT) THRESHOLDS OF SIGNIFICANCE FOR PURPOSES OF ANALYZING TRANSPORTATION IMPACTS UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City Council adopted **Resolution No. 20-33** finding that the action is exempt from CEQA, and adopting "Vehicle Miles Traveled" thresholds of significance for purposes of analyzing transportation impacts under the California Environmental Quality Act.

D. ADOPT RESOLUTION NO. 20-32 APPROVING THE FISCAL YEAR 2020-21 SENATE BILL 1 ROAD REPAIR AND ACCOUNTABILITY ACT PROJECT LIST

The City Council:

1. Adopted Resolution No. 20-32; and
2. Authorized the Director of Public Works to file necessary documentation to satisfy SB1 funding requirements and act as the signature authority.

E. ESTABLISHING CITY COUNCIL AD HOC SUB-COMMITTEE FOR 10-POINT PLAN IMPLEMENTATION

The City Council:

1. Established a Council ad hoc sub-committee focused on launching economic development efforts, business outreach and marketing the City's 10-Point Plan for Recovery, Resiliency and Reinvestment; and
2. Appointed Vice Mayor Liao and Council Member Ding to the Council ad hoc sub-committee.

RECESS AND RECONVENE

Mayor Menchaca recessed the meeting at 8:30 P.M. and reconvened at 8:38 P.M. with all Council Members present.

5. PUBLIC HEARING

**A. APPEAL OF PLANNING CASE NO. SPR18-063
SITE PLAN REVIEW (1065 KENDALL DRIVE)
APPELLANT: SUNIL VARMA, HUI-LING CHEN, ISELA BOWLES, AND DON
DECKER**

Mayor Menchaca opened the public hearing.

Assistant City Attorney Lloyd Pilchen provided an overview of the item; detailed the order of procedure pursuant to Resolution No. 18-13; provided information about the scheduling of this hearing; explained the statutory findings upon which the decision on this appeal must be based; and recommended that if the decision of the Design Review Commission is upheld, a condition of approval be added to the project requiring the landowner to indemnify and defend the City.

Assistant Planner Anthony Alvarado presented the staff report.

Clarifying discussion included how the analysis of the mean height and average grade was calculated and how that would affect allowed building height; topography of the lot; whether or not pertinent Zoning Code sections are ambiguous; the possibility of building a two-story house on the lot in compliance with the Code, but it would not be compatible with the surrounding community; methodology used to determine base point for height calculations; roof design; relative height to neighboring homes; lack of perspective in the silhouette drawing versus a scale drawing; and design relative to the surrounding homes.

Richard McDonald, Applicant's land-use attorney, on behalf of Carlson and Nicolas and the Applicant Team; Edward Osuch, Architect; and property owner Teerapat Khanampornpan (T.K.) made the Applicant presentation.

Clarifying discussion included that the applicant followed direction given by the Design Review Commission (DRC), City Architect, and staff in their design; addressed privacy considerations for the neighbors in the design; and methodology used for the original height elevation, which was first questioned by members of the public at the first Design Review Commission meeting where the project was reviewed.

Sunil Varma and Isela Bowles made the Appellant presentation.

A motion was made by Mayor Menchaca, seconded by Council Member Pu, to continue the meeting past 11:00 P.M.

Motion carried by a vote of 5-0 as follows:

AYES: DING, HARRINGTON, PU, LIAO, MENCHACA
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

Clarifying discussion included design revisions to improve compatibility with the neighborhood; addition of Conditions of Approval on the construction plan, explained the unusual conditions for an unusual site; and that Appellant Mr. Varma was not involved with other two-story projects in the vicinity as they pre-dated his residency.

Richard McDonald, on behalf of the Applicant, and property owners T.K. and Shufan Wei rebutted Appellant's remarks.

Appellant Isela Bowles rebutted Applicant's remarks.

Sonja Trauss, Executive Director, YIMBY Law, provided comments in support of denying the appeal.

Sonya Lubisich and D. Barrera, resident, provided comments in support of approving the appeal.

Mayor Menchaca closed the public hearing.

Discussion included agreement that there is ambiguity in the Municipal Code related to the measurement and calculation of building height, and that it was proper for a Director's determination in this case; the need to revise the Municipal Code for consistency; agreement with all DRC findings and with the staff report; requests for a correction to the resolution to read that the resolution shall become effective immediately, removal of Condition of Approval 13c and the addition of a Condition of Approval that formal drawings from the applicant's architect be included that match the sketches provided; changes in design the Applicant has made to satisfy neighbors' privacy concerns; a blending of architectural styles nearby the project home; whether lots with a grade were considered when the relevant ordinance was adopted; that the 28-foot height limit from the curb was meant as an absolute cap, and anything higher should go through the variance process; the subject property does not qualify for historical status; the difficulty of building a one-story house on this property using the top of curb as a base measurement point due to the slope; if reducing the height of the proposed house

is worth sacrificing a roof style that is more compatible with the neighborhood; disagreement that there is ambiguity in the Code; building zero elevation; that the mean height of the lot and top of the curb are incompatible, but neither is ambiguous; lowest adjoining grade is not ambiguous; the controlling and clarifying definition of height in the Code; whether to alter the Code for the project or the project for the Code and use of the variance process; the difference between deferral, ambiguity and incompatibility; disagreement that Findings Nos. 1 and 2 can be made in the affirmative; and that there has been much review and revision of the project, with no variances requested, over a two-year period.

A motion was made by Council Member Pu to deny the appeal and approve Planning Case No. SPR18-063 (Site Plan Review), based on the findings set forth herein, with the following amendments:

1. Modification of Section 3 of the Resolution to state that the Resolution will be effective immediately;
2. Modification of Exhibit 1, Proposed Conditions of Approval as follows:
 - a. Delete Condition 13c;
 - b. Add a Condition that formal drawings must be provided by the Applicant to match the sketches that are already included in the document labeled Exhibit 1, Proposed Conditions of Approval.

Mayor Menchaca proposed an amendment to the motion to also include the following Condition of Approval suggested by the City Attorney, and Council Member Pu accepted the amendment:

- c. Add a standard Condition, as approved by the City Attorney, that the homeowner indemnify and defend the City in the event of litigation.

Mayor Menchaca seconded the motion.

Motion carried by a vote of 4-1 as follows:

AYES:	DING, PU, LIAO, MENCHACA
NOES:	HARRINGTON
ABSTAIN:	NONE
ABSENT:	NONE

Due to the lateness of the hour, hearing no objections, Mayor Menchaca announced that the remaining of the agenda items would be considered at the next regular City Council meeting.

6. NEW BUSINESS – None.

7. PUBLIC COMMENT – None.

8. CITY MANAGER'S REPORT

This item was postponed to the July 21, 2020 regular City Council meeting.

9. COUNCIL COMMENTS AND CONFERENCE/MEETING REPORTS

This item was postponed to the July 21, 2020 regular City Council meeting.

10. CLOSED SESSION – None.

11. ADJOURNMENT

Mayor Menchaca adjourned the meeting at 12:51 a.m. on June 17, 2020.

Respectfully submitted:


SHARON F. CLARK, Chief City Clerk

Approved this 21st day of July, 2020:


DENISE MENCHACA, Mayor