

MINUTES

CITY OF CARSON REGULAR MEETING OF THE PLANNING COMMISSION CITY COUNCIL CHAMBERS, CARSON CITY HALL

701 East Carson Street, Second Floor
Carson, CA 90745

May 13, 2014 – 6:30 P.M.

1. **CALL TO ORDER** Chairman Faleto go called the meeting to order at 6:30 P.M.
2. **PLEDGE OF ALLEGIANCE** Chairman Faleto go led the Salute to the Flag.
3. **ROLL CALL** Planning Commissioners Present: Brimmer, Diaz, Faleto go, Goolsby, *Gordon, Piñon, Schaefer, Saenz, Verrett

*(Commissioner Gordon arrived at 6:32 P.M.)

Planning Staff Present: Acting Planning Manager Signo, Assistant City Attorney Phelan, Associate Planner Gonzalez, Associate Planner Naaseh, Associate Planner Rojas, Recording Secretary Bothe
4. **AGENDA POSTING CERTIFICATION** Recording Secretary Bothe indicated that all posting requirements had been met.
5. **AGENDA APPROVAL** Chairman Faleto go moved, seconded by Commissioner Piñon, to approve the Agenda as submitted. Motion carried (Commissioner Gordon had not yet arrived).
6. **INSTRUCTIONS TO WITNESSES** Chairman Faleto go requested that all persons wishing to provide testimony stand for the oath, complete the general information card at the podium, and submit it to the secretary for recordation.
7. **SWEARING OF WITNESSES** Assistant City Attorney Phelan
8. **ORAL COMMUNICATIONS** For items **NOT** on the agenda. Speakers are limited to three minutes. None

9. CONSENT CALENDAR

- A) Minutes:** March 11, 2014

Chairman Faletogo moved, seconded by Commissioner Schaefer, to approve the March 11, 2014, Minutes as presented. Motion carried, 9-0.

9. CONSENT CALENDAR

- B) Design Overlay Review No. 1404-11, Conditional Use Permit No. 868-11, Conditional Use Permit No. 869-11, Tentative Tract Map No. 71533**

Applicant's Request:

The applicant, CityView 616 East Carson, LLC, is requesting to designate private street names for the residential project known as Veo, located at 616 East Carson Street (original address).

Staff Recommendation:

RECOMMEND to the City Council by Minute Resolution the adoption of the selected street names, as shown on the site plan attached and labeled Exhibit 1.

Planning Commission Decision:

Chairman Faletogo moved, seconded by Commissioner Schaefer, to approve the applicant's request. Motion carried, 9-0.

12. NEW BUSINESS DISCUSSION (Purposely taken out of order)

- A) California Statewide Drought Emergency**

Applicant:

The city of Carson, Planning Division, is hosting the West Basin Municipal Water District and South Bay Cities Council of Governments presentation regarding California's statewide drought emergency plan.

Grace Farwell, South Bay COG, commented on the Direct Install Program Faith Based Entities program, one which provides faith-based businesses free energy-efficient products and installation from SCE until June 30, 2014.

Ron Wildermuth, West Basin, provided detailed information on the state's drought and the drought taking place all over the world, noting the droughts will become worse and more wide-spread as the years go by. He encouraged everyone to cut back on their water usage.

10. CONTINUED PUBLIC HEARING None

11. PUBLIC HEARING

A) Zone Text Amendment No. 18-14

Applicant's Request:

The applicant, city of Carson, is recommending to the City Council approval of an ordinance amendment to the Carson Municipal Code regarding multiple dwelling units in the RS zone for properties citywide.

Staff Report and Recommendation:

Associate Planner Rojas presented staff report and the recommendation for APPROVAL to the City Council of an amendment to the Carson Municipal Code regarding multiple dwelling units in an RS zone, as described in Exhibit 1; and to WAIVE further reading and ADOPT Resolution No. 14-2515, entitled, "A Resolution of the Planning Commission of the City of Carson recommending approval to the City Council of an amendment to the Carson Municipal Code regarding multiple dwelling units in the RS zone."

Commissioner Diaz questioned why a survey of support is being recommended.

Staff explained that they believe the residents living in this area would be better able to determine whether a particular property is compatible with their neighborhood, a survey of support that is asking for the residents' position whether they agree with maintaining the multiple units; and added that these owners would need to obtain a conditional use permit similar to the second dwelling units, taken on a case-by-case basis.

Acting Planning Manager Signo noted for Commissioner Schaefer that the survey of support would need a majority in agreement with the property's compatibility within the neighborhood and its legal, nonconforming status; and stated that this only applies to the existing legal, nonconforming buildings. He added that it is at the Planning Commission's discretion if they want to support this recommendation for a survey of support.

Associate Planner Gonzalez noted his opposition to the suggested survey of support, stating it can create a NIMBY (not in my backyard) attitude and could impede affordable housing stock.

Commissioner Gordon stated that these properties in question have been on site for many years existing within this community; that their abatement period has long passed; he questioned the need for a survey of support from the surrounding community for properties that already exist and have for many decades; and if this survey of support indicates no support, he questioned what then happens to that multi-unit property. He stated his understanding that at the last workshop, the Commission expressed their desire to see these multi-unit properties remain and to go through the conditional use permit process to make sure they are safe.

Associate Planner Rojas alluded to concerns raised from residents for the minority of instances where there are significantly more than 3 units on a property.

Commissioner Gordon asked if there have been residents who have complained to the City about the multiple units.

Acting Planning Manager Signo explained that a lot of these multiple units were built as early as 1913, some of them in very poor condition and some that were likely built without the benefit of any permits.

Commissioner Gordon stated that the Planning Commission can address the nonconformities on a case-by-case basis through the conditional use permit process, questioning why a survey of support is needed if there have been no complaints from the community regarding these multiple units, adding that this Commission routinely deals with nonconformities.

Acting Planning Manager Signo explained that when the ordinance was adopted in 1977, they did seek the community's input for the zone change at that time; advised that the City decided then to rezone those areas, thereby making these properties nonconforming uses that ultimately later resulted in an abatement process which expiration has long since passed. He explained that it is up to the Planning Commission if they would like to make these multi-unit properties legal and conforming to code, taking each property on a case-by-case basis; and noted the need to be consistent with the City's General Plan Land Use Map. He noted it is staff's belief the residents living in the surrounding area of those properties can best determine if those multi-unit properties are compatible with their neighborhoods.

Associate Planner Rojas stated that the survey of support can be revised or removed if the Planning Commission wishes.

Commissioner Saenz stated that the Commission had agreed at the workshop to allow these nonconforming units to remain and to be dealt with on a case-by-case basis through the conditional use permit process for existing structures.

Assistant City Attorney Phelan apologized that no one from her office had reviewed this report and discussed it with staff before this item was distributed to the Commission; she stated it would be her recommendation to remove the survey of support requirement, believing it could create some conflicts among neighbors and property owners; and she added that it could also create an issue with regard to claims that the City is denying affordable housing accommodations. She noted that through the conditional use permit/public hearing process, anyone can come to the meetings to speak on any item.

Chairman Faletogo stated his preference to continue this item so that more questions can be answered.

Commissioner Goolsby expressed his belief there is nothing new to be gained from continuing this matter, pointing out there have been a number of workshops on this item.

Chairman Faletogo opened the public hearing.

Don Adams, realtor, noted his appreciation of staff for quickly getting this item before the Planning Commission in a public hearing forum following the past workshops on this item; and urged the Commission to move on this item tonight and send it to City Council for final resolution, reminding them that there are a few properties in escrow limbo until this matter can be resolved. He noted his support of what staff is proposing with the exception of the survey of support.

Raul Murga, resident, stated that many of these homes were purchased many years ago before the city became incorporated and now some of those property owners are seniors on fixed incomes and likely not able to afford expensive improvements to their properties, creating an undue burden on these seniors. He stated that the City should have required conformance many years ago when these people were working and had the incomes to make those improvements. He added that 40 years later, the building codes have drastically changed and have become very expensive, stating this is not fair to these homeowners.

Miguel Uribe, resident, stated that he was a member of the Project Area Committee that was active during the time when the City was first incorporated; and stated that at a workshop during those previous years, he was told by the then City Manager that changing these areas to single-family residential would never become an issue for his multi-unit property. He advised that he purchased the property in 1974; stated that his property is well-maintained; that his tenants are long-time residents and like family to him; and he added that his rents are very affordable.

There being no further input, Chairman Faletogo closed the public hearing.

The Commission agreed that the survey of support should be deleted from the recommendation.

Planning Commission Decision:

Commissioner Diaz moved, seconded by Chairman Faletogo, to approve staff recommendation; to amend Section 9182.3, Nonconforming Residential Density, "For a property with three or more units, the applicant shall provide a full inspection report for all units on the property," deleting Nos. 2 and 3; and moved to adopt Resolution No. 14-2515. Motion carried, 9-0.

11. PUBLIC HEARING

B) Design Overlay Review No. 1521-13, Variance No. 546-13, Vesting Tentative Tract Map No. 72585

Applicant's Request:

The applicant, City Ventures, is requesting to construct 13 detached single-family dwellings located in the RS (Residential, Single-Family) zoning district for the properties located at 2666 East Dominguez and 2671 East Tyler Street.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 14-2516, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 1521-13, Variance No. 549-14, and Vesting Tentative Tract Map No. 72585 for the development of 13 single-family dwellings located at 2666 East Dominguez Street and 2671 East Tyler Street."

Assistant City Attorney Phelan recommended adding the following language to the resolution: "Section 66474 of the California Government Code requires that a tentative map be denied if any of the following findings can be made: A) That the proposed map is not consistent with the applicable general and specific plans in Section 65451; B) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans; C) That the site is not physically suitable for the proposed development; D) That the site is not physically suitable for the proposed density of the development; E) That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat; F) That the design of the subdivision or type of improvements is likely to cause serious public health problems; G) That the design or type of improvement will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternative easements for access of use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision."

Chairman Faletogo opened the public hearing.

Adam Lunzer, applicant's representative, offered to answer any questions the Commission may have.

There being no further input, Chairman Faletogo closed the public hearing.

Planning Commission Recommendation:

Commissioner Brimmer moved, seconded by Commissioner Diaz, to concur with staff recommendation, adding the following: Section 66474 of the California Government Code requires that a tentative map be denied if any of the following findings can be made: A) That the proposed map is not consistent with the applicable general and specific plans in Section 65451; B) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans; C) That the site is not physically suitable for the proposed development; D) That the site is not physically suitable for the proposed density of the development; E) That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat; F) That the design of the subdivision or type of improvements is likely to cause serious public

health problems; G) That the design or type of improvement will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternative easements for access of use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; and moved to adopt Resolution No. 14-2516. Motion carried, 9-0.

12. NEW BUSINESS DISCUSSION

B) General Plan Land Use Plan Workshop

Applicant's Request:

The applicant, city of Carson, is presenting a workshop to identify inconsistencies between General Plan land use designations and zoning districts, and discussion on other land use and zoning district issues for properties citywide.

Commissioner Schaefer commented on the prior petition to improve the stretch along Main Street and 213th Street, asking what considerations are being considered, if any.

Associate Planner Naaseh explained that it is difficult to make changes to this corridor, noting that one of the best ways to improve the area is with landscaping and to have parcel improvements take place as they come before the City for permits.

Acting Planning Manager Signo stated that City staff is continuing their efforts to clean up this corridor and gaining compliance, noting that Associate Planner Rojas will be taking over from where former Associate Planner Song left off. He noted that the nonconformities vary per property along this corridor.

Commissioner Saenz expressed his belief this corridor should be rezoned because there are residents living there, suggesting it be changed to a mixed use zone.

Planning Commission Decision:

Commissioner Diaz moved, seconded by Commissioner Brimmer, to receive and file this report. No objection was noted.

Chairman Faletogo directed staff to bring this matter back for public hearing after staff has discussed their intentions with the affected property owners.

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

- Preliminary project discussions
- Follow-up orientation meetings
- Status of oil well moratorium
- Council's decision on drive-thrus in the MU-CS zone
- Tour de Carson and Bike Festival

Acting Planning Manager Signo encouraged each Commissioner to contact him prior to the Planning Commission meetings with regard to any questions concerning an agenda item and to also contact him with regard to suggested topics for placing on future agendas. Acting Planning Manager Signo briefly addressed the effectiveness of one-on-one meetings with staff and the Commissioners when necessary. He explained that the oil well moratorium was not extended by City Council, noting that the Oxy matter will go before City Council in the near future; and that City Council approved the drive-thru item for Schlotzsky's Deli, noting that the Zone Text Amendment will go for second reading at the next City Council meeting. He added that the second annual Tour de Carson Bike Festival took place this past weekend, noting that Commissioner Piñon was in attendance.

15. COMMISSIONERS' REPORTS

Acting Planning Manager Signo noted for Commissioner Saenz that at this point, the City has not started to negotiate with Oxy on a development agreement.

Commissioner Saenz asked the Commission if they agree with the email he sent to each member regarding suggested topics for the Planning Commission agendas.

Commissioner Diaz stated he received the email but that he was not in agreement with everything that was suggested in the email.

Assistant City Attorney Phelan asked that the email be sent to staff and directed the Commission to make these requests at these meetings, in an open forum.

Commissioner Brimmer stated that she attended the press release with Mayor Dear, Councilman Mike Gipson, and members of the Human Relations Commission on adopting an anti-bullying ordinance in Carson; that she attended Janice Hahn's 44th Congressional District Annual Senior Briefing and Luncheon; and that she attended the inauguration dinner for Dr. Hagan at Cal State Dominguez Hills.

Commissioner Piñon stated he enjoyed attending the bike festival, hoping there will be more in attendance next year; that he attended the inauguration dinner for Dr. Hagan at Cal State Dominguez Hills; and highlighted the Memorial Day tribute at the Community Center on Friday, May 23rd from 6:00 p.m. to 8:00 p.m.

Chairman Faletogo thanked everyone for their efforts this evening.

16. ADJOURNMENT

At 8:32 P.M., the meeting was adjourned to Tuesday, May 27, 2014, 6:30 P.M., Helen Kawagoe City Council Chambers.

Chairman

Attest By:

Secretary