

MINUTES
CITY OF CARSON
PLANNING COMMISSION REGULAR MEETING
CITY COUNCIL CHAMBERS
701 East Carson Street, 2nd Floor
Carson, CA 90745

January 13, 2009 – 6:30 P.M.

1. **CALL TO ORDER** Chairman Faletogo called the meeting to order at 6:38 P.M.
2. **PLEDGE OF ALLEGIANCE** Commissioner Verrett led the Salute to the Flag.
3. **ROLL CALL**
Planning Commissioners Present: Cannon, Brimmer, Brown, Faletogo, Gordon, Graber, Saenz, Verrett

Planning Commissioners Absent: None

Planning Staff Present: Planning Manager Repp, Assistant City Attorney Galante, Senior Planner Signo, Associate Planner Gonzalez, Recording Secretary Bothe
4. **AGENDA POSTING CERTIFICATION** Recording Secretary Bothe indicated that all posting requirements had been met.
5. **AGENDA APPROVAL** Vice-Chair Saenz moved, seconded by Commissioner Graber, to approve the Agenda as submitted. Motion carried.
6. **INSTRUCTIONS TO WITNESSES** Chairman Faletogo 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 Galante
8. **ORAL COMMUNICATIONS** For items **NOT** on the agenda. Speakers are limited to three minutes.

Ronald Shimokaji, resident, announced that he will step up his efforts to encourage the City to provide more open space and public art, believing this has a positive effect upon a community.

9. CONSENT CALENDAR

Minutes: November 24th and 25th, 2008

MOTION:

Commissioner Cannon moved, seconded by Vice-Chairman Saenz, to approve the November 24th and 25th, 2008 Planning Commission Minutes as presented. Motion carried, with Commissioners Brimmer, Brown and Gordon abstaining.

10. CONTINUED PUBLIC HEARING

A) Case No. 74-08: Appeal of Director's Determination of Termination Date of Existing Non-Conforming Use

Applicant's Request:

The applicant, TST Metals, Inc., is appealing the Director's determination relating to the termination date for an existing, non-conforming scrap metal yard and processing facility located at 2020-2032 East 220th Street.

Staff Recommendation:

Open the public hearing, take public testimony, and continue the public hearing to February 24, 2009.

Chairman Faletogo opened the public hearing.

Planning Commission Decision:

Chairman Faletogo moved, seconded by Commissioner Graber, to continue this matter to the February 24, 2009, Planning Commission meeting. Motion carried.

10. CONTINUED PUBLIC HEARING

B) Relocation Impact Report No. 3036-07

Applicant's Request:

The applicant, Shadrow and Shadrow, is presenting Relocation Impact Report No. 3036-07 for the closure of a mobile home park (Bel Abbey) with 49 units and 50 spaces located in the ML (Manufacturing Light) zone. The property is located at 200 East Gardena Boulevard.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation that the Planning Commission approve Relocation Impact Report No.3036-07 and Waive further reading and ADOPT Resolution No._____, entitled, "A Resolution of the Planning Commission of the city of Carson approving Relocation Impact Report No. 3036-07 for the closure of Bel Abbey Mobile Home Park located at 200 East Gardena Boulevard, pursuant to conditions providing relocation assistance to displaced residents."

Commissioner Cannon stated that what the property owner is offering to the park residents is a tremendous relocation package, providing not only the appraised value of their mobile homes, but also offering generous incentives.

Commissioner Cannon moved, seconded by Chairman Faletogo, to concur with staff recommendation, requiring the property owner to provide monthly progress reports to the City on the relocation activities and provide a stepped incentive plan. This motion was ultimately amended.

Chairman Faletogo stated this is a difficult decision to make, pointing out the law requires the park be closed; and he encouraged the property owner and the relocation consultant to be very proactive in their efforts to assist the residents in this endeavor.

Commissioner Verrett expressed her opinion this is not a difficult decision at all, stating the law is there to protect people; that the law did not intend to displace individuals in the way this process is happening; that she is not willing to sacrifice any of her principles or values and that she is not willing to support an ordinance that is directed towards children and senior citizens, in displacing individuals who have lived in the community for a serious number of years; and that she is not willing to agree with any law that basically says an individual shall at his/her detriment turn over a substantial amount of money and based on the law, lose not only a great deal of money, but are being dislocated. She stated the City should have taken a closer look at how this ordinance is displacing these residents. She stated her recommendation to the Commissioners at this time, if the Commissioners are not able to come to an equitable resolution particularly with regards to the money they have invested in their homes, that she would ask this Commission to give no recommendation. She expressed her opinion that the notices are insufficient and the relocation assistance is low.

Commissioner Graber expressed his belief there's not enough information in all the documents over the years to make a decision and stated he agrees that the displacement of these residents is a difficult matter to address in these economic times. He stated it's the Commission's duty to make a decision based on the law of zoning and stated that whether he is in concurrence with that law or not, it is a difficult decision that he will have to make.

Commissioner Cannon stated the Planning Commission has certain duties and responsibilities, one of them being land use; stated that one of the Commission's primary responsibilities is to determine zoning; and that the Commission determines what type of use should be permitted in a particular area, pointing out this is done to protect the overall lifestyle and health of the residents. He stated that it's always a tough decision when discussing the displacement of homes, but stated that the City tries to make the transition as easy as possible. Pointing out that the Planning Commission is a law-abiding body, he stated the transition being provided here is more than adequate in terms of appraised values and incentives.

Commissioner Verrett reiterated that the decision to rezone this area was not a good decision and believes that when a residential area is rezoned, it is a taking of property, aligning itself with eminent domain.

Commissioner Graber stated that he hasn't seen any documentation showing where these people will be moving to or any documents about how they helped the one resident relocate at the end of last year and whether those monies were adequate for that resident.

Addressing Commissioner Verrett's suggestion the action tonight is a taking of property, Assistant City Attorney Galante clarified for the record that the eminent domain process is very different and operates by a completely different body of law than what is before the Commission this evening. He explained that when a regulatory body, such as the City, revises its zoning code, there are standards that apply which are very distinct; and noted that what he's seen from the evidence presented here is that these standards have been complied with. He addressed Commissioner Verrett's comment regarding valuation of that property and whether the zone change accommodates recoupment of that valuation, noting this is why there are very detailed amortization schedules in the City's Municipal Code; and stated the evidence concerning the amortization period and the ability of those homeowners to recoup that value seems to exist in the record.

Commissioner Graber pointed out that this has been going on since 1987; that there have been comments that people weren't informed; and stated that this process cannot continue to go on and on after all these years, and he suggested the residents be given an additional 6 months to relocate. He added that the residents must realize they have to relocate.

Commissioner Brimmer stated this is a difficult decision, noting she understands the importance of land use and zoning issues; and she pointed out that once the property owner expands his business onto this site, it will likely mean more jobs. She expressed her belief the property owner has not convinced her that he handled the human capital side sufficiently; noted her support for extending the relocation period; and suggested that the property owner provide a monthly update on the relocation activities. She stated that the sums being given to the residents are sufficient, but stated that the residents must know they have to move from this site within the allowable timeframe.

Chairman Faletogo stated that a long list of chronological documentation has been provided throughout these hearings reflecting the various notices of the closure date, regardless of the testimonies; and that because of these numerous documents that have highlighted the various notices, he believes the procedures have been properly followed. He added that the residents were invited to attend numerous meetings, and stated that if people didn't show up for those meetings, they missed out on valuable information being provided at those meetings. He added that if the residents had any questions, it was their responsibility to ask, to come to City Hall and get information about rumors floating around their park. He stated that this is a difficult decision, but as a Planning Commissioner, he will be applying the law and facts to make his decision; that taking into consideration all the evidence that has been provided, the residents have been given proper notification and adequate time to relocate; and stated that extending the relocation will only complicate matters.

Vice-Chairman Saenz expressed his belief 20 years is long enough for the park to amortize its investments and long enough for the residents to plan for their futures; and stated he does not think a 6-month extension will accomplish anything. He stated there has been plenty of communications over the past 20 years concerning this matter and

believes the residents have waited to the last minute to take care of their business in this regard. He stated that the city rezoned this property for a good reason and that it is time to enforce the park closure.

Responding to Assistant City Attorney Galante's clarification, Commissioner Verrett stated she was not suggesting that eminent domain is being applied, that she was only providing an analogy to the taking of property. She stated she would support a further extension of time for the relocation efforts, but added that the residents should not have to pay any rent for the next year or two. She stated that adding an additional 6-month extension is not a sufficient time to relocate.

Highlighting the comment that some of the residents are unemployed, Commissioner Graber mentioned that unemployment benefits are now being extended up to one year, which should allow them to establish another job in that timeframe; and he pointed out that requiring the property owner to allow all the tenants to remain on this property rent free for up to two years is harmful and not equitable to the property owner. He reiterated that he would support the motion if the applicant agrees to a 6-month extension, allowing the park to remain open for one more year. He addressed the audience, making it clear they need to realize that one year from today, if this vote passes, they have got to leave this park.

Assistant City Attorney Galante pointed out that what is before the Planning Commission is the consideration of a Relocation Impact Report (RIR); and advised that the applicant has not submitted or consented to any extension of time, which extension is not properly before this body. He stated that the scope of this Planning Commission's determination, as set forth in Section 9128.21 of the City's Municipal Code, is that the Commission essentially reviews the RIR; if the Commission approves the RIR, it will be making an affirmative finding that reasonable measures have been provided in an effort to mitigate the adverse impact of conversion upon the park residents and on the ability of the park residents to find alternative housing. Assistant City Attorney Galante stated what is presently before this body is a motion pending to concur with staff's recommendation to approve the RIR, making the findings it does provide that reasonable accommodation. Based on the Commission's discussion, he stated the Commission may consider an option to continue this matter to the next meeting, which would allow Commissioners Brown and Gordon to review the prior materials/video of this matter so they could participate in the vote.

Planning Manager Repp stated the Commission may consider another option of opening the public hearing to allow the applicant's representative to approach the podium and state whether the applicant would be in favor of a 6-month extension.

Chairman Faletogo noted that the applicant has sat through this evening's testimony/deliberations and is aware of what the Commissioners are willing to do. He opened the public hearing and asked the applicant to step forward to address the Commission's suggestion that a 6-month extension be given.

Commissioner Verrett asked if the residents will be permitted to come back to the podium to speak.

Chairman Faletogo stated he only wants to hear from the applicant as to whether he'd be willing to provide a 6-month extension.

Mr. Goldfarb stated the applicant is willing to provide a 6-month extension, allowing the residents to remain in the park until January 13, 2010.

Commissioner Cannon asked if the incentive timetable would be changed.

Mr. Goldfarb stated that instead of reducing the early termination benefit by \$500 every month, it would be reduced over the 12-month period by \$500 every two months for those who choose to move out early.

Assistant City Attorney Galante explained that any reference to the 6-month closure will be amended in the resolution to reflect 12 months if this motion is to pass.

Commissioner Graber noted his support of the 6-month extension and reiterated for those in the audience that this will be the final extension and they have got to relocate within the next 12 months.

Assistant City Attorney Galante suggested the Commission consider the following change to Section 7e at the end: "In addition to the above proposed payment, the park owner will agree to a bonus relocation benefit if the mobile homeowner/occupants are able to relocate by January 13, 2010. That bonus began at \$3,000 for those who vacated by December 31, 2008 and is reduced by \$250 each month until January 13, 2010."

Planning Manager Repp reminded those that any reference throughout the resolution referring to the 6-month park closure will now reflect a "12"-month park closure.

Commissioner Verrett challenged the Chair's ruling by only allowing the applicant to come forward and speak, stating she would like to hear from the residents again about an extension.

Assistant City Attorney Galante stated it would be appropriate for the members of the audience to speak while the public hearing is open.

Commissioner Brimmer reiterated her request for the property owner to submit a periodic strategic plan on their relocation efforts/communications with the park residents.

Planning Manager Repp stated that while the applicant is already doing that, they could reformat their reporting procedure to the City in this regard, but cautioned that due to the confidential information contained in those reports/communications, some information will not be made available; and stated it would be helpful to require the applicant submit a monthly report that identifies which residents are currently being assisted in terms of meetings and relocation benefits and of the progress they are making. Due to the late hour, she recommended that focus of any additional testimony only be on the current information being discussed by the Commission, setting a time limit of one minute for each speaker.

Chairman Faletogo opened the public hearing for the mobile home park residents, stating their comments should be in regard to extending the time to January 13, 2010.

Norma Valesquez, Carson resident, translated.

Luciano Alvarado, Space 7, stated he not satisfied with a 6-month extension to January 13, 2010.

Elizabeth Vidal, Space 29, stated she is in support of the 6-month extension to January 13, 2010.

Ester Corrales, Space 3, stated she is in support of the 6-month extension to January 13, 2010, but stated none of these residents should have to pay their rent in that year's time.

Carolos Fuentes, Space 46, stated he is in support of the extension to January 13, 2010 and with not having to pay any rent for that year's period.

Alejandro Cruz, Space 32, noted his concurrence with the extension to January 13, 2010, and stated the residents are not being given enough money.

James Hopson, Space 6, stated he is ready to move, and stated the money being offered is not enough.

Maria Torres, Space 41, agreed to move and stated that she'd like to receive more money.

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

Commissioner Cannon amended his motion, approving the closure of Bel Abbey on January 13, 2010; to amend Section 7e, "In addition to the above proposed payment, the park owner will agree to a bonus relocation benefit if the mobile homeowner/occupants are able to relocate **by January 13, 2010. That bonus began at \$3,000 for those who vacated by December 31, 2008 and is reduced by \$250 each month until January 13, 2010**"; and to direct the Planning Department to work with the applicant in developing a monthly strategic reporting program for the City, thus adopting Resolution No. 09-2242.

Commissioner Brimmer seconded the amended motion.

The amended motion carried as follows:

AYES: Brimmer, Cannon, Graber, Saenz, Faletogo
NOES: Verrett
ABSTAIN: Brown, Gordon
ABSENT: None

Assistant City Attorney Galante clarified that the decision of the Planning Commission is to approve the closure within a one-year time limit, to January 13, 2010.

Chairman Faletogo recessed the meeting at 10:56 P.M. and reconvened the meeting at 11:05 P.M.

11. PUBLIC HEARING None

12. NEW BUSINESS DISCUSSION

- Workshop to discuss the consideration and processing of mobile home conversion applications

Planning Manager Repp provided a brief summary and noted that due to the late hour, more discussion will take place at the Commission's January 27th meeting.

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

- Status report on Housing Element Update

Planning Manager Repp invited the Planning Commission to the community Housing Element workshop/forum at the Community Center Dominguez Room on Wednesday, February 25th, 6:00 P.M.

Planning Manager Repp encouraged everyone to donate blood on Thursday, from 2:00 P.M. to 8:00 P.M. at the Community Center, noting there is a huge shortage this time of year.

15. COMMISSIONERS' REPORTS

Commissioner Verrett stated that the NAACP Carson-Torrance branch will be sponsoring an E-waste collection event on Saturday, February 21st, from 9:00 A.M. to 4:00 P.M. at the northeast parking lot of the South Bay Pavilion.

Commissioner Cannon wished everyone a happy New Year and welcomed the three new Planning Commissioners.

Commissioner Graber welcomed the three new Planning Commissioners.

Chairman Faletogo thanked staff for their hard work this evening and stated he is satisfied with the January 13, 2010 closure date of the Bel Abbey Mobile Home Park.

16. ADJOURNMENT

At 11:30 P.M. the meeting was formally adjourned to Tuesday, January 27, 2009, City Council Chambers, 6:30 P.M.

Chairperson

Attest By:

Secretary