

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

**November 24, 2009 – 6:30 P.M.**

1. **CALL TO ORDER** Chairman Faletogo called the meeting to order at 7:15 P.M.
2. **PLEDGE OF ALLEGIANCE** The Salute to the Flag was led by Commissioner Schaefer.
3. **ROLL CALL**

Planning Commissioners Present:  
Brimmer, Faletogo, Graber, Park,  
Schaefer, Saenz, Verrett

Planning Commissioners Absent:  
Brown, Gordon (both excused)

Planning Staff Present: Planning  
Officer Repp, Senior Planner Signo,  
Assistant City Attorney Konigar-  
Macklin, Associate Planner Gonzalez,  
Associate Planner Song, Recording  
Secretary Bothe
4. **AGENDA POSTING  
CERTIFICATION** Recording Secretary Bothe indicated that all posting requirements had been met.
5. **AGENDA APPROVAL** Vice-Chairman Saenz moved, seconded by Commissioner Verrett, to approve the Agenda as submitted. Motion carried (absent Commissioners Brown and Gordon).
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 Adrienne Konigar-Macklin
8. **ORAL COMMUNICATIONS** For items **NOT** on the agenda. Speakers are limited to three minutes. None.

**9. CONSENT CALENDAR**

Minutes: November 10, 2009

MOTION: Commissioner Park moved, seconded by Vice-Chairman Saenz, to approve the November 10, 2009, Minutes as presented, 6-0-1. Motion carried (Chairman Faletego abstained; absent Commissioners Brown and Gordon).

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**10. CONTINUED PUBLIC HEARING**      None.

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**11. PUBLIC HEARING**

**A) Conditional Use Permit No. 746-09; Conditional Use Permit No. 753-09; and Modification No. 3 to Design Overlay Review No. 676-98**

Applicant's Request:

The applicant, Milestone Wireless, is requesting to permit an existing legal, non-conforming 60-foot high wireless telecommunications facility on a property located in the ML (Manufacturing, Light) zone and within the Merged and Amended Redevelopment Project Area. The subject property is located at 24000 South Broad Street.

Staff Report and Recommendation:

Associate Planner Song presented staff report and the recommendation to APPROVE the proposed project; and WAIVE further reading and ADOPT Resolution No. 09-2276, entitled, "A Resolution of the Planning Commission of the city of Carson approving Modification No. 3 to Design Overlay Review No. 676-98, Conditional Use Permit No. 746-09, and Conditional Use Permit No. 753-09 for an existing wireless telecommunications facility located at 24000 South Broad Street."

Chairman Faletego opened the public hearing.

Al Gamboa, representing the applicant, noted his concurrence with the conditions of approval.

Chairman Faletego closed the public hearing.

Planning Commission Decision:

Commissioner Graber moved, seconded by Chairman Faletego, to approve the applicant's request as submitted, adopting Resolution No. 09-2276. Motion carried, 7-0 (absent Commissioner Brown and Gordon).

**11. PUBLIC HEARING**

**B) General Plan Amendment No. 87-09 and Zone Change  
Case No. 162-09**

Applicant's Request:

The applicant, city of Carson, Planning Division, is requesting to change the General Plan Land Use Designation from General Commercial to Residential High Density and change zoning from CG-D to RM-25 to facilitate a future affordable housing project at 2535-2569 East Carson Street.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 09-2277, entitled, "A Resolution of the Planning Commission of the city of Carson recommending approval to the City Council of Carson General Plan Amendment No. 87-09 and Zone Change Case No. 162-09 for the properties located at 2535-2569 East Carson Street."

Chairman Faletogo asked if this property could revert to market-rate housing should the opportunity arise.

Associate Planner Gonzalez stated that the Redevelopment Agency has purchased this property for affordable housing and noted that City Council can choose what type of housing it feels is most appropriate/feasible for this site. He added that this site is within the Community Development Block Grant area and that it is eligible for federal housing funds. He stated that the Redevelopment Agency has not pursued any developers for this site at this time, noting that once a zone change is approved, negotiations for property development can take place.

Commissioner Park asked why staff is proposing RM-25 and not a lower number, such as 1 to 8 units per acre.

Associate Planner Gonzalez noted that an RM-25 designation is consistent with the surrounding zoning; and he added that the Redevelopment Agency purchased this land with the intent to build affordable housing.

Commissioner Park stated this property is too small to accommodate that many units and highlighted its odd shape and poor location near the bridge.

Associate Planner Gonzalez agreed this property does have limited functional utility and that its design would need some creativity; and stated it is likely this property will only be able to accommodate 15-17 units.

Addressing Commissioner Park's concern with visual intrusion onto the adjacent properties, Associate Planner Gonzalez explained that there are ways to minimize the visual intrusion.

Commissioner Brimmer noted the need for community education when affordable housing is being proposed.

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

Planning Commission Decision:

Vice-Chairman Saenz moved, seconded by Commissioner Schaefer, to approve the request.

Commissioner Park offered a friendly amendment suggesting that City Council market this property for people 55 years of age and older, highlighting the limited parking area for this small site and the low demand for parking with the senior citizen population.

Planning Officer Repp explained that this rezoning request needs to be considered regardless what type of housing will be placed on this property; that the Redevelopment Agency has a limit on the number of senior housing units it can provide in the City; that affordable housing units are necessary, asking the Commission to be open minded; and suggested this request would be more appropriately considered at the City Council level when they're making their determination for marketing this property.

The motion to approve the request carried, 7-0, adopting Resolution No. 09-2277 (absent Commissioners Brown and Gordon).

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## **12. NEW BUSINESS DISCUSSION**

### **A) Workshop: Proposed Alameda Sound Wall Mitigation Project**

Applicant's Request:

The applicant, city of Carson, Planning/Engineering Divisions, is requesting to consider a preferred sound wall development alternative to mitigate noise from diesel trucks and trains along the Alameda Corridor affecting residential neighborhoods. The area involved is between Dominguez Street and the 405 Freeway east of Alameda Street.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and recommendation for the Planning Commission to review and provide comments for implementing the subject "preferred alternative" for a sound wall and noise attenuation project.

Senior Civil Engineer Marquez highlighted the conceptual design and noted that the Fire Department is in support of the conceptual design; and he noted that the first 3 houses in each row would likely receive double-paned windows, forced air and heating systems, insulated walls and doors, etc., to further insulate these homes from noise and air pollution. He stated that if a wall is to be erected on the west side of Alameda Street, it would have acoustical "absorbing" material so the noise doesn't bounce off the wall and back into the neighborhoods. He noted that the conceptual plan calls for the acquisition of 22 homes for the desired project design.

Chairman Faletogo noted that the Commission received correspondence (of record) from George Loewy and Ray Park in regard to this matter.

Associate Planner Gonzalez stated that staff and the consultants have addressed various funding strategies, pointing out the difficulties with obtaining the majority of the funding during this tight economy. He added that the City will also be seeking funding from the Department of Transportation (DOT).

Planning Officer Repp added that funding options are being evaluated by various agencies; advised that the problems with noise in this area will increase as the port activities increase; and explained that this project can be done in phases as the money becomes available.

Senior Civil Engineer Marquez noted for Commissioner Brimmer that the City has thus far paid \$200,000 to obtain a sound wall feasibility study from Tetra Tech.

Commissioner Brimmer noted her concern with the high cost of this study and asked if eminent domain is being considered for the homes.

Senior Civil Engineer Marquez stated that the residents have been notified of the City's interest in this project should the funding be secured, noting there have been a number of community meetings to address these plans.

Planner Officer Repp pointed out the study addresses land use issues and that it was done for conceptual purposes only at this time; advised that the cul-de-sac concept is a flexible design; and reiterated that the entire project can be done in phases when the money becomes available. She added that relocation assistance will be provided for the purchase of the homes; stated that eminent domain is not likely; that if the majority of the residents don't want to sell, it most likely won't happen; but added that the City does have the right to enforce its eminent domain privilege if it feels it's necessary. She stated that acquisition of the houses is the worst-case scenario for the conceptual plan.

Traffic Engineer Garland noted for Chairman Faletogo that a traffic study would be necessary before and after the project; and noted that any cul-de-sac construction would have to meet guidelines for sufficient emergency vehicle access, noting the Fire Department would not be utilizing the alley.

Commissioner Graber asked why cul-de-sacs are being proposed.

Senior Civil Engineer Marquez explained that the noise consultant believes the streets need to be closed off from the alley because noise will project through the alleyways from Alameda.

Vice-Chairman Saenz asked if the acoustical sound barrier will be effective if it's not continuous and asked for further input on the vibrations the residents are experiencing from the trucking and train activities.

Senior Civil Engineer Marquez explained that even if there are gaps in the wall, it still would significantly reduce the noise but not eliminate it. He added that no study has been done on vibration.

Planning Officer Repp noted it would be difficult to mitigate vibration impacts on existing structures.

Ray Park, representing Dominguez Area Property Owners Association, expressed his belief that greater consideration has been given to the needs of the businesses along this street, noting the residents need alley access; noted his opposition to eminent domain; and pointed out that while the conceptual plan proposes to make improvements to the first 3 houses in each row, there are at least another 2,400 homes that are impacted by the port activities every day, questioning why more homes aren't being considered for these upgrades. He stated that many of the residents are negatively impacted by the vibrations the trucks and trains create, noting these impacts will only increase with the completion of the SR-47 Expressway and Schuyler Heim Bridge road. He stated that the walls should be continuous and placed on the west side of the alley; and pointed out that the residents need relief now from the noise, fumes and traffic.

George Loewy, 21120 South Alameda Street, highlighted the letter (of record) he submitted to the Planning Commission; expressed his belief that acquisition of the homes and businesses is not necessary; and stated that a measureable difference will be experienced with erecting the wall now, noting it is reasonable to do this project in phases as the money becomes available. He stated that putting in cul-de-sacs will only create increased traffic on the internal neighborhood streets which are already experiencing traffic and parking problems even before the new high school is in operation. He suggested planting more trees to help with the noise and pollution. He noted his disappointment with this taking too many years to accomplish and urged the City to put in the wall now, at the very least, near the train tracks to alleviate some of the noise.

George Bartlett, 2515 East Van Buren Street, stated that the proposed wall discussions have been going on for too many years and he urged the City to take immediate steps to help alleviate the noise and fumes, noting the wall should be continuous along the tracks.

Cassandra Hynes, 2514 East Van Buren Street, stated she'd be willing to sell the City her house so she can relocate to a quieter and healthier area; expressed her belief cul-de-sacs create a more secure environment for residents; and highlighted the problems that take place in the alleyway, such as graffiti, trash dumping, loitering, and vandalism. She stated that all the homes in this area should receive improvements to their properties to help with the noise and pollution.

Hector Aguilar, 2545 East Adams Street, questioned how the City will keep graffiti and vandalism from occurring if a wall is erected along the alleyway. He advised that all the vibrations from the train and truck activities have shifted the foundation of his house and stated that a vibration study should have been performed. He noted his support for the placement of a wall and stated that trees should be planted where there is a break in the wall to further help mitigate the noise, pollution and vibration. He noted that walls should be placed in front of the businesses where there are gaps and suggested building decorative arches along the highway that will absorb some of the noise. He noted that his concerns are growing with the increase in trucking and train activity that will be taking place once the SR-47 Expressway and Schuyler Heim Bridge road are open.

Jesse Marquez, representing Coalition for a Safe Environment, stated that the City should not have to spend any money to mitigate the noise because it is the responsibility of Caltrans and the Alameda Corridor Transportation Authority (ACTA). He stated that double paned windows are not sufficient; that the windows should have a Sound Transmission Class (STC) rating of 60 to 80, noting that double paned windows are only rated at 15 and not sufficient enough to mitigate the excessive noise these residents have been forced to endure for years. He stated that Carson needs to sue ACTA and Caltrans for failing to protect the City's residents from the dangerous effects of the train and truck activities. He said there are safer alternative modes of transportation to put in place, such as LNG, electric trucks, Magna trains; and suggested the City file an amicus brief to support his group's lawsuit against these agencies for failing to adequately perform proper tests/studies. He suggested the City put together a community task force to come up with solutions to these problems.

Assistant City Attorney Konigar-Macklin explained that filing an amicus brief would simply indicate the City agrees with the above-mentioned plaintiffs and would not be a party to that action.

Commissioner Schaefer expressed her concern with it taking far too long to get these residents some relief and questioned what can be done to expedite the needed assistance.

Associate Planner Gonzalez explained that available funding is a major problem, noting that the \$1 million from ACTA is the only funding available for this project at this time, noting the green wall project could proceed with the Commission's recommendation.

Chairman Faleto go asked staff to come up with another alternative(s) for consideration and to continue this workshop, suggesting something be done now with the available funding.

Commissioner Brimmer asked that the City research its legal position in this matter to obtain relief and asked that the City continue with its community workshops to further educate the public and address solutions. She stated she'd like more information on the Coalition for a Safe Environment lawsuit filed against these agencies.

Planning Commission Decision:

Chairman Faleto go moved that staff take into consideration all the suggestions provided this evening and meld those into another alternative option for consideration and to continue this workshop to a future date.

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**13. WRITTEN COMMUNICATIONS** None

**14. MANAGER'S REPORT**

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Planning Officer Repp stated it is likely the Planning Commission meeting will go dark on December 22<sup>nd</sup> due to the lack of cases ready for consideration, noting a definite decision will be made by the December 8<sup>th</sup> Planning Commission meeting.

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**15. COMMISSIONERS' REPORTS**

Commissioner Park wished everyone a happy Thanksgiving celebration.

Commissioner Graber stated this was an informative meeting and wished everyone a happy Thanksgiving celebration.

Commissioner Brimmer echoed the prior comments; and she highlighted last week's concert at the Community Center featuring Kem, an R&B musician.

In response to Vice-Chairman Saenz' inquiry regarding the recent activities at the former Fletcher Oil site, Planning Officer Repp stated that they are working on some site improvements, including the landscaping and new perimeter walls.

Commissioner Verrett thanked and commended Commissioner Park for his hosting of the I-710 update workshop at the Dominguez Community Center on Wednesday, November 18<sup>th</sup>, noting her appreciation of his long-time work with these efforts.

Commissioner Schaefer echoed the prior sentiments.

Chairman Faletogo expressed his appreciation for the outpouring of help and humanity from the city of Carson, its residents and from people all over the United States who rallied to help the Samoan Islands following last month's devastating tsunami. He noted that thus far, 20 cargo containers full of needed supplies have been shipped from here to the islands.

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**16. ADJOURNMENT**

At 10:29 P.M. the meeting was formally adjourned to Tuesday, December 8, 2009, City Council Chambers, 6:30 P.M.

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*Chairperson*

*Attest By:*

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Secretary