



⇒ **WEDNESDAY, May 13, 2020**

**PLEASE NOTE: This is an adjourned regular meeting
(adjourned from the May 12, 2020 regular meeting)**

701 East Carson Street, Carson, CA 90745

6:30 p.m., Via Zoom

MINUTES

ADJOURNED REGULAR MEETING OF THE PLANNING COMMISSION

Members:

Alex Cainglet	Uli Fe'esago	Ramon Madrigal (Vice-Chair)
Michael Mitoma	Chris Palmer	Ramona Pimentel (Chair)
Myla Rahman	Karimu Rashad	Daniel Valdez

Alternates:

Louie Diaz	Patricia Hellerud	Paloma Zuniga
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Staff:

Planning Manager Betancourt	Assistant City Attorney Jones
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"In accordance with the Americans with Disabilities Act of 1990, if you require a disability related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the Planning Department at 310-952-1761 at least 48 hours prior to the meeting." (Government Code Section 54954.2)

1. **CALL TO ORDER**

Chair Pimentel called the meeting to order at 6:57 p.m.

2. **ROLL CALL**

Planning Commissioners Present: Fe'esago, Madrigal, Mitoma, Palmer, Pimentel, Rahman, Rashad, Valdez

Planning Commissioners Absent: Cainglet (excused)

Planning Commission Alternates Present: Diaz

Planning Staff Present: Planning Manager Betancourt, Community Development Director Naaseh, City Attorney Soltani, Assistant City Attorney Jones, Planning Contractor Guisar, Recording Secretary Bothe

3. **ORAL COMMUNICATION FOR MATTERS NOT ON THE AGENDA**

*The public may at this time address the members of the Planning Commission on any matters within the jurisdiction of the Planning Commission. No action may be taken on non-agendized items except as authorized by law. Speakers are requested to limit their comments to no more than three minutes each, speaking once. *(see below)*

***DUE TO CORONA VIRUS COVID-19, NO MEMBERS OF THE PUBLIC WILL BE ALLOWED INTO CITY HALL DURING THE PLANNING COMMISSION MEETING. THE MEETING WILL BE CONDUCTED VIA REMOTE TELECONFERENCING USING THE ELECTRONIC “ZOOM” APPLICATION**

Any members of the public wishing to provide public comment for the items on the agenda may do so as follows:

1. Live via Zoom Application. Members of the public wishing to provide public comment in real-time will be invited to join the Zoom meeting remotely to provide their public comment live with their audio/video presented to the Planning Commission. Members of the public wishing to do so must email planning@carson.ca.us, providing their real name and the phone number they will use to call in from, no later than 3:00 p.m. on the date of the meeting. For further details/requirements and meeting invite information, please email planning@carson.ca.us no later than 3:00 p.m. on the date of the hearing.

2. Email: You can email comments to Planning@carson.ca.us no later than 3:00 p.m. before the meeting. Please identify the Agenda item you wish to address in your comments. Your comments will be read into the record.

3. Telephone: You can record your comments at (310) 952-1720 no later than 3:00 p.m. before the meeting. Please identify the Agenda item you wish to address in your comments. Your comments will be read into the record.

4. Box outside of City Hall: You can provide hand-written comments by dropping off a note at the box located in front of City Hall (701 East Carson Street) no later than 3:00 p.m. on the date of the meeting. Please identify the Agenda item you wish to address in your comments. Your comments will be read into the record.

NOTE: Members of the public wishing to observe the meeting live without providing public comment will be able to do so by watching it on the City's PEG television channel (Channel 35 on Charter or Channel 99 on AT&T for Carson residents) or via live streaming on the City's website, <http://ci.carson.ca.us/>).

None

4. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

A closed session will be held pursuant to Government Code Section 54956.9 (d)(2) or (d)(3) and (e)(1) because there is significant exposure to litigation in one potential case.

Gregory Anderson asked for, and received, clarification on the statute allowance for a closed session.

The closed session commenced at 7:07 p.m. and reconvened at 8:33 p.m.

Assistant City Attorney Jones stated no reportable action was taken.

5. CONSENT CALENDAR

A) Minutes Approval: April 28, 2020

Chair Pimentel moved, seconded by Commissioner Mitoma, to approve the April 28, 2020, Minutes as presented. Motion carried, 7-0 (Madrigal and Rahman were not present during the vote; absent Cainglet).

6. PUBLIC HEARING

A) Site Plan and Design Review (DOR) 1745-18, Conditional Use Permit (CUP) 1074-18, Specific Plan (SP) 18-18, General Plan Amendment (GPA) 108-18 and Development Agreement (DA) 24-18

Applicant: KL Fenix Corporation
Attn: Segovia Felipe
19401 S. Main Street
Gardena, CA 90248

Property Owner: Young Kim
KL Fenix Corporation
19401 S. Main Street
Gardena, CA 90248

Request: Consideration of Site Plan and Design Review (DOR) 1745-18, Conditional Use Permit (CUP) 1074-18, Specific Plan (SP) 18-18, General Plan Amendment (GPA) 108-18 and Development Agreement (DA) 24-18

Recommendation: Continue to Wednesday, May 27, 2020

mb Property Involved: 20601 S Main Street

Planning Commission Decision:

Chair Pimentel moved, seconded by Commissioner Diaz, to continue this matter to May 27, 2020. Motion carried, 8-0 (Madrigal was not present during the vote; absent Cainglet).

6. PUBLIC HEARING

B) Relocation Impact Report (RIR) No. 05-20 – Imperial Avalon Mobile Estates

Applicant's Request:

The applicant, Imperial Avalon, LLC, is requesting consideration of Relocation Impact Report (RIR) No. 05-20 – Imperial Avalon Mobile Estates located at 21207 S. Avalon Boulevard.

Planning Consultant Guisar presented staff report and the recommendation to ADOPT Resolution No. 20-2695, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING RELOCATION IMPACT REPORT NO. 05-20 FOR MITIGATION OF RELOCATION IMPACTS OF CLOSURE OF IMPERIAL AVALON MOBILE ESTATES."

Chair Pimentel opened the public hearing.

Daren Embry, applicant's representative, commented on the RIR and benefits package being offered to the MHP residents, noting the benefits being offered exceed state requirements; pointed out that these residents will have first rights to move back into the senior wellness community once the project is completed; and he noted his concurrence with the conditions of approval.

Commissioner Mitoma asked where the residents will be housed in the interim, those wishing to move back to this address when the new units are built; and expressed his belief that affordable housing is nearly impossible to find at this time.

Mr. Embry stated they work with experienced relocation specialists and that they should be able to find temporary housing for those wishing to move back to this property once the new units have been built.

Tim Tatro, HOA attorney, stated that he had sent a letter to City officials and City attorneys asking that this matter be postponed until the residents can be physically present at a public hearing; he pointed out that these homes are the residents' biggest investment; that the residents are all on fixed incomes and not able to afford market rate housing; advised that there is a huge shortage of affordable housing; that the residents are terrified they won't be able to afford rents, medications, etc.; and he asked that this park not be closed. Mr. Tatro stated that this proposal will uproot over 300 residents, senior citizens who are at a point in their lives where they are least able to absorb the cost and trauma of a move.

Mr. Tatro stated that if the City intends to go forward with this proposal, he would suggest the following in order to minimize the trauma, protect and ensure the safety of all the residents: 1) maximize the relocation assistance by incorporating into the RIR the adjusted onsite values calculated by appraiser James Brabant, noting Brabant concluded the Netzer appraisals had collectively undervalued the homes in the park by \$2.1 million. He stated they believe Brabant should have done the appraisals on all the homes in the first place because he was chosen by the City; 2) allow selective re-appraisals, that there should be a mechanism for any homeowner who believes their appraisal is in error, home improvements not being accounted for, and that Brabant perform those re-appraisals; 3) allow residents access to their full relocation benefits at least 60 days in advance of leaving the park as long as the homeowner has signed all the papers and is in a position to convey clean title to the park owner; 4) require a universal template/method for residents to be able to request early termination of their tenancy and get their full benefits; and 5) require the park owner to fund the appointment of a special master to handle all title disputes and other unexpected issues, noting it should be a retired judge or an experienced lawyer who is not associated with either party involved.

Mr. Tatro explained that these residents have forged close connections with their neighbors over many years, creating a strong support system within this community; that they are used to

having their doctors nearby and other connections they have nurtured over all the years they have lived here; and because this is all being taken away from them, he stated it's necessary to give them all the help they need. He mentioned that some of these residents are veterans, grandparents, teachers, all really good people, and reiterated that their well-being should be the highest priority.

Manako: Japanese interpreter, stated she is translating comment letters from six people:

- 1) Shogo, Space No. 36, they object to this process; that they should be able to meet in a live setting where they can physically participate; that the City should not allow this park to close; and that they are concerned with the low appraisal figures.
- 2) Toshiko Takata, Space No. 145, they believed this home was to be their final home; that they paid for modifications throughout their home; that they are upset with now being told they must leave their beautiful home; and that their appraisal was disappointingly low after all the improvements they made.
- 3) Mr. Shiguchi, Space No. 176, they are extremely upset this meeting is taking place in the midst of COVID-19, noting they are not able to think about anything but this virus.
- 4) Mr. Ugareuta (*sp), Space No. 88, they are concerned with the low appraisal; and they urged the City to be considerate and also allow the residents to live here three more years in order for them to have adequate time to find affordable housing.
- 5) Mr. Komeawa, Space No. 123, they moved here 9 years ago because of rent control; they are low income and can't afford high rent; they are concerned with the low appraisal; and that they have a chronic illness and would like to stay in this home.
- 6) Space No. 34, the appraisal is too low and they should be offered a fair price.

David Lee, Korean interpreter, stated he is translating comment letters from residents who reside in Space Nos. 5, 92, 99, 108, 109, 197:

He stated that the common concern for these residents is this meeting should not be taking place during the COVID-19 lockdown; that the residents are old, stressed out and are not able to get online; that they want the proposed project cancelled; that they love their homes and want to live out their remaining years in the homes they love; that they feel they will be homeless because they cannot afford higher rents; and that their appraisals are too low.

Diana Orozco, Spanish interpreter:

Space No. 9, Esperanza, concerned that relocation is limited due to high cost of rent.

Space No. 57, Jose Gonzalez, they are unable to move and that their doctors are nearby.

Space No. 52, questioned how much time they have to relocate; that they want a fair price for their mobile home; and questioned why the park is no longer being well maintained or adequately secured.

Space No. 65, Louise Moreno, concerned with the low appraisal.

Space No. 87, Jose and Rita Gomez, their children have not been able to find them a more affordable home to live; that they are too old to go back to work; that it is a hardship and stressful situation for their entire family; that this has been their home for 26 years; and that they are concerned with the low appraisal.

Space 14, Elena Medina, that this proposal has stressed out the residents; that she is 72 years old and unable to drive; that her neighbors are her support system; and that her appraisal was insultingly low.

Space No. 222, Mr. and Mrs. Areta, that their appraisal was too low; that they made improvements to their home; that they are concerned being locked down due to COVID-19; and urged a delay in this process.

Anysia, Korean interpreter:

Space No. 108, requested that this hearing be postponed; advised that three disabled people are living in their home, all who need each other to survive; that they need a 3-bedroom unit that is affordable; that they want to stay in this home; and that their appraisal was too low.

Space No. 109, Kim, that their appraisal was too low and unrealistic.

Mr. Choi, speaking for his father-in-law who lives in Space No. 139, stated that his father-in-law used his retirement money to buy this home; that he spent \$78,000 to remodel his home; that the appraisal was too low; and that he was not offered enough money to buy another mobile home elsewhere.

Patricia Gray expressed her concern with the long-term affordability of this effort; stated she will be homeless because she won't be able to afford higher rent; stated that these residents help each other out and that they will be losing their vital support network; and she stated that doing this to people who have lived here for so long is not humane. She added that some of these residents have no relatives and that this sense of community is very important to their well-being.

Young Choi, speaking for their parents in Space No. 204, stated that the RIR should be denied because it is inadequate and irrelevant to the current housing market, and that it's hypothetical and unfair; expressed belief that the City and the developer did not provide adequate review; did not provide a fair assessment of the valuations; and that the comps are way off. Young Choi stated these residents should be given a fair price with current market valuations, noting these residents need to be protected.

Mr. Shinchayan, representing parents in Space No. 89, asked that this process be postponed until after the COVID-19 lockdown has been lifted and wait until the residents can participate in person at a hearing; and stated these are unreasonable hurdles for a vulnerable population.

Ms. Choi Julia, stated her parents live here; echoed other speakers' comments about the need to postpone until after the COVID-19 crisis; stated that they need to provide a fair assessment; and that forcing them to move is not fair at this time.

Planning Secretary Bothe displayed written comments received after the agenda packet had been sent out.

Judith and Jonnie Parker, Space No. 22, stated they both are disabled veterans who are devastated with this proposal; advised that they have lived here many years; that they need to live close to the veteran's hospital; that they have no family nearby; and that they are part of this community family, all taking care of one another. She noted her concern that she is not able to go outside of her house and do anything because of COVID-19; that she does not understand why the City is getting rid of low-income housing; and urged the City to take into consideration their needs and the trauma they are experiencing. She asked where they will live in the interim if they decide to move back to this site once the development has been completed.

June Komeawa, stated that her parents are 80 years old, living here in their retirement home; advised that their appraisal was very low; stated that they are on a fixed income; and expressed her concern that a lot of these people will end up homeless after working so hard all their lives.

Planning Manager Betancourt stated this concludes the public hearing portion of the meeting.

Commissioner Mitoma noted his concern with the comments about the appraisals being too low; stated that there needs to be a 3rd party who will make sure the appraisals are adequate; and that they should look at all the properties again to make sure all the claims are valid.

Commissioner Diaz asked the attorneys for input on their thoughts about Mr. Tatro's five recommendations.

City Attorney Soltani stated that most of the recommendations are fine; that the valuations provided by Brabant are acceptable, noting Brabant has a good reputation in the field; and stated the upgrades do need to be taken into consideration. She stated she agrees in concept with hiring a special master who will adjudicate special circumstances; agrees to allow residents access to their benefits 60 days prior to moving; and agrees with a requirement for a universal template/method for residents to be able to request early termination of their tenancy and get their full benefits.

Vice-Chair Madrigal noted his hope a special master will be hired before the next appraisals are done.

Seeing more people interested in speaking, Planning Manager Betancourt invited Mr. Anderson to speak.

Gregory Anderson stated that this afternoon, he dropped off with a City Hall security guard a manila envelope containing about 15 letters, noting those have not yet been presented during this meeting. He expressed his belief the property owners are lying; stated there is no such address at 4132 Katella Avenue, No. 205B, Los Alamitos, CA; and noted that the owner's tax certificate expired in 2018.

In response to Mr. Anderson's comment, City Attorney Soltani asked that those letters be uploaded to the website tomorrow morning and that a copy of all the letters be forwarded to the City Clerk's office.

Commissioner Valdez asked that consideration be given to requiring the applicant to reimburse the HOA for their lawyer's fees.

City Attorney Soltani invited the applicant's input on this suggestion, saying she thinks it would be appropriate to reimburse the HOA up to \$10,000 in their legal fees.

Mr. Embry stated that would be agreeable with the applicant.

Joe McMullen noted his concern with the notice to participate this evening, stating that the City's website indicates the MHP meeting is cancelled tonight; and expressed his belief that confused many people who might have participated this evening.

Assistant City Attorney Jones explained that was a message about the Mobilehome Rental Review Board's meeting cancellation, not the Planning Commission meeting.

Lisa Dookhoo stated that her brother lives in Space No. 206; and stated it is hard for senior citizens to make these huge changes at this stage in their lives and that they don't want to leave their homes.

There being no further input, Chair Pimentel closed the public hearing.

Planning Commission Decision:

Commissioner Mitoma moved, seconded by Commissioner Madrigal, to approve staff recommendation with the following additions: 1) use the Brabant valuations instead of the Netzer valuations; 2) Brabant is to do an inspection on the homes of those who made upgrades and claim their upgrades are not accounted for and to adjust those appraisals accordingly; 3) park owner to reimburse the HOA for its legal costs up to \$10,000; 4) park owner to fund the hiring of a special master who will adjudicate title disputes and other issues in dispute; and 5) tenants will be able to have access to their relocation funds at least 60 days prior to leaving the park rather than 30 days, changing Condition No. 15 to 60 days.

City Attorney Soltani recapped her understanding of the motion as follows: move to approve staff recommendation, adding the following additional changes: 1) Brabant values to be adopted instead of Netzer's appraisals; 2) Brabant to perform inspections for those tenants who have made upgrades and believe the upgrades have not adequately been taken into consideration and to make any adjustments to those valuations as necessary; 3) park owner to reimburse the HOA \$10,000 for their legal expenses; 4) park owner to fund the appointment of a special master who will adjudicate title disputes, special circumstances. As part of that adjudication, to the extent there are disputes regarding improvements the tenants still believe have not been taken into full consideration on Brabant's adjusted valuations, those disputes will also be adjudicated by that special master. She suggested adding that an arbitrator, whether it be the City Attorney's Office or City staff, be put in place to address disputes until a special master is retained, believing some of these adjustments may take place now instead of later; 5) residents will have access to their relocation benefits at least 60 days prior to departure from the mobile home park; and 6) that residents can request early termination and that the park owner to run all termination agreements by the City Attorney's Office or special master once appointed.

Assistant City Attorney Jones indicated that Mr. Brabant has noted his hesitancy to do physical inspections during this COVID-19 outbreak.

City Attorney Soltani stated if that becomes a problem, the City Attorney's Office will work internally through those issues.

The makers of the motion agreed with City Attorney Soltani's recap and suggested language, including putting in place an arbitrator until a special master can be appointed.

The amended motion passed, 8-0, as follows:

YES: Diaz, Fe'esago, Madrigal, Mitoma, Pimentel, Rahman, Rashad, Valdez
NOES: None
ABSTAIN: None
ABSENT: Cainglet, Palmer

7. MANAGER'S REPORT None.

8. COMMISSIONERS' ORAL COMMUNICATIONS

Commissioner Valdez thanked everyone involved for participating in this evening's meeting.

Commissioner Diaz thanked everyone involved for their participation this evening.

Commissioner Mitoma stated that while the applicant has a legal right to close this park, it is still a difficult and sad decision for the Commission to consider, but noted they did their best to mitigate the hardship to the residents as best the Commission is legally permitted. He wished the residents the very best.

Commissioner Rashad thanked everyone for their participation this evening.

Vice-Chair Madrigal stated that this is his second or third park closure he has considered during his tenure as a Planning Commissioner, noting they are never easy; he echoed the comment about the park owner having the legal right to go through this process; and he added that he is pleased the applicant is being fair and will be accepting pre-COVID-19 appraisal valuations, believing those appraisals will be much higher than post-COVID-19 appraisal valuations. He thanked the Commissioners for their courage in making this difficult decision this evening.

Chair Pimentel stated it was a difficult decision to make, expressing her belief the property owner will make fair offers and there will be a happy medium for all; and she thanked the Commissioners for their efforts this evening.

9. ADJOURNMENT

At 11:32 p.m., the meeting was adjourned.

Ramona Pimentel (COVID period)
Chair

Attest By:

Denise Bothe (COVID period)
Secretary