



TUESDAY, October 11, 2022
701 East Carson Street, Carson, CA 90745
6:30 p.m., Via Zoom

MINUTES

MEETING OF THE PLANNING COMMISSION

Members: Vice Chair: Chris Palmer Louie Diaz Frederick Docdocil
Carlos Guerra Del Huff Jaime Monteclaro
Dianne Thomas Karimu Rashad Richard Hernandez
Alternates: (VACANT) DeQuita Mfume Leticia Wilson
Staff: Planning Manager: Betancourt
Planning Secretary: (VACANT)
Assistant City Attorney: Jones

“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

Vice Chair Palmer called the meeting to order at 6:32 p.m.

2. ROLL CALL

Commissioners Present: Palmer, Diaz, Guerra, Huff, Monteclaro, Thomas, Rashad (L), Hernandez, Mfume, Wilson

Absent: Docdocil

Planning Staff: Betancourt, Whiting, Jones, Gonzalez, Naaseh, Rubio

3. ORAL COMMUNICATION FOR NON-PUBLIC HEARING ITEMS ON THE AGENDA

The public may at this time address the members of the Planning Commission on any non-public hearing items on the agenda. Separate public comment periods will be provided for public hearing items during the respective hearings. Speakers are requested to limit their comments to no more than three minutes each, speaking once. *(see below)

None.

4. ORAL COMMUNICATION FOR MATTERS NOT ON THE AGENDA

The public may at this time address the members of the Planning Commission on any non-agendized items 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)

None.

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. TO FACILITATE PUBLIC PARTICIPATION, HOWEVER, ACCESS

TO THIS MEETING WILL BE AVAILABLE TELEPHONICALLY USING FOLLOWING CALL-IN INFORMATION:

Join Zoom Meeting:

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Any members of the public wishing to provide public comment for this meeting may do so as follows:

1. Live via Zoom Application. Members of the public wishing to provide public comment in real-time may join the Zoom meeting remotely via telephone to provide their public comment live during the applicable public comment period with their audio presented to the Planning Commission. Members of the public wishing to do so are requested to email planning@carsonca.gov in advance, providing their real name and the phone number they will use to call in from. For further details or questions, please email planning@carsonca.gov.

2. Email: You can email comments to planning@carsonca.gov before the meeting. Please identify the Agenda item you wish to address in your comments. Your comments will be read into the record. The cut-off time to receive any email communications is 3:00 p.m. on the day of the meeting. If you missed the deadline, you may call to make a public comment during the meeting.

3. Telephone: You can record your comments at (310) 952-1761 before the meeting. Please identify the Agenda item you wish to address in your comments. Your comments will be read into the record. The cut-off time to receive any email communications is 3:00 p.m. on the day of the meeting. If you missed the deadline, you may call to make a public comment during the meeting.

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/>).

5. CLOSED SESSION

A. PC 101 Class

Motion passed to skip this item. Vote: 9-0. (Commissioner Rashad was not present for the vote).

6. CONSENT CALENDAR

A. Minutes Approval: September 13, 2022

Commissioner Thomas 1st Motion to approve minutes, Commissioner Guerra 2nd Motion passes. Vote: 9-0. (Commissioner Rashad was not present for the vote).

7. PUBLIC HEARING

A . Vehicle Miles Traveled Threshold Recommendation (VMT)

Consultant: Miguel Nunez, Fehr & Peers

Mr. Miguel Nunez provided a PowerPoint presentation.

Assistant City Attorney Jones - There was a revised Resolution distributed to the commissioners prior to tonight's meeting with the corrected "Exhibit A" with the proposed VMT Threshold attached as "Exhibit A" to the Resolution to correct an oversight from the Agendized version. The commissioners have received a copy so any motions on staff's recommendation should be made clear that is on the revised Resolution.

Commissioner Thomas - We are no longer measuring the impact that it has driving on drivers but now we're looking at the impact that it has on the environment.

Mr. Nunez – That is correct.

Commissioner Thomas - Are we still looking at the number of cars that could potentially come into an area where a project is being developed? Are we looking at the number of cars or exactly what are we looking at?

Mr. Nunez – We are looking at both. While we are implementing or starting to look at VMT, the Transportation Study Guidelines that were developed for the City still retain (LOS) level of service and the city's ability to request that a project to evaluate circulation. What has changed is that the state is no longer allowing that to be the metric that is used for environmental analysis to base an impact on.

Commissioner Thomas - How do you know what the Vehicle Miles Traveled with VMT is, unless you know where the cars are coming from?

Mr. Nunez - The traveled demand model that we use is put out by SCAG, the Southern California Association of Government is a five-county model, it covers all the counties around us except Orange County. It has land use for all the cities in there so the model takes a week to run because is taking all these relationships of land use and understanding where people might travel to and from in the region.

Commissioner Thomas - There's a formula in the system that would spit out what the VMT would be for a specific project in certain location.

Mr. Nunez – Yes.

Commissioner Huff - We will never really have true or exact figures, there will be an approximate, right?

Mr. Nunez - These are all estimates based on the best information and tools we have available to us.

Commissioner Rashad - Why Orange County is not included in the VMT information?

Mr. Nunez - It has to do with political boundaries. Orange County has its own Council of Government and Transportation Authority whereas the other five Riverside, San Bernardino, Los Angeles, Ventura, and Imperial have all banded together to form SCAG and so that's why is there set up that way.

Commissioner Monteclaro – Is it mandatory to shift from LOS to VMT for all cities like City of Carson.

Mr. Nunez - The way Senate Bill 743 was written it specifically stated that Level of Service could no longer be used as a primary transportation CEQA metric and it was recommended Vehicle Miles Traveled.

Assistant City Attorney – I agreed with Mr. Nunez.

Vice Chair Palmer opened the public hearing.

Public comments - None.

Vice Chair Palmer closed the public hearing.

Commissioner Thomas (1st) motion to approve the revised VMT Resolution and recommend to the City Council that they allow the VMT Threshold as proposed in this staff report. Commissioner Monteclaro (2nd). Motion Passed. Vote: 9-0. (Commissioner Rashad voted and Alternate Wilson observed but she did not vote).

B. Site Plan and Design Review (DOR) No. 1782-19 (Extension – 439 W. Gardena Blvd.)

Applicant: Mario Jaime of MJ Design Construction
P.O. Box 5044
Long Beach, CA 90805

Property Owner: Rodney Argo of Argo Family Trust
439 W. Gardena Blvd.
Carson, CA 90248

Tenants: Dorothy Gage & R. Steve Martling

Property Involved: 439 W. Gardena Boulevard

Associate Planner Aaron Whiting provided a PowerPoint presentation.

Commissioner Guerra - Is there is a covenant or a type of agreement for the driveway sharing on the deed or any restriction?

Planner Whiting - There is not.

Commissioner Rashad - Why was the recommendation to deny the one-year extension decided?

Planning Manager Betancourt - When we originally reviewed this application before the Planning Commission in 2019, the plans depicted a 10-foot driveway on their neighbor's property. However, no one caught the fact that the driveway didn't represent what was as built on the property. Neither party has produced any recorded easements of any type. We worked with the assumption that the property line is in fact the property line based on a legal survey. The applicant makes assurances that a driveway as depicted would come to pass, then demolition occurs and everyone realizes that in fact this is not feasible. At some point between 2007 and 2012 the front yard of the subject property was paved, and the property owner would simply take access from the front and then the adjoining neighbor would take access to the back. The developer of the subject property is certainly agreeable to take on the cost to expand and pave the driveway all the way through and to install a rod iron fence in the front yard.

Commissioner Rashad - Is it safe to say that by denying the extension you're expecting the applicant to come back with plans that represent a new solution to this issue?

Planning Manager Betancourt - No, when we originally sent out the staff report with the recommendation of denial, we really focused on the fact that the plans that were submitted in 2019 did not have the complete picture. Once we brought that to the applicant's attention, they were forthright in their intent to make this right. That is why the recommendation was for denial. If the Planning Commission would consider granting the extension with a caveat that the property owner makes these improvements and that the next-door neighbor agrees to them, then we would follow your lead in approving the extension.

Commissioner Thomas - If we were to make the recommendation that all parties are in agreement with staff's recommendation, is that something that needs to be done in writing before given this extension?

Planning Manager Betancourt - Should the Planning Commission choose to grant the extension, staff would impose a condition of approval.

Commissioner Thomas - Would it be wise for us to rather than make a decision on this tonight have them come back with all the conditions that we are requiring for this project to proceed and then we approve an extension or is that not a good way to go?

Planning Manager Betancourt - I believe we presented to you the best solution immediately available. We could wrap that into conditions of approval.

Assistant City Attorney Jones - The Resolution that is agendized is to deny the extension so we would need to bring back a Resolution with findings to conditionally approve the extension. We could provide language on the suggested conditions of approval and bring back at the next meeting on consent calendar.

Commissioner Monteclaro - If the extension is approved, the applicant would be losing time and money if the next-door neighbor decides not to proceed with the proposed improvements.

Applicant Mario Jaime – We proposed to the owner and the tenant to provide a new driveway for them so they don't lose their access. We are here to find a solution and provide the owner a driveway so he can have access to his property. We have agreed to pay and incur expenses for the driveway, moving the fence, and creating the landscape.

Commissioner Monteclaro - When did the tenant find out they were encroaching into the property?

Mr. Jaime – Unfortunately, he didn't know. The tenant has been living there for several years and has used it as their private driveway.

Commissioner Monteclaro - What is your client impatient about?

Mr. Jaime - He's not impatient at all. The plans took a long time to get approved and we only had a one-year extension. We needed the permits and the contractors onboard to get that going. The application was submitted on June 20th and the deadline was on the 24th. We never thought we were going to encounter the driveway issue.

Commissioner Monteclaro – You sent a letter to the Planning Commission back in October 2022

Mr. Jaime – I don't recall

Commissioner Thomas – Will you be expecting to come into an agreement if the extension is granted conditionally? Will you be able to continue the construction within the timeline of the extension?

Mr. Jaime – Yes, our intent is to provide them with a new driveway, move the landscape, and the fence.

Commissioner Guerra – If this is approved today, do you have a timeline where you can make that driveway functional for the neighbor? Do you have a surveyor's report indicating the boundaries?

Mr. Jaime – Our priority is to complete the neighbor's driveway, landscape, and fence before anything else. We have a surveyor's report and will be shared with everyone.

Commissioner Hernandez – What kind of insurance do we have that you'll be able to complete what you need to do in the second-year extension?

Mr. Jaime – We got behind because of Covid-19 and the L.A. County's process was very slow. The extension is basically to obtain the permits, not for a timeline to complete the construction.

Public comments:

Dorothy Gage – I'm the tenant at 433 W. Gardena since 2009 and I've had open unrestricted access to the entire driveway. When I moved here the driveway was not paved, it had bricks. They had access into their back yard and we had access to the rear of the house. We parked at the back of the house. Behind the house there's a shed, trees, garbage bins, the things that we will need access into and out of. We appreciate that the driveway is a priority but their suggestion reduces the driveway to 35% only fitting two cars and prevents any motor access to the back of the house.

Commissioner Diaz – Mr. Jaime please respond to questions related to the rear access of the property.

Mr. Jaime – The driveway goes from the street all the way to the back. The back house has a backyard and it doesn't have a garage. Some time ago, the fence was moved 5 feet into my client's property to add a kitchen as well as providing access to the back of the house. Our solution is to give them access all the way up to the kitchen.

Commissioner Diaz – But not willing to continue it to the rear of the property?

Mr. Jaime – We would love to do it, but it won't work with a 5 feet driveway. They would have to remove the kitchen addition in order to have the ten feet all the way back to the backyard.

Commissioner Monteclaro – According to the letter dated October 7, 2022 from Mr. Jaime, Mr. Argo had knowledge of the encroachment and has been patient.

Mr. Jaime – I was referring to now. When we started cutting the driveway the tenants started complaining and my client was being patient.

Commissioner Monteclaro - Has staff researched and determined that there is in fact an encroachment?

Planning Manager Betancourt – The land has been surveyed and there are no easements.

Commissioner Monteclaro – Why can't you give the extra 5 feet for the driveway?

Mr. Jaime – The fire access to the back of the building is beside the property line on the driveway. It would throw away the process of the design, landscaping, and all the codes that we are trying to meet in order to get the building erected. We have the right to build whatever we want as long as we meet building codes and city ordinances. We are trying to find common ground for both parties.

Commissioner Monteclaro – You are in violation of CMC

Mr. Jaime - We are willing to incur expenses, move the fence, and landscape in order for the pedestrians and the tenants to have a 10-foot access to their property.

Commissioner Monteclaro – Have you open a case?

Mr. Jaime – No, we are trying to find a friendly solution here.

Commissioner Guerra – Have you provided to the adjacent property tenant and the owner a copy of the surveyor's report, the deed showing that there's no covenant and that there's no easement right for shared driveway?

Mr. Jaime – We have not provided that information to the tenant or the owner.

Commissioner Monteclaro – At the July 9, 2019 public hearing you assured that the applicant had an accessible driveway?

Mr. Jaime - Yes, there was a misrepresentation of the site plans and the pictures presented by my architect.

Commissioner Huff – Was the surveyor's map ever presented to both parties?

Tenant Robert – Most of what has been said by Mr. Jaime is misrepresented. If you go to google maps you will see that the fence has not been moved in 12 or 19 years. Our gas meter was on their property line. I had the surveyor come out during demolition. I complained to make them follow the rules. They have nothing but junk on their property.

Closing Public Hearing

Commissioner Hernandez – I appreciate that Mr. Jaime is trying to accommodate the adjacent property. The property owner is entitled to every square foot of his property.

Vice Chair Palmer – If we agree to allow the extension, we will have to condition it with the intention that he makes the effort to accommodate the adjacent property with their own driveway as proposed by Mr. Jaime. They would have to work it out on their own if the tenant does not agree.

Commissioner Thomas – The property owner is entitled to his property, and they can build as long as they have the permits. I agree that we need to give the extension with the conditional ideas that have already been discussed. It needs to be put in resolution form and bring back at the next meeting on the consent calendar.

Assistant City Attorney Jones provided some language for the resolution to help the Commissioners decide whether there could be a condition that could be arrived at.

Commissioner Monteclaro – My concern is the convenience and safety of circulation for pedestrians and vehicles.

Commissioner Thomas - The owner will end up with a ten-foot safe driveway on their property.

Commissioner Mfume – Are they going to be stacked behind one another or are there going to be separate spaces?

Vice Chair Palmer - They are going to be tandem.

Commissioner Thomas – What is the length of the driveway?

Assistant City Attorney Jones – The driveway will only extend halfway back to where the addition protrudes. It will cut off driveway access to the back of the property. One of the required findings for the Commission to approve this extension is the DOR. In order to approve extensions totaling more than one year, all of the required findings for an original DOR approval have to be made in the affirmative. One of which is convenience and safety of circulation for pedestrians and vehicles. The Planning Commission has full discretion to determine what that means here. At the same time the City has no indication of any right of the adjacent property 433 W. Gardena Blvd. to use any portion of the Argo property beyond the property line.

Commissioner Guerra – The majority of the older single-family dwellings in Carson have very small driveways. It's Argo's property, that's the bottom line. It's not the first time that people have requested an extension due to Covid-19 issues.

Vice Chair (1st) Motion to approve a one-year time extension of Project Approval (Site Plan and Design Review 1782-19) for the development of a 3,754 square foot warehouse building on a 0.15-acre parcel with Assistant City Attorney Jones resolution with bond, landscape and driveway details for neighbor's driveway at 433 W. Gardena Blvd. Commissioner Hernandez 2nd. Vote 9-0.

8. PLANNING MANAGERS REPORT

Community Development Director Naaseh – Today is going to be Alvie's the last day with the City of Carson. Unfortunately, he has accepted a new position as the Community and Economic Development Director at the City of Pico Rivera. In the past four years he has helped me bring a lot of projects before this commission and I'm proud of his work. While the recruitment is happening which could take a few months, I have asked Gena Guisar with CSG to be the Interim Planning Manager. Gena is a very capable planner with an extensive background. I would like to wish Alvie good luck with his new position, I'm sure he'll do great.

Planning Manager Betancourt – Thank you Vice Chair Palmer, thank you Saied, thank you Commissioners. I am eternally grateful for this wonderful opportunity. I've enjoyed serving you and the residents of this fine city. I can't say enough how rich this experience has been. I've said it many times to Saied, every future opportunity is by virtue of my time spent here and with him. I have been doing this for over 20 years, this is by far one of the greatest groups that I had the pleasure of working with. I take great pride, joy, and pleasure in having been able to work with all of you. It's been a great pleasure, thank you to each and every one of you.

9. COMMISSIONERS' ORAL COMMUNICATIONS

Commissioner Hernandez – We appreciate Alvie's professionalism. We've learned a lot from him and I wish him well in his new journey.

Commissioner Diaz – Alvie, I think you are a jewel, you are one of a kind. You have been a leader and a great mentor. You helped address concerns that we had. You took the time to explain and do an outreach to all of us. You will be missed. I wish you the best in your endeavors.

Commissioner Huff – Thank you Alvie for taking us all in such a kind way and for taking the time to educate us. Pico Rivera is getting a very professional employee. Thank you for all your help, all the training, we promise to keep it going. I wish you the very best.

Commissioner Rashad – Thank you Alvie for all your service to the City of Carson. It has been a great experience and very informative.

Commissioner Mfuné – I echo everyone's sentiment. Congratulations and I wish you the best.

Commissioner Thomas – You have taught me a lot and you have always had an open-door policy. I am sad that you are leaving but I'm very happy for the position you gained. I wish you so much success in your new position. You will be missed.

Commissioner Guerra – I echo the sentiment. Alvie you will be missed. Pico Rivera is very fortunate to have an amazing talent like you. Welcome aboard Aaron.

City Attorney Jones – Alvie and I have been doing the Planning Commission together for almost four years. We've been through many battles together. He's always been a joy to work with. He's extremely smart and professional. It was truly a pleasure to work with him and I'm very happy for him with his new position.

Planning Manager Betancourt – Ben is meticulous, he's detail oriented, he makes me a better planner because you see the world through the lens of an attorney. It's really the world through the lens of someone who is so passionate about what they're doing. It is a wonderful trait in the City of Carson and everyone that he represents.

Vice Chair Palmer – Alvie thank you for everything.

10. ADJOURNMENT

The meeting was adjourned for Planning Manager Alvie Betancourt at 9:05 p.m.

For further information: 310-952-1761

Agendas and Reports: http://ci.carson.ca.us/communitydevelopment/planning_agenda.aspx

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jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person.