



TUESDAY, June 25, 2019
701 East Carson Street, Carson, CA 90745
Council Chambers, 2nd Floor
6:30 p.m.

MINUTES

MEETING OF THE PLANNING COMMISSION

Members:

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

Alternates:

Louie Diaz	Patricia Hellerud	Paloma Zuniga
------------	-------------------	---------------

Staff:

Planning Manager Betancourt	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

Chair Pimentel called the meeting to order at 6:35 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Rashad led the Salute to the Flag

3. ROLL CALL

Planning Commissioners Present: Cainglet, Mitoma, Rashad, Pimentel, Valdez

Planning Commissioners Absent: Rahman, Fe'esago, Palmer, Madrigal

Planning Commission Alternates Present: Diaz, Zuniga

Planning Staff Present: Planning Manager Betancourt, Assistant City Attorney Jones, Contract Planner Carver, City Assistant Planner Bhatia, Recording Secretary Gonzalez

4. 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.

Scott Suhr, representing Dominguez Hills Village Community HOA, noted his concerns with the proposed Brandywine development and impacts to traffic and parking.

5. CONSENT CALENDAR

A) Minutes: May 28, 2019

Commissioner Cainglet moved, seconded by Chair Pimentel, to approve the May 28, 2019, Minutes as presented. Motion carried, 4-0 (Commissioners Zuniga, Diaz, Rashad abstained; absent Rahman, Fe'esago, Palmer, Madrigal).

5. CONSENT CALENDAR

B) SCAG Grant deliverable: Neighborhood Villages Plan

Philip Burns and Felicia Williams presented the Carson Neighborhood Mobility Area Plan Potential Improvements and Programs report and fielded questions from the Commission.

Planning Commission Decision:

Received and filed (no vote required)

6. PUBLIC HEARING

A) Site Plan and Design Review (DOR) No. 1695-18; Conditional Use Permit (CUP) No. 1040-18; Tentative Tract Map (TTM) No. 78226

Applicant's Request:

The applicant, the Carson Project Owner, LLC, is requesting approval of Site Plan and Design Review No. 1695-18, Conditional Use Permit No. 1040-18, and Tentative Tract Map No. 78226; and recommendation of approval to the City Council to adopt Specific Plan Amendment No. 4-93 Revision 4 and Mitigated Negative Declaration to develop a 175-unit residential condominium project on an 8.07-acre project site. The site is located at the northeast corner of S. Central Avenue and E. Victoria Street.

Staff Report and Recommendation:

Contract Planner Carver presented staff report and the recommendation to APPROVE Site Plan and Design Review No. 1695-18, Conditional Use Permit No.1040-18, Vesting Tentative Tract Map No. 78226, subject to the conditions of approval attached as Exhibit "B" to the Resolution and contingent upon City Council approval, Specific Plan Amendment No. 4-93 Revision 4, and Mitigated Negative Declaration; and RECOMMEND APPROVAL Specific Plan Amendment No. 4-93 Revision 4, and Mitigated Negative Declaration and adoption of the Mitigated Negative Declaration for the Project to the City Council; and Waive further reading and Adopt Resolution No. 19-2669, entitled, "A Resolution of the Planning Commission of the city of Carson approving Site Plan and Design Review No. 1695-18, Conditional Use Permit No. 1040-18, Vesting Tentative Tract Map No. 78226; and recommendation of approval to the City Council to Adopt Specific Plan Amendment No. 4-93 Revision 4 and Mitigated Negative Declaration to develop a 175-Unit

residential condominium project on an 8.07-acre project site.” She noted that prior to the public hearing, the Commission had been provided the revised resolution and conditions of approval, noting the changes were mainly to clean up some of the language. She highlighted the environmental clean-up work that will be done with the oversight of the DTSC, the Water Board and other regulatory agencies.

Chair Pimentel opened the public hearing.

Evan Knapp, applicant’s representative, noted his concurrence with the conditions of approval.

Scott Suhr, representing Dominguez Hills Village Community HOA, noted his concerns with the proposed Brandywine development and impacts to traffic and parking. He stated that any changes to a specific plan should be decided by Council, not by developers; stated that if the City wants mixed use at this site, they should be including mixed use; stated that a traffic light should be installed if they put in a main gate to their development; and expressed his belief that adding 175 homes exceeds the maximum limit in the specific plan.

Tony Senior, resident, stated that he supports growth but expressed his belief that more single-family housing should be provided; and noted his concern with the safety of the nearby cell tower and concern with the increase in traffic in this area.

Charles, resident, noted his concern with the RF emissions from the nearby cell tower, stating a study should be provided to confirm that those RF emissions are within the acceptable limits.

Kimberly, resident, noted her opposition to 3-story homes in this area; noted her concern with the increased traffic and parking in this area; and she addressed her concerns with the safety of the oil wells.

Ms. King, resident, questioned why the main entrance is not being located on Victoria.

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

Mr. Knapp noted for Commissioner Mitoma that these will be market rate homes; and he confirmed that the environmental issues were appropriately addressed by the governing environmental agencies.

Vice-Chair Cainglet suggested the applicant pull a performance bond to make sure the contamination is adequately removed; and asked about dog park liability and whether this dog park would be open to the general public.

Contract Planner Carver stated the project amenities are private and only for use by those who live in this development; stated that the dog park liability will be with the homeowner’s association; and she explained that the Water Board and DTSE will need to certify that all the work has been properly and completely performed and in compliance with all regulations.

Assistant City Attorney Jones explained that there is an indemnification agreement in place, a condition of approval.

Contract Planner Carver advised that American Tower plans to replace the existing cell tower with a monopine; and stated that an analysis was previously performed.

Assistant City Attorney Jones explained that municipalities cannot regulate the wireless carriers any more than what the FCC allows and that the City has no authority to require any additional studies as long as the RF emissions comply with FCC standards.

Planning Commission Decision:

Commissioner Mitoma moved, seconded by Chair Pimentel, to approve the applicant's request.

Commissioner Diaz offered a friendly amendment to accept the revised resolution and conditions of approval, including a revision to the indemnification language to include claims for cancers and other health conditions.

The applicant agreed during the public hearing (and in follow-up email) to the revised/added language to the indemnification condition.

The makers of the motion accepted the friendly amendment, revising Condition No. 14 to read as follows: "Indemnification. The Developer, for itself and its successors in interest ("Indemnitors"), agrees to defend, indemnify and hold harmless the City of Carson, its agents, officers, and employees ("Indemnitees") from and against any and all claims, liabilities, damages, losses, costs, fees, penalties, actions, or proceedings (collectively, "Claims") against Indemnitees to attack, set aside, void or annul any of the project entitlements or approvals that are the subject of these conditions, and any Claims against Indemnitees which are in any way related to any damage or harm to person or property, real or personal, arising from Indemnitors' operations or any of the project entitlements or approvals that are the subject of these conditions, including but not limited to Claims for cancers, diseases, ailments, illnesses, sicknesses, maladies or other adverse health conditions or effects (including those resulting in death) to future occupants of the project site allegedly arising from or relating to soil contamination or other conditions existing on the project site which make its development or occupancy pursuant to the project or entitlements hazardous to human health. The City will promptly notify Indemnitors of any such claim, action, or proceeding against the City, and Indemnitors will pay the City's associated legal costs and will advance funds assessed by the City to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without Indemnitors' consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein. Indemnitors shall provide a deposit in the amount of 100% of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney's fees, and shall make additional deposits as requested by the City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If Indemnitors fail to provide or maintain the deposit, the City may abandon the action and Indemnitors shall pay all costs resulting therefrom and the City shall have no liability to Indemnitors"; and moved to adopt Resolution No. 19-2669. Motion carried, 7-0, as follows:

AYES: Zuniga, Mitoma, Diaz, Cainglet, Rashad, Valdez, Pimentel
NOES: None
RECUSE: None
ABSENT: Rahman, Fe'esago, Palmer, Madrigal

7. MANAGER'S REPORT

Planning Manager Betancourt stated he was pleased to see a good turnout of attendees at the Juneteenth and Philippine Independence Day events.

8. COMMISSIONERS' ORAL COMMUNICATIONS

Commissioner Valdez asked that an item be included on a future Planning Commission agenda to discuss Inland Star.

Planning Manager Betancourt explained that issue may be coming before the Planning Commission at a future meeting and that it would not be appropriate to discuss it beforehand.

Vice-Chair Cainglet thanked City staff and City Council for their support and attendance at the Philippine Independence Day event. He asked why new, matching nameplates and business cards can't be purchased for the Planning Commission.

Commissioner Zuniga noted her pleasure in serving on this Commission.

Commissioner Mitoma wished everyone a safe and happy July 4th celebration.

Commissioner Diaz commended Vice-Chair Cainglet for spearheading the Philippine Independence Day event and thanked City staff for their help with this event. He asked why the recent road repairs near the 405 FWY underpass near McHelen (east side of the city) were not completed for the city of Long Beach; and asked that Carson Public Works coordinate these type of repairs with the city of Long Beach.

Chair Pimentel wished everyone a happy 4th of July and mentioned that Community Friendship Day will be this Saturday at Carson Park.

9. ADJOURNMENT

At 9:01 p.m., the meeting was formally adjourned.

Chairman

Attest By:

Secretary