

HAWTHORNE PLANNING COMMISSION

MINUTES OF FEBRUARY 17, 2016

CALL TO ORDER

Chairperson Pat Carey called the meeting to order at 6:00 pm in the Council Chambers, Hawthorne City Hall, 4455 West 126th Street, Hawthorne, California 90250.

PLEDGE OF ALLEGIANCE

Commissioner Smith led the Pledge of Allegiance

ROLL CALL

PRESENT: Chairperson Pat Carey
Vice-Chairperson Juan Ortiz
Commissioner Rula Alshanableh
Commissioner Robert Smith
Commissioner Mike Talleda

EX-OFFICIO MEMBERS: Gregg McClain, Planning Director

STAFF: Christopher Palmer, Senior Planner

ORAL COMMUNICATIONS

Gordon Mego discouraged adoption of the Downtown Hawthorne Specific Plan without significant changes.

CONSENT CALENDAR

Director McClain stated that approval of the Minutes of January 20, 2016, will be taken up at the next meeting.

NEW PUBLIC HEARINGS

1. Environmental Impact Report, General Plan Amendment 2106GP01, and Specific Plan 2016SP01

Planning Director McClain made the following statement, on behalf of the Assistant City Attorney:

“Before we begin consideration of this item, the following commissioners need to make an announcement on the record: 1) Chair Pat Carey, 2) Vice-Chair Juan Ortiz, 3) Commissioner Mike Talleda, and 4) Commissioner Robert Smith.”

Vice-Chairperson Ortiz made the following statement: I would like to state for the record that I have a potential conflict of interest in Item No. H1 based on the fact that I own real property within the Downtown Hawthorne Specific Plan. The real property giving rise to this potential conflict of interest is my principal residence, which is within the boundaries of the Downtown Hawthorne Specific Plan. I am disqualified from participating in this matter as it is reasonably foreseeable that adoption of the Specific Plan will have a material financial effect on my economic interest. Therefore, I am recusing myself.

Chairperson Carey made the following statement: I would like to state for the record that I have a potential conflict of interest in Item No. H1 based on the fact that I own real property within the Downtown Hawthorne Specific Plan. The real property giving rise to this potential conflict of interest is my principal residence, which is within the boundaries of the Downtown Hawthorne Specific Plan. I am disqualified from participating in this matter as it is reasonably foreseeable that adoption of the Specific Plan will have a material financial effect on my economic interest. Therefore, I am recusing myself.

Commissioner Smith made the following statement: I would like to state for the record that I have a potential conflict of interest in Item No. H1 based on the fact that I own real property within the Downtown Hawthorne Specific Plan. The real property giving rise to this potential conflict of interest is my principal residence, which is within the boundaries of the Downtown Hawthorne Specific Plan. I am disqualified from participating in this matter as it is reasonably foreseeable that adoption of the Specific Plan will have a material financial effect on my economic interest. Therefore, I am recusing myself.

Commissioner Talleda made the following statement: I would also like to state for the record that I have a potential conflict of interest in Item No. H1 based on the fact that I own real property within the Downtown Hawthorne Specific Plan. The real property giving rise to this potential conflict of interest is my principal residence, which is within the boundaries of the Downtown Hawthorne Specific Plan. I also have a potential conflict of interest based on a business interest. I am owner of the following business: Shoreline West Realty, and hold the position of President of a non-profit group called Wounded Heroes of America, which are both located at 14147 Hawthorne Blvd, which is located within the Specific Plan area. I am disqualified from participating in this matter as it is reasonably foreseeable that adoption of the Specific Plan will have a material financial effect on my economic interests (real property and business interests). I am, therefore, recusing myself.

Planning Director McClain stated the following, on behalf of the Assistant City Attorney: At this time, before anyone steps off of the dais as is required by law, I would like to make a statement for the record. First, as background for the Planning Commission and members of the public, under the Political Reform Act, no public official may make, participate in, or in any way attempt to use their official position to influence a governmental decision in which they know or have reason to know they have a financial interest. However, the Political Reform Act does not prohibit an official from making or participating in a governmental decision to the extent the official's participation is "legally required" for the action or decision to be made. This exception, described in California Code of Regulations Section 18705, applies under the following circumstance: When there exists no alternative source

of decision consistent with the purposes and terms of the statute authorizing the decision. We have determined that the “legally required participation” exception applies in this case based on the following: First, Hawthorne Municipal Code Section 17.06.060(B) provides that approval by the Planning Commission requires a minimum of three affirmative votes. Further, Planning and Zoning Law and, specifically, Government Code Section 65453(a), provides that a specific plan, which is what we are considering, must be prepared, adopted and amended in the same manner as a general plan. In turn, Government Code Section 65354 requires that the Planning Commission make a written recommendation on the adoption of a general plan and that said recommendation of approval be made by an affirmative vote of “not less than a majority of the total membership” of the Planning Commission. Therefore, by law, no other body may make the required recommendation to the City Council: The recommendation must be made by the Planning Commission. And that recommendation must be approved by at least three members of the Commission (that is majority of the total membership). Therefore, we have determined that no alternative source of decision consistent with the purposes and terms of the statute authorizing the decision exists, as required by Regulation 18705(a). So, we are invoking the “legally required participation” exception and will be asking two commissioners to remain on the dais and participate in this matter. The statement I have just made will be included in the minutes. I have also prepared a writing of this statement which will be included in the file and is a public record.

Second, the law requires that a random means of selection be used to determine which members may participate. Here, we need two disqualified commissioners to participate. Members that are chosen by random selection will be allowed to participate fully in this matter. Those that are not selected will be required to leave the chambers. The law does not prescribe a particular method for random selection, only that it be random. In other words, no discretion should be utilized by either the commissioners or staff. We will be selecting commissioner by the following random method: I printed the word “YES” on two sheets of paper and “NO” on another two sheets of paper, four sheets in total. I will folded each equally and place into a basket. Each commissioner will draw one paper from the basket. Commissioners that draw a YES will be allowed to participate. Commissioners that draw a NO will be asked to leave the Chambers. I will do this now.

Each commissioner with a conflict drew a paper from the basket, opened it, showed it to the public and read the word printed as follows:

Commissioner Talleda–YES
Commissioner Smith–NO
Commissioner Carey–NO
Commissioner Ortiz–Yes

Director McClain stated that those Commissioners with NO must leave the chambers. Vice-Chairperson Ortiz presided over the meeting and opened the public hearing on the three items related to the Downtown Hawthorne Specific Plan.

Mr. Dan Amsden presented the Downtown Hawthorne Specific Plan and went through the stages and timeframes for developing the document.

Mr. John Oshimo presented the findings of the Environmental Impact Report and stated that there are mitigation measures within the document, but there would still be unavoidable impacts. For example he stated that the analysis of 22 intersections found 16 intersections would be at level of service E, but he stated that even without the project, 14 of the intersections would be similarly impacted. The project itself would only add 2 additional intersections.

Commissioner Ortiz asked for clarification of the intersections with a poor Level of Service (LOS). Commissioner Ortiz also asked who would be responsible for reviewing and monitoring the mitigation measures.

Mr. Oshimo stated that it would be various departments in the City, including Public Works and Planning.

Director McClain presented the staff report for the General Plan Amendment.

Mr. Hamid Haque stated that he would like to see centralized parking such as there is in Burbank, San Jose, and Sunnyvale. He stated that he supported the proposed mixed-use areas of the specific plan and was in full support of approval.

Mr. Ike Mbelu stated he supported the mixed-use areas as proposed in the specific plan and would like to see Hawthorne transform such as Culver City and Long Beach have recently done. He stated he was in full support of approval.

Mr. Allen Richards stated that the City needs to look closely at the parking but was in full support of approval of the Specific Plan.

Mr. Gordon Mego spoke in opposition to the plan and stated that he did not support housing at the mall site.

Mr. Alex Monteiro stated he was in full support of approval of the Specific Plan.

Mr. George Kivet, representing unnamed developers and investors, stated that he was in full support of approval of the Specific Plan.

Motion to recommend adoption of Environmental Impact Report to City Council made by Commissioner Ortiz, second by Commissioner Talleda.

Yes: Alshanableh, Talleda, Ortiz

No:

Abstain:

Motion to recommend adoption of General Plan Amendment 2016GP01 made by Commissioner Alshanableh, second by Commissioner Ortiz

Yes: Alshanableh, Talleda, Ortiz

No:

Abstain:

Motion to recommend adoption of Specific Plan 2016SP01 made by Commissioner Alshanableh, second by Commissioner Talleda.

Yes: Alshanableh, Talleda, Ortiz

No:

Abstain:

Planning Director McClain stated the following, on behalf of the Assistant City Attorney: I want to point out that, at this point, a decision has been made and the need for invoking the “legally required participation” exception no longer exists. So, all planning commissioners with potential conflicts of interest, including those on the dais, are disqualified from any further participation in this matter. This means you are to refrain from discussing this matter or attempting to influence in this matter with staff or other officials. You may still participate to the extent your participation relates to your personal interest but you need to disclose that you are speaking in your personal capacity when discussing this matter with anyone, privately or publicly. If you have any questions about this prohibition, please contact the City Attorney’s office.

Commissioners Carey and Smith rejoined the meeting and Vice-Chairperson Ortiz returned control of the meeting to Chairperson Carey.

CONTINUED HEARINGS

1. Vesting Tentative Tract Map 073955, Conditional Use Permit 2015CU10, and Density Bonus 2015DB02: 11845 Grevillea Avenue

Senior Planner Chris Palmer stated that there are 3 parts to this item. A conditional use permit, a density bonus and a subdivision. This is a project development proposal for a 10-unit condominium in the R-3 zone located at 11845 Grevillea Avenue. Mr. Palmer proceeded to give the Planning Commission some background about the density bonus. He stated that the project site is a vacant lot of 17,557 square feet. He added the applicant submitted Vesting Tentative Tract Map 073955 for condominium purposes to construct 10 semi-attached condominium units. The tentative map allows for separate ownership of the units. Mr. Palmer stated that the permitted density in the R-3 zone is roughly 17 units per acre, which would allow for the construction of 7 units. The applicant is also proposing to build affordable units within the project. Mr. Palmer stated that the municipal code allows building higher density as long as the threshold for affordable housing is met. He stated that each unit has 3 bedrooms, 3 baths, and two car garages with private and common open space.

Mr. Palmer stated that in Chapter 17.17 a residential concession is required by state law to make the project economically feasible. The applicant requested two concessions; reduction of setbacks and increase in the building height. The height increase allows for an increase in useable open space he said. By pushing the two units apart, the applicant can create 544 square feet of open space in the center of the project.

Based on staff analysis the Planning Department recommended the Planning Commission adopt the Resolutions 2016-08, 2016-09, and 2016-10, approving the three components of the application.

Commissioner Talleda expressed concern about parking always being an issue for development. Senior Planner Palmer stated that everyone does not have two cars, especially when you are dealing with residents living in affordable units. Mr. Palmer stated that there is adequate parking and stated that this project probably has more parking per unit than the rest of the surrounding neighborhood.

Commissioner Smith asked about guest parking. Mr. Palmer stated that according to recent changes in state law, guest parking cannot be required in addition to the required parking for projects such as this.

Director McClain stated that we can designate some of the spaces for guest parking but there is a possibility that it will be at the expense of resident parking spaces, so the preference would be to not designate specific guest parking spaces.

Commissioner Carey asked if there will be openings to the property on both Grevillea and Manor Drive and if there will be parking in front of the garages. Mr. Palmer affirmed there will be access from both streets, but regarding parking in front of the garages, he would have to review the tract map to see if the fire lane extends there.

The applicant, Mr. Ike Mbelu, stood up to introduce himself and stated that there is a possibility that they may exceed the parking required by the code. Mr. Mbelu stated that the city should enforce parking in the garage and not just use it for storage purposes.

Commissioner Alshanaheh stated that parking on that street is only on one side which does not help the situation. She asked if they can condition the project so that construction parking cannot be on the street during the hours of drop off and pick up of the nearby school.

A Hawthorne resident, Yolanda, stood up and introduced herself and stated that she went door to door to speak with the residents and she was able to get positive signatures regarding their support for the building of the condominiums on Grevillea Avenue. Her petition was placed into the record.

Commissioner Talleda stated he would like to eventually bring back guest parking. All of the Commissioners agreed and gave a positive feedback on the project.

Motion to Approve Vesting Tentative Tract Map 073955—PC Resolution 2016-08, made by Commissioner Smith with an additional condition restricting street parking of construction related vehicles during the times of drop off and pick up of the nearby school, second by Commissioner Talleda

Yes: Alshanaheh, Smith, Talleda, Carey

No:

Abstain: Ortiz

Motion to Approve Conditional Use Permit 2015CU10—PC Resolution 2016-09, made by Commissioner Smith with the additional condition that , second by Commissioner Alshanableh.

Yes: Alshanableh, Smith, Talleda, Carey

No:

Abstain: Ortiz

Motion to Approve Density Bonus 2015DB02—PC Resolution 2016-10, made by Commissioner Smith, second by Commissioner Alshanableh.

Yes: Alshanableh, Smith, Talleda, Carey

No:

Abstain: Ortiz

2. Vesting Tentative Tract Map 073954 and Density Bonus 2015DB03, 3857 West 139th Street

Senior Planner Palmer stated that this project is to consider approval of a density bonus and subdivision. He stated that this one differs from the last project because in the R-4 zone it does not require a conditional use permit for approval of a condominium project. He went on to explain that the project site is on a 17,640 square foot lot. The applicant submitted Vesting Tentative Tract Map 073954 to construct 12 semi-attached condominium units. The applicant is also proposing to provide affordable housing within the project. This project includes two parking spaces per unit. He stated that the existing site is an industrial building. Mr. Palmer informed the commissioners that the zone and surrounding zoning is R-4. Staff recommended the Planning Commission adopt Resolutions 2016-11 and PC 2016-12.

A resident of Hawthorne, Yolanda, spoke on behalf of this development and stated that she did a survey in the neighborhood and received a lot of positive support. She stated that many people felt that it would bring the property values up. She also stated that people who live in the neighborhood walk more than they drive.

Director McClain stated that we received two letters of opposition.

Commissioner Ortiz stated that this development was improved with respect to open space, compared to the previous one, but he said he is not comfortable with the parking situation.

Motion to Approve Vesting Tentative Tract Map 073954—PC Resolution 2016-11, made by Commissioner Talleda, second by Commissioner Smith.

Yes: Alshanableh, Smith, Talleda, Carey, Ortiz

No:

Abstain:

Motion to Approve Density Bonus 2015DB02—PC Resolution 2016-12, made by Commissioner Smith, second by Commissioner Alshanableh.

Yes: Alshanableh, Smith, Talleda, Carey, Ortiz

No:

Abstain:

COMMISSIONER REPORTS

None

ADMINISTRATIVE ITEMS

None

The meeting was adjourned at 8:55 pm.



Chairperson Patrick T. Carey
Hawthorne Planning Commission

Date signed: 3/14/2016

ATTEST:



Gregg McClain
Secretary, Hawthorne Planning Commission

HAWTHORNE AIRPORT ZONING COMMISSION

MINUTES OF FEBRUARY 17, 2016

CALL TO ORDER

Chairperson Pat Carey called the meeting to order at 6:00 pm in the Council Chambers, Hawthorne City Hall, 4455 West 126th Street, Hawthorne, California 90250.

PLEDGE OF ALLEGIANCE

Commissioner Smith led the Pledge of Allegiance.

ROLL CALL

PRESENT: Chairperson Pat Carey
Vice-Chairperson Juan Ortiz
Commissioner Rula Alshanableh
Commissioner Robert Smith
Commissioner Mike Talleda

EX-OFFICIO MEMBERS: Gregg McClain, Planning Director

STAFF: Christopher Palmer, Senior Planner

ORAL COMMUNICATIONS

None

CONSENT CALENDAR

Director McClain stated that approval of the Minutes of January 20, 2016, will be taken up at the next meeting.

The meeting was adjourned at 8:55 pm.


Chairperson Patrick T. Carey
Hawthorne Airport Zoning Commission

Date signed: 3/16/2016

ATTEST: 

Gregg McClain
Secretary, Hawthorne Airport Zoning Commission