



THE CITY OF SAN FERNANDO

PLANNING AND PRESERVATION COMMISSION

REGULAR MEETING NOTICE AND AGENDA

MARCH 9, 2020 – 6:30 P.M.

COUNCIL CHAMBERS
117 MACNEIL STREET
SAN FERNANDO, CA 91340

CALL TO ORDER

ROLL CALL

Chair Alvin Durham, Jr.
Vice-chair Hector Pacheco
Commissioner Ivan Gonzalez
Commissioner Aida Montes
Commissioner Marvin R. Perez

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

March 9, 2020

PUBLIC STATEMENTS – WRITTEN/ORAL

There will be a three (3) minute limitation per each member of the audience who wishes to make comments relating to City Business. Anyone wishing to speak, please fill out a form located at the Council Chambers entrance and submit it to the Commission Chair. When addressing the Planning and Preservation Commission please speak into the microphone and voluntarily state your name and address.

CONSENT CALENDAR

Items on the Consent Calendar are considered routine and may be disposed of by a single motion to adopt staff recommendation. If the Planning and Preservation Commission wishes to discuss any item, it should first be removed from the Consent Calendar.

- 1) **Approval of the Minutes of the January 13, 2020 Planning and Preservation Commission meeting.**

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CONTINUED BUSINESS

None

NEW BUSINESS

- 1) **SUBJECT:** Bylaws and Rules of Procedure
 RECOMMENDATION: Direct staff to make any changes and or omissions and bring back for consideration at a future meeting.

- 2) **SUBJECT:** APA Learn – Planning Commissioners Training Series

If, in the future, you wish to challenge the items listed above in Court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Planning and Preservation Commission at, or prior to, the Public Hearing. Decisions of Planning and Preservation Commission may be appealed to the City Council within 10 days following the final action.

STAFF COMMUNICATIONS

None

COMMISSIONER COMMENTS

ADJOURNMENT

April 13, 2020

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.

Signed and Posted: March 5, 2020 at 4:45 p.m.

Agendas and complete Agenda Packets (including staff reports and exhibits related to each item) are posted on the City's Internet Web site (www.sfcity.org). These are also available for public reviewing prior to a meeting at the Community Development Department Public Counter. Any public writings distributed by the Planning and Preservation Commission to at least a majority of the Commissioners regarding any item on this regular meeting agenda will also be made available at the Community Development Department Public Counter located at 117 Macneil Street, San Fernando, CA, 91340 during normal business hours. In addition, the City may also post such documents on the City's Web Site at www.sfcity.org. In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification/accommodation to attend or participate in this meeting, including auxiliary aids or services please call the Community Development Department at (818) 898-1227 at least 48 hours prior to the meeting.



SAN FERNANDO

CITY OF SAN FERNANDO PLANNING AND PRESERVATION COMMISSION

DRAFT MINUTES OF THE JANUARY 13, 2020 MEETING CITY HALL COUNCIL CHAMBER

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE PLANNING AND PRESERVATION COMMISSION. AUDIO OF THE ACTUAL MEETINGS ARE AVAILABLE HERE: <http://ci.san-fernando.ca.us/commissions-boards/#1477946968325-c2faf7a0-5a49>

CALL TO ORDER

The meeting was called to order at 6:35 p.m. by Chairperson A. Durham

ROLL CALL

The following persons were recorded as present:

PRESENT:

Chairperson Alvin Durham, Vice-chair Hector Pacheco, Commissioners Aida Montes and Marvin Perez

ABSENT:

Commissioner Ivan Gonzalez

ALSO PRESENT

Community Development Director Timothy Hou, City Attorney Richard Padilla, Associate Planner Gerardo Marquez, and Community Development Secretary Michelle De Santiago

APPROVAL OF AGENDA

Commissioner A. Montes moved to approve the agenda of January 13, 2020, meeting. Seconded by Commissioner H. Pacheco, the motion carried with the following vote:

AYES:	A. Montes, H. Pacheco, A. Durham, and M. Perez
NOES:	None
ABSENT:	I. Gonzalez
ABSTAIN:	None

REORGANIZATION OF THE PLANNING AND PRESERVATION COMMISSION

Calls for nominations of Chairperson:

A. Montes moved to nominate Hector Pacheco as Chairperson, seconded by M. Perez, the motion carried with the following vote:

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AYES: A. Montes, M. Perez, A. Durham, and H. Pacheco
NOES: None
ABSENT: I. Gonzalez
ABSTAIN: None

A. Montes moved to reconsider the action of nomination of Chairperson, Seconded by H. Pacheco, the motion carried with the following vote:

AYES: A. Montes, M. Perez, A. Durham, and H. Pacheco
NOES: None
ABSENT: I. Gonzalez
ABSTAIN: None

A. Montes moved to nominate Alvin Durham as Chairperson, seconded by H. Pacheco, the motion carried with following vote:

AYES: A. Montes, H. Pacheco, M. Perez, and A. Durham
NOES: None
ABSENT: I. Gonzalez
ABSTAIN: None

Calls for nomination of Vice-chair:

A. Montes moved to nominate Hector Pacheco as Vice-chair, Seconded by A. Durham, the motion carried with the following vote:

AYES: A. Montes, A. Durham, M. Perez, and H. Pacheco
NOES: None
ABSENT: I. Gonzalez
ABSTAIN: None

PUBLIC STATEMENTS

None

CONSENT CALENDAR

A. Montes moved to approve the minutes of the December 9, 2019, Planning and Preservation Commission Meeting. Seconded by H. Pacheco, the motion carried with the following vote:

AYES: A. Montes, H. Pacheco, A. Durham, and M. Perez
NOES: None
ABSENT: I. Gonzalez
ABSTAIN: None

UNFINISHED BUSINESS

None

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PUBLIC HEARING

General Plan Amendment 2018-001 (GPA 2018-001), Zone Change 2018-001 (ZC 2018-001), Variance 2018-001 (VAR 2018-001) and Site Plan Review 2018-018 (SPR 2018-018) – 649-655 Fourth Street, San Fernando, CA 91340 – The proposed “Project” is a request for review of a General Plan Amendment and Zone Change to change the current zone of R-1 (Single Family Residential) zone to M-1 (Limited Industrial) zone, and approval of a Setback Variance and a Site Plan Review for the development of an approximately 12,300 sq. ft. industrial building which would include approximately 524 sq. ft. of office area within the M-1 (Limited Industrial) zone. The project site is approximately a 30,555 sq. ft. lot located on the northwestern corner of Jessie Street and Fourth Street.

STAFF PRESENTATION

T. Hou introduced the item and explained the items being proposed and the steps needed for approval.

G. Marquez gave the staff presentation recommending that the Planning and Preservation Commission recommend to the City Council approval of the General Plan Amendment and Zone Change via Planning and Preservation Commission Resolution 2019-010 and the Conditions of Approval in order to change the current R-1 zone to an M-1 zone, and that the Commission approve Variance 2018-001 and Site Plan Review 2018-018 pursuant to Planning and Preservation Commission Resolution 2019-011 and the Conditions of Approval for the development of a 12,300 sq. ft. industrial building with a reduced setback of 6 inches along the western setback.

PUBLIC COMMENT

Stephen Klenk – 663 Fourth Street, San Fernando, CA 91340 – Mr. Klenk indicated that he has submitted written comments (Attachment “H” to the report) and trusts that the Commission members received them but because of time limits he wanted to voice his concerns with the project. He stated that there are various homeowners in the neighborhood that oppose the project also and would like to request that consideration of the project proposal be continued to allow those homeowners an opportunity to voice their concerns as well. He expressed that with the recent Assembly bills that allow for additional housing units on a Single Family Residential property and what is being proposed, that the industrial building has the potential of being a better neighbor than a multi-family residential development. He stated that there are some mitigating measures that he would like for the Commission to consider which include no window be allowed on the west side of the building, an 8 foot slump stone wall to shield the adjacent property from elements that will be caused by the construction, restriction of start times and end times for construction activities and well as installation of parking stops that abut Mr Escajeda’s property to safeguard the wall.

David Bernal – 702 Fourth Street, San Fernando, CA 91340 – He indicated that the vacant lot is not the place to construct an industrial building. He stated that he is opposed to the zone change and that it should be maintained as a residential lot. He indicated that there are multiple industrial buildings in the Sylmar and Pacoima area that can accommodate this type of business

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activity. He stated that this type of business activity usually come with diesel trucks loading and leaving in the early morning hours. He stated that this would be a nuisance to the neighborhood.

Victor Peña – the applicant – Mr. Peña indicated that he doesn't have diesel vehicles, he explained that he is a small operation with small commercial trucks and that their hours of operation are from 7:00 a.m. to 4:00 p.m and the parking lot being proposed is for the employees only.

Gretchen Guerrero – 671 Fourth Street, San Fernando, CA 91340 – Ms. Guerrero expressed her concern with the metal box design for the Historic and Visionary City. She stated that if the choice is between on industrial abuilding or 9 houses she would prefer the single industrial building. She indicated that Fourth Street is already a busy thorough street that is used by the Fire Department as well.

Roberto Escajeda – 659 Fourth Street, San Fernando, CA 91340 – Mr. Escajeda stated he has worked really hard to keep his property. He stated that he would prefer the industrial building versus multiple residential properties which would bring more people, cars and no place to park. He asked if staff could consider a “Left Turn Only” from Jessie Street onto Fourth Street.

Mario Rodriguez – submitted a written correspondence which was read by Michelle De Santiago.

COMMISSION DISCUSSION

H. Pacheco asked staff if the proposed dedication would result in a two way street.

G Marquez indicated that it would allow for both a North bound and a South bound two lane through street.

M. Perez asked about the setback being proposed.

T. Hou explained that the setback is that is being proposed is based on the orientation of the building.

G. Marquez informed the Commission about the adopted Negative Declaration and the Notice of Intent on the project.

T. Hou pointed out that Marc Blodgett from Blodgett Baylosis was in the audience and that this is the consultant who performed the environmental assessment of the project.

M. Perez asked if the approval of the project would set a precedent for others.

T. Hou indicated that each project proposal is assessed on a case by case basis.

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R. Padilla explained that each project is evaluated by facts presented to you. The proposal is assessed by the Municipal Code and neither staff nor the Commission can create additional criteria which would be a violation of due process.

M. Perez asked about the potential traffic congestion and if traffic counts were for all hours of the day or only the hours of the proposed project's hours of operation.

M. Blodgett stated that the standard trip generation rates were calculated. He indicated that this is a small project that would generate less than 50 peak hour trip so a traffic study was not conducted.

A. Durham asked where the 10 unit calculation is coming from if the proposal is for two lots.

T. Hou stated that recent changes to the laws with regards to Accessory Dwelling Units and Junior Accessory Dwelling Units each residential property can legally build 3 units on a lot.

M. Perez asked Mr. Peña if he was married to the size and look of the building design.

H. Pacheco asked if Mr. Pena considered Mission Style design.

V. Peña stated he is a builder so if the design is changed he can build it.

A. Durham stated that he drove by the location and a 20 foot setback would create an unwanted nuisance.

S. Klenk asked to approach the dais again and asked about the window and an 8 foot slump stone wall between the proposed location and Mr. Escajeda's home.

J. Marquez indicated that Condition Number 11 refers to fencing materials and approval requirements.

D. Bernal asked that if about the M-1 zone and if any of the other uses can operate at this location.

H. Pacheco asked if the zoning runs with the land.

T. Hou indicated that if the zone is changed it will apply from that point forward and only those identified allowed uses can operate by right or by Conditional Use Permit that will require the Planning and Preservation Commission's approval.

M. Perez asked if the Conditions of Approval were public information.

T. Hou confirmed that the Conditions of Approval were public information.

M. Perez asked for clarification on what the Commission was voting for.

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T. Hou informed Commissioner Perez of the Motion Sheet with the various recommendations.

A. Durham stated that if a project is being proposed is a complete project, that more than likely he would approve it, he stated that it isn't perfect but it is complete.

M. Perez motion to continue the proposed project to the February 10, 2020 meeting date. No second received for the motion, hence the motion failed.

A. Montes stated that she wants what is best for the City.

Subsequent to discussion Commissioner A. Montes made a motion to recommend to the City Council approval of General Plan Amendment and Zone Change including the adoption of a Mitigated Negative Declaration pursuant to Planning and Preservation Commission Resolution 2019-010. Commissioner A. Montes moved to approval Variance 2018-001 and site Plan Review 2018-018 pursuant to Planning and Preservation Commission 2019-011 and the attached Conditions of Approval for the development of a 12,300 square foot industrial building with a reduced setback of 6 inches along the western setback. Seconded by Chairperson A. Durham, the motion carried with the following vote:

AYES:	A. Montes, A. Durham, and H. Pacheco
NOES:	M. Perez
ABSENT:	I. Gonzalez
ABSTAIN:	None

STAFF COMMUNICATIONS

T. Hou asked that the Commission review the Bylaws and Rules of Procedures which will be discussed at a future meeting for review and approval. Mr. Hou also invited the Commission to the ground breaking ceremony at 510 Park Avenue and informed them of a second Starbuck location in the North side of the City.

COMMISSION COMMENTS

None

ADJOURNMENT

Vice-chair H. Pacheco moved to adjourn February 10, 2020. Second by Commissioner A. Montes, the motion carried with the following vote:

AYES:	H. Pacheco, A. Montes, A. Durham, M. Perez
NOES:	None
ABSENT:	I. Gonzalez
ABSTAIN:	None

8:16 P.M.

Planning Commission Secretary

**CITY OF SAN FERNANDO
PLANNING AND PRESERVATION COMMISSION**

**BYLAWS AND RULES OF PROCEDURES
(Last updated January 2020)**

ORGANIZATION AND OFFICERS

A. Organization

The Planning and Preservation Commission (Commission) shall consist of five (5) regular members, each with full participation and voting rights.

B. Officers

1. Selection

- a. A Chair and Vice-Chair shall be elected annually from among the Commission's membership at the January meeting to serve at the pleasure of the Commission.
- b. The Vice-Chair shall succeed the Chair if he/she vacates his/her office before his/her term is completed, the Vice-Chair to serve the unexpired term of the vacated office. A new Vice-Chair shall be elected at the next regular meeting.
- c. In the absence of the Chair and Vice-Chair, any other member shall call the Commission to order, whereupon a chair shall be elected from the members present to preside.

2. Responsibilities

The responsibilities and powers of the members of the Commission shall be as follows:

a. Chair

- (1) Preside at all meeting of the Commission.
- (2) Call special meetings of the Commission in accordance with legal requirements and the rules of Procedure.
- (3) Sign documents of the Commission.
- (4) See that all actions of the Commission are properly taken.

- (5) The Chair shall be an ex officio member of all committees with voice but not vote.

b. Vice-Chair

During the absence, disability or disqualification of the Chair the Vice-Chair shall exercise or perform all the duties and be subject to all the responsibilities.

C. Duties and Powers

1. The Commission shall have the power to recommend to the City Council, after a public hearing, the adoption of or amendments to elements of a General Plan, or any part thereof, for the physical development of the City.
2. The Commission shall exercise such functions with respect to land subdivision, planning, and zoning as may be prescribed by ordinance.
3. Deleted (1/95)

D. Rules of Order

Except as otherwise provided in these Rules of Procedure, “Parliamentary Procedure at a glance, new edition, O. Garfield Hones, Based on Robert’s Rules of Order” shall be used as a guide to the conduct of the meetings of the Commission provided, however, that the failure of the Commission to conform to said rules of order shall not in any instance, be deemed to invalidate the action taken.

Each Commission member should do his/her part to treat each fellow Commission member with respect and to ensure that meetings proceed in an orderly and constructive manner.

MEETINGS

A. Public Meetings

All meetings shall be held in full compliance with the provision of State law, Ordinances of the City, and these Rules of Procedure

B. Regular Meetings

1. All meetings shall be held on the 2nd Monday of the month at 6:30 p.m. in the Council Chambers of the City Hall.
2. Whenever a regular meeting falls on a public holiday or regular Council meeting, no regular meeting shall be held on that day. Such regular meeting may be

rescheduled to the next business day, another day, or canceled by motion adopted by the Commission.

C. Adjourned Meetings

In the event it is the wish of the Commission to adjourn its meeting to a certain hour on another day, a specific date, time, and place must be set by the Commission prior to the regular motion to adjourn.

D. Special Meetings

Special meetings of the Commission may be held at any time upon the call of the Chair or by a majority of the voting members of the Commission or upon request of the City Council following at least 24 hours' notice to each member of the Commission. The time and place of the special meeting shall be determined by the convening authority.

E. Study Sessions/Workshops

1. The Commission may be convened as a whole or as a committee of the whole in the same manner as prescribed for the calling of a special meeting for the purpose of holding a study session provided that no official action shall be taken and no quorum shall be required.
2. Such meetings shall be open to the public; but, unless the Commission invites evidence or comments to be given, participation by interested members of the public shall not take place at such study sessions.

F. Agenda

1. An agenda for each meeting of the Commission shall be prepared by the Community Development Director or his/her staff person.
2. There shall be attached to each agenda a report of matters pending action by the Commission.
3. A copy of the agenda shall be posted at City Hall and on the City's website for a period of three calendar days not counting the day of meeting or the day of posting.

G. Order of Meetings

1. The Order of Business Shall Be as Follows:

- a. The Chair shall take the chair precisely at the hours appointed for the meeting and shall immediately call the Commission to order.
- b. Members present and absent shall be recorded.

- c. The agenda shall be approved as submitted or revised.
- d. The minutes of any proceeding meeting shall be submitted for approval.
- e. The public shall be advised of the procedures to be followed in the meeting.
- f. The Commission shall then hear and act upon those proposals scheduled for consideration or public hearing, together with such other matters of business and report as the Commission finds to require Commission consideration.
- g. Any member of the audience may comment on any matter which is not listed on the agenda.
- h. Adjournment.

2. **Presentation of Hearing of Proposals (Optional)**

The following shall be the order of procedure for public hearings:

- a. The Chair shall announce the subject of the public hearing, as advertised.
- b. If a request is made for continuance, a motion may be made and voted upon to continue the public hearing to a definite time and date.
- c. The staff shall be asked to present the substance of the application, staff report and recommendation, and to answer technical questions of the Commission.
- d. **Order of Testimony and Time Allotment.** The order of testimony and time allotment shall be as follows:
 - (1) Applicants/Proponents' statements (Maximum time allocation of 15 minutes)
 - (2) Opponents' statements (Maximum time allocation of 15 minutes)
 - (3) If necessary, a rebuttal from either side (Maximum time allocation of 5 minutes each for either side)
 - (4) Public hearing closed
 - (5) The Commission shall then deliberate and either determine the matter or continue the matter to another date and time certain.
- e. **Rules of Testimony.** The rules of testimony shall be as follows:
 - (1) Persons presenting testimony to the Commission are requested to give their name and address for the record.
 - (2) If there are numerous people in the audience who wish to participate on the issue, and it is known that all represent the same opinion, a spokesman should be selected to speak for the entire group. The spokesman will thus have the opportunity of speaking for a reasonable length of time and presenting a complete case.
 - (3) To avoid unnecessary cumulative evidence, the Chair may limit the number of witnesses or the time of testimony on a particular issue.
 - (4) Irrelevant and off-the-subject comments will be ruled out of order.

- (5) The Chair will not permit any complaints regarding the staff or individual commissioners during a public hearing. Complaints should be submitted in writing or presented verbally as a separate item on the agenda.
- (6) No person shall address the Commission without first securing the permission of the Chair to do so.
- (7) All comments shall be addressed to the Commission. All questions shall be placed through the Chair.

H. Motions

1. A motion to adjourn shall always be in order except during roll call.
2. The Chair, or other presiding officer, may make and second motions and debate from the chair subject only to such limitations of debate as are imposed on all members of the Commission.

I. Voting

1. Voting Requirements

- a. A quorum shall consist of a majority of the Commission membership.
- b. A majority vote of the Commission present is necessary for it to take action.
- c. When a member of the Commission abstains from voting on any matter before it because of a potential conflict of interest, said vote shall not constitute nor be considered as either a vote in favor of or opposition to the matter being considered. When a member of the Commission abstains from voting for any reason other than a potential conflict of interest, the abstention shall be counted as affirmative vote.

2. Voting Order

The Chair will ask for a motion, then a second then a roll call vote will be taken with Chair voting last.

3. Recording of Votes

The minutes of the Commission's proceeding shall show the vote of each member, including if they were absent or failed to vote on a matter considered.

4. Disqualification from Voting

A member shall disqualify himself/herself from voting in accordance with the Government code §87100 et seq, Financial Conflicts of Interest and §1090 et seq, Financial Interest in Contracts. When a person disqualifies (recuse) himself/herself, he/she shall state prior to the consideration of such matter by the

Commission that he/she is disqualifying him/herself due to a possible conflict of interest and shall then leave the voting area.

REVIEW AND AMENDMENTS PROCEDURE

- A. The rules of Procedure shall be reviewed in July of each year by a subcommittee appointed by the Chair with the general agreement of the Commission. The review subcommittee shall present their recommendation for amending, or not amending, these rules.
- B. In addition, these Rules of Procedure may be amended at any meeting of the Commission by a majority of the membership of the Commission provided that notice of the proposed amendment is received by each commissioner not less than 5 days prior to said meeting.