

**Minutes of the Huntington Park Planning Commission meeting held on June 6, 2007.**

Chairman Molina called the meeting to order at 6:30 p.m. Present: Commissioners Eddie Benitez, Marial Sanders, Veronica Lopez, and Chairman Andy Molina. Absent: Commissioners Alfred Bravo, Sr. (excused). Also present: Planning Manager Gabriel Bautista, Senior Planner Eric Garcia, Assistant Planner Albert Fontanez, Assistant Planner Gabriela Silva, and Recording Secretary Genny Ochoa.

**Approval of Minutes**

Motion by Commissioner Lopez, seconded by Commissioner Benitez, to approve the minutes of the meeting held May 16, 2007, and excuse the absence of Commissioner Sanders at the May 16<sup>th</sup>, 2007 Planning Commission meeting. The motion carried as follows: Ayes: Commissioners Benitez, Lopez, and Chairman Molina; Noes: None; Absent: Commissioner Bravo. Abstain: Commissioner Sanders.

**Public Appearances**

None.

**Continued Public Hearings**

None.

**Public Hearings**

A. CASE NO. 1845-VAR: Request by Berquis L. Garcia and Lourdes Torres for approval of a Variance to deviate from the minimum lot size requirement in order to legalize a second dwelling unit constructed without permits at 3617 Cudahy Street, within the Low Density Residential (R-L) Zone.

Assistant Planner Albert Fontanez conducted a PowerPoint presentation and reviewed the Administrative Report for Case No. 1845-VAR, which included the Municipal Code Requirements for a Variance and Second Dwelling Units, Required Findings for a Variance, Administrative Comments and Analysis, and Recommendations. Mr. Fontanez stated the illegal dwelling unit for which the Variance is sought does not meet the development standards for second dwelling units in the RL Zone. Mr. Fontanez added that staff has determined that Required Findings 1 through 6, as outlined in staff's report cannot be made, i.e.:

Finding No. 1: There are no special circumstances applicable to the property including location, shape, size, surroundings, or topography that supports the granting of a Variance to allow a second dwelling unit on a lot that does not comply with the minimum lot size of 6,500 sq. ft. and;

Finding No. 2: The granting of a Variance is not necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district since the primary residential land use is not being prohibited; and

Finding No. 3: The granting of a Variance to legalize an existing illegally developed second dwelling unit would be injurious to the properties in the vicinity and zoning district in which the property is located due to the potential increase in residential density; and

Finding No. 4: The granting of a Variance would allow the legalization of an existing illegally developed second dwelling unit would constitute a special privilege because the properties in the vicinity and zoning district in which the subject property is located would not be allowed to develop a second dwelling unit; and

Finding No. 5: The granting of a Variance would allow a use on the subject parcel that is not authorized by the Municipal Code; and

Finding No. 6: The granting of a Variance would be inconsistent with the provisions set forth within the General Plan.

Mr. Fontanez concluded his review of Case No. 1845-VAR and stated that staff recommended the approval and adoption of a resolution denying the Variance (Case No. 1845-VAR) for the property located at 3617 Cudahy Street.

Chairman Molina declared the public hearing open and called for those wishing to speak in favor of or against Case No. 1845-VAR. Ms. Lourdes Torres (3617 Cudahy St., Huntington Park), applicant/property owner, came forward to speak in favor of Case No. 1845-VAR. Ms. Torres stated that she and her family have lived in the subject residence for 25 years with the second dwelling having been occupied by family. Mr. Torres stated that the second dwelling unit has never been rented and has not created any negative impacts to the surrounding neighborhood. Ms. Torres added that the property provides adequate parking, would not create additional traffic since it is existing and not a new dwelling, and that her request is supported by her surrounding neighbors as evidenced by a signed petition declaring their support for approval of the Variance. Ms. Torres further added that she would comply with any City-recommended adjustments in order to have the Variance approved. Ms. Torres stated that the denial of the Variance would be emotionally and financially detrimental to her entire family and requested that the Planning Commission approve Case No. 1845-VAR.

The following individuals came forward to speak in favor of Case No. 1845-VAR:

1. Felipe Contreras (4502 Elizabeth St., Cudahy, CA)
2. Vicente Zamarripa (3601 Cudahy St., Huntington Park, CA)
3. Roberto Godinez (3607 Cudahy St., Huntington Park, CA)
4. Henry J. Garcia (3732 Cudahy St., Huntington Park, CA)

With no one else wishing to speak in favor or against Case No. 1845-VAR, the public hearing was declared closed by Chairman Molina.

A discussion ensued. Chairman Molina inquired if the City has conducted a study on the percentage of homes with this type of building violations, and if such a study exists, requested that he be provided with a copy.

Commissioner Sanders asked if the second unit could be used as a bedroom if the kitchen and bathroom were removed. Planning Manager Bautista responded that the option the owner/property owner has would be to demolish the second unit and add another room/bedroom to the existing house.

Commissioner Lopez stated that her duty as Planning Commissioner is to enforce the City's laws and regulations, and approving the requested Variance would be contradictory to the mandates of the City's Municipal Code.

Commissioner Benitez stated that he agreed with Commissioner Lopez and could not endorse a request to legalize a non-permitted structure and non-conforming use which would not be in compliance with the Municipal Code.

After the discussion, a motion was made by Commissioner Lopez, seconded by Commissioner Benitez, to APPROVE AND ADOPT RESOLUTION NO. 1845, DENYING a request for a Variance to deviate from the minimum lot size requirement in order to legalize a second dwelling unit constructed without permits at 3617 Cudahy Street. The motion carried as follows: Ayes: Commissioners Benitez, Lopez, and Sanders; Noes: Chairman Molina; Absent: Commissioner Bravo

Planning Manager Bautista advised the applicant/property owner of her right to appeal the Commission's decision to the City Council within 15 calendar days.

Chairman Molina declared a recess at 7:28 p.m.

The meeting was called to order at 7:40 p.m. Present: Commissioners Eddie Benitez, Marial Sanders, Veronica Lopez, and Chairman Andy Molina. Absent: Commissioners Alfred Bravo, Sr. (excused).

### **New Business**

A. Discussion and/or action regarding a recommendation to the City Council to approve a recruitment to appoint an Interim Planning Commissioner for the duration of Commissioner Alfred Bravo, Sr.'s medical leave of absence.

After a brief discussion, it was unanimously concurred by the Planning Commissioners to recommend to the City Council the approval of a recruitment to appoint an Interim Planning Commissioner for the duration of Commissioner Alfred Bravo, Sr.'s medical leave of absence.

### **Information Items**

None.

### **Subjects Presented by the Planning Commission**

Chairman Molina requested information on future meetings related to the City's Parks and Recreation Master Plan.

**Adjournment**

There being no further business, Chairman Molina declared the meeting adjourned at 7:50 p.m.

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Chairman

ATTEST:

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Secretary