

MINUTES
CITY OF CARSON
PLANNING COMMISSION REGULAR MEETING
CITY COUNCIL CHAMBERS
701 East Carson Street, 2nd Floor,
Carson, CA 90745

October 27, 2009 – 6:30 P.M.

1. **CALL TO ORDER** Chairman Faletogo called the meeting to order at 6:36 P.M.
2. **PLEDGE OF ALLEGIANCE** The Salute to the Flag was led by Commissioner Verrett.
3. **ROLL CALL**

Planning Commissioners Present:
*Brimmer, Brown, Faletogo, Gordon, Graber, Park, Schaefer, Saenz, Verrett

(*Commissioner Brimmer arrived at 6:45 P.M.)

Planning Commissioners Absent:
None

Planning Staff Present: Planning Officer Repp, City Attorney Wynder, Senior Planner Signo, Associate Planner Gonzalez, Housing Manager Adams, Recording Secretary Bothe
4. **AGENDA POSTING CERTIFICATION** Recording Secretary Bothe indicated that all posting requirements had been met.
5. **AGENDA APPROVAL** Vice-Chair Saenz moved, seconded by Commissioner Brown, to approve the Agenda as submitted. Motion carried (Commissioner Brimmer had not yet arrived).
6. **INSTRUCTIONS TO WITNESSES** Chairman Faletogo requested that all persons wishing to provide testimony stand for the oath, complete the general information card at the podium, and submit it to the secretary for recordation.
7. **SWEARING OF WITNESSES** City Attorney Wynder
8. **ORAL COMMUNICATIONS** For items **NOT** on the agenda. Speakers are limited to three minutes. None.

9. CONSENT CALENDAR

Minutes: October 13, 2009

MOTION: Commissioner Park moved, seconded by Vice-Chairman Saenz, to approve the October 13, 2009, Minutes as presented. Motion carried (Commissioner Brimmer had not yet arrived.)

10. CONTINUED PUBLIC HEARING None

11. PUBLIC HEARING

A) Conditional Use Permit No. 745-09

Applicant's Request:

The applicant, America's Tire Company, is requesting approval of exterior improvements to an America's Tire sales/repair store on a site located in the CR-D (Commercial, Regional-Design Overlay Review) zoned district. The subject property is located at 20741 South Avalon Boulevard.

Staff's Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 09-2273, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 745-09 for exterior improvements for an automobile tire sales and repair business located at 20741 South Avalon Boulevard." He clarified that the building is 7,056 square feet and the lot is 26,756 square feet.

Chairman Faletogo opened the public hearing.

Commissioners Park and Graber questioned why this applicant is being required to provide for public use above-ground storage tanks for used automotive oil recycling purposes if this business does not perform oil changes.

Associate Planner Gonzalez stated that this would provide a much needed community service of legally disposing used motor oil in Carson.

Planning Officer Repp added that this condition will be an ongoing effort to provide these tanks in convenient locations throughout the City; and she noted that the tank recycling locations will be advertized throughout the community by various means.

Responding to Commissioner Brown's inquiry regarding the number of automotive related businesses that have yet to come forward to apply for a CUP, Associate Planner Gonzalez explained that another round of letters will go out to those businesses; and noted that those businesses which do not respond will be turned over to the Code Enforcement department.

Chairman Faletogo opened the public hearing.

Steven Eichberg, representing the property owner, questioned the applicant's acquiescence to the condition which requires they provide used motor oil recycling tanks for use by the public; stated that this business should be exempt from this CUP process because Carson's Code 9138.11 states that minor uses are to be exempt from the ordinance, expressing his belief that changing tires/rims is a minor automotive use; and he stated that other automotive repairs are not done at this business, questioning what can be more minor than changing tires/rims. With regard to Condition No. 10, he pointed out that the majority of the front lot is cement and that they do not want to slurry over the cement, noting they are willing to fix the front potholes. With regard to the tall pole sign, he expressed his opposition to being treated differently than Just Tires, noting the Planning Commission allowed that business to maintain the height of their tall sign; he stated that the Planning Commission has given Just Tires an advantage over others who have to lower their signage; and he encouraged the Planning Commission to be consistent when considering signage with all auto-related uses. With regard to the easement, he noted that the applicant has already secured the air encroachment, pointing out they only need to have that paperwork notarized.

Associate Planner Gonzalez explained that the Planning Commission allowed the tall Just Tires sign to remain because of the store's poor visibility from Avalon Boulevard; and he amended Condition No. 10 to read as follows: "The owner/applicant shall re-slurry and/or repair the front..."; and he noted that staff will make sure the proper easement paperwork is in order before completing this process.

Addressing Commissioner Gordon's inquiry regarding "minor use," City Attorney Wynder stated it is his opinion Condition No. 12 – "The owner/applicant shall provide for public use above-ground storage tanks to hold used automotive oil for recycling purposes in accordance to industry 'Best Management' practices. The Planning Division shall approve the location and signage for company 'used oil recycling' services" -- is reasonable and just under Section 9138.2 of the City's Code (Vehicle Service and Repair).

Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Brown moved, seconded by Commissioner Gordon, to approve the applicant's request as submitted; moved to amend Condition No. 10, "The owner/applicant shall re-slurry and/or repair the front..."; and moved to adopt Resolution No. 09-2273. Motion carried.

11. PUBLIC HEARING

B) Design Overlay Review No. 1337-09 and Variance No. 506-09

Applicant's Request:

The applicant, SW Suits, Inc., is requesting a freeway-oriented sign and a variance request to exceed the maximum allowable sign area for the Avalon Plaza shopping center. The property involved is 20761-20775 South Avalon Boulevard.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and noted that staff is recommending this matter be continued to allow the applicant more time to come up with an improved sign design. He mentioned it is difficult to get in touch with the property owner, but that it is staff's recommendation to work with the property owner, the applicant and the Code Enforcement division in developing an appropriate sign for the back wall and addressing signage throughout this commercial center.

Senior Planner Signo noted for Chairman Faletogo that each tenant shares their portion of the back wall facing the 405 Freeway, noting that SW Suits is the largest tenant in this shopping center. He added that the property owner never came back to complete the proposed shopping center sign program in 2003, but mentioned that the pylon sign and tenant channel letters were designed to meet the criteria in that sign program.

David Dupetit, applicant, noted that on average, the windows along Avalon Boulevard routinely get shot out by BB guns twice a month; explained that the sun damages the suits; and that for these reasons, he believes the signage in the windows helps to protect the clothing. He mentioned that the windows along Avalon Boulevard were also shot out when the prior furniture business was in this store. He expressed his belief the freeway-oriented signage is the most important signage for his business and that he would agree to remove the remaining signage if the City allows the freeway-oriented signage. He highlighted the poor economy and stated that the channel letter signage he is proposing is his preferred signage. He urged the Planning Commission to approve his request, noting he has been working with staff on this matter for four years.

In response to Commissioner Brimmer's inquiry, Senior Planner Signo confirmed that the Sign Subcommittee was in favor of the applicant's request for the freeway-oriented signage, but noted that the Planning Commission has the authority to approve the Design Overlay Review and Variance request. Senior Planner Signo noted that staff at one point suggested the tile be wrapped around the back side of his store and that columns or other vertical enhancements be added.

Planning Officer Repp indicated that staff would like to see a better design for the rear wall; explained that the architectural embellishment is important because the back wall was not designed to have signage; that if signage is placed on the back wall, it is necessary to create a unique corner unit that is different from the rest of the stores in this center; and she added that this architectural embellishment would set this unit apart from the remaining units in this center and avoid creating a precedent for others seeking to get their signage on the back wall.

Mr. Dupetit noted for Commissioner Brown that the property owner is 100 percent behind his signage request but that the property owner is not willing to pay for any of the improvements; and he mentioned that the property owner is also being negatively impacted by the poor economy.

Commissioner Verrett asked staff to clarify what they don't like about the applicant's proposed signage.

Senior Planner Signo stated that staff is recommending the applicant use the design he proposed two years ago, with a crown cornice and trellis with vines.

City Attorney Wynder stated that the proposed signage appears to be more of an advertisement for the business; and he addressed staff's recommendation for architectural embellishments, thereby avoiding precedence for other tenants to request signage on the back wall.

Mr. Dupetit stated that the prior design is too cost prohibitive to put in place at this time. He pointed out that the new name of his business is similar to the idea behind the 99 cent store.

Chairman Faletogo closed the public hearing.

Chairman Faletogo stated he is favorable to the signage being proposed by the applicant, noting the applicant is taking the proper steps to change the business name. He suggested that the property owner put up some of the money for these recommended changes.

Commissioner Park addressed his concern with excessive signage at shopping centers throughout Carson; suggested that an ordinance be written which requires shopping center owners to have sole control over their tenant signage and keeping the total square footage of signage within the allowable amount.

Commissioner Brown stated that he would prefer the applicant display generic signage, such as indicating "Men's Suits," noting that his signage won't have to be changed when the cost of the suits go up.

Commissioner Graber stated, echoed by Commissioner Brimmer, that he likes the proposed signage but stated that it needs to fall within the guidelines of the code. He stated the new name seems like it's an advertisement.

Commissioner Saenz stated that the signage needs to stay within code.

Commissioner Verrett noted her concern with the City micromanaging the proposed signage of the new business name; and stated it is imperative to have adequate signage that draws buying customers into a shopping center. She noted her concurrence with the applicant going back with staff to work on a sign design that is amenable to all.

Commissioner Gordon noted his preference to continue this matter to allow the applicant and staff to come to a design that can be recommended for approval.

Commissioner Schaeffer stated that the new name looks like an advertisement, but pointed out it is a legal business name; and expressed her belief it is unfair to ask this tenant to pay for landscaping and to modify the architecture of the entire back of this building. She pointed out that America's Tire Store has rear signage and that IKEA has freeway-oriented signage and permanent banners, noting the City should be consistent and fair to all businesses.

Chairman Faletogo noted his support for the applicant's freeway-oriented signage, but stated that signage needs to fall within code.

Planning Commission Decision:

Commissioner Brown moved, seconded by Commissioner Verrett, to continue this matter to the next Planning Commission meeting to allow staff, the applicant, and the property owner to come up with a mutually agreeable design, with staff providing the applicant with acceptable guidelines to follow. Motion carried, with Commissioners Brimmer and Graber voting no.

The meeting was recessed at 8:50 P.M. Chairman Faletogo and Commissioner Verrett departed the meeting during the break. The meeting was reconvened at 9:04 P.M.

11. PUBLIC HEARING

C) Public Hearing to discuss city of Carson response to the State Housing & Community Development comments to the Draft 2006-2014 Housing Element Update

Applicant's Request:

The applicant, city of Carson, is requesting to review, evaluate and provide comments to the city of Carson's response to the State Housing & Community Development comments on the Draft 2006-2014 Housing Element Update. Properties involved would be citywide.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to OPEN the public hearing and receive public testimony; COMPLETE review of the city of Carson's response to HCD's comments on the draft Housing Element in light of testimony received; and FORWARD the city of Carson's response to the State Housing and Community Development Department and to the City Council with a recommendation of adoption. He corrected Page 2 of staff report, under "Background," last paragraph, "The Housing Element does not contain significant..." and Page 5, third paragraph from the bottom, "...1,812 **housing** units..."

Housing Manager Adams briefly provided further input.

Planning Commission Decision:

Commissioner Graber moved, seconded by Commissioner Brimmer, to recommend that City Council adopt Carson's response to the State Housing and Community Development Department's comments on the draft Housing Element. Motion carried (absent Chairman Faletogo and Commissioner Verrett).

12. NEW BUSINESS DISCUSSION None

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

- A) The city of Carson will be holding an Environmental Education Workshop on Thursday, November 5, 2009, from 6:00 P.M. to 8:00 P.M. at the Community Center, Hall B. Admission is free. Panel discussion will take place from 6:00 P.M. to 7:00 P.M., and a question-and-answer session will take place from 7:00 P.M. to 8:00 P.M.

Planning Officer Repp encouraged the Planning Commissioners to attend the above-mentioned workshop and to attend the Community Engagement Town Hall meeting on Saturday, November 7, 2009, at CSUDH, from noon to 3:30 P.M. to discuss the Campus/Community Partnerships.

15. COMMISSIONERS' REPORTS

Commissioner Park requested, and received, brief input on the status of the mobilehome conversion ruling and the status of the environmental concerns at the Carousel housing tract.

Commissioner Brown invited everyone to attend the Boys and Girls Club Kids Festival on November 12th at the Community Center.

Commissioner Graber, echoed by Commissioner Brimmer, commended staff for this evening's meeting.

Vice-Chairman Saenz invited the Planning Commissioners to Dance Time's open house on Saturday, October 31, 2009, 1:00 P.M.

16. ADJOURNMENT

At 10:03 P.M., the meeting was formally adjourned to Tuesday, November 10, 2009, 6:30 P.M., City Council Chambers.

Chairperson

Attest By:

Secretary