

MINUTES

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

May 25, 2010 – 6:30 P.M.

- 1. CALL TO ORDER** Chairman Faletogo called the meeting to order at 6:31 P.M.
- 2. PLEDGE OF ALLEGIANCE** Commissioner Schaefer led the Salute to the Flag.
- 3. ROLL CALL** Planning Commissioners Present:
*Brimmer, Diaz, Faletogo, Gordon, Graber, Park, Schaefer, Saenz, *Verrett

*(Commissioner Brimmer arrived at 6:42 P.M.; Commissioner Verrett arrived at 6:32 P.M.)

Planning Staff Present: Planning Officer Repp, Senior Planner Signo, City Attorney Wynder, Associate Planner Newberg, Assistant Planner Castillo, Recording Secretary Bothe
- 4. AGENDA POSTING CERTIFICATION** Recording Secretary Bothe indicated that all posting requirements had been met.
- 5. AGENDA APPROVAL** Commissioner Graber moved, seconded by Vice-Chairman Saenz, to approve the Agenda as submitted. Motion carried, 8-0 (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

A) Minutes: May 11, 2010

MOTION: Commissioner Verrett moved, seconded by Chairman Faletogo, to approve the May 11, 2010, Minutes as presented. Motion carried, 8-0 (Commissioner Brimmer had not yet arrived).

10. CONTINUED PUBLIC HEARING None.

Due to a possible conflict of interest, Commissioner Schaefer recused herself from consideration of this item.

11. PUBLIC HEARING

A) Tentative Parcel Map No. 70372

Applicant's Request:

The applicant, Carson Marketplace, LLC, is requesting to approve a two-lot Tentative Parcel Map to split the landfill portion of the property from the surface parcel for The Boulevards at South Bay. The subject property is located at 20400 Main Street.

Staff Report and Recommendation:

Planning Consultant Ketz presented staff report and the recommendation to APPROVE Tentative Parcel Map No. 70372, subject to the conditions of approval attached as Exhibit "B" to the Resolution; and to WAIVE further reading and ADOPT Resolution No.10-2307, entitled, "A Resolution of the Planning Commission of the city of Carson approving Tentative Parcel Map No. 70372 for the subdivision of the upper surface parcel from the lower landfill parcel located at 20400 Main Street (The Boulevards at South Bay.)"

Chairman Faletogo opened the public hearing.

Bryan Miranda, representing the applicant, stated that there has been a tremendous amount of work done thus far on this property. He noted that discussions are under way with potential tenants.

Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Verrett moved, seconded by Vice-Chairman Saenz, to concur with staff recommendation, thus adopting Resolution No. 10-2307. This motion carried as follows:

AYES: Brimmer, Diaz, Faletogo, Gordon, Graber, Park, Saenz, Verrett
NOES: None
RECUSED: Schaefer (possible conflict of interest)
ABSENT: None

11. PUBLIC HEARING (for discussion only; to be re-noticed)

B) Variance No. 511-10

Applicant's Request:

The applicant, Paul D. Hernandez, is requesting to permit an existing patio and gazebo in the required yard area of a single-family home in the RS (Residential, Single-Family) zoning district. The property is located at 22701 Enola Avenue.

Staff Report and Recommendation:

Assistant Planner Castillo presented staff report and the recommendation for the Planning Commission to discuss this item and provide direction.

Commissioner Verrett noted her concern with some of the cited safety issues.

Planning Officer Repp explained that the wooden structure does not meet the fire rating requirements for fire transfer to nearby structures.

Commissioner Park noted his concern with the cost of this applicant applying for further variances.

Assistant Planner Castillo stated that if the Planning Commission supports the applicant's request, the applicant would need to apply for two more variances, costing approximately \$2,000 more plus the fees associated with the Building and Safety Department.

City Attorney Wynder noted for Commissioner Graber that the City's statute can be enforced no matter how long an illegal violation has been in existence. He added that the neighbors' written consent of the structures is legally irrelevant.

Chairman Faletogo opened the public hearing.

Paul Hernandez, applicant, stated that he has lived at this location for 42 years; he distributed photographs of the prior structure that had to be taken down because of termite and water damage; and noted that the former structure had been in place since 1988. He stated that the gazebo area allows his family, friends, and neighbors a shaded shelter to celebrate various holidays and neighborhood gatherings. He advised that he will place rain gutters around the structure so that it drains away from the neighbor's property and onto his property. He stated that he paid \$5,000 to have this new structure built and that he'd like to get it finished with painting and roof shingles before their 4th of July neighborhood party. He pointed out that while the \$1,000 variance fee hurt him financially, it points to his sincere desire to maintain this gazebo.

Commissioner Graber asked whether a smaller, preassembled shelter could be purchased and legally placed on site.

Planning Officer Repp stated that staff will work with the applicant to find a permanent location on site for a smaller structure. She added that the fee can be waived for a demolition permit.

Chairman Faletogo closed the public hearing.

Commissioner Gordon highlighted the high cost to this applicant of going forward with his request to maintain these structures and the likely negative outcome of the Commission's final decision.

It was the consensus of the Commission that no findings can be made to support a variance request for this property.

Planning Commission Decision:

Commissioner Verrett moved, seconded by Commissioner Brimmer, that the Commission has collectively expressed it is not inclined to grant any variances for this patio and gazebo; to recommend the applicant continue the public hearing indefinitely; and to recommend the applicant withdraw his Variance application and work with staff on erecting a smaller structure in a permitted area on site. Motion unanimously carried, 9-0.

11. PUBLIC HEARING

C) Conditional Use Permit No. 783-10

Applicant's Request:

The applicant, Ismael Montepeque Gomez, is requesting to approve a CUP for an existing second dwelling unit located within the RS (Residential, Single-Family) zoning district. The subject property is located at 2739 East Madison Street.

Staff Report and Recommendation:

Assistant Planner Castillo presented staff report and the recommendation to APPROVE the Categorical Exemption; APPROVE Conditional Use Permit No. 783-09, subject to the conditions of approval attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 10-2308, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 783-10 for an existing second dwelling unit located at 2739 East Madison Street."

Commissioner Park stated that a garage should be required on this property because there is adequate room for one, noting this property has the ability to meet code for the second unit parking requirement.

Senior Planner Signo stated that the backup space is slightly inadequate on this site, noting it measures 24'5" and that 26' is required for a proper radius. He noted there may be a couple options for the placement of a carport, noting that staff and the applicant can work on its placement.

Chairman Faleto go opened the public hearing.

Jennifer Gomez, interpreting for her father/applicant, Ismael Montepeque Gomez, stated that they concur with the conditions of approval and noted that if required, they would build a carport.

Commissioner Brimmer noted her concern with the cost to bring this property up to code during this poor economy.

Ms. Gomez noted that most of the required improvements have already been made.

Chairman Faleto go closed the public hearing.

Commissioner Graber stated that the applicant should be given up to a year to make these improvements.

Planning Commission Decision:

Vice-Chairman Saenz moved, seconded by Commissioner Verrett, to concur with staff recommendation and to extend the time period to 180 days to make the required improvements.

By way of a friendly amendment, Commissioner Verrett suggested extending that period to one year to complete the improvements.

Vice-Chairman Saenz accepted the friendly amendment. (This motion was superseded by the substitute motion.)

By way of a substitute motion, Commissioner Park moved, seconded by Commissioner Brimmer, to concur with staff recommendation; to require the applicant build a carport, location to be worked out with staff; to allow up to one year for the applicant to make the improvements; and to adopt Resolution No. 10-2308. This motion carried as follows:

AYES: Brimmer, Diaz, Faletogo, Graber, Park, Saenz, Verrett
NOES: Gordon, Schaefer
ABSENT: None

(Chairman Faletogo recessed the meeting at 8:27 P.M. Chairman Faletogo departed the meeting during break. Vice-Chairman Saenz reconvened the meeting at 8:35 P.M.)

11. PUBLIC HEARING

D) Conditional Use Permit No. 756-09

Applicant's Request:

The applicant, Emilia Orona, is requesting to approve a CUP for a detached second dwelling unit located within the RS (Residential, Single-Family) zoning district. The subject property is located at 2705 East Jefferson Street.

Staff Report and Recommendation:

Associate Planner Newberg presented staff report and the recommendation APPROVE Conditional Use Permit No. 756-09 subject to the conditions of approval attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 10-2309, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 756-09 for an existing detached 792-square-foot second dwelling unit located at 2705 East Jefferson Street."

Commissioner Brimmer expressed her concern with code enforcement follow-up of Planning Commission approval of conditions.

City Attorney Wynder explained that not complying with the conditions of approval in a conditional use permit is much more serious, pointing out one's CUP can be revoked and can require their second dwelling to be demolished.

Vice-Chairman Saenz opened the public hearing.

Emilia Orona, applicant, stated that the items in the driveway next to the garage are there because they are cleaning out their garage; noted her concurrence with the conditions of approval; and stated that she could use more time to make the required improvements.

In response to Commissioner Brimmer's comment, Associate Planner Newberg stated that the Commission can add the following condition: "The property owner shall consent to an inspection of the interior and exterior of all buildings upon receipt of a written request by the City in order to determine compliance with the conditions and applicable Carson Municipal Code requirements."

Commissioner Park asked if the applicant would be willing to stripe off the 24' x 22' area east of the second dwelling to designate for parking in lieu of building a second garage. Ms. Orona stated she would be willing to stripe that area for parking.

Vice-Chairman Saenz closed the public hearing.

Planning Commission Decision:

Commissioner Park moved to deny the applicant's request. This motion died due to the lack of a second.

Commissioner Schaefer moved, seconded by Vice-Chairman Saenz, to approve the applicant's request; to add a condition, "The property owner shall consent to an inspection of the interior and exterior of all buildings upon receipt of a written request by the City in order to determine compliance with the conditions and applicable Carson Municipal Code requirements"; and to adopt Resolution No. 10-2309.

By way of a friendly amendment, Commissioner Graber suggested the applicant stripe the open space beside the garage to designate it for onsite parking.

Commissioner Schaefer did not accept the friendly amendment, believing the striping is not necessary and adds no additional space to this property.

The motion carried as follows:

AYES: Brimmer, Gordon, Graber, Saenz, Schaefer, Verrett
NOES: Diaz, Park
ABSENT: Faletego

11. PUBLIC HEARING

E) Conditional Use Permit No. 780-09

Applicant's Request:

The applicant, Martin Nunez, is requesting to approve a CUP for an existing 560-square-foot second dwelling unit on a 6,250-square-foot lot in the RS (Residential, Single-Family) zoning district. The subject property is located at 620-622 East Realty Street.

Staff Report and Recommendation:

Associate Planner Newberg presented staff report and the recommendation to APPROVE the Categorical Exemption; APPROVE Conditional Use Permit No. 780-09, subject to the conditions of approval attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 10-2310, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 780-09 for an existing attached 560-square-foot second dwelling unit located at 620-622 East Realty Street."

Vice-Chairman Saenz opened the public hearing.

Martin Nunez, applicant, stated that it was his understanding he could build a carport but stated if it is required, he will build a garage; but noted he would need additional time to come up with the money. He stated that he has put a lot of money into upgrading this property.

Associate Planner Newberg explained that a 2-car garage would be required for the main unit, but that a carport could be erected for the second unit.

Vice-Chairman Saenz closed the public hearing.

Planning Commission Decision:

Commissioner Graber moved, seconded by Commissioner Verrett, to approve the applicant's request, thus adopting Resolution No. 10-2310. Motion carried, 8-0 (absent Chairman Faletogo).

11. PUBLIC HEARING

F) Design Overlay Review No. 1340-09, Conditional Use Permit No. 759-09; Conditional Use Permit No. 810-10

Applicant's Request:

The applicant, T-Mobile, Reliant Land Services, is requesting a roof-mounted cellular telecommunication facility and related equipment within a church building in the CG-D (Commercial, General – Design Overlay) zone and within Redevelopment Project Area No. 4. The subject property is located at 1361 East Carson Street.

Staff Report and Recommendation:

Associate Planner Newberg presented staff report and the recommendation to WAIVE further reading; and ADOPT Resolution No. 10-2311, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 1340-09 and Conditional Use Permit No. 810-10 to permit the installation of a roof-mounted telecommunication facility and related equipment on a two-story church building located at 1361 East Carson Street."

Commissioner Park stated he'd like to see the same verbiage in 6c on Triangle 11 included in Condition No. 18 on Triangle 24, "If the facility is located within one hundred (100) feet of a residential dwelling unit, noise attenuation measures, including redesign or screening, shall be included to reduce exterior noise levels to meet the requirements of the noise ordinance."

Vice-Chairman Saenz opened the public hearing.

Ed Gala, representing the applicant, noted his concurrence with the conditions of approval; and he stated that the emergency generator will comply with the noise ordinance, noting it will likely be pulled into the driveway during an emergency.

Vice-Chairman Saenz closed the public hearing.

Planning Commission Decision:

Commissioner Park moved, seconded by Vice-Chairman Saenz, to approve the applicant's request; to add a condition that assures a temporary/emergency generator will not exceed the noise ordinance requirements; and to adopt Resolution No. 10-2311. Motion carried, 7-0 (absent Brimmer and Faletogo).

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| 12. NEW BUSINESS DISCUSSION | None |
| 13. WRITTEN COMMUNICATIONS | None |
| 14. MANAGER'S REPORT | |
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Senior Planner Signo briefly referred to the statistical document that was distributed to the Planning Commissioners regarding the auto repair/service businesses affected by Ordinance No. 04-1322.

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| 15. COMMISSIONERS' REPORTS | None |
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16. ADJOURNMENT

At 9:45 P.M. the meeting was formally adjourned to Tuesday, June 8, 2010, 6:30 P.M., City Council Chambers.

Chairperson

Attest By:

Secretary