

## **MINUTES**

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

***June 8, 2010 – 6:30 P.M.***

- 1. CALL TO ORDER** Chairman Faletogo called the meeting to order at 6:34 P.M.
- 2. PLEDGE OF ALLEGIANCE** The Salute to the Flag was led by Commissioner Gordon.
- 3. ROLL CALL** Planning Commissioners Present:  
\*Brimmer, Diaz, Faletogo, Gordon,  
\*Graber, Park, Schaefer, Saenz,  
Verrett

\*(Commissioner Brimmer arrived at 6:47 P.M.; Commissioner Graber arrived at 6:42 P.M.)

Planning Staff Present: Planning Officer Repp, City Attorney Wynder, Senior Planner Signo, Associate Planner Gonzalez, Recording Secretary Bothe
- 4. AGENDA POSTING CERTIFICATION** Recording Secretary Bothe indicated that all posting requirements had been met.
- 5. AGENDA APPROVAL** Commissioner Diaz moved, seconded by Vice-Chairman Saenz, to approve the Agenda as submitted. Motion carried (Commissioners Brimmer and Graber 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 25, 2010

MOTION: Commissioner Park moved, seconded by Vice-Chairman Saenz, to approve the Minutes as submitted. Motion carried, 7-0, (Commissioners Brimmer and Graber had not yet arrived).

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**9. CONSENT CALENDAR**

**B) Design Overlay Review No. 1275-08, Conditional Use Permit No. 714-08, Variance No. 503-08**

Applicant's Request:

The applicant, RW Terrell Enterprises, Inc., is requesting a one-year time extension to demolish 6,465 square feet of an existing church, construct 5,946 square feet for an expansion, and construct a new 83,460-square-foot two-story parking structure at 451 East 223<sup>rd</sup> Street.

Staff Recommendation:

APPROVE the extension of time for Design Overlay Review (DOR) No. 1275-08, Conditional Use Permit (CUP) No. 714-08, and Variance (VAR) No. 503-08 until August 6, 2011; and ADOPT a Minute resolution extending the approval to August 6, 2011.

Planning Commission Decision:

Commissioner Park moved, seconded by Vice-Chairman Saenz, to approve the one-year time extension until August 6, 2011. Motion carried, 7-0, (Commissioners Brimmer and Graber had not yet arrived).

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**10. CONTINUED PUBLIC HEARING**

**A) Conditional Use Permit No. 784-10**

Applicant's Request:

The applicant, Sue Garcia, is requesting to approve a conditional use permit for a second dwelling located within the RS (Residential, Single-Family) zoned district. The subject property is located at 2556 East Washington Street.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to APPROVE the Categorical Exemption; APPROVE Conditional Use Permit No. 784-10 subject to the conditions of approval attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 10-2312, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 784-10 for a second dwelling unit located at 2556 East Washington Street."

Associate Planner Gonzalez noted for Commissioner Graber that the old permit is not specific as to what was permitted.

Planning Officer Repp advised that a shed style patio is not allowed for this type of closure.

Chairman Faletogo opened the public hearing.

Sue Garcia, representing the applicant, requested additional time to make the changes, noting that her father is gravely ill and that there is a financial hardship. She asked that one of the sheds be permitted to stay so the renter can have additional storage area; and asked that the iron bars and security door be allowed on the cottage for security purposes, noting that no one will be living in this structure.

Shirley Arriola, representing the applicant, advised that there are safety latches on the iron security bars.

Planning Officer Repp recommended the following changes to the Conditions of Approval, Nos. 10, 11, 13, 14:

No. 10, "...compliance with the corrective measures **and the conditions contained herein.**"

No. 11, "...in case of a fire **or be made conforming to Building Code requirements.**"

No. 13, "The applicant shall modify the structure to remove unauthorized alterations to the patio area and shall make changes as necessary to meet Building Code requirements."

No. 14, add a sentence at the end, "An automatic garage door opener shall be installed."

Commissioner Graber noted his support for allowing the applicant additional time to make the required changes.

Commissioner Park noted his concern with the proposed tandem parking, making it difficult for cars to enter the garage.

Planning Officer Repp stated that the parking needs are not likely to change and that staff does not see the tandem parking to be detrimental.

Associate Planner Gonzalez stated that the carport is wide enough to accommodate the cars and added that there is not a problem with excessive parking needs in this area.

Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Verrett moved, seconded by Chairman Faletogo, to approve staff recommendation with the following modifications: No. 10, "...compliance with the corrective measures **and the conditions contained herein**"; No. 11, "...in case of a fire **or be made conforming to Building Code requirements**"; No. 13, "The applicant shall modify the structure to remove unauthorized alterations to the patio area and shall make changes as necessary to meet Building Code requirements"; No. 14, add a sentence at the end, "An automatic garage door opener shall be installed"; and moved to adopt Resolution No. 10-2312. Motion carried, 8-1, with Commissioner Park voting no.

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**11. PUBLIC HEARING**

**A) Conditional Use Permit No. 750-09**

Applicant's Request:

The applicant, A&S Auto and Truck Repair, is requesting approval of a CUP for an existing auto repair business on a site located in the MU-CS (Mixed Use-Carson Street) zoning district. The subject property is located at 420 East Carson Street.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to DENY Conditional Use Permit No. 750-09; and WAIVE further reading and ADOPT Resolution No. 10-2313, entitled, "A Resolution of the Planning Commission of the city of Carson denying Conditional Use Permit No. 750-09 for continued auto repair use located at 420 East Carson Street."

Associate Planner Gonzalez advised that it had been suggested the automotive bays be moved to the back side of this property but noted that the owner indicated that was not possible due to financial reasons.

Planning Officer Repp advised that the two pole signs are legal, non-conforming and will be abated, adding that this property needs significant rehabilitation.

Commissioner Park asked whether the Redevelopment Agency (RDA) can help relocate this business.

Planning Officer Repp stated that the RDA is not involved with this property but that the RDA can help him find another location to operate his business.

Commissioner Brimmer stated there should be a program in place to retain displaced businesses in Carson, noting this man has operated his business at this location for the last 12 years; and stated that the City should be educating the merchants on what they have been planning for Carson Street's future.

Commissioner Schaefer noted her concurrence with Commissioner Brimmer's comments, questioning whether this businessman can be given additional time to find another location for his business.

Chairman Faletoogo opened the public hearing.

Pedro Escobar, applicant and business owner, stated that he is 55 years old and has 5 children he is trying to support with this business; stated that there have never been any problems with his business operations; advised that he has already removed a number of his advertizing signs; and urged the City to treat him fairly in displacing his business, suggesting the City offer him some financial assistance to move. He stated there are no parking problems and that they do not block the sidewalk. He urged the City to allow him another 10 years to operate at this location so that he can recoup his investment, noting if he moves, he will lose many of his customers.

City Attorney Wynder stated that this nonconforming use has been fully amortized; that there are few, if any, options to consider; and stated that this business is no longer appropriate for the City's plans for Carson Street.

Commissioner Verrett questioned when the applicant was advised that the City would not likely approve an automotive use to remain on Carson Street.

Planning Officer Repp stated that the ordinance was adopted four years ago and that the property owners were notified at that time that a CUP would be required for automotive businesses, noting that subsequent letters have been sent to these businesses.

Commissioner Brimmer asked that the City proactively work with this business owner to help him relocate his business in Carson.

Mr. Escobar urged the City to at least allow him another 2 to 5 years to stay at this location. He stated that the property owner does not have the funds to put the bays at the back.

Chairman Faletogo closed the public hearing.

Commissioner Verrett asked if this businessman can be given additional time, pointing out that the changes on Carson Street aren't likely to happen overnight. She addressed her concern with the financial impact this will place on this business owner in this difficult economic climate. She asked that the City help to relocate this business.

Commissioner Graber stated he would support giving Mr. Escobar 12 to 18 months to find a new site.

Planning Officer Repp expressed her belief that 12 months is too long, but stated that staff will allow additional time for relocation as long as they see a good-faith effort on the part of this business owner to find another location to operate this automotive business. She stated that staff will work in a cooperative manner with this applicant, but that he has 90 days to vacate, with the possibility of a 30-day extension.

Commissioner Graber reiterated that the applicant should be given more time than what staff is recommending.

Planning Commission Decision:

Vice-Chairman Saenz moved, seconded by Chairman Faletogo, to deny the applicant's request for a CUP.

By way of a friendly amendment, Commissioner Park asked that staff be directed to proactively work with this applicant in helping him find another location to do business; and that additional time be given as long as staff sees the applicant is moving forward with finding another location.

Commissioner Brimmer suggested this matter be continued to allow staff to provide evidence that all due diligence has been performed, that all options have been explored and that staff provide a report to so indicate these efforts. She noted her discomfort in displacing this businessman.

Commissioner Diaz noted his support of the friendly amendment; expressed his belief that while this is an appropriate motion in following the merits of the ordinance, it is still harmful to this business.

Vice-Chairman Saenz noted the need to stick with the merits of the ordinance because there are more cases that will be coming before the Planning Commission that are similar to this one.

Chairman Faletogo stated that he sympathizes with this applicant, but noted that this Commission must abide by the ordinance. He noted his support for allowing this applicant 6 months to find another location; and he urged staff to be proactive in their efforts to assist this businessman.

Commissioner Schaefer questioned that while these businesses were given notice 5 years ago that a CUP would be required, were they also given notice that the City did not intend to allow automotive type businesses to remain in business if they were located on Carson Street.

Planning Officer Repp stated no, they were not. She reiterated that staff will assist this businessman in his efforts to relocate.

The makers of the motion accepted the friendly amendment, thus adopting Resolution No. 10-2313.

Motion carried, 7-2, with Commissioners Brimmer and Verrett voting no.

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Commissioner Verrett departed the meeting at 8:40 P.M.

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Due to a possible conflict of interest, Commissioner Graber recused himself from consideration of this matter.

## 11. PUBLIC HEARING

### B) Conditional Use Permit No. 799-10

#### Applicant's Request:

The applicant, Dave Matharu, is requesting to approve a CUP for a community day care facility to be located within the MU-CS (Mixed Use Carson Street) zoned district. The subject property is located at 21601 and 21607 Moneta Avenue.

#### Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation to APPROVE Conditional Use Permit No. 799-10 subject to the conditions of approval attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 10-2314, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 799-10 for a community day care facility located at 21601 and 21607 Moneta Avenue."

Chairman Faleto go opened the public hearing.

Dave Matharu, applicant, noted the extensive renovations that are being done to this property; stated that he is working in collaboration with the Harbor Occupational Center, noting there is a great need for this service in this area; and stated that he has been in this business for 20 years, helping the disabled to live as independently as possible. He noted there is currently a waiting list for people to enter into these programs.

Anita Matharu, co-applicant, distributed to the Planning Commission a letter of support from the Harbor Occupational Center.

Mr. Matharu noted that the clients are trained to use the computers, cook, do laundry, pay bills, and other life skills, and are given various types of physical therapy on site.

Yogi Matharu, co-applicant, stated this is a family business and noted they are good neighbors who employ local people to work at their establishments.

Pritam (sic) stated this is a well-run business and noted the applicants will greatly enhance the aesthetics of this property.

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Mary Dillard, resident, noted the need for Carson to do further outreach to help young children and veterans.

Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Schaefer moved, seconded by Commissioner Brimmer, to approve the applicant's request, thus adopting Resolution No. 10-2314. Motion carried, 7-0, (Commissioner Graber recused himself from consideration; absent Commissioner Verrett.)

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**11. PUBLIC HEARING**

**C) Design Overlay Review No. 1364-10, Conditional Use Permit No. 783-10**

Applicant's Request:

The applicant, Related, is requesting to construct a four-story 65-unit affordable housing community with a podium-level courtyard above an interior parking structure on a 1.75-acre site. The subject property is located at 425 East Carson Street.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation to APPROVE Conditional Use Permit No. 807-10 and recommend to the Redevelopment Agency approval of Design Overlay Review No. 1364-10 subject to the conditions of approval attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 10-2315, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 807-10 and recommending to the Redevelopment Agency approval of Design Overlay Review No. 1364-10 for the construction of a four-story 65-unit affordable housing community for property located at 425 East Carson Street."

Senior Planner Signo noted for Commissioner Park that there are three handicapped parking spaces inside the parking garage. He noted that the Redevelopment Agency owns this land and structure, noting that a contract is currently being negotiated with Related.

Commissioner Brimmer commended Senior Planner Signo for a thorough staff report. She stated she'd like to see more sustainable materials used in building projects in Carson. She asked how many management personnel will be living on site to ensure a good property maintenance plan.

Commissioner Diaz asked if union labor will be required for this project, noting he'd like to see City projects use union labor.

Chairman Faletogo opened the public hearing.

Rick Westberg, project manager, stated that a Disposition and Development Agreement (DDA) has been fully negotiated and will be before the Redevelopment Agency next Tuesday for final approval. He advised that Related has been building affordable housing in California since 1989. He noted for Commissioner Diaz that they will utilize a local hiring program through the City's job center; and that they are not required to use union labor, but noted that more often than not, they use union labor for their concrete projects, but not typically for their wood projects. He noted that while this building will not be a LEED certified building, it will incorporate a green design program; and stated they have hired a specialized consultant to guide them in this effort. He added that Related maintains all its properties very well; that it self-manages its properties with an on-site manager; and stated that this will not look like an 'affordable housing project.' He noted that Related will own the building. He noted for Commissioner Diaz that the percentage of unionized labor working on this project is not yet known.

Planning Officer Repp advised that the DDA requires the developer to use qualified local labor but that there is no requirement for them to use union labor.

Commissioner Diaz urged the City to require builders to use unionized labor.

Commissioner Graber mentioned that in his tours of affordable housing projects, he has seen they were well kept and fully occupied, noting the need to control building costs with these type projects.

Ronald Shimokaji, resident, urged the City to require developers to provide more open space and provide public art with their projects. He urged the developers to landscape with drought tolerant plants.

Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Vice-Chairman Saenz moved, seconded by Commissioner Graber, to concur with staff recommendation, thus adopting Resolution No. 10-2315. Motion carried, 7-1, (Commissioner Diaz voted no; absent Commissioner Verrett.)

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**12. NEW BUSINESS DISCUSSION** None

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**13. WRITTEN COMMUNICATIONS** None

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**14. MANAGER'S REPORT**

- Plan Amendments to Redevelopment Project Areas

Planning Officer Repp advised that this matter will be addressed at the Commission's next meeting, urging the Commissioners to review the CD's and other informational materials that were previously provided. She commended both the City Council and the Planning Commission for keeping in sight the vision for the future of Carson Street.

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**15. COMMISSIONERS' REPORTS**

Commissioner Park noted the need to assure quality work on new projects and adding language in the developer agreements to assure quality work.

Commissioner Graber stated that he agrees union labor usually results in a better work product; and he thanked Ronald Shimokaji for his comments about the importance of public art.

Commissioner Brimmer stated that more effort needs to be made for business retention when handling nonconforming issues, suggesting that more alternatives should be proposed. She added that large housing projects should include open space and public art and have a management company on the premises.

Planning Officer Repp noted for Vice-Chairman Saenz that code enforcement activities are currently taking place along Main Street.

Commissioner Schaefer stated that she was pleased with the Memorial Day ceremony at the Lincoln Cemetery.

Commissioner Diaz thanked the Commissioners for supporting his efforts to encourage developers to use union labor and pay prevailing wages, pointing out that the work product is typically much more superior to the work product produced by low paid workers.

Chairman Faletogo commended staff for a good meeting and comprehensive reports.

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**16. ADJOURNMENT**

At 9:50 P.M. the meeting was formally adjourned to Tuesday, June 22, 2010, 6:30 P.M., City Council Chambers.

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*Chairperson*

*Attest By:*

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Secretary