

MINUTES

**CITY OF CARSON
PLANNING COMMISSION REGULAR MEETING
ADULT ACTIVITY ROOM, COMMUNITY CENTER**

**801 East Carson Street
Carson, CA 90745**

January 11, 2011 – 6:30 P.M.

- 1. CALL TO ORDER** Vice-Chairman Park called the meeting to order at 6:32 P.M.
- 2. PLEDGE OF ALLEGIANCE** The Salute to the Flag was led by Commissioner Diaz.
- 3. ROLL CALL** Planning Commissioners Present:
*Brimmer, Diaz, Goolsby, Gordon, Park, Saenz, Verrett

*(Brimmer arrived at 7:10 P.M.)

Planning Commissioners Absent:
Faletogo, Schaefer (both excused)

Planning Commissioners Departed Early:
Verrett (during discussion of 11C)

Planning Staff Present: Planning Officer Repp, Senior Planner Signo, Assistant City Attorney Konigar-Macklin, Associate Planner Gonzalez, Associate Planner Newberg, Associate Planner Song, Recording Secretary Bothe
- 4. AGENDA POSTING CERTIFICATION** Recording Secretary Bothe indicated that all posting requirements had been met.
- 5. AGENDA APPROVAL** Commissioner Saenz moved, seconded by Commissioner Verrett, to approve the Agenda as presented. Motion carried, 6-0 (Commissioner Brimmer had not yet arrived; absent Faletogo and Schaefer)
- 6. INSTRUCTIONS TO WITNESSES** Vice-Chairman Park 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** Assistant City Attorney Adrienne Konigar-Macklin
8. **ORAL COMMUNICATIONS** For items **NOT** on the agenda. Speakers are limited to three minutes.
9. **CONSENT CALENDAR**
- A) **Minutes:** December 14, 2010

MOTION: Commissioner Verrett moved, seconded by Commissioner Gordon, to approve the December 14, 2010, Minutes as presented. Motion carried, 6-0 (Commissioner Brimmer had not yet arrived; absent Chairman Faletogo and Commissioner Schaefer).

10. **CONTINUED PUBLIC HEARING**

- A) **Design Overlay Review No. 1376-10; Conditional Use Permit No. 837-10; Conditional Use Permit No. 838-10**

Applicant's Request:

The applicant, Trillium for T-Mobile West, is requesting to construct a 60-foot high unmanned wireless telecommunication facility designed as a eucalyptus tree for T-Mobile Wireless West in the ML-D (Manufacturing, Light; Design Review) zone. The subject property is located at 1421 East Del Amo Boulevard.

Staff Recommendation:

Senior Planner Signo presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 10-2356, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 1376-10, Conditional Use Permit No. 837-10 and Conditional Use Permit No. 838-10 to construct a 60-foot high unmanned wireless telecommunication facility designed as a eucalyptus tree at 1421 East Del Amo Boulevard."

Tim Miller, applicant, noted his concurrence with the conditions of approval.

Vice-Chairman Park closed the public hearing.

Planning Commission Decision:

Commissioner Gordon moved, seconded by Commissioner Verrett, to adopt Resolution No. 10-2356 (number assigned at the December 14, 2010, Planning Commission meeting), approving the applicant's request. Motion carried, 6-0 (Commissioner Brimmer had not yet arrived; absent Chairman Faletogo and Commissioner Schaefer).

10. CONTINUED PUBLIC HEARING

B) Conditional Use Permit No. 721-09

Applicant's Request:

The applicant, Firestone (Bridgestone Retail Operations, LLC), is requesting approval of a Conditional Use Permit for Firestone, an existing tire and wheel sales and auto repair store on a site located in the CR-D (Commercial, Regional-Design Overlay Review) zoning district. The property involved is located at 20707 South Avalon Boulevard.

Staff Recommendation:

Associate Planner Newberg advised that the applicant is now seeking a continuance to the February 8, 2011, Planning Commission meeting.

The Commission noted its concern with the numerous continuances for this matter, noting this will be the last one granted.

Vice-Chair Park stated that he would like to see new drawings submitted.

Planning Commission Decision:

Commissioner Saenz moved, seconded by Commissioner Diaz, to continue this matter to the February 8, 2011, Planning Commission meeting. Motion carried, 6-0 (Commissioner Brimmer had not yet arrived; absent Chairman Faletogo and Commissioner Schaefer).

11. PUBLIC HEARING

**A) General Plan Amendment No. 1424-10 and
Zone Change Case No. 163-10**

Applicant's Request:

The applicant, Carson Redevelopment Agency, is requesting to amend the General Plan Land Use designation from Low Density Residential to General Open Space and change zoning designation from RS (Residential, Single-Family) to OS (Open Space). The property involved is located at 21208 Shearer Avenue.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 11-2360, entitled, "A Resolution of the Planning Commission of the city of Carson recommending approval to the City Council General Plan Amendment No. 1424-10 and Zone Change Case No. 163-10 for the property located at 21208 Shearer Avenue."

Vice-Chairman Park opened the public hearing. There being no input, Vice-Chairman Park closed the public hearing.

Planning Commission Decision:

Commissioner Saenz moved, seconded by Commissioner Verrett, to approve staff recommendation, thus adopting Resolution No. 11-2360. Motion carried, 6-0 (Commissioner Brimmer had not yet arrived; absent Chairman Faletogo and Commissioner Schaefer).

11. PUBLIC HEARING

B) Conditional Use Permit No. 819-10

Applicant's Request:

The applicant, Pat Brown, is requesting to approve an existing auto dismantling yard in the MH (Manufacturing, Heavy) zoning district. The subject property is located at 16845 South Main Street.

Staff Report and Recommendation:

Associate Planner Song presented staff report and the recommendation to APPROVE Conditional Use Permit No. 819-10; and WAIVE further reading and ADOPT Resolution No. 11-2361, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 819-10 to permit an auto dismantling yard located at 16845 South Main Street."

Vice-Chairman Park opened the public hearing.

Pat Brown, applicant's representative, commended Associate Planner Song for her excellent work; noted his concurrence with the conditions of approval; and stated for Commissioner Saenz that sales tax is generated by this business.

Vice-Chairman Park closed the public hearing.

Planning Commission Decision:

Commissioner Verrett moved, seconded by Commissioner Gordon, to approve the applicant's request, thus adopting Resolution No. 11-2361. Motion carried, 7-0 (absent Chairman Faletogo and Commissioner Schaefer).

11. PUBLIC HEARING

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

Applicant's Request:

The City is requesting a revocation of permits for 3 Men's Suits \$129.99 (SW Suits) to construct a freeway-oriented sign and exceed the maximum allowable sign area for the Avalon Plaza shopping center. The subject property is located at 20761-20775 South Avalon Boulevard.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation to REVOKE approval of Design Overlay Review No. 1337-09 and Variance No. 506-09; and WAIVE further reading and ADOPT Resolution No._____, entitled, "A Resolution of the Planning Commission of the city of Carson revoking approval of Design Overlay Review No. 1337-09 and Variance No. 506-09 for a freeway-oriented wall sign and a variance request to exceed the total allowable sign area for a shopping center located at 20761-20775 South Avalon Boulevard."

Vice-Chairman Park asked if the property owner is aware of the nonconformity.

Senior Planner Signo indicated yes, he is.

Commissioner Brimmer asked if the applicant put in writing the reasons for not complying with the conditions of approval.

Senior Planner Signo indicated no, he hadn't. He added that staff had sent several letters, including certified mail, and made several phone calls to address this nonconformity with the applicant and that the applicant had not returned any of those calls.

Commissioner Goolsby stated that this business provides an affordable service for this community and that he would not like to see it closed down.

Assistant City Attorney Konigar-Macklin explained that this is a signage issue and that it's not to close this business down.

Commissioner Saenz stated that the entire backside of the building should be painted one color even after the attempts to remove the graffiti.

Commissioner Brimmer stated she would not like to see this applicant vacate this business if he cannot afford the improvements.

Commissioner Saenz suggested the applicant seek assistance with the City's commercial rehabilitation program.

Vice-Chairman Park opened the public hearing.

David Dupetit, applicant, stated that he has been dealing with this banner issue for several years; and pointed out that ever since IKEA, which is located across the street, received permission to display a permanent banner, Code Enforcement has aggressively and unfairly targeted his business for banner/signage displays. He pointed out that these banners bring in the bulk of his business from freeway traffic and that the banner displays are most important to the success of his business. He highlighted his disappointment in spending the money to put up the 3-foot channel letters on the back of the building, finding they are hardly visible from the freeway. He added that the poster signs on the windows somehow keep people from shooting out those expensive windows and damaging his merchandise. He mentioned that he will be proposing a banner program to the Commercial & Public Signage Subcommittee on the 25th of January.

Mr. Dupetit stated that the 3-foot channel letters brought in zero response and that once he put up the banner, he saw his business increase from those seeing the banner from the freeway. He advised that he just signed a 10-year lease for this building, noting he will be here for another 15 years; and he urged the City to help his business survive instead of requiring small signage that is ineffective. He added that the people who see his banner display on the back of the building are from other cities, pointing out that they not only shop in his store, but they also shop elsewhere and dine in Carson.

Vice-Chairman Park pointed out to Mr. Dupetit that he agreed to the conditions of approval when the permits were granted.

Mr. Dupetit stated that is correct, but added that he had no idea how ineffective those 3-foot channel letters would be.

Commissioner Verrett stated that while she sympathizes with the applicant's concern, he did agree to the terms for approval of those permits.

Mr. Dupetit stated that the channel letter signage was very expensive and also contributed to the drop in business he was experiencing; and advised that in order to save his business, he put the banner signage up on the back wall. He questioned why he is being targeted when so many major corporations and other businesses in Carson are displaying banners and multiple signage.

Commissioner Gordon noted that the Planning Commission made some concessions and spent a lot of time on these issues in 2009 and stated it is disappointing this applicant has not complied with the conditions of approval. He questioned what evidence the applicant has to support his claim that the banner brings in more business and that the channel letters are ineffective.

(Commissioner Verrett departed the meeting at this point.)

Mr. Dupetit stated that he talks with his customers and noted that he does get business from Carson residents but that he is seeking to draw customers from other cities by way of the freeway. He added that staff would only support a maximum of 3-foot channel letters and that display has proven to be a waste of money because of its ineffectiveness to bring in customers.

Commissioner Goolsby noted his disappointment that the City didn't require a schematic to be scale drawn to determine the effective visibility of the 3-foot channel letters from the freeway.

Mr. Dupetit stated he would have not agreed to the 3-foot channel letters if he knew it couldn't be well seen from the freeway. He pointed out this is a small business and that he is doing everything he can think of to stay in business; and he stated that if the banner comes down from the backside of the building, he will be forced out of business.

John Taylor, resident, stated that this business offers affordable suits that are much needed in this community, noting that he has purchased several suits from this business to bury several family members. He urged the City to work with this applicant. He pointed out that several businesses have come and gone at this site and that he would not like to see that happen with this much needed business.

Derrick Takaguchi, resident, stated that a successful business must have a trial and error period to be successful, pointing out that Mr. Dupetit has found what it takes to draw business into this establishment from other cities. He added that the affordability of the suits is much needed especially during this poor economy, helping to affordably

clothe people as they search for jobs. He noted that this applicant has reformulated his inventory for 3 suits for \$129.99 because it works and that he is offering this community an affordable service. He noted that he and the applicant drove around the City just today and counted 120 banners on various business establishments. He advised that until this anchor business came to this plaza, it had not experienced the success it has today, noting that his customers shop and dine at the other establishments in this plaza and elsewhere in the city. He reminded the Commission of the high vacancy rates in other shopping centers and noted he would not like to see this end unit vacant once again. He noted that this applicant is doing all he can to survive in these poor economic times and he urged the City to help this business owner.

Mr. Dupetit stated that all he wants is a visible sign that can be easily seen from the freeway, possibly one that can be changed for promotional events. He stated that the existing banner is what he'd like to display, noting it has proven to be effective in bringing in business from other cities.

There being no further input, Vice-Chairman Park closed the public hearing.

Planning Commission Decision:

Commissioner Gordon moved, seconded by Commissioner Diaz, to revoke the permits. (This motion was amended following discussion).

Commissioner Brimmer noted that the applicant should have documented his concerns and that he needs to work within the guidelines the City has established.

Commissioner Gordon stated that the applicant is using the same excuse about the poor economy and that he is not working within the system. He reiterated that the applicant has not kept his side of the agreement.

Commissioner Goolsby stated that he noticed this business because of its banner display and that he shops at this store; and stated that he would not like to see this store go out of business because of a banner display issue.

Commissioner Brimmer highlighted the limited visibility of the 3-foot channel letters from the freeway and urged the City to develop a design to make the channel letters more visible.

Planning Officer Repp stated that the channel letters would be more noticeable with the other conditions that were applied, such as the trellis and landscaping, and pointed out these architectural elements would frame the signage. She noted that the applicant can request financial assistance from the City's Commercial Rehabilitation program. She added that this applicant is proposing sign letters twice as large as what was approved, and noted her concern with setting a precedent. She urged the Commission to think about what banner policy it would like to see Citywide, noting that permanent banner displays are generally not allowed in most communities.

Following Commission discussion, Planning Officer Repp advised that the Commission could add a condition that if the applicant decides to reinstall the 3-foot channel letters at this point, he would be able to do that as long as he is in full compliance with the other conditions of approval. She added that a building permit will not be issued unless the applicant fully complies with all the conditions; and added that if the applicant decides at a future date to reinstall the 3-foot channel letters or proposes something else, he will have to reapply for a design review and variance and incur additional costs.

Commissioner Gordon amended his motion to add a condition that the applicant be permitted to reinstall the 3-foot channel letters as long as he is in full compliance with the rest of the conditions that were previously applied.

Commissioner Brimmer asked if the City can provide any design assistance to this applicant since the 3-foot channel letters are not as visible from the freeway as the applicant would like.

Planning Officer Repp advised that the City does have a commercial rehabilitation program to assist with financing signage, but stated that the applicant would need to apply for that assistance through the Economic Development Department; and pointed out that funds are limited with this program. She explained that the Planning Commission should keep in mind what it thinks would be suitable signage for this location, pointing out that this applicant wants signage that is substantially larger than what is seen with any of the similarly sized businesses in this area. She estimated that the current banner letters are twice the size of what the Planning Commission approved for the channel letters. She noted that from the applicant's input this evening, it is her understanding the applicant wants to eliminate the 3-foot channel letter sign and that he would like to have a less expensive banner display that can be changed on a promotional basis; and stated that the Planning Commission should consider whether allowing this would set a precedent with other businesses in this center wanting their own banners.

Planning Officer Repp acknowledged there are a lot of banners on businesses within the community, but pointed out that Code Enforcement is focusing more on the elimination of those illegal banners. She noted that if the Commission wants to allow the banner, the code would need to be amended, questioning if the Planning Commission wants to see long-term banner displays on a Citywide basis.

Commissioner Brimmer stated there should be an exception for this store because prior businesses have not been successful at this location, noting that it's worth exploring how best to help enhance the visibility of this business.

Vice-Chairman Park pointed out that the issue before the Commission this evening is to decide whether the applicant followed through with what he agreed to do, noting that it is his belief the applicant has not lived up to his side of the agreement. He added that the business owner should be exploring different options to attract more business.

Having listened to the applicant and the Commission's concerns with regard to adequate identification on the back of this building, Planning Officer Repp stated that while the 3-foot channel letters are not as visible as the applicant would like, it does provide some enhanced visibility from the back; and noted there are two choices to consider: 1) to revoke all permits, making them null and void; or 2) add a condition that the applicant shall not reinstall channel letters without being able to demonstrate full compliance with all the conditions of approval prior to the issuance of a building permit.

Commissioner Gordon stated that he has been able to see the channel letters from the freeway; and pointed out that the rest of the businesses in this shopping center also rely on signage but they are not permitted to have additional signage on the back wall. He added that the applicant should be working within the system at all times.

Commissioner Gordon reiterated his amended motion to include Planning Officer Repp's suggestion that should the applicant wish to reinstall his channel letters at this time, that would be allowed as long as the rest of the conditions of approval have been fulfilled.

Planning Officer Repp clarified that this should now be worded as a "modification" since the applicant recently removed the channel letters, noting he is not technically taking

advantage of the current permit under the design review and variance. She added that the City would allow the permit to stay open for a certain period of time to allow the applicant to seek other options, but ultimately, the best option is to reinstall the 3-foot channel letters. She suggested the Commission add a condition that a building permit will not be issued until the applicant demonstrates he has fulfilled all the requirements of the conditions of approval; and she advised that if the Commission does not support that option, it can revoke the permits completely. She added that if the applicant decides at a future date to reinstall the 3-foot channel letters or something else, he will have to reapply for a design review and variance, which would be an additional expense and process. She noted that what she's hearing from the applicant this evening is he may not be willing to reinstall those channel letters and that his preference is to propose to the City an ordinance amendment to have long-term and/or permanent banner displays; and, therefore, for the benefit of the applicant, she would suggest keeping the permit open for a short period to allow the applicant time to reconsider.

Commissioner Diaz accepted Commissioner Gordon's amendment to the motion.

Commissioner Brimmer pointed out that this corner building location is a critical spot and that she is looking to staff for help with the design development to assist the applicant. She added that she does not like how the applicant has handled this problem and that he needs to work better with the City; and she asked if there is something the City can offer and report back to the Commission in 30 days. She reiterated that while the applicant is in violation, she would not like to see another business fail at this critical location.

Planning Officer Repp stated that if the Commission modifies the current permits so the applicant has to come back in for a reauthorization to reinstall the 3-foot channel letters or a modification to the existing permits, he would have a right to come back to the Commission with those proposed changes.

The amended motion failed as follows:

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

Vice-Chairman Park requested a clarification on the amended motion.

Planning Officer Repp explained that staff's recommendation at this time would be to concur with the original approval of the Planning Commission; that no change would occur in terms of the design/installation of the 3-foot channel letters or the improvements the Commission required pursuant to the design review and variance; and that there would be an added condition of approval that the applicant shall not reinstall the channel letters on this building until such time that he can demonstrate he is in complete compliance or will be in complete compliance with all the conditions of approval.

Commissioner Gordon moved, seconded by Commissioner Diaz, to concur with staff recommendation, as stated by Planning Officer Repp in the paragraph above.

Assistant City Attorney Konigar-Macklin clarified staff's recommendation is to revoke approval of the permits with an additional condition that would allow the applicant to reinstall the 3-foot channel letters within a certain period of time while complying with all the conditions.

By way of a substitute motion, Commissioner Goolsby moved, seconded by Commissioner Brimmer, to continue this matter to the Planning Commission's February 8, 2011, meeting, allowing further exploration of redevelopment assistance.

The substitute motion for a continuance failed as follows:

- AYES: Brimmer, Goolsby, Saenz
- NOES: Diaz, Gordon, Park
- ABSTAIN: None
- ABSENT: Faletogo, Schaefer, Verrett

The motion to allow the applicant to reinstall the 3-foot channel letters with full compliance failed as follows:

- AYES: Diaz, Gordon, Park
- NOES: Brimmer, Goolsby, Saenz
- ABSTAIN: None
- ABSENT: Faletogo, Schaefer, Verrett

Planning Officer Repp suggested this item be continued to a meeting wherein an uneven number of Commissioners is present to break the ties.

Vice-Chairman Park moved, seconded Commissioner Gordon, to reopen the public hearing and to continue this matter to the January 25, 2011 meeting. This motion carried as follows, 4-2:

- AYES: Brimmer, Gordon, Park, Saenz
- NOES: Diaz, Goolsby
- ABSTAIN: None
- ABSENT: Faletogo, Schaefer, Verrett

12. WRITTEN COMMUNICATIONS None.

13. NEW BUSINESS DISCUSSION None.

14. MANAGER'S REPORT

Planning Officer Repp invited the Commission members to attend a community dialogue meeting Thursday, January 13, 2011, 7:00 P.M., Community Center, related to the environmental investigation of the Carousel tract area.

15. COMMISSIONERS' REPORTS

Commissioner Diaz stated that he attended the EV1 plug in electrical car conference that was held at the Community Center, noting that the event was very informative; noted that it was sponsored by the South Coast Quality Air Management District; and highlighted the importance of strategic plug-in stations throughout various cities.

Vice-Chair Park advised that the South Region High School No. 4 Ad Hoc Committee will be meeting Thursday, January 13, 2011, at Carnegie Jr. High School in the auditorium; and noted they will be discussing modifications to enhance the area around Dominguez. He advised that LAUSD will be conducting a community meeting at 6:00 P.M. to discuss the anticipated attendance, student areas, charter schools, etc., on Santa Fe Avenue and Carson Street, suggesting that those who have children that will be attending this high school should attend this meeting.

16. ADJOURNMENT

At 8:45 p.m., the meeting was formally adjourned to Tuesday, January 25, 2011, 6:30 P.M., City Council Chambers.

Chairman

Attest By:

Secretary