

## MINUTES

### CITY OF CARSON PLANNING COMMISSION REGULAR MEETING

*CITY COUNCIL CHAMBERS, CARSON CITY HALL*

*701 East Carson Street, Second Floor  
Carson, CA 90745*

*February 22, 2011 – 6:30 P.M.*

1. **CALL TO ORDER** Chairman Faleto go called the meeting to order at 6:35 P.M.
2. **PLEDGE OF ALLEGIANCE** Commissioner Schaefer led the Salute to the Flag.
3. **ROLL CALL**

Planning Commissioners Present: Diaz, Faleto go, Goolsby, \*Gordon, Park, Schaefer, Saenz, Verrett

\*(Commissioner Gordon arrived at 6:38 P.M.)

Planning Commissioners Absent: Brimmer

Planning Commissioners Departed Early: Verrett (Item 11I)

Planning Staff Present: Planning Officer Repp, Senior Planner Signo, City Attorney Wynder, Associate Planner Gonzalez, Associate Planner Newberg, Associate Planner Song, Assistant Planner Castillo, Assistant Planner Raktiprakorn, Recording Secretary Bothe
4. **AGENDA POSTING CERTIFICATION** Recording Secretary Bothe indicated that all posting requirements had been met.
5. **AGENDA APPROVAL** Commissioner Saenz moved to approve the Agenda as submitted. This motion was superseded.

Vice-Chairman Park moved, seconded by Commissioner Diaz, to consider Agenda Item Nos. 12A and 11E as the first order of business. Motion carried, 7-0 (Commissioner Gordon had not yet arrived; absent Commissioner Brimmer).

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- 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.
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**9.     CONSENT CALENDAR**

- A)     **Minutes:**     February 8, 2011

**MOTION:** Chairman Faletogo moved, seconded by Vice-Chairman Park, to approve the February 8, 2011, Minutes as presented. Motion carried as follows:

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

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**10.    CONTINUED PUBLIC HEARING**

- A)     **Conditional Use Permit No. 806-10**

The applicant, Michael Coyne, is requesting Conditional Use Permit approval to facilitate continued auto repair use for a Midas Auto Repair located in the MU-CS (Mixed Use-Carson Street) zoning district. The subject property is located at 333 East Carson Street.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 11-2375, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 806-10 for an existing auto repair use located at 333 East Carson Street."

Michael Coyne, franchise owner/applicant, stated that he leases this building; noted that he is responsible for maintaining the building and its signage; and noted that he will concede with staff's direction to remove the sign even though it is very important to the success of his business and even though all his competitors, such as Pep Boys and Just Tires, all have large signs. He stated he has no control over the rest of the shopping center and that he is not responsible for improving, repairing, maintaining, or re-slurrying the parking lot in the shopping center, noting this is the responsibility of the property owner.

Planning Officer Repp pointed out that the conditions related to the lack of landscaping and poor condition of the facility are considered property maintenance issues regardless of the applicant's CUP that's before the Planning Commission this evening and could be considered code enforcement issues; and stated that the property owner/leaseholder are required to make corrections to meet minimum code requirements.

Commissioner Verrett asked if the property owner has been contacted and apprised of the property maintenance issues.

Planning Officer Repp advised that through the public hearing process, the property owner has been advised.

Associate Planner Gonzalez mentioned that he has been communicating with the property owner, Kathleen Brock; that he has explained to her the issues of concern; and that she has received a copy of the staff report. He advised that Ms. Brock has leased the property to a company which is subleasing the property.

City Attorney Wynder stated that it is up to the property owner and the applicant to decide who does the improvements.

Planning Officer Repp highlighted Condition No. 10 which states that the owner/applicant shall make the improvements.

Commissioner Diaz expressed his belief it is not reasonable or fair for this applicant to shoulder the full burden of making improvements to this shopping center; and that the property owner should assume the responsibility of maintaining her own property.

Commissioner Goolsby echoed Commissioner Diaz' comments.

Mr. Coyne stated he has no leverage in this matter and asked for the City's assistance in seeking an equitable solution; pointed out that the conditions as written can easily allow the property owner to not pay for the improvements, reiterating that he does not own this shopping center; and that the conditions as written will place him in a difficult position with the property owner.

There being no further input, Chairman Faletogo closed the public hearing.

Commissioner Verrett stated it is unfair to require the applicant to make the improvements to this property, that the property owner should be paying for the improvements; and stated that there must be some language staff can add that requires the property owner to properly maintain their property.

City Attorney Wynder suggested that the Commission could impose a deadline under which property maintenance is to be concluded within a certain period of time; and noted that if those property improvements are not made within that period of time, the case could be handed over to the City Prosecutor's Office for code violation action against the property owner and/or the entity responsible for property maintenance.

Chairman Faletogo supported that option, pointing out that this applicant only rents his building.

Planning Officer Repp suggested that June 1, 2011, could be considered as an option for the deadline for the repair work on the driveways and parking lot; and that failure to do so within that timeframe will result in an immediate referral to the City Prosecutor's Office. She noted there are significant cracks and fissures that need to be addressed in this parking lot.

Planning Commission Decision:

Vice-Chairman Park moved, seconded by Commissioner Diaz, to approve staff recommendation; to add Condition No. 22, "The property maintenance repairs - replacement of broken driveway approaches, re-slurrying and re-stripping of the entire

parking lot - shall commence no later than June 1, 2011. Failure to initiate such work shall result in immediate referral to the City Prosecutor's Office for court action"; and moved to adopt Resolution No. 11-2375. Motion carried, 8-0 (absent Commissioner Brimmer).

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**11. PUBLIC HEARING**

**A) Extension of Time for Conditional Use Permit No. 703-08 and Design Overlay Review No. 1295-08**

The applicant, Carson Valley, LLC, is requesting a one-year time extension to facilitate development of a mixed-use business park with 265,000 square feet of light industrial, office and retail space located in the ML-ORL (Manufacturing Light, Organic Refuse Landfill) zoning district. The subject property is located at 20630 South Figueroa Street.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to APPROVE the extension of time for Design Overlay Review No. 1295-08 and Conditional Use Permit No. 703-08 until February 22, 2012; and ADOPT a minute resolution extending the approval to February 22, 2012.

Chairman Faletogo opened the public hearing. There being no further input, Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Chairman Faletogo moved, seconded by Commissioner Schaefer, to approve the applicant's request, granting an extension of time until February 22, 2012. Motion carried, 8-0 (absent Commissioner Brimmer).

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**11. PUBLIC HEARING**

**B) Retail Sale of Diesel Fuel for Large-Body Trucks**

The applicant, Bijan Radnia, is requesting to consider a major modification to allow large-body trucks on site for retail sale of diesel fuel or revocation of approval for retail sale of diesel fuel at an existing Mobil gas station located in the CG-D (Commercial, General – Design Overlay) zoning district. The subject property is located at 21633 South Wilmington Avenue.

Staff Report and Recommendation:

Planning Officer Repp advised that this matter is being continued to the March 10, 2011, Planning Commission meeting.

Chairman Faletogo opened the public hearing.

Planning Commission Decision:

Without objection, Chairman Faletogo continued this matter to the March 10, 2011, Planning Commission meeting (absent Commissioner Brimmer).

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**11. PUBLIC HEARING**

**C) Variance No. 523-11**

Applicant's Request:

The applicant, Rodolfo Padilla, is requesting to permit a new two-car attached garage in the required side yard area of a single-family residential lot in the RS (Residential, Single-Family) zoning district and within the Carson Consolidated Redevelopment Project Area. The subject property is located at 24021 Fries Avenue.

Staff Report and Recommendation:

Assistant Planner Castillo presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 11-2376, entitled, "A Resolution of the Planning Commission of the city of Carson approving Variance No. 523-11 for the property located at 24021 Fries Avenue."

Chairman Faletogo opened the public hearing.

Mario Ramirez, applicant's representative, noted his concurrence with the conditions of approval.

Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Saenz moved, seconded by Commissioner Verrett, to approve the applicant's request, thus adopting Resolution No. 11-2376. Motion carried, 8-0, as follows:

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

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**11. PUBLIC HEARING**

**D) Conditional Use Permit No. 747-09 and  
Conditional Use Permit No. 832-10**

Applicant's Request:

The applicant, Mohammad Malek, is requesting to approve two separate conditional use permits for vehicle service and convenience goods sales at a retail petroleum outlet located in the CG-D (Commercial, General Design Overlay) zoning district. The subject property is located at 22309 South Main Street.

Staff Report and Recommendation:

Assistant Planner Raktiprakorn stated that the applicant was not able to be here this evening and that the applicant is seeking a continuance to the next meeting.

Chairman Faletogo opened the public hearing.

Planning Commission Decision:

Without objection, Chairman Faletogo continued this matter to the March 10, 2011, Planning Commission meeting (absent Commissioner Brimmer).

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(This matter was considered out of Agenda order.)

**11. PUBLIC HEARING**

**E) Design Overlay Review No. 1359-10**

Applicant's Request:

The applicant, Our Lady of Guadalupe Church, Reverend Efren Cortez, is requesting construction of a two-story, 2,535-square-foot addition to an existing one-story, 1,975-square-foot church building, and related parking lot and landscaping improvements on a total of 21,626-square-foot lot located in the CG-D (Commercial, General – Design Overlay) zone and within the Carson Consolidated Redevelopment Project Area. The subject property is located at 2581 East Carson Street.

Staff Report and Recommendation:

Associate Planner Newberg presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No.\_\_\_\_, entitled, "A Resolution of the Planning Commission of the city of Carson recommending approval of Design Overlay Review No. 1359-10 to the Carson Redevelopment Agency for construction of a 2,535-square-foot addition to an existing 1,975-square-foot church building located at 2581 East Carson Street."

Chairman Faletogo asked how many parking spaces this church has and how large its congregation is.

Associate Planner Newberg stated that there are currently 39 parking spaces and that the church has six mass/services on Sundays, starting at 8:00 A.M. and ending at 6:00 P.M., each service lasting an average of 45 minutes. He noted that the maximum occupancy in the sanctuary is approximately 90 people.

Chairman Faletogo questioned whether mass/service parishioners are arriving on scene while another service is taking place or soon ending, noting his concern with overcrowding of parking and traffic/pedestrian safety.

Associate Planner Newberg stated that is possible and noted that in order to lessen the impact of back-to-back service activity, staff is suggesting an additional condition that the community room not be used/open at the same time as the sanctuary area.

Chairman Faletogo expressed his belief that will not adequately reduce the parking congestion, pointing out this church has not been abiding by some of its obligations.

Commissioner Goolsby mentioned he has built several churches during his construction career with limited parking and requirements placed on these churches not to have simultaneous activities going on at the same time and advised that when the construction was completed, many of the churches ignored this condition. He asked staff how the City plans to monitor this church's adherence to this condition.

Associate Planner Newberg stated that the City's Code Enforcement Department is charged with enforcing adherence to conditions of approvals.

City Attorney Wynder stated that adherence to the conditions of approval apply to every application that comes before the Commission and that the City ultimately has to rely on the honor system for each to obey the conditions of approval, but added that Code Enforcement is available to enforce the conditions of approval when necessary. He added that much of the Code Enforcement system is complaint-driven. He explained that the issue before the Commission this evening is -- are the conditions of approval that staff is recommending sufficient to mitigate against the concerns that staff has raised -- always recognizing that obedience to the conditions of approval are going to be an issue in any discretionary land use application the Commission ever hears; and pointed out that hopefully because the City is dealing with a church's commitment to honesty, one would think that the probability of adherence to those conditions would be increased given the nature of this use.

Commissioner Gordon asked staff how their parking calculations are made.

Associate Planner Newberg explained that one of three ways can be calculated but stated that it averages out to the same number in this case, noting that taking the largest assembly area here, it's calculated at one parking space for every 35 square feet of sanctuary area.

Commissioner Gordon commented on the separation between the community room and the sanctuary and asked for clarification on what staff means by the word "open" when referring to the use of the community room versus the sanctuary.

Associate Planner Newberg stated that because the community room and the sanctuary are separated by a wall, the community room is calculated separately in terms of parking, one parking space for each 21 square feet of community room area, noting they currently need 30 spaces.

Planning Officer Repp stated that it would be acceptable for one or two individuals to be in the community room preparing for an event in that room while a service is taking place in the sanctuary, such as setting up tables, chairs, and that would not be considered open for public use. She added that if people are lingering inside the community room drinking coffee and eating cookies/donuts while the next service activity in the sanctuary is beginning to take place, that would be considered two activities taking place at the same time and over-extending the limited parking availability, which would be prohibited. She reiterated that the condition clearly states the church is prohibited from over-lapping its use of both rooms at the same time and that it is necessary for this church to put in place operational standards to make sure they never have that overlap. She pointed out it is important for the church not to negatively interfere with the enjoyment of life for the residents and businesses.

Commissioner Gordon stated that the word "open" needs to be more definitive.

Commissioner Saenz asked if any recent complaints have been received with regard to the activities at this church, other than what is cited in the report.

Associate Planner Newberg stated that he received a call from an adjoining neighbor to the east who complained about parking issues and constant blocking of his driveway which fronts Carson Street, noting that staff believes the conditions will help alleviate some of the parking problems.

Planning Officer Repp stated that most recently during the public hearing process, staff has not received a lot of complaints, but pointed out that staff has received a significant number of complaints over the years regarding this property where the church has

become more popular/successful than what the property can handle, noting this is a big concern in terms of increasing parking that is intruding into the neighborhoods; advised that non-permitted activities have been taking place in the parking lot of the church, such as selling of prepared food and drinks, and that there is a party-like atmosphere spilling out from the building into the parking lot. She stated that the church is proposing this addition to internalize those parking lot activities, but that in terms of code enforcement activities, it has been a significant concern. She stated that the neighborhoods and nearby businesses have been significantly impacted and stated she is hopeful the church will abide by the code requirements and the conditions for approval.

Chairman Faleto go opened the public hearing.

Rev. Cortez, pastor of Our Lady of Guadalupe, noted his concurrence with the conditions of approval. He stated that he had been communicating with the Planning Department and former City Manager Groomes about the code violations that have been taking place on this property, noting it's been happening because they don't have the proper building size for their activities. He advised that they use the outdoor canopy to teach bible classes outside due to the lack of room inside; and stated that the additional square footage will give them an appropriate indoor space to conduct their business, believing this will alleviate the community's concerns.

Chairman Faleto go asked how many parishioners attend the six services at this church.

Rev. Cortez stated that because his congregation is growing, he's had to add more services, urging more of his parishioners to come to the various services he offers on Sundays to limit the impact to the community, pointing out his church is vastly growing in its number of parishioners. He stated he is aware that the activities on this property are negatively impacting the neighbors and businesses; that he intends to add Saturday evening services; and stated that he is welcoming and accommodating all new parishioners who wish to join his growing congregation.

Commissioner Saenz asked how Rev. Cortez plans to address the continuous violations, highlighting the unlicensed and illegal sales and preparation of food and other items being sold on the church parking lot.

Rev. Cortez stated that he has addressed these problems; stated that he didn't know there was somebody selling items on this property and that once he was aware of it, he told them they were not allowed to do that any longer.

Planning Officer Repp advised that one of the additional conditions relates to the temporary structures, adding - "The applicant shall prohibit temporary structures, including but not limited to, tents and shading devices from being erected on any parking area unless prior written approval is received from the Planning Division." She stated that Planning Division approval shall only be granted on an infrequent basis, such as once or twice a year. She asked if that would be acceptable.

Rev. Cortez stated "yes."

Planning Officer Repp stated that the second condition is related to the garage structure, adding - "The original garage structure shall not be used for offices or any habitable purposes and shall be used solely for storage." She asked if that would be acceptable.

Rev. Cortez stated "yes."

Planning Officer Repp added 46C, "No opening shall be permitted in the walls between the existing church building and the proposed building unless prior approval is obtained

from the Planning Commission and all building permits are obtained.” She asked if that would be acceptable.

Rev. Cortez stated “yes.”

Planning Officer Repp stated the last condition would be 11A - “The proposed community/recreation room shall be reduced in size to meet the parking requirements established by the Carson Municipal Code and shall not be utilized in such a way to exceed the parking available on the church property. The community/recreation room shall not be actively utilized at the same time the main sanctuary is being used.”

Rev. Cortez stated “yes.”

Planning Officer Repp stated the discussion has been very clear that if one service has ended and people have gone to the community room, they must leave that room within a half hour before the next one is supposed to start so there is no overlap. She stated this would also apply if the community room is being used for any other activity, whether it be a quinceaneras or any other activity, the church representatives are to make sure the people who are utilizing the room are not bringing more people onto the property than what the church can accommodate in parking, that the church officials are to restrict their use. She noted that in talking with community members, one other condition should be added related to parking in situations where there are weddings or quinceaneras, there’s often the use of limousines that are not coming onto the property and are blocking traffic on the street, which is a violation of the Vehicle Code; and she suggested adding a condition which requires that “The church, under any circumstance where it is renting or otherwise allowing the use of their facility, shall make sure all individuals are aware they are not allowed in any way to block public use or utilize the streets in a manner that is incompatible with Vehicle Code requirements or do not create a public nuisance or safety issue.”

Rev. Cortez stated “alright.”

Chairman Faletogo asked Rev. Cortez if he is in agreement with the proposed language and added conditions of approval.

Rev. Cortez stated “yes.”

Commissioner Schaefer stated that because Rev. Cortez has confirmed his congregation is growing and that the parking is an issue, she asked if anyone has considered offsite shuttle service to help eliminate parking and traffic problems, possibly utilizing the parking lots of nearby businesses that are closed on Sundays.

Rev. Cortez stated that they had done a test a year ago of offsite shuttling and advised that it was successful in reducing the number of complaints. He added that they have a large celebration each year to celebrate Lady of Guadalupe and that this celebration lasts three days.

Associate Planner Newberg advised that staff had not considered shared parking arrangements for this church because there was no parking nearby that could be arranged that would also meet the Zoning Code, being within 400 feet of this site. He stated that staff could consider a shuttle service proposal if one came before them.

Planning Officer Repp asked Associate Planner Newberg to state what the occupancy would be for the two rooms that would be subject to assembly requirements.

In terms of the existing church, Associate Planner Newberg stated it would be based on the square footage of the sanctuary area, which is 90 people max. He stated that the

new occupancy for the community room would be 40 people max; and added that a combined maximum occupancy would be around 130 to 140 people.

Commissioner Saenz suggested this church raise funds to purchase a larger building on a more appropriately sized lot.

Rev. Cortez mentioned that one of his parishioners who won the California lottery has offered to help purchase land for the church, noting he is willing to purchase more property if it becomes available.

There being no further input, Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Vice-Chairman Park moved, seconded by Commissioner Diaz, to continue this matter to the March 10<sup>th</sup> meeting. (This motion was superseded).

By way of a substitute motion, Commissioner Saenz moved, seconded by Commissioner Verrett, to approve the applicant's request. (The makers of the substitute motion withdrew this motion.)

Highlighting Vice-Chairman Park's motion for a continuance, Planning Officer Repp advised that it came to staff's attention just prior to this public hearing that the public notice posted onsite had been removed and is no longer visible for public view; and stated that it has come to staff's attention that community members in the surrounding area were unaware that a public hearing was being considered this evening for this matter.

Associate Planner Newberg confirmed that a public hearing poster had been posted on the church window 20 days prior to this evening's meeting, but when he visited the site today, there was no visible poster; and added that he does not know when it had been removed.

Hearing staff's concern with regard to the early removal of the public hearing notice on site, Commissioner Saenz withdrew his substitute motion.

Vice-Chairman Park stated that as the president of the Dominguez Homeowner's Association, he has tried for years to find some type of common ground to mitigate the problems being caused by the church activities; and pointed out that Rev. Cortez stated that his congregation is increasing in number. He addressed his concerns with no code enforcement on weekends and the weekend activities on this site that is causing a nuisance and traffic safety concerns, pointing out that the parishioners are parking in the neighborhoods up to 1,000 feet away from this church; and advised that the Sheriff's Department will only assist with limited parking issues. He noted that he has a stack of complaint letters over the years about the nuisance activities at this church, noting that approximately 1,000 members of his homeowner's association in this area are being negatively impacted each weekend. He advised that he tried to meet with Rev. Cortez just before this evening's meeting and offer to sit down and come up with a meaningful way to resolve the issues plaguing this community and relieve the problems; and he pointed out that Rev. Cortez was not receptive and was unwilling to meet and confer. He stated that an amicable solution to the problems the residents are experiencing must be worked out. He stated there was no poster on site today when he viewed the property and expressed his concern that firm conditions need to be put in place because this church has knowingly violated many codes in the past eight years.

Commissioner Diaz echoed Vice-Chairman Park's comments; and stated that because the notice was not posted on site for the full time, he agrees that this matter should be continued.

Commissioner Verrett withdrew her second on the substitute motion; and stated she agrees the church should be willing to work with the community to resolve the concerns and issues impacting the residents and businesses.

City Attorney Wynder stated the City has a legal duty to demonstrate staff posted this property for the entire period of time; that if staff cannot demonstrate today the poster was up for the entire time, a new public hearing will need to be re-noticed instead of a simple continuance; that the property will have to be reposted and notices will have to go out to the community; otherwise, he stated the City exposes itself to litigation. He asked if Rev. Cortez understands and accepts staff's recommendation to renote this hearing to an unspecified date.

Rev. Cortez stated that he understands the attorney's explanation, stating that he does not know who removed the poster from the church window; and stated that he is willing to meet and work out the issues of concern.

City Attorney Wynder suggested the property be posted in multiple places this time around and that a photograph of the poster be taken each day to prove it remains visible for the entire period. He asked if Rev. Cortez agrees.

Rev. Cortez stated "yes."

Commissioner Schaefer reiterated her desire for staff and the applicant to address the possibility of a shuttle service.

Commissioner Diaz suggested the posted notice be inside the window facing outward to the street.

Planning Officer Repp stated that the minimum posting activity will take 20 days; that staff will help the church coordinate a community meeting to address the community's concerns; and stated it is likely if all goes as planned, the Planning Commission meeting for this item will take place in April. She highlighted the necessity for a collaborative approach to work out all the issues of concern to everyone involved and to address the issues honestly and openly so it ends up being the best situation for all involved.

Chairman Faleto go recommended that a member of the Planning Commission attend the meeting(s), stating it most likely should be Vice-Chairman Park since he is the president of the neighborhood homeowner's association.

Commissioner Diaz stated that he'd also like to be invited to attend the meeting(s), noting he is directly impacted in this community.

Planning Officer Repp clarified that staff will contact the Dominguez Homeowner's Association to set up a meeting; and that anyone who is associated with that organization or a stakeholder would likely be able to participate in that meeting(s), noting those community meetings are generally open meetings.

Without objection, Chairman Faleto go continued this item to a date uncertain to allow for a community meeting (absent Commissioner Brimmer).

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**11. PUBLIC HEARING**

**F) Design Overlay Review No. 1392-10**

Applicant's Request:

The applicant, Watson Land Company, is requesting to permit the demolition of a 212,845-square-foot industrial/office building and the construction of a new 234,995-square-foot industrial/warehouse building on a site located in the ML (Manufacturing, Light) zone and within the Carson Consolidated Redevelopment Project Area. The subject property is located at 2255 East 220<sup>th</sup> Street.

Staff Report and Recommendation:

Associate Planner Song presented staff report and the recommendation to APPROVE the proposed project subject to the conditions of approval attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 11-2377, entitled, "A Resolution of the Planning Commission of the city of Carson recommending approval of Design Overlay Review No. 1392-10 to the Carson Redevelopment Agency for the construction of a new industrial/warehouse building located at 2255 East 220<sup>th</sup> Street."

Associate Planner Song noted for Vice-Chairman Park that the mature parkway trees are being removed because the roots are breaking up the concrete and noted that landscaping of like species in the area will be planted in place of the removed landscaping.

Chairman Faleto go opened the public hearing.

Craig Halverson, applicant's representative, noted his concurrence with the conditions of approval, stating they anticipate this project to be completed by the beginning of 2012. He added that large floor office space is no longer in demand and is hard to market and that they've experienced a lot of vacancy in this building.

There being no further input, Chairman Faleto go closed the public hearing.

Planning Commission Decision:

Chairman Faleto go moved, seconded by Commissioner Verrett, to approve the applicant's request; to amend Condition No. 33, "...curb and gutter and sidewalk per city of Carson..."; to amend Condition No. 35, "...width allowed for the site is 40 feet"; and to delete Condition No. 40, renumbering accordingly; and adopted Resolution No. 11-2377. Motion carried, 8-0, (absent Commissioner Brimmer).

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**11. PUBLIC HEARING**

**G) Conditional Use Permit No. 855-11**

Applicant's Request:

The applicant, Bobby Chang, World Logistics US, Inc., is requesting to approve a conditional use permit for a truck yard operation on a site located in the MH-D

(Manufacturing Heavy-Design Overlay) zoning district. The subject property is located at 2445 East Dominguez Street.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 11-2378, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 855-11 for a truck yard use located at 2445 East Dominguez Street."

Planning Officer Repp clarified for Commissioner Saenz that this is not a container yard, that it is a truck yard which will have much less traffic than a warehouse use and that it will have some benefits of employment.

Associate Planner Gonzalez noted for Vice-Chairman Park that no major repairs will be permitted on site.

Chairman Faletogo opened the public hearing.

Bobby Chang, applicant, noted his concurrence with the conditions of approval.

There being no further input, Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Diaz moved, seconded by Commissioner Gordon, to approve the applicant's request, thus adopting Resolution No. 11-2378. Motion carried, 8-0 (absent Commissioner Brimmer).

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**11. PUBLIC HEARING**

**H) Design Overlay Review No. 1399-11 and  
Conditional Use Permit No. 857-11**

Applicant's Request:

The applicant, Affirmed Housing, is requesting to construct a three-story affordable housing apartment complex, which includes development of a 40-unit multi-family 100 percent affordable housing development serving households with incomes between 30-60 percent AMI, on 1.36 acres in the RM-25-D (Residential, Multi-Family 25 units/acre – Design Overlay) zone and within Carson Consolidated Redevelopment Project Area. The subject property is located at 21227-21245 South Figueroa Street.

Chairman Faletogo opened the public hearing.

Anna Scott, Senior Project Manager, provided a power point presentation of the proposed project; advised that a full-time, onsite manager will be living on the property; commented on the many amenities offered to the residents who qualify to live in these units; and highlighted the income requirements and the size of the units that will be provided. She stated that Affirmed Housing will own and operate this property in perpetuity and advised that Affirmed Housing has other affordable community properties.

There being no further input, Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Saenz moved, seconded by Chairman Faletogo, to concur with staff recommendation, thus adopting Resolution No. 11-2379. Motion carried, 8-0 (absent Commissioner Brimmer).

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(Commissioner Verrett departed the meeting prior to staff report on this matter.)

**11. PUBLIC HEARING**

- I) Conditional Use Permit No. 803-10; Conditional Use Permit No. 804-10; Conditional Use Permit No. 811-10; Conditional Use Permit No. 812-10; Conditional Use Permit No. 814-10; Conditional Use Permit No. 815-10; Conditional Use Permit No. 816-10; Conditional Use Permit No. 817-10; Conditional Use Permit No. 818-10; Conditional Use Permit No. 828-10**

The applicant, Botach Management, is requesting to approve ten (10) individual, existing, non-conforming auto repair uses located on the subject property and within the MU-CS (Mixed Use – Carson Street) zone and the Carson Consolidated Redevelopment Project Area. The subject property is located at 336-348 East Carson Street.

Staff Report and Recommendation:

Associate Planner Newberg presented staff report and the recommendation to DENY Conditional Use Permit No. 803-10; Conditional Use Permit No. 804-10; Conditional Use Permit No. 811-10; Conditional Use Permit No. 812-10; Conditional Use Permit No. 814-10; Conditional Use Permit No. 815-10; Conditional Use Permit No. 816-10; Conditional Use Permit No. 817-10; Conditional Use Permit No. 818-10; Conditional Use Permit No. 828-10; and WAIVE further reading and ADOPT Resolution No. 11-2380, entitled, “A Resolution of the Planning Commission of the city of Carson denying Conditional Use Permit request Nos. 803-10, 804-10, 811-10, 812-10, 814-10, 815-10, 816-10, 817-10, 818-10, 828-10 for ten (10) existing auto repair facilities located at 336-348 East Carson Street.”

Associate Planner Newberg noted for Chairman Faletogo that there are approximately 15 bays in this facility; and that each business operator pays approximately \$1,500 to \$2,000 a month.

Commissioner Saenz questioned why this property has continued to be in violation of codes for many years.

Planning Officer Repp explained that this is a good example of why the automotive CUP process was necessary, noting that each could be considered on a case-by-case basis; and added that it is not staff’s intent to displace businesses.

Krikor Bijakjian, operator of Maison Europe, Unit D, stated that the tenants pay a lot of money for their month-to-month leases on this property and stated that he cannot afford to pay for this CUP process. He advised that it is very difficult to get in touch with the property owner and he asked the City to give him at least six months to find another location to operate his business.

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Luis Sandoval, operator of Tonny's Auto Repair, Units B and C, stated that the tenants have made various improvements to their units, but noted that the landlord is not providing them with any assistance or helping to keep them in business at this location. He noted for Chairman Faleto go that his monthly rent for two spaces is \$2,300.

Tom Simms, Catskill Avenue resident, stated that for the last 13 years he has lived on this street, the operations from this property have created a nuisance for he and his neighbors over the years, advising that he can smell paint fumes and hear their loud music and air tools at all hours of the day and night. He added that music plays at 3:00 A.M. and that empty bottles are thrown onto his driveway. He mentioned that he has complained to the Sheriff's Department on several occasions.

Ramiro Bermudez, operator or RB Auto Repair, Unit C, stated that these operators need help; advised that there is currently some roof repairs taking place on site; and stated that his monthly rent is \$1,200.

There being no further input, Chairman Faleto go closed the public hearing.

Planning Officer Repp advised that there is a 15-day appeal period on any Commission action and stated that staff is supportive of giving the operators three months to relocate, with another three months should they need it.

Planning Commission Decision:

Commissioner Goolsby moved, seconded by Commissioner Saenz, to concur with staff recommendation, allowing from three to six months for the tenants to vacate this property; and adopted Resolution No. 11-2380. Motion carried as follows:

AYES: Faleto go, Goolsby, Gordon, Park, Saenz  
NOES: Diaz  
ABSTAIN: Schaefer  
ABSENT: Brimmer, Verrett

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**12. NEW BUSINESS DISCUSSION**

**A) Workshop regarding Long-Term Banners**

Applicant's Request:

The applicant, city of Carson, is requesting the Commission discuss and consider long-term banners for commercial properties.

Staff Report and Recommendation:

This matter was continued to the next Planning Commission meeting.

Planning Commission Decision:

Without objection, Chairman Faleto go continued this matter to the March 10, 2011, Planning Commission meeting (absent Commissioner Brimmer).

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**13. WRITTEN COMMUNICATIONS** None.

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**14. MANAGER'S REPORT**

- 2011 SBCCOG General Assembly, Friday, February 25, 2011, 8:30 A.M. to 3:00 P.M., Millender-McDonald Community Center

Planning Officer Repp encouraged the Commission's attendance at the February 25, 2011 SBCCOG General Assembly and the Chamber of Commerce Business Expo at the Community Center on Thursday, February 24, 2011.

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**15. COMMISSIONERS' REPORTS**

Commissioner Saenz asked when the commercial/industrial color code workshop will be conducted.

Planning Officer Repp advised that the commercial/industrial color code workshop will be combined with other workshop issues and likely come before the Commission in April.

Commissioner Saenz stated that he'd like to see all businesses have signs displayed on their properties; and he noted his concern with the lack of code enforcement activity on weekends.

Planning Officer Repp explained that some businesses do not want outdoor advertizing; and she noted that a new weekend schedule for code enforcement will soon commence.

Commissioner Diaz stated that he will be attending the 2011 SBCCOG General Assembly. He invited anyone interested to participate in the breakfast at the Community Center on Friday, March 4, 2011, to address an employer council meeting for free Class A license training. He added that the course will last four weeks, Mondays through Fridays, from 6:00 A.M. to 2:00 P.M.; and stated that this free program has a 97-percent pass rate.

Chairman Faleto go thanked everyone for their efforts this evening.

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**16. ADJOURNMENT**

At 10:18 P.M., the meeting was formally adjourned to Thursday, March 10, 2011, 6:30 P.M., City Council Chambers.

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Chairman

Attest By:

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Secretary