

MINUTES

CITY OF CARSON REGULAR MEETING OF THE PLANNING COMMISSION

CITY COUNCIL CHAMBERS, CARSON CITY HALL

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

May 24, 2011 – 6:30 P.M.

1. **CALL TO ORDER** Chairman Faletogo called the meeting to order at 6:38 P.M.
2. **PLEDGE OF ALLEGIANCE** Commissioner Brimmer led the Salute to the Flag.

At the request of Commissioner Goolsby, a moment of silence was observed in honor of those who have lost their lives and/or otherwise been affected by the recent floods and tornadoes in Joplin, Missouri, and other parts of the Midwest.
3. **ROLL CALL**

Planning Commissioners Present: Brimmer, Diaz, Faletogo, Goolsby, *Gordon, Park, Schaefer, Saenz, Verrett

*Commissioner Gordon arrived at 6:41 P.M.

Planning Commissioners Absent: None

Planning Commissioners Departed Early: Commissioners Saenz and Verrett departed at 10:07 P.M. Commissioners Brimmer and Diaz departed at 11:00 P.M.

Planning Staff Present: Planning Officer Repp, Senior Planner Signo, City Attorney Wynder, Associate Planner Newberg, 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 This motion was ultimately withdrawn.

By way of a substitute motion, Commissioner Brimmer moved, seconded by Commissioner Diaz, to consider Item No. 11A as the first order of business. Motion carried, 8-0 (Commissioner Gordon 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

Senior Planner Signo and City Attorney Wynder

8. ORAL COMMUNICATIONS

For items **NOT** on the agenda. Speakers are limited to three minutes. None.

9. CONSENT CALENDAR

A) Minutes: April 12, 2011; April 26, 2011

MOTION: Chairman Faletogo moved, seconded by Commissioner Saenz, to approve the April 12, 2011 and April 26, 2011, Minutes as presented. Motion carried, 9-0.

Chairman Faletogo recessed the meeting at 6:46 P.M. and reconvened the meeting at 7:00 P.M.

10. CONTINUED PUBLIC HEARING

A) Design Overlay Review No. 1400-11; Conditional Use Permit No. 859-11; Ordinance Amendment to Section No. 9138.15 of the Carson Municipal Code (CMC)

Applicant's Request:

The applicant, AutoWest Collision Group, is requesting to perform a façade remodel and related landscaping, parking area, and general improvements to the former Don Kott Ford automobile dealership. A conditional use permit (CUP) is requested to permit a proposed auto repair collision center which is contingent upon City Council approval of the proposed ordinance amendment. The subject property is located at 21212 South Avalon Boulevard.

Staff Report and Recommendation:

Associate Planner Newberg presented staff report and the recommendation to APPROVE the Categorical Exemption; APPROVE Design Overlay Review No. 1400-11 and Conditional Use Permit No. 859-11, subject to the conditions of approval attached as Exhibit "B" to the Resolution; RECOMMEND approval of the proposed Text Amendment to Section 9138.15 of the Carson Municipal Code (CMC) to the City Council, to permit automotive repair as a primary use for those properties fronting

Avalon Boulevard and within the CA (Commercial, Automotive) zoned district, with an approved Conditional Use Permit; and WAIVE further reading and ADOPT Resolution No. 11-2391, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 1400-11 for a façade remodel, recommending approval of an Ordinance Amendment to Section 9138.15 of the Carson Municipal Code to allow automotive repair as a primary use for those properties fronting Avalon Boulevard and within the CA (Commercial, Automotive) zoned district, and approving Conditional Use Permit No. 859-11 to conduct such repair, subject to approval of the ordinance amendment, on a site zoned CA (Commercial, Automotive) located at 21212 South Avalon Boulevard."

Commissioner Goolsby asked if the applicant is aware that this process will take some time and whether the applicant would still be willing to invest that kind of money into this property.

Associate Planner Newberg reiterated that the applicant is fully aware their use of this property can end at the end of the six years and stated that the applicant has indicated he can justify the expense.

Planning Officer Repp reminded the Commission that staff does not recommend longer than 2017 for auto repair uses on this property, noting it is not the highest and best use of this site.

Alex Astts, applicant, stated they are willing to take this investment risk and are well aware it could only be for five or six years, noting they anticipate a lot of business. He added that they, of course, would like the lease to be for a longer period of time.

Napoleon Garcia, manufacturer of paint equipment, stated that the applicant uses the highest quality, state-of-the-art equipment for their painting service; noted that the wrecked vehicles will not be visible from the street; and added that the applicant has a good vision for the success of this business at this location.

Cheryl Bloodworth, Grubb & Ellis broker, commented on the numerous efforts that have been undertaken to get this property leased, noting that no businesses have been willing to invest in this property for a short-term lease; and urged the City to accept this applicant's request.

Christian Guerrero, representing Napoleon Spray Booth, stated that the applicant has been a good business associate; noted that the applicant's business puts in place the highest standards in this industry; and that it is a very respectful company.

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

Commissioner Brimmer stated she would like to see this matter continued so the Commission can be provided updated/detailed plans.

Vice-Chairman Park stated that he would have liked to have been given a copy of the site plans, noting he wants more information on the hours of operation and driveway abutting the residential property.

Associate Planner Newberg advised that site plans were given to this body at the prior hearing and noted that that driveway will not be used.

Planning Commission Decision:

Commissioner Schaefer moved, seconded by Commissioner Gordon, to approve the applicant's request, thus adopting Resolution No. 11-2392. This motion ultimately carried.

By way of a substitute motion, Commissioner Brimmer moved to continue this matter. This motion died due to the lack of a second.

The motion to approve carried as follows:

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

10. CONTINUED PUBLIC HEARING

B) Design Overlay Review No. 1398-11 and Conditional Use Permit No. 856-11

Applicant's Request:

The applicant, Ricks Lube and Tune and Brakes, is requesting to perform a façade remodel and related landscaping, parking area, and general improvements to the former Don Kott Jeep automobile dealership. A conditional use permit is requested to permit a proposed auto repair and oil change facility as a primary use in the CA (Commercial, Automotive) zoned district. The property is located at 21101 South Avalon Boulevard.

Staff Report and Recommendation:

Associate Planner Newberg presented staff report and the recommendation to APPROVE the Categorical Exemption; APPROVE Design Overlay Review No. 1398-11 and Conditional Use Permit No. 856-11, subject to the conditions of approval attached as Exhibit "B" to the Resolution; WAIVE further reading and ADOPT Resolution No. 11-2393, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 1398-11 and approving Conditional Use Permit No. 856-11 authorizing an automotive repair use as a primary use on a site zoned CA (Commercial, Automotive) located at 21101 South Avalon Boulevard."

Vice-Chairman Park stated that he would have liked to have had the site plans this evening; and noted his concern with the bays opening up to the mobile homes and the noise impacts it will have on the mobilehome park.

Associate Planner Newberg reminded Vice-Chairman Park that the applicant said he would purchase impact guns with a low noise rating; explained that the building is set back over 80 feet to the south; that there also is a vacant property/lot south of the property line; and that this proposal meets the setback requirements. He explained that they can move the building 20 feet further to the north and increase that setback area to 100 feet, but added that staff does not want to see the doors facing Avalon Boulevard. He noted that the existing building will also be upgraded.

Rick Nickel, applicant, noted his concern with the huge expense of taking down the pole sign; and pointed out the pole sign is not owned by him.

Planning Officer Repp stated that staff would not support a variance for this pole sign.

Commissioner Gordon asked if the applicant understands the limited time for the lease on this property.

Mr. Nickel stated he intends to recoup his investment within six years and is willing to take that risk; and noted his desire to be at this property for longer than six years.

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

Planning Commission Decision:

Commissioner Gordon moved, seconded by Commissioner Schaefer, to approve the applicant's request, thus adopting Resolution No. 11-2393. This motion ultimately carried.

By way of a friendly amendment, Commissioner Goolsby asked that Sonic Automotive be the responsible party for removing the pole sign. This friendly amendment was not accepted by the makers of the motion.

The motion to approve carried as follows:

AYES: Faletogo, Goolsby, Gordon, Park, Schaefer

NOES: None

ABSTAIN: None

ABSENT: Brimmer, Diaz, Saenz, Verrett

(This item was considered as the first order of business.)

Due to a possible conflict of interest, Vice-Chairman Park recused himself from consideration of this matter.

11. PUBLIC HEARING

A) Design Overlay Review No. 1359-10

Applicant's Request:

The applicant, Our Lady of Guadalupe Church, 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.

City Attorney Wynder explained that staff has advised Vice-Chairman Park that because of his ownership of property in proximity to this subject property, it's advisable that he not participate as a member of the Planning Commission in this item; and noted that Vice-Chairman Park has voluntarily agreed to do that. He noted that once the staff report begins, Vice-Chairman Park will physically come down from the dais; and stated that it is his understanding Mr. Park has a First Amendment right to provide testimony before the Planning Commission.

City Attorney Wynder added that the Planning Commission should also be aware there is a private dispute between Mr. Park and Rev. Cortez of Our Lady of Guadalupe Church, which involves the issuance of a restraining order that prohibits these two individuals from being within certain proximity of each other; and advised that Mr. Park is the holder of that restraining order. He added that Mr. Park would have the legal right to restrain Rev. Cortez from physically being present in this chamber; advised that staff has talked with Mr. Park and that Mr. Park has agreed, for the purposes of this hearing only and for no other purpose, to waive the requirements of the restraining order. He added that the city of Carson is not a party to the restraining order.

City Attorney Wynder advised that Rev. Cortez and all of his representatives and parishioners are welcome in this chamber; that the potential for excluding Rev. Cortez is a private, civil dispute between Mr. Park and Rev. Cortez, which is the result of a court order issued by a court and not by the city of Carson. Again, for purposes of this hearing and in the interest of moving the process forward, he reiterated that Mr. Park is waiving the requirements of the restraining order, but in doing so, Mr. Park wants it understood that he's not waiving the restraining order for any other purpose.

City Attorney Wynder directed Mr. Park to take his place down in the audience; and explained that he is able to participate in this public testimony hearing, but that when Chairman Faletogo gavels a portion of this hearing closed, Mr. Park will be required by law to physically leave the Council Chambers; and added that Mr. Park has agreed to do so.

Staff Report and Recommendation:

Associate Planner Newberg presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 11-2391, 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."

He added the following changes to the Conditions of Approval:

Condition No. 16: The original garage structure shall be ~~demolished~~ **converted** and additional parking provided pursuant to an approved site plan authorized by the Planning Division."

Condition No. 75: The main assembly room (sanctuary) shall have a maximum occupancy of 128 persons. The applicant shall not exceed this maximum occupancy limit and shall establish policies to inform parishioners and others who may utilize the property of such occupancy restrictions. Measures shall be implemented to effectively enforce this condition, including but not limited to the posting of occupancy limits in the main assembly room and assigning personnel to monitor and enforce compliance. An occupancy limit shall also be established for the community room and all other rooms as determined by the Building and Safety Division. The applicant shall utilize similar measures to ensure that the occupancy limit is not exceeded for the community room.

Condition No. 76: For activities that exceed the occupancy limits of the buildings, the applicant may request a maximum of four temporary use permits to allow a parking lot to be utilized for an assembly use or other permitted activity. The applicant shall submit

plans and any necessary fees subject to review and approval at least 30 days prior to the subject event. The plans shall provide for off-site parking on private property located in close proximity as deemed necessary to meet the projected needs of the attendees. The plans shall demonstrate that adequate measures have been identified to minimize negative impacts to the surrounding neighborhood. All necessary permits from the Los Angeles County Fire Department, Building and Safety Division and any other applicable regulatory agency shall be obtained as a condition of receiving the temporary use authorization. The temporary use permit shall be subject to approval of the Planning Division.

Condition No. 77: The applicant shall provide a community notice 10 days in advance of any temporary use that is permitted pursuant to Condition No. 76 to properties located within 300 feet of the subject properties.

Chairman Faletogo commented on the overcrowding, canopies, parking concerns, questioning how many notices the applicant has been sent to correct these issues.

Associate Planner Newberg stated that after the February 22nd Planning Commission meeting, a notice was sent to the applicant that staff would be observing various Sunday events; and that the only notice staff gave for an exact date was the following Sunday, noting the recent observations were on intermittent Sundays.

Planning Officer Repp stated it is clearly acknowledged by staff that there have been numerous years of code compliance issues at this church; that staff had several opportunities to meet with Rev. Cortez and his representatives over the last several months; and that Rev. Cortez is in agreement with the conditions of approval. She pointed out that the problems are a result of this church's popularity with their parishioners and that for whatever reason, the church has not been able to properly balance the needs of the church, the needs of the residents, and the Municipal Code. She stated it is very clear the church needs to alleviate these issues and that the church activities can be accomplished within the structures themselves.

Planning Officer Repp stated there have been many discussions about the need to be respectful to the community, and the City recognizes it has not done the best job of enforcing all its codes; and advised that a lot of complaints have been received from the neighbors, noting that most of the complaints are valid. She stated that staff believes if these conditions are applied and administered by the applicant and anyone else using the property, this proposal can properly balance the needs of the church with the needs of the community; and that staff trusts the applicant is going to use every effort to make sure these issues are dealt with properly. If they don't, she noted that the City may take code enforcement actions as applicable provided the applicant is given written notice when it witnesses such violations.

Commissioner Diaz asked how staff came up with 3 passengers per vehicle analysis and whether that assumption is adequate to meet the City's parking ordinance.

Associate Planner Newberg stated that is an assumption; that staff is comfortable it will meet with the parking requirement; and explained that staff has attempted to maximize the number of parking spaces on site. He commented on the need to merge the two lots into one; and explained that the parking is based on the largest assembly area of the combined buildings.

Commissioner Brimmer highlighted the various parking violations, unauthorized food and retail sales, unpermitted structures, lack of parking, questioning how staff has enforced these violations; and asked what issues still remain outstanding.

Associate Planner Newberg stated that the documents detailing code enforcement activities on this site are too numerous to provide to this Commission.

Commissioner Brimmer reiterated her concern with the limited parking on this site.

Planning Officer Repp explained that currently, the parking spaces are being taken up by tents, chairs, tables and pushing the parking needs into the neighborhood; and stated that once these items are permanently removed, it will help alleviate some of the parishioner parking in the neighborhood. She added that this church may have four special events a year; that the church will have to obtain a special permit for each of those crowded functions; and that the church will have to demonstrate they have parking elsewhere to accommodate the extra people coming to these special events that won't inundate the community. She noted that one of the sights to consider for offsite parking is the former water company property on Alameda; advised that transportation would be necessary to make sure individuals can easily get to and from one location to the other; and pointed out the applicant is responsible for making sure they provide for that offsite parking. She added that this church will not receive a temporary use permit if that offsite parking is not obtained; and explained that if this church is not able to obtain offsite parking, they will need to seek another venue to conduct their special events, such as a larger church, park, or community center.

Commissioner Brimmer asked who will oversee this and enforce the conditions of approval, pointing out this church has not abided by the rules thus far.

Associate Planner Newberg stated this is also staff's concern, but explained that the conditions have specifically been devised to mitigate those issues; added that code enforcement activities will be stepped up to ensure they follow the law, City's codes, and conditions of approval; and added that their permits can be revoked if they don't abide by these conditions. He added that the applicant has agreed to post a \$5,000 performance bond to offset the cost of code enforcement activity should they not comply by the agreed conditions of approval, believing they will have an incentive to abide by the rules or lose that money due to extra code enforcement activity. He pointed out that code enforcement is typically a complaint-driven activity and that the surrounding community will advise the City when a problem arises that needs code enforcement activity with this property.

Chairman Faleto go questioned why the church is only being allowed 4 special church events out of 6 special church events.

Associate Planner Newberg advised that the City's Municipal Code only allows 4 annual events.

City Attorney Wynder reminded the Commission that the applicant will have to provide for offsite parking and shuttle service to and from their property for special events.

Commissioner Gordon noted his concern with having ample code enforcement coverage for the entire City and questioned if these types of conditions have been imposed on similar properties.

Associate Planner Newberg explained that every case presents unique circumstances and highlighted the need to not only balance the rights of the applicants, but also to consider the rights of the residents/community; explained that staff has come up with conditions of approval which staff believes meet those requirement needs of the community and lessens the impact of these issues on the community and also provides the applicant their right to construct. He pointed out that the applicant has agreed to the conditions of approval.

Planning Officer Repp highlighted instances when staff has had to tailor-make conditions that ordinarily wouldn't apply to other properties of similar use in order to meet the requirements of all concerned; and she explained that these conditions not only apply currently, but they will also apply to the future use of this property if it is ever sold.

Commissioner Gordon questioned what is unique with this church and these conditions of approval.

Planning Officer Repp explained that this church has a long history of known code violations that have not been seen to this extent with other churches in this community.

City Attorney Wynder stated that once the permit is issued for the special events and parking is re-established along with offsite parking for special events, there will be more parking on site because those areas will now be used for parking and not for activities. He advised that the City can now charge for code enforcement activity if it requires them to go beyond the typical normal charge if it has to engage in code enforcement activity for this site and that it is easily justified because of the greater-than-average frequency of code enforcement activity; and pointed out that the applicant acknowledged those numerous code violations and long history of noncompliance. He explained that the community room cannot be an extension of the sanctuary; otherwise, if they allow those rooms to be used simultaneously, that is considered an overflow sanctuary, which will overwhelm the site and the parking and be a violation.

Planning Officer Repp advised that there are some other churches that staff has imposed this same condition; and it has been made very clear not only for the existing church, but also for any future use of these buildings, that these are things they have to be mindful of in order to comply with the Municipal Code and to maintain harmony with the neighboring community.

Chairman Faletogo opened the public hearing.

Rev. Cortez, applicant, stated he is willing to work with the City and to respect the City's codes and laws.

Chairman Faletogo noted that this church has a problem because it has grown in its number of parishioners, but stated that regardless, the church should not ignore or violate the City's codes and laws; and pointed out that this applicant has been put on notice to correct these violations; and he asked Rev. Cortez if he can assure this Commission that with these conditions now in place, they will adhere to these conditions from this point forward.

Rev. Cortez stated yes, noting that he had read the conditions of approval in advance of this evening's meeting.

Commissioner Goolsby stated he is pleased with the applicant posting a performance bond, pointing out it shows this applicant is sincere in his intent to adhere to the conditions of approval.

Mr. Gaunt, property owner of the former water company site, advised that he and the applicant will be meeting this Friday to discuss a shared parking arrangement on his property, noting that some landscaping is proposed by the church for this arrangement.

Rev. Cortez noted that he has urged his parishioners to be respectful of the neighboring community and has asked that they come to different services throughout the day to lessen the parking impacts in the neighborhood and to attend a church closer to their homes.

Commissioner Diaz asked how much of that shared parking area will be used for the parking needs; and questioned why the applicant did not follow through with his agreement to meet with the residents to discuss the issues of concern.

Rev. Cortez stated the shared parking will provide approximately 38 spaces, possibly 44 spaces if using Alameda Street. He stated that he knocked on the doors and visited most of the church's neighbors.

Commissioner Diaz asked if he visited and talked with the residents of the Dominguez and Lincoln Village areas.

Rev. Cortez stated he visited many of the people who have complained about their operations and that some of those people do live in the Dominguez area.

Commissioner Diaz asked how many houses he visited.

Rev. Cortez stated he visited many.

Edward Alvarado, church parishioner, stated that he served in the military for 11 years and that he lives in Los Angeles but attends this church as of a few months ago; noted that he feels welcomed at this church; and he offered to help right the wrongs being done on this property and report back to the City, noting he is willing to oversee the activities on site and offer proper guidance to the parishioners who are wrongly parking or wrongly using this site. He expressed his belief Rev. Cortez is sincere when he says the operations will comply with the conditions of approval and urged the Commission to allow them another opportunity to comply with the conditions of approval.

Commissioner Brimmer noted her concern with the large number of vehicles utilizing this site and the safety of pedestrians and other motor vehicles.

Felipe Patino, church parishioner, stated that his family of five attends this church every Sunday; and urged the City to work with the church.

Jennifer Vasquez, Carson resident, noted her concerns with the church's violations and stated it needs to be reconstructed/remodeled to allow for more parking onsite.

Mariam Vasquez, resident, stated there is a great need for this church and all it provides; and noted this church is working hard to help the Latino community. She stated that other churches use the adjacent neighborhoods when parking on site is not available.

Ray Park, president of the Dominguez Property Owners Association, stated that the association is a community encompassing 2,400 homes; explained that the community is not against this church but it is opposed to the numerous impacts its activities are causing to the community, such as overcrowding of parking, traffic, and pedestrians; and he presented a 12-page petition from the residents protesting the over-crowding of people and cars at this church which results in grid-locking the community with cars and parking on residential streets during the church activities. He explained that Carson Street is their main avenue of travel; and stated that the cars are double parked and blocking various driveways and these activities keep traffic from flowing safely. He expressed his belief that staff has tweaked the ordinance in favor of this church's project, pointing out that staff does not live in this area and is not negatively impacted by the church's activities which create concern with gridlock, health and safety of these residents. He displayed some photographs randomly taken over a few weeks, depicting the illegal parking, gridlock, and parking far into the community. He pointed out that while the City Attorney has stated the community has to rely on the honesty of the church to abide by these rules and regulations, this church has yet to abide by any of the laws, rules/regulations and has knowingly violated the ordinances.

Mr. Park stated that this site does not have adequate parking spaces to accommodate this church; and that 120 parking spaces should be provided for this project/property. He stated he does not believe Rev. Cortez will abide by the agreement to comply with the conditions.

Commissioner Diaz commented on the prior proposal for Rev. Cortez to reach out to the community before this hearing.

Mr. Park advised that he and Associate Planner Newberg met with Rev. Cortez to discuss the plans for a community meeting; that he reached out to give Rev. Cortez his business card; and that Rev. Cortez was only interested in being confrontational. He reiterated he wants this church to be successful, but not at a huge expense to the community. With the aid of photographs, he highlighted the crowded parking on the streets in this community as a result of the church activities, with some cars illegally parked and homeowners attempting to keep the parishioners from taking over the parking in front of their homes and driveway aprons. He questioned who is going to monitor this church, noting he is doubtful Rev. Cortez will stand up to his word given his history.

Commissioner Gordon asked Mr. Park what he would suggest for a solution to the problems.

Mr. Park stated that the City's zoning ordinance should be enforced; and stated if the church adheres to all the conditions of approval, it should ease the tensions in this community. He pointed out that there has been talk about using the former Dominguez Water site for shared parking, but added that because this site is more than 400 feet

away from the church property, it is not allowed by code to be used as offsite shared parking.

Planning Officer Repp stated that both the interim City Manager and Public Safety General Manager are committed to making sure the codes and conditions of approval are enforced and that every effort is being made, a renewed effort, to work collaboratively with the community and church so that these conditions are complied with and resources directed in that way.

Commissioner Goolsby asked why the church had not conducted a community meeting yet to help resolve the issues of concern to the residents, which was recommended by the Commission at the last hearing.

Mr. Park stated that an offer was made to meet with staff and the applicant to discuss the problems and come up with an equitable solution for the church and the community, but stated that the applicant was not willing to work with him. He expressed his belief this City is not prepared to closely inspect the church's adherence to the laws during their services.

Ed Hennison, resident, stated there have been numerous complaints with this church's activities and questioned why this Commission does not have all the historical accountings/numbers for these violations. He asked if the church can lose its special event permits if the offsite landlord changes his mind in the future about their shared parking arrangement. He expressed his belief this is not a safe area for all these church-goers, pointing out that motorists exceed the speed limit at this bridge.

Planning Officer Repp indicated if no other offsite parking arrangement can be found, they would lose their special event permits.

Pamela Walters, property owner in Dominguez and resident, noted she is more concerned with the City's plans for low-income housing to be built nearby and the limited parking spaces planned for these new housing developments, thereby forcing them to park on the already crowded streets; and she stated there are already too many vehicles speeding in this area and that it is unsafe for other motorists and pedestrians. She stated that the residents have to abide by the rules and laws of this community, and that this church should also be abiding by the laws and regulations. She noted her frustration with this church's long history of violating the law with no consequences; and stated they should first earn the privilege before they are granted any permits. She stated that this property was over-saturated with people and cars this past Palm Sunday; that sales of items and food were being conducted on the streets, blocking the sidewalk; and that these activities hindered her walking on the public sidewalk.

Edward Dupris, resident, stated that parking is his biggest concern; stated that the church parishioners are parking all over the neighborhoods; that people visiting his home are typically not able to find parking nearby; and expressed his desire to see a long-term solution to this problem. He stated that the church should have to notify more residents in the surrounding community about the special events, pointing out they park more than 300 feet away from this church.

Dr. Rita Boggs, resident, pointed out that the church is not free of guilt in causing the problems it is experiencing and stated that the church and the community needs to work

together; that the church needs to realize it needs to follow the rules and that they can't brush the rules aside; and that it has an obligation to the community to follow the rules. She stated that Carson dedicates a lot of money for its code enforcement division and that there is no reason code enforcement activity should not be taking place on this property.

Chairman Faletogo stated that the Code Enforcement Department and City Manager's office have to work harder to make sure the conditions of approval are enforced.

Mr. Park reiterated that the residents just want the laws and the City's ordinance to be followed.

Carol Park, resident, noted her support for the young marine church parishioner who spoke earlier and said he will help to properly guide the church members on following the rules; stated that Rev. Cortez showed up at their house 20 minutes following their checking on the church's activities and that he threatened her husband, Ray Park; and she stated she has no faith in the word of Rev. Cortez. She pointed out that they are not against the church, but against their blatant disregard of the laws and City codes.

Maria Corubias, stated they helped start this church years ago, and noted they have been closing the gates to not allow any more cars onsite when it is full.

Commissioner Brimmer asked Ms. Corubias that when she saw the problems increasing over all these years, was there any discussion with the pastor to curb the growing number of problems.

Ms. Corubias stated that for a long time, they were allowed to park in the empty parking lot next door, but noted that parking area is no longer available for their use; and mentioned that in the middle of a mass, they will instruct those parking illegally to go move their cars.

Maximina Aguilar, church parishioner and resident, stated that she is in the middle of this because she is a parishioner and also a supporter of Mr. Park in his efforts to help this community, noting she wants everyone to get along and work out these problems in an amicable manner; stated that peace is needed in this community and that the rift needs to subside; and that this community needs churches but churches that work well within the community. She added that this community needs people like Mr. Park who help to handle the residents' complaints and problems; and that everyone needs to be fair and work together.

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

Commissioner Saenz noted that many churches have inadequate parking to cover the needs of their congregations.

Planning Commission Decision:

Commissioner Verrett moved, seconded by Commissioner Goolsby, to approve the applicant's request with the following changes/additions:

Condition No. 16: The original garage structure shall be ~~demolished~~ **converted** and additional parking provided pursuant to an approved site plan authorized by the Planning Division.”

Condition No. 75: The main assembly room (sanctuary) shall have a maximum occupancy of 128 persons. The applicant shall not exceed this maximum occupancy limit and shall establish policies to inform parishioners and others who may utilize the property of such occupancy restrictions. Measures shall be implemented to effectively enforce this condition, including but not limited to the posting of occupancy limits in the main assembly room and assigning personnel to monitor and enforce compliance. An occupancy limit shall also be established for the community room and all other rooms as determined by the Building and Safety Division. The applicant shall utilize similar measures to ensure that the occupancy limit is not exceeded for the community room.

Condition No. 76: For activities that exceed the occupancy limits of the buildings, the applicant may request a maximum of four temporary use permits to allow a parking lot to be utilized for an assembly use or other permitted activity. The applicant shall submit plans and any necessary fees subject to review and approval at least 30 days prior to the subject event. The plans shall provide for off-site parking on private property located in close proximity as deemed necessary to meet the projected needs of the attendees. The plans shall demonstrate that adequate measures have been identified to minimize negative impacts to the surrounding neighborhood. All necessary permits from the Los Angeles County Fire Department, Building and Safety Division and any other applicable regulatory agency shall be obtained as a condition of receiving the temporary use authorization. The temporary use permit shall be subject to approval of the Planning Division.

Condition No. 77: The applicant shall provide a community notice 10 days in advance of any temporary use that is permitted pursuant to Condition No. 76 to properties located within 300 feet of the subject properties. (This motion was superseded by the substitute motion.)

By way of a substitute motion, Commissioner Diaz moved, seconded by Chairman Faleto, to approve staff recommendation, including the change to Condition No. 16 and addition of Condition Nos. 75, 76, and 77; and added the following changes/additions to the conditions of approval:

Condition No. 20: The church use shall submit a ~~\$5,000~~ **\$10,000** performance bond fee to be paid to the city to reimburse for any costs associated with code enforcement activities associated with this authorization and the CMC and prior to Certificate of Occupancy.

Condition No. 78: The applicant shall provide unlimited access to the property and any and all structures to any duly authorized representative of the city at their request.

Add a Condition No. 79 to require all buildings to post maximum occupancy load.

Commissioner Brimmer stated she is not ready to make a decision this evening, noting she'd like to hear from Public Safety more detailed information about the various violations that are pending; and that she'd like to speak with the property owner who has offered his property for shared parking use. She stated that the neighboring streets are narrow and that the residents' quality of life issues need to be taken into

consideration; asked that a traffic analysis be provided; and reiterated she does not have all the facts she needs to make an informed decision this evening.

Commissioner Verrett stated that she trusts staff will be able to proactively monitor this church's adherence to the conditions of approval, but stated she does not want the church to incur any debt unless the applicant agrees with the increased figure.

Commissioner Gordon expressed his belief that some of the conditions are egregious and makes it difficult for this church to operate; he stated that anyone should be able to park on public streets; and stated that many churches have overflow parking onto the adjacent streets. He noted that a balance needs to be arrived at, and he urged Rev. Cortez to aggressively seek out additional shared parking options.

Commissioner Saenz expressed his belief that securing additional shared parking arrangements will solve the problems in this community.

City Attorney Wynder noted that Rev. Cortez had just confirmed to him that he can support the substitute motion provided he can post the \$10,000 performance bond post-construction and prior to occupancy, noting he needs the cash flow to complete the construction.

Commissioner Gordon suggested that various church members be responsible for guiding the overflow traffic away from the church and to acceptable parking areas, making it a joint solution with the community and the church.

Commissioner Verrett suggested displaying a "Lot is Full" sign, which will trigger the offsite shared parking arrangement; and stated that the Commission's approval should be contingent upon receiving a copy of that agreement; and she stated that the \$10,000 performance bond is excessive.

Chairman Faletogo pointed out that Rev. Cortez promised this Commission he will abide by the conditions of approval and that he supports the substitute motion; and stated that as long as there are no violations in the next two years, the \$10,000 performance bond will be refunded.

City Attorney Wynder noted that the conditions of approval already exist which require a shared parking agreement for the special events.

The substitute motion to approve carried as follows:

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

12. NEW BUSINESS DISCUSSION None.

13. WRITTEN COMMUNICATIONS None.

14. **MANAGER'S REPORT** None.

15. **COMMISSIONERS' REPORTS** None.

16. **ADJOURNMENT**

At 11:26 P.M., the meeting was formally adjourned to Tuesday, June 14, 2011, 6:30 P.M., City Council Chambers.

Chairman

Attest By:

Secretary