

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

October 25, 2011 – 6:30 P.M.

1. **CALL TO ORDER** Chairman Faletogo called the meeting to order at 6:33 P.M.
2. **PLEDGE OF ALLEGIANCE** Chairman Faletogo led the Salute to the Flag.
3. **ROLL CALL**

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

*(Commissioner Verrett arrived at 6:45 P.M.)

Planning Commissioners Absent: None

Planning Commissioners Departed Early: Commissioner Brimmer (9:20 P.M.)

Planning Staff Present: Planning Officer Repp, Senior Planner Signo, City Attorney Wynder, 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 Williams moved, seconded by Commissioner Saenz, to approve the Agenda as submitted. Motion carried, 8-0 (Commissioner Verrett had not yet arrived.)
6. **INSTRUCTIONS TO WITNESSES** Chairman Faletogo requested that all persons wishing to provide testimony stand for the oath, complete the general information card at the podium, and submit it to the secretary for recordation.
7. **SWEARING OF WITNESSES** City Attorney Wynder

8. ORAL COMMUNICATIONS

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

9. CONSENT CALENDAR

A) Minutes: October 11, 2011

MOTION: Commissioner Diaz moved, seconded by Vice-Chairman Gordon, to approve the October 11, 2011, Minutes as presented. Motion carried, 8-0 (Commissioner Verrett had not yet arrived.)

Commissioner Diaz noted that the current agenda should reflect October 11th for the minutes approval category.

9. NEW BUSINESS CONSENT

B) Design Overlay Review 1434-11

Applicant's Request:

The applicant, True Value Hardware, is requesting approval of a design overlay review for painting an American flag mural on the southeast elevation of the True Value Hardware building. The property is located at 20840 Leapwood Avenue.

Staff Report and Recommendation:

Senior Planner Naaseh presented staff report and the recommendation for the Planning Commission to REVIEW and CONSIDER the process, procedures and standards for the review and approval of private murals; and to PROVIDE DIRECTION to staff and the applicant.

Commissioner Schaefer expressed her belief that conditions of approval should be created for the proper maintenance of this mural and stated that she would support a mural ordinance amendment.

Commissioner Diaz expressed his belief that applying conditions of approval for maintenance of murals is adequate and that an ordinance amendment is not necessary.

City Attorney Wynder stated it would be prudent to establish a uniform approach to dealing with murals citywide, pointing out he is not suggesting a complex amendment; and that it would be appropriate to consider defining a mural, what constitutes a mural, followed by a design review process.

Planning Officer Repp advised that the zoning ordinance already has a design review process for commercially zoned properties but that it would be advisable to also have one in place for industrially zoned properties when considering mural requests. She stated this would allow the City to address the size and design of any proposed mural.

Commissioner Brimmer stated she would like a mural workshop to be scheduled to discuss color, design, and size before there is a hearing to amend the ordinance.

Commissioner Williams pointed out that art can be very subjective.

City Attorney Wynder commented on the need to define what constitutes a mural/art, how it is applied, and what could be protected by the First Amendment; stated that reasonable criteria should be defined; and reiterated that this does not have to be a complex ordinance amendment.

Vice-Chairman Gordon stated he would not like to see a complicated process and suggested that staff research how other cities handle mural requests. He recommended that staff come back with a workshop item to address murals and bring conditions of approval for this requested mural.

Ron Ursich, applicant, stated that True Value is not using the flag for advertizing purposes, that it is a simple request to remind people to buy American-made products. He stated that True Value will be tagging its store shelves to point out which items are made in America. He added that he maintains his property very well and that the mural will get the same attention.

Commissioner Williams stated he would support True Value's request for this mural at this time, pointing out there is no current policy in place regarding murals; and that an ordinance amendment process be started to guide future mural requests/consideration.

Commissioner Diaz recommended that staff develop conditions of approval for True Value's mural request and reiterated he does not believe a mural workshop is necessary.

Commissioner Goolsby stated that he believes a mural workshop is not necessary and noted his support of the applicant's request.

Chairman Faletogo noted his support of the applicant's request, asking that staff provide conditions of approval; he pointed out that other murals have been permitted in the City; but noted his support for addressing an ordinance amendment in a workshop at a later time. He expressed his preference to permit True Value's request, not having that business wait until an ordinance amendment is in effect; and he expressed his confidence that staff will be able to put forth appropriate conditions of approval for True Value's mural request prior to any ordinance amendment.

Planning Commission Decision:

Commissioner Williams moved to bring back a resolution with conditions to approve True Value's request at the next meeting; and to return at a later point to discuss an ordinance amendment for future mural requests. The motion died due to the lack of a second.

Commissioner Verrett moved, seconded by Vice-Chairman Gordon, to schedule a public hearing for a proposed ordinance amendment for murals; and to provide a resolution with conditions approving True Value's request. The motion unanimously carried, 9-0.

Planning Officer Repp noted for Commissioner Goolsby that she anticipates the approval for True Value's mural and an ordinance amendment item will come back to the Planning Commission before the end of this year.

10. CONTINUED PUBLIC HEARING None.

11. PUBLIC HEARING

A) Conditional Use Permit No. 823-10

Applicant's Request:

The applicant, Jacqueline Adame, is requesting the approval of an auto repair business on a site located in the ML-D (Manufacturing, Light – Design Overlay) zoning district. The property is located at 20922 South Main Street.

Staff Report and Recommendation:

Associate Planner Song presented staff report and the recommendation to APPROVE Conditional Use Permit No. 823-10; and WAIVE further reading and ADOPT Resolution No. 11-2408, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 823-10 to permit an existing vehicle service and repair use located at 20922 South Main Street."

Associate Planner Song highlighted the following changes to the conditions of approval:

Modify Condition No. 28 to change the allotted timeline from 10 months to 9 months and add more specific language that all improvements have to meet building code requirements.

Add two conditions: No. 32 - The Planning Commission can revoke permit if they don't satisfy the performance standard schedule; and No. 31 - The applicant cannot ask for an extension of time.

Modify Condition Nos. 23 and 29: No. 23 – Change the word "canopy" to "enclosed work area" and clarify that they can construct in phases. The word was changed to provide more clarity, and; No. 29 – Add to the condition that they can operate during the construction of the enclosed work area.

Commissioner Diaz questioned whether an enclosed structure will be built in 12 months.

Commissioner Saenz asked if all the violations have been corrected.

Associate Planner Song explained that minor corrections have been made; that the applicant has applied for a demolition permit; and that they have invested a reasonable amount of funds to show they are making a good attempt at correcting the nonconformities. She added that the remaining violations will be costly to correct.

Commissioner Schaefer highlighted staff's wording that the proposed business is compatible with the character of the surrounding area, expressing her belief these types of uses are not attractive at the gateway into Carson. She stated that while she does not want to put anyone out of business, she would like the businesses in this area to clean up their properties and conform to code.

Associate Planner Song explained that this lot does not have enough room at the side of the driveway and front to accommodate landscaping but that landscaping can be provided at the back of the property, noting the adjacent residents and customers will be

able to see the landscaped areas. She advised that there are long-term redevelopment plans for this area, but that intermediate plans are being put into place for those who are working with the Planning Department to improve their properties. She added that the Planning Department and the Code Enforcement Department are proactively working together to gain conformance along Main Street.

Planning Officer Repp acknowledged that this area has had problems for many years and noted there is currently more of a collaborative effort within the City to rectify these problems. She highlighted the effectiveness of the conditional use permit process.

Commissioner Williams expressed his belief this is not the most appropriate use for this property, noting it is too small for their operations; he questioned the financial feasibility of putting a lot of money into the improvements; and he asked how the applicant plans to conduct business while construction is taking place. He asked if the property owner has any plans to assemble the adjoining lot.

Vice-Chairman Gordon opened the public hearing.

Jacqueline Adame, applicant, commented on the improvements that have been made thus far to this property; stated that this family business has been at this site for 20 years; and noted she needs more time and money to make the remaining improvements.

George Jimenez, property owner, confirmed that improvements are being made to this property.

Chairman Faletogo asked how much it will cost to comply with code and whether it is financially feasible or even possible for this business to complete the improvements.

Ms. Adame stated she has no plan for doing the improvements and does not know how much those improvements will cost. She explained that this business rebuilds carburetors and that minor automotive repairs are done on site. She stated that the majority of her business is rebuilding carburetors and sending them offsite. Ms. Adame noted for Vice-Chairman Gordon that approximately 30 percent of her business is installing carburetors.

Mr. Jimenez stated that this business started out as a carburetor rebuilder but evolved into some automotive repairs being done on site.

Vice-Chairman Gordon questioned whether it is financially feasible for the applicant to improve this site.

Planning Officer Repp estimated that the cost to make all the improvements is \$50,000.

Commissioner Diaz asked if the applicant can make all of these improvements within the next 12 months, as indicated in the conditions of approval.

Mr. Jimenez expressed his belief that because of financial constraints, he thinks more time will be needed to build the structure.

Commissioner Diaz stated that he could not support the request if the applicant does not think she can meet the conditions of approval.

Commissioner Williams stated he has the same concerns, pointing out the applicant has no plan for the major improvements and does not know how much it will cost; and expressed his belief the applicant would need someone to coordinate the project.

Ms. Adame pointed out she does not own the property and there is only so much she can do to it.

Commissioner Verrett commented on these difficult economic times and stated she does not like to see businesses close; stated that the applicant was originally given 18 months to make these improvements; and noted that she would be amenable to giving the applicant 18 months if she believes the improvements can be made.

Associate Planner Song noted that the Botach property was given 18 months to complete the improvements because it has 10 businesses on site.

Planning Officer Repp stated that 6 to 12 months is typical for businesses to make necessary improvements, noting this is a small auto repair business; and stated it is not fair to other small businesses that have been given the typical 6 to 12 months to comply.

Vice-Chairman Gordon asked the applicant if she has considered moving her operations to another site.

Ms. Adame stated that she has looked at other properties, but stated that locally there is little available.

Mr. Jimenez stated that he can oversee the project because he is a licensed general contractor.

Commissioner Goolsby commented on the significance of improving one property at a time in this area.

Commissioner Brimmer stated she is not convinced any work will be done because there is no plan, questioning if the redevelopment agency is active in this area.

Planning Officer Repp commented on the City's RDA curtailing its activities because of the state's issues with RDA's, but added that she believes the RDA will have some activity and/or ability to acquire and assemble properties for better development, noting the RDA is interested in acquiring some of the properties in this area.

City Attorney Wynder advised that the City's RDA can only work on existing obligations at this time.

Commissioner Verrett asked if the cost of improvements can be lowered if Mr. Jimenez is doing the general contracting activity.

Mr. Jimenez expressed his belief the cost will be less because of his involvement; and he stated he can provide plans for this site within 9 months.

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

Chairman Faletogo commented on the property owner's intent to help with the improvements; and highlighted these difficult economic times and the need to help businesses when possible. He stated that as long as the applicant intends to make the improvements, he believes they should be given a chance to go forward.

Planning Commission Decision:

Commissioner Brimmer moved, seconded by Commissioner Williams, to deny the applicant's request. This motion was superseded by the substitute motion.

By way of a substitute motion, Chairman Faletogo moved, seconded by Commissioner Goolsby, to approve the applicant's request, thus adopting Resolution No. 11-2408 as amended. This motion carried as follows:

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

Vice-Chairman Gordon recessed the meeting at 9:17 P.M. and reconvened the meeting at 9:24 P.M. Commissioner Brimmer departed the meeting during the break.

12. NEW BUSINESS DISCUSSION

A) Workshop on auto repair and service use

Applicant's Request:

The applicant, city of Carson, is requesting a workshop to update the Planning Commission on auto repair and service businesses. Properties involved would be citywide.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation for the Planning Commission to CONSIDER and DISCUSS the issues presented at the workshop; DISCUSS policy issues or other concerns; and RECEIVE and FILE. He noted there are approximately three pending CUP's for the businesses on Main Street, three on Avalon Boulevard, and one on Alameda Street.

Planning Officer Repp explained that those remaining will likely be recommended for denial because there are problems with code issues and site deficiencies.

Senior Planner Signo stated that staff continues to work with the remaining businesses.

Chairman Faletogo thanked staff for the before-and-after photos of those businesses that have met the conditions for their CUP's.

Planning Commission Decision:

Received and filed.

13. WRITTEN COMMUNICATIONS None.

14. MANAGER'S REPORT

Planning Officer Repp happily announced that Igor has officially been adopted by her family; advised that she will be leaving once again for Russia on Saturday; and that she will be bringing Igor back with her on this trip, anticipating that she will return home at the end of next week. She thanked everyone for their support and well wishes; and mentioned that she will spend time with Igor in November and will likely not be back to work on a full-time basis until the beginning of December.

15. COMMISSIONERS' REPORTS

Commissioner Williams asked that staff provide monthly reports to the Commission regarding the status of projects that concern the Planning Commission.

Chairman Faletogo welcomed Planning Officer Repp back from her trip to Russia, stating he is appreciative of her sharing information about the adoption process. He thanked staff for their hard work, noticing that projects are moving along in this city. He thanked Vice-Chairman Gordon for leading part of this evening's meeting, mentioning that he is likely going to be absent for both the Planning Commission's January meetings.

Vice-Chairman Gordon thanked staff for their reports this evening and thanked Planning Officer Repp for the updates on her activities in Russia.

16. ADJOURNMENT

At 9:52 P.M., the meeting was formally adjourned to Tuesday, November 8, 2011, 6:30 P.M., City Council Chambers.

Chairman

Attest By:

Secretary