

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

November 8, 2011 – 6:30 P.M.

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

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

Planning Commissioners Absent:
Williams (excused)

Planning Commissioners Departed
Early: None

Planning Staff Present: Senior
Planner Signo, City Attorney Wynder,
Associate Planner Song, Assistant
Planner Castillo, Recording Secretary
Bothe
4. **AGENDA POSTING
CERTIFICATION** Recording Secretary Bothe indicated that all posting requirements had been met.
5. **AGENDA APPROVAL** Commissioner Saenz moved, seconded by Commissioner Diaz, to approve the Agenda as submitted. Motion carried, 7-0 (Commissioner Brimmer had not yet arrived; absent Commissioner Williams).
6. **INSTRUCTIONS
TO WITNESSES** Chairman Faletego 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 25, 2011

MOTION: Commissioner Saenz moved to approve the Consent Calendar as presented. There was no second.

Without objection, Chairman Faletogo approved the Consent Calendar as presented, 8-0 (absent Commissioner Williams).

9. CONSENT CALENDAR

B) Extension of Time for Conditional Use Permit No. 825-10

The applicant/owner, Vince Zankich, is requesting a one-year time extension to authorize an auto repair use on a site located in the CG (Commercial, General) zoning district, within 100 feet of a residential use, and within the Carson Consolidated Redevelopment Project Area. The subject property is located at 1209 East Carson Street.

Staff Report and Recommendation:

APPROVE the extension of time for Conditional Use Permit No. 825-10 until November 3, 2012; ADOPT a minute resolution extending the approval to November 3, 2012.

Planning Commission Decision:

Without objection, Chairman Faletogo approved the Consent Calendar as presented, 8-0 (absent Commissioner Williams).

10. CONTINUED PUBLIC HEARING None.

11. PUBLIC HEARING

A) Conditional Use Permit No. 874-11

Applicant's Request:

The applicant, Annette Holguin, is requesting to approve a Conditional Use Permit for an existing second dwelling unit located within the RS (Residential, Single-Family) zoning district. The subject property is located at 2532 East Adams Street.

Staff Report and Recommendation:

Assistant Planner Castillo presented staff report and the recommendation to APPROVE Conditional Use Permit No. 874-11 subject to the conditions of approval attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 11-2409, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 874-11 for an existing second dwelling unit located at 2532 East Adams Street."

Chairman Faletogo opened the public hearing.

Annette Holguin, property owner, asked that the current height of the fence be permitted, pointing out the rest of the front yard fences are the same height or even higher. She stated that the fence provides extra security for her family and pets. She advised that all the required improvements have been made with the exception of the front fence.

Commissioner Saenz expressed his belief that the ordinance should be changed to allow for higher fences, stating that when residents decrease the height of their fences, it does not look appealing. He stated that the four- to five-foot high fences look much more appealing and should be allowed.

Commissioner Verrett asked what discretion the Commission has to allow the higher fence.

City Attorney Wynder explained that because the applicant has not filed an application for a variance, the Commission is constrained by what's in the Municipal Code.

Chairman Faletogo closed the public hearing.

Commissioner Verrett stated that the applicant should be given at least 90 days to reduce the height of the fence.

Vice-Chairman Gordon asked if this applicant is eligible to apply for a variance for the height of the fence.

Senior Planner Signo stated that the applicant does have the right to apply for a variance, but explained that staff would likely not recommend approval because a variance requires a finding to support why a variance is needed.

Commissioner Schaefer asked what happens to the remaining nonconforming fences in this neighborhood.

Chairman Faletogo asked if the other neighbors should be coming in for a variance request for their fences.

Senior Planner Signo stated that the Commission could consider an ordinance amendment to allow higher fences in this area; and stated that some time ago, City Council had directed code enforcement activities to cease with regard to fence height until they considered the matter, but added that he does not believe Council is currently addressing fence height issues.

Chairman Faletogo re-opened the public hearing at the request of Commissioner Brimmer.

Anthony Rockhold, code enforcement officer, confirmed that code enforcement is holding off on its enforcement of fence height until City Council makes a decision on this matter.

Commissioner Goolsby asked why this applicant is being directed to reduce the height of her fence.

Senior Planner Signo explained that the fence height at this property is being addressed because of the CUP process now under consideration.

Chairman Faletogo noted his support of allowing this applicant additional time to reduce the height of this fence.

Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Verrett moved, seconded by Commissioner Saenz, to approve the applicant's request, thus adopting Resolution No. 11-2409. (This motion ultimately passed.)

Commissioner Verrett expressed her belief that 90 days may not be enough time for the applicant to reduce the height of the fence.

By way of a friendly amendment, Chairman Faletogo suggested giving the applicant 180 days to reduce the height of the fence.

Discussion ensued with regard to applying for a variance to allow for the height of the existing fence and addressed their interest in an ordinance amendment to increase the allowable height of fences.

Vice-Chairman Gordon suggested asking the applicant if more time is needed.

Senior Planner Signo pointed out that there needs to be a finding to support a variance, stating he does not believe a variance would be supported by staff for this address.

Chairman Faletogo re-opened the public hearing.

Ms. Holguin stated she does not need the additional time.

Chairman Faletogo closed the public hearing.

The motion carried, 7-1 (Diaz voted no; absent Commissioner Williams).

11. PUBLIC HEARING

B) Conditional Use Permit No. 831-10

Applicant's Request:

The applicant, Mariechelle Guinto, is requesting to approve an auto repair business on a site located in the ML-D (Manufacturing, Light – Design Overlay) zoning district. The subject site is located at 21012 South Main Street.

Staff Report and Recommendation:

DENY Conditional Use Permit No. 831-10; and WAIVE further reading and ADOPT Resolution No. 11-____, entitled, "A Resolution of the Planning Commission of the city

of Carson denying Conditional Use Permit No. 831-10 for this continued vehicle service and repair use located at 21012 South Main Street.”

Chairman Faletogo advised that he had visited this site and spoke with the owner and asked for input on what Associate Planner Song had discussed with the owner.

Associate Planner Song stated that she apprised the owner of all the outstanding violations; advised that staff would be recommending denial; and that if the Planning Commission were to support a denial, the owner would have three to six months to relocate his business. She pointed out that with the exception of the last two weeks, this property owner has made no effort to work with staff and conform to the City's Municipal Code.

Senior Planner Signo highlighted the long history of communications with this property owner.

Associate Planner Song stated that the property owner was advised to pull a demolition permit for the illegal addition; that after being advised a demolition permit was necessary, the owner tore down the attached illegal unit without pulling a permit; advised that there is an unpermitted restroom which is located within the setback area; and advised that part of the building has been built over the property line onto the neighboring property.

Commissioner Schaefer noted her appreciation of all the documentation that was provided in staff report; highlighted the recent CUP approval at 20922 South Main Street and expressed her concern with the inconsistencies in the recommendations for these similar properties along Main Street. She advised that she also had visited this site and spoke with Mr. Gutierrez.

Senior Planner Song pointed out that one of the major differences with this property is the residential use on site.

Commissioner Saenz stated that the extra restroom should be maintained for the employees.

Chairman Faletogo opened the public hearing.

Pat Brown, applicant's representative, advised that the improvements were not being done on this property because the property owner did not have the funds to do the repairs; and stated that since the property owner's daughter got involved last August, she is now getting some of the improvements made. He asked that this applicant be given 12 months to complete the improvements, adding that the applicant has hired a structural engineer to get this through the building and safety process.

Anthony Rockhold, at the request of Commissioner Brimmer, commented on some of the code enforcement issues at this site and stated that he took the photographs of this site that are included in the planning packet.

Vice-Chairman Gordon asked why the applicant has just now started working on making the improvements when staff has been trying to get the applicant to make the improvements for a year and a half.

Mr. Brown advised that some work has been done since last August.

Vice-Chairman Gordon asked if anyone is currently living on this site and asked what assurance there is that the work will be done in the next 12 months.

Mr. Brown stated that he does not know about the living situation but advised that the living quarters will be vacated from this point forward.

Commissioner Diaz echoed Vice-Chairman Gordon's concern with why the work wasn't started earlier and completed by now.

Mr. Brown reiterated that the finances were not available to make the improvements.

Mariechelle Guinto, property owner, stated that since she became aware of the issues, she has been working to make some of the improvements; advised that a site plan has now been given to staff; and stated that because of limited funds, she needs more time to complete the improvements. She advised that her father stays in the unit on site from time to time but that he does not live there permanently. She added that it will cost approximately \$50,000 to complete the improvements and that she has taken out a loan from family members to do the work. Ms. Guinto stated it would be beneficial for someone to stay on this property at all times to keep it from becoming vandalized. She added that her father gave her this property in 2004.

John Abella, Yorba Linda, stated that he owns the adjacent property to the north, and commented on the nice improvements being made to the applicant's property; and noted that it is one of the better looking properties on this street. He stated that the applicant should be given two years to comply.

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

Planning Commission Decision:

Commissioner Saenz moved, seconded by Commissioner Verrett, to approve the applicant's request and to give the applicant two years to make the improvements. (This motion was ultimately superseded.)

By way of a friendly amendment, Commissioner Verrett suggested limiting the time to 18 months for completing the improvements.

Commissioner Saenz agreed with the friendly amendment.

Vice-Chairman Gordon commented on the need to be consistent with the decisions being made for these businesses on Main Street and stated that the Commission should adhere to 12 months as was given at the last meeting to the business at 20922 South Main Street.

Commissioner Saenz stated that because this use has a large number of violations to address, they should be given more time to complete the improvements.

Commissioner Saenz moved, seconded by Commissioner Brimmer, to prepare a resolution of approval for this applicant. (This motion was ultimately superseded.)

City Attorney Wynder clarified that if the Commission's intent is to approve the applicant's request and to put a stop to the use of the residential unit, the motion should be to direct staff to prepare a resolution of approval, along with conditions of approval, and that evidence be presented to prove the residential unit is not being used.

Chairman Faletogo moved, seconded by Commissioner Verrett, to direct staff to prepare a resolution for approval, along with conditions; and that this applicant be given 12 months to correct the violations. (This motion was ultimately amended.)

By way of a substitute motion, Commissioner Diaz moved to concur with staff recommendation for denial, stating that if the property owner is able to immediately remove the residential use, address all code enforcement issues, and adequately correct violations, they may be eligible to reapply for a conditional use permit for an auto repair use at a later time. (This motion died due to the lack of a second).

City Attorney Wynder stated that further clarification is needed on the motion, asking if it is the Commission's intent that the applicant be given 12 months to complete the improvements and that a resolution of approval, with conditions, be drafted once the residential use has ceased.

Chairman Faletogo and Commissioner Verrett indicated yes and accepted City Attorney Wynder's clarification on the motion.

Senior Planner Signo suggested that a performance schedule be implemented for that 12-month period, noting that several of the improvements can be done within the span of those 12 months.

Chairman Faletogo and Commissioner Verrett accepted Senior Planner Signo's suggestion for a performance schedule for that 12-month period.

The motion carried as follows:

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

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| 12. NEW BUSINESS DISCUSSION | None. |
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| 13. WRITTEN COMMUNICATIONS | None. |
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- 14. MANAGER'S REPORT**

Senior Planner Signo distributed to the Commission a memo regarding quality assurance conditions for the 2535-2569 East Carson Street condo project, and commented on the possibility of applying quality assurance conditions to future condominium projects.

Senior Planner Signo stated that City Council will be considering the Ken Porter auto auctions item at its next meeting; the second reading of the recent clean-up ordinance amendment; and will address a memo/update on the Carousel tract and Dominguez Annexation issues.

Senior Planner Signo stated that Planning Officer Repp arrived back in the states with Igor last Saturday and that she will be spending some time away from the office to bond with her new child.

15. COMMISSIONERS' REPORTS

Chairman Faletogo thanked everyone for a good meeting.

16. ADJOURNMENT

At 9:17 P.M., the meeting was adjourned to Tuesday, November 22, 2011, 6:30 P.M., City Council Chambers.

Chairman

Attest By:

Secretary