

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

December 13, 2011 – 6:30 P.M.

1. **CALL TO ORDER** Chairman Faletoogo called the meeting to order at 6:38 P.M.
2. **PLEDGE OF ALLEGIANCE** The Salute to the Flag was led by Commissioner Verrett.
3. **ROLL CALL**

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

Planning Commissioners Absent: Williams (excused)

Planning Commissioners Departed Early: None

Planning Staff Present: Planning Officer Repp, City Attorney Wynder, Senior Planner Signo, Associate Planner Song, Recording Secretary Bothe
4. **AGENDA POSTING CERTIFICATION** Recording Secretary Bothe indicated that all posting requirements had been met.
5. **AGENDA APPROVAL** Commissioner Saenz moved, seconded by Chairman Faletoogo, to approve the Agenda as presented. Motion carried, 8-0 (absent Commissioner Williams).
6. **INSTRUCTIONS TO WITNESSES** Chairman Faletoogo 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.

City Manager David Biggs introduced himself and gave a brief history of his work in the municipal field.

Planning Officer Repp introduced the newest member of her family, Nickolas "Igor" Repp-Loadsman and the rest of her family. The Commission welcomed Nickolas and thanked Planning Officer Repp for introducing her family.

9. CONSENT CALENDAR

- A) Planning Commission Minutes: November 22, 2011
- B) Leadership Workshop Minutes: September 17, 2011

MOTION: Chairman Faletogo moved, seconded by Commissioner Schaefer, to approve the Consent Calendar as presented. Motion carried, 8-0 (absent Commissioner Williams).

10. CONTINUED PUBLIC HEARING None.

11. PUBLIC HEARING

- A) Design Overlay Review No. 1439-11; and
Conditional Use Permit No. 879-11**

Applicant's Request:

The applicant, Trillium Telecom, is requesting the removal of telecommunication equipment within an existing church steeple and construction of a new, stand-alone, 34-foot high, enshrouded telecommunication facility on a property located within the CN (Commercial, Neighborhood) zone. The subject site is located at 520 East 228th Street.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation to APPROVE Design Overlay Review No. 1439-11 and Conditional Use Permit No. 879-11, subject to the conditions of approval; WAIVE further reading and ADOPT Resolution No. 11-2411, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 1439-11 and Conditional Use Permit No. 879-11 for the removal of telecommunication equipment and existing telecommunication panels within a church steeple and construction of a new free-standing, enshrouded, 34-foot-high telecommunication facility tower located at 520 East 228th Street."

Chairman Faletogo opened the public hearing.

Tim Miller, applicant's representative, advised that the new design will not increase the height of the facility; and explained that this proposal is necessary to solve capacity issues. He asked that the church be given an additional 60 days to remove the storage container, noting this is a busy time of year for the church.

Planning Officer Repp stated that staff would allow an additional 60 days for the removal of the storage container.

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

Planning Commission Decision:

Commissioner Verrett moved, seconded by Commissioner Diaz, to approve the applicant's request, thus adopting Resolution No. 11-2411. Motion carried, 8-0 (absent Commissioner Williams).

11. PUBLIC HEARING

B) Conditional Use Permit No. 831-10

Applicant/Property Owner:

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 property is located at 21012 South Main Street.

Staff Report and Recommendation:

Associate Planner Song presented staff report and the recommendation to DENY Conditional Use Permit No. 831-10; and WAIVE further reading and ADOPT Resolution No. 11-2412, 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 highlighted the applicant's letter (of record) to the Commission which addresses the applicant's belief they have been unfairly treated by city staff.

Associate Planner Song listed and addressed each item the applicant has yet to complete, including those processes required by the Building and Safety Department. She added that the applicant also failed to obtain permits for some of the work they undertook; and noted that the violations are outlined in a table on Page 14 of staff report.

Planning Officer Repp explained that it is always difficult when a property owner/business owner has a number of violations that need to be addressed and struggling to come up with the financing to comply. She reminded the Commission that the auto repair use ordinance was first adopted in 2009 and that there have been several property owners who have complied with the new ordinance; however, there are still some businesses and property owners who have not fully complied. She stated that there have been several workshops and code enforcement actions in order to gain compliance; and that when a more assertive approach becomes necessary, sometimes the property owners/business owners become protective and defensive. Planning Officer Repp stated that Associate Planner Song has been diligent in doing her job, and that she believes staff has done everything this Commission has deemed necessary in order to gain compliance; and she encouraged the Commission to maintain the adopted standards for compliance. She pointed out the issues concerning the safety standards on this site, noting that allowing these issues to go on for another 12 months is considered very lenient and generally not a good policy.

City Attorney Wynder added that this site is a chronic code violation property, expressing his belief that staff has exercised remarkable restraint and that, in his opinion, they do not deserve to do business at this location if they continue to not comply with these standards. He added that another remarkable showing of restraint is the prosecutor has only charged them with a misdemeanor. He added that staff has done its job and because of the chronic nature of these violations, staff is reminding them of each of the steps in the process. He stated that the applicant cannot go halfway through the list of violations and think the problems at this site are cured and that acting without the benefit of permits is not the way an orderly development in a community exists. He stated he is troubled by this applicant's nonconforming activities. He pointed out that a letter from staff stating that if they do not comply with the law, they will face legal action is not considered a threat, it is a letter that is sent to obtain compliance with the City's codes; and that giving an applicant a deadline with which to comply is a legal standard by which a legal prosecutor enforces the law.

City Attorney Wynder also added that Carson's businesses must comply with the National Pollutant Discharge Elimination System (NPDES) permit program, which controls water pollution by regulating point sources that discharge pollutants into waters of the United States. He added there are some serious consequences to violating this program, not only for the businesses but also for the city of Carson.

Commissioner Saenz stated there are a lot of businesses on Main Street that are not complying with the City's codes and that this applicant feels this is selective enforcement.

City Attorney Wynder pointed out that every city is facing the impacts of limited financial resources to bring businesses into compliance, but added that when the City finds violations, it must address those violations; and concluded this has all been done appropriately with this site.

Commissioner Verrett stated that the most serious violations should be dealt with as soon as possible and that the applicant should be given adequate time to comply with the nonconformities.

Commissioner Diaz stated that the Commission directed staff at the prior meeting to return with a resolution the Commission could vote on; that the Commission gave clear direction and instructions to staff to prepare a performance schedule to complete the conditions of approval in the next 12 months; he expressed his belief that what staff has presented this evening has concisely met what the Commission asked of staff; and he stated that this matter should move forward.

Commissioner Schaefer expressed her belief staff is doing exactly what the Commission directed staff to do as residents of the community and stated she feels uncomfortable with the applicant's letter; and expressed her belief that staff deserves the Commission's compliments for the work they have done to get this property into compliance.

Associate Planner Song reiterated that staff is continuing to recommend denial of the CUP because of lack of compliance and a lack of good faith effort to meet the standards.

Commissioner Diaz advised he visited with the business operator who showed him around the site, noting his appreciation of the operator's time.

Commissioner Goolsby stated that he also visited the site and looked from the front, noting this site looks better than most on Main Street.

Commissioner Verrett noted she would support extending the time given to the applicant to complete any necessary improvements.

Chairman Faletogo opened the public hearing.

Mariechelle Guinto, property owner, stated it is her intent to comply and fix the violations that were presented to her from the last meeting, but stated that there are additional items on the performance schedule she was not aware of and that she feels she needs more time to determine the cost to fix those violations, such as the roof. She stated she is overwhelmed with the number of violations that need to be fixed; advised that she does not know how much all of this will cost; and that she feels uncomfortable in saying what she will ultimately be able to complete given her finances. She stated that the largest expense will likely be to fix or remove the roof structure; and stated that while she will agree to fix the nonconformities, she is not sure if she will have the finances to complete the list. She also addressed her concern that many unforeseen things can happen within the next 12 months and that if she needs a little additional time, she would like to ask for that extension if need be.

Ms. Guinto noted for Commissioner Brimmer that her father operated the business from this site for many years up until last year and confirmed that she is now the property owner. She reiterated that she became aware of all these issues about four to five months ago and that she feels overwhelmed. She stated that she received a letter from the City's prosecutor's office after the last hearing and that she is confused with the timing of that letter. She advised that no one is living on site at this time. She reiterated that her biggest concern is the cost of bringing the roof structure into compliance and believes she hasn't been given enough time to research how much all of these repairs are going to cost her.

Planning Officer Repp pointed out that the roof is a very large unpermitted structure that must be brought up to code, and if the applicant does not have the funds to bring it up to code, then the next option would be to remove the structure.

Commissioner Diaz asked the applicant if she is in concurrence with the conditions of approval and the performance schedule.

Ms. Guinto stated she is in concurrence with everything except with the roof structure because of its unknown cost to bring it into conformance.

Vice-Chairman Gordon asked staff why the applicant was only notified of the roof a few weeks ago.

Associate Planner Song explained that the applicant was made aware that any unpermitted structure would need to be addressed and has been included in the performance schedule. She added that up to a certain time, staff was working with her father, who was aware of the roof condition.

Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Saenz moved, seconded by Commissioner Diaz, to adopt Resolution of Approval No. 11-2412 to approve the applicant's request for a conditional use permit. (This motion ultimately carried.)

By way of a substitute motion, Commissioner Verrett moved, seconded by Commissioner Saenz, to adopt Resolution of Approval No. 11-2412, giving the applicant 18 months to comply with the roof requirements. (This motion was ultimately withdrawn.)

By way of a substitute motion, Commissioner Verrett moved, seconded by Chairman Faletogo, to adopt Resolution of Approval No. 11-2412, allowing the applicant to return to the Planning Commission with a request for extension of time if the roof is still not in full compliance. (This motion was ultimately withdrawn.)

Planning Officer Repp advised that anyone may seek an extension of a discretionary permit.

The original motion to approve carried, 8-0 (absent Commissioner Williams).

11. PUBLIC HEARING

C) Design Overlay Review 1428-11

Applicant's Request:

The applicant, Vintage Real Estate, LLC, is requesting to construct a new 7,537-square-foot restaurant building on the Sears parcel at the South Bay Pavilion shopping center. The subject property is located at 20700 South Avalon Boulevard.

Staff Recommendation:

Senior Planner Signo presented staff report and the recommendation to RECOMMEND APPROVAL of Design Overlay Review No. 1428-11 to the Redevelopment Agency, subject to the conditions attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 11-2314, entitled, "A Resolution of the Planning Commission of the city of Carson recommending approval to the Carson Redevelopment Agency of Design Overlay Review No. 1428-11 for the design and development of a new restaurant building at the Southbay Pavilion located at 20700 South Avalon Boulevard."

Commissioner Verrett stated that some of the signage lighting at this mall needs attention, noting that several are not working properly.

Chairman Faletogo opened the public hearing.

Jerry Garner, representing the applicant, commented on the Sears shopping center upgrades that will take place at the same time this restaurant is being built. He noted there is likely going to be another restaurant chain applying for the second pad.

Neil Klineman, representing the applicant, noted they hope to get this work started this March and open mid-November 2012.

John King, representing Olive Garden, stated this Olive Garden will have a private banquet room and that they plan to hire qualified people from the community.

Commissioner Diaz asked if union labor will be put to work on this project.

Mr. King stated they typically do not hire union labor for their entire project. He stated that each Olive Garden restaurant has approximately 180 employees.

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

Planning Commission Decision:

Commissioner Diaz moved, seconded by Chairman Faletogo, to approve the applicant's request, thus adopting Resolution No. 11-2413. Motion carried, 8-0 (absent Commissioner Williams).

11. PUBLIC HEARING

D) Conditional Use Permit No. 797-10

Applicant's Request:

The applicant, Joseph Gan, is requesting conditional use permit approval to facilitate continued auto repair use for a business on a dual-zoned lot in the ML-D/RS (Manufacturing, Light – Design Overlay/ Residential, Single-Family) zoning district and within the Carson Consolidated Redevelopment Project Area. The subject site is located at 20836 South Main Street.

Staff Report and Recommendation:

Senior Planner Signo recommended this matter be continued to the January 10, 2012, Planning Commission meeting, noting there are additional concerns to address.

Chairman Faletogo opened the public hearing.

Planning Commission Decision:

Without objection, this item was continued to January 10, 2012.

11. PUBLIC HEARING

E) Design Overlay Review No. 1385-10

Applicant's Request:

The applicant, Juanita Myles, is requesting approval to remodel an existing commercial building and convert an existing single-family dwelling to an office building in the MU-CS (Mixed-Use, Carson Street) zoning district and within the Carson Consolidated Redevelopment Project Area. The subject site is located at 333-341 West Carson Street.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation to APPROVE Design Overlay Review No. 1385-10, subject to the conditions of approval attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 11-2414, entitled, "A Resolution of the Planning Commission of the city of Carson recommending approval of Design Overlay Review No. 1385-10 to the Carson Redevelopment Agency to remodel an existing commercial building and convert an existing single-family dwelling to an office located at 333 West Carson Street."

Chairman Faletogo opened the public hearing.

Juanita Myles, applicant, noted her concurrence with the conditions of approval.

Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Diaz moved, seconded by Commissioner Brimmer, to approve the applicant's request, thus adopting Resolution No. 11-2414. Motion carried, 8-0 (absent Commissioner Williams).

11. PUBLIC HEARING

F) Design Overlay Review No. 1401-11, Conditional Use Permit No. 864-11, Conditional Use Permit No. 865-11, Conditional Use Permit No. 866-11

Applicant's Request:

The applicant, Inland Kenworth, is requesting to construct a 3,852-square-foot diesel truck wash and lube facility to be used in conjunction with a new diesel truck sales use (over two tons), showroom, and repair facility in the CG-D (Commercial, General; Design Overlay) zone and within the Carson Consolidated Redevelopment Project Area. The subject property is located at 1202 East Carson Street.

Staff Report and Recommendation:

Planning Officer Repp presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 11-2415, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit Nos. 864-11, 865-11, and 866-11, and recommending approval of Design Overlay Review No. 1401-11 to the Carson Redevelopment Agency for construction of a new diesel truck wash and lube facility to be used in conjunction with a new diesel truck sales use (over two tons), showroom, and repair facility located at 1202 East Carson Street."

Chairman Faletogo opened the public hearing.

Rob Von, applicant's representative, stated this will be a new branch for Inland Kenworth that will have approximately nine employees, some hired locally; and stated he agrees with the conditions of approval. He noted that they have a 10-year lease with an option to purchase.

Irella Ruiz noted her concern with the noise that will be coming from the traffic to and from this business and questioned what impacts these operations will have on the nearby residents.

Planning Manager Repp explained that staff does not see any negative impacts of these new truck sales operations on the residents.

Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Diaz moved, seconded by Commissioner Brimmer, to concur with staff's recommendation, thus adopting Resolution No. 11-2415. Motion carried 8-0 (absent Commissioner Williams).

12. NEW BUSINESS DISCUSSION None

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

- Cancellation of the December 27, 2011, Planning Commission meeting

There was no objection to cancel the December 27, 2011, Planning Commission meeting.

- Dominguez Annexation

Planning Officer Repp advised that the City will be going through the application process to make a final determination on whether or not to annex this area; and that staff will be presenting information to City Council that looks at the viability of the proposed annexation. She noted for Commissioner Saenz that this annexation area is 1,728 acres and has a population of approximately 2,000 people.

- Carousel tract

Planning Officer Repp stated that there will likely be another community meeting tentatively scheduled for January 25, 2012, to provide a progress update; and she encouraged the Planning Commission to attend this meeting. She also noted that additional information can be found on the City's website.

15. COMMISSIONERS' REPORTS

Commissioner Brimmer commended staff on their presentations this evening, and she commended City Attorney Wynder on his input during the Planning Commission meetings. She thanked Planning Officer Repp for sharing the information on the family adoption this year and also for introducing her family this evening. She noted her delight with the car wash project on Alondra and Avalon Boulevards.

Commissioner Verrett echoed Commissioner Brimmer's comments.

Commissioner Schaefer expressed her confidence in Planning staff and the City Attorney, and stated it was unfortunate that Associate Planner Song was unjustly criticized by one of her applicants for doing what she was hired to do, expressing her belief Associate Planner Song is doing a great job.

Vice-Chairman Gordon noted the need to always get both sides of a story before making any assumptions; and noted that Associate Planner Song did a good job this evening while being in the line of fire. Seeing that Associate Planner Song has left the meeting, he asked that Associate Planner Song be advised that she has his full support and that he appreciates her efforts.

Commissioner Saenz expressed his belief that code enforcement is selective enforcement, stating that numerous businesses in Carson are using their places of businesses as a residence. He stated that because of the poor economy, it has forced many to live in their places of business.

Senior Planner Signo stated that residential units are not permitted in industrial areas.

Planning Officer Repp reminded the Commission there is now a collaborative effort between Planning and the Code Enforcement Department to evaluate each property along Main Street for compliance.

Commissioner Saenz advised that the City is responsible for maintaining the street lights on Main Street that are located in a median strip or on an island and that Edison is responsible for maintaining the lights located along the sidewalks.

Chairman Faletogo asked if a lighted crosswalk can be placed near the former Ha Penny Inn on Main Street, noting that recently a man crossing the street was killed by a hit-and-run driver; and he noted that many seniors live in this complex and frequent the market across the street.

Planning Officer Repp stated that Traffic Engineer Garland will be apprised of this situation.

Chairman Faletogo stated that Associate Planner Song does a good job, but stated that because of the poor economy, he hopes staff's delivery of the conformance information is done with compassion and understanding of limited finances. He noted his hope that this applicant and staff can work together.

Chairman Faletogo congratulated Planning Officer Repp on her handsome family.

16. ADJOURNMENT

At 9:50 P.M., the meeting was adjourned to Thursday, December 15, 2011, 6:30 P.M., City Council Chambers.

Chairman

Attest By:

Secretary