

MINUTES

**CITY OF CARSON
REGULAR MEETING OF THE PLANNING COMMISSION
HELEN KAWAGOE CITY COUNCIL CHAMBERS, CARSON CITY HALL**

***701 East Carson Street, 2nd Floor
Carson, CA 90745***

December 9, 2014 – 6:30 P.M.

1. **CALL TO ORDER** Chairman Faletogo called the meeting to order at 6:34 P.M.
2. **PLEDGE OF ALLEGIANCE** Chairman Faletogo led the Salute to the Flag.
3. **ROLL CALL**
Planning Commissioners Present: Brimmer, Faletogo, Goolsby, Gordon, Piñon, Schaefer, Saenz, Verrett
Planning Commissioners Absent: Diaz
Planning Staff Present: Planning Manager Naaseh, Senior Planner Signo, Assistant City Attorney Ward, Associate Planner Rojas, Planning Technician Alexander, 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 Gordon, to approve the Agenda as submitted. This motion ultimately carried.
Commissioner Schaefer moved, seconded by Commissioner Goolsby, to take Item 11A as the first order of business. This motion failed, 2-7:
AYES: Goolsby, Schaefer
NOES: Brimmer, Gordon, Saenz, Verrett, Piñon, Faletogo
ABSENT: Diaz

The motion to approve the Agenda as submitted carried as follows, 7-2:

AYES: Brimmer, Gordon, Saenz, Verrett, Piñon, Faletogo
NOES: Goolsby, Schaefer
ABSENT: Diaz

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

Assistant City Attorney Ward

8. ORAL COMMUNICATIONS

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

9. CONSENT CALENDAR

None

10. CONTINUED PUBLIC HEARING

A) Conditional Use Permit No. 831-10

Applicant's Request:

Planning staff is requesting the Planning Commission consider the revocation of Conditional Use Permit No. 831-10 for an auto repair business on a site located in the ML-D (Manufacturing, Light – Design Overlay) zoning district. The property is located at 21012 S. Main Street.

Staff Report and Recommendation:

Associate Planner Rojas presented staff report and the recommendation for the Planning Commission to revoke Conditional Use Permit No. 831-10.

Commissioner Schaefer asked what the name of the business is that is currently operating on this site and whether Mr. Guinto is the owner of that business; and stated that the parking is very limited on this site, questioning what the parking restrictions are.

Associate Planner Rojas stated that the name of the business is International Auto Body Repair Shop, noting that Mr. Guinto has indicated he is currently operating the auto repair business; and he explained that the applicant is exceeding the allowed parking.

Commissioner Gordon asked why staff is recommending a revocation of the conditional use permit.

Associate Planner Rojas stated that the applicant has not complied with the approved conditions of approval, as referenced in staff report.

Commissioner Gordon asked if this applicant has been uncooperative.

Associate Planner Rojas explained that the applicant has completed very few of the conditions for approval.

Planning Manager Naaseh stated that the applicant is being cooperative in that he has recently pulled building permits and paid approximately \$3,500 in Building and Safety fees, so in that sense, the applicant has made some effort in moving toward compliance with the conditions of approval.

Planning Manager Naaseh explained that the approved plans require the majority of the building to be reconstructed, pointing out that three new fire-rated walls need to be constructed because this building does not meet L.A. County Fire Code regulations; added that a major portion of the roof has to be replaced with additional beams because the roof extends into the rear setback; and that when the rear setback roof is removed, it will then need additional bracing to meet code. He noted that the applicant has indicated these projects are costly; that he cannot afford to make the improvements; and that the costs for making code compliance improvements has been Mr. Guinto's argument for not meeting code for at least the last three to four years.

Planning Manager Naaseh added that this Commission has approved multiple extensions to this applicant's performance schedule to provide the applicant additional time to comply with conditions of approval; and highlighted the condition which specifies that if the applicant fails to comply with these conditions, the Commission may revoke the conditional use permit (CUP). He pointed out that a condition of approval was put in place by this Commission at the last hearing which states that this applicant will not be entitled to any more extensions for these deadlines. He expressed staff's concern with this applicant's lack of progress given the multiple deadline extensions.

Commissioner Gordon asked what communications staff has had with this applicant.

Planning Manager Naaseh stated that staff was out at this site last week.

Associate Planner Rojas explained that since the last hearing, staff has had multiple communications with the applicant since March 2014; and that he sent a letter to the applicant reminding him of the deadlines and outlining the work needed to be accomplished. He added that he and Senior Planner Signo, both together and separately, have met several times at City Hall with the applicant; that he and Senior Planner Signo have also met with Mr. Guinto a few times on site since March; and that he has also gone out to this site with the Code Enforcement Manager to tour the interior of the building, all of this with the applicant since March 2014.

Associate Planner Rojas stated that the applicant pulled building permits in August, indicating to staff he was intending to hold up his side of the agreement; and that in subsequent conversations with Mr. Guinto, he has indicated the code-compliance improvements cannot be made due to the lack of finances.

Chairman Faletogo asked what the estimated cost is for this applicant to comply with the City's/County's codes.

Planning Manager Naaseh estimated it would cost around \$50,000 to meet code, which includes the construction of fire-rated walls on three sides of the building and replacing and adding beams for the roof structure, etc.

Vice-Chairman Piñon asked if the fire-resistant walls are required because this is an automotive repair business.

Planning Manager Naaseh indicated yes, that the building is based on occupancy, Building and Safety Code requirement, the approved plans which show a 1-hour fire-rated wall and the other showing a 2-hour fire-rated wall.

Vice-Chairman Piñon asked if the other auto-related businesses along Main Street have those fire-rated walls.

Planning Manager Naaseh stated that most of the businesses along this street have completed this conditional use permit process and are consistent with what the City is requiring of this applicant. He reiterated that it is a code requirement.

Associate Planner Rojas explained that fire-rated wall requirements are based on use, activity of auto repair businesses, and also are especially required in this case due to the north portion of the building sitting right on the property line; stated that the 2-hour fire-rated wall is needed to protect the neighbors; and that on the eastern portion of the property line, the 1-hour fire-rated wall is required due to the close proximity to the residential neighborhood, the single-family resident at the back.

Chairman Faletogo asked if all auto body shops in Carson have spray booths.

Planning Manager Naaseh stated that any auto-related business that has a CUP must comply with their conditions of approval; stated if they do body paint activities and have a CUP, they would need to comply with the spray booth requirements; and mentioned that the auto business on Carson will soon be coming before this Commission, but urged this Commission to consider this project on its own merits. He added that while the applicant did pull permits for electrical and mechanical, he did not call Building and Safety staff to complete the process, noting that an inspection finalizes the process. He stated this is an important step in the process because that inspector's sign-off confirms that the work has been properly/safely completed. He pointed out that this applicant has been reminded a number of times to follow through with this inspection process.

Chairman Faletogo stated that the applicant has indicated he does have permits from AQMD and yet staff continues to require him to get permits from the City; questioned if the City's code requires the spray booths; and stated that these requirements should be fairly applied to all like businesses in Carson.

In response to Commissioner Brimmer's inquiry regarding inspection, Associate Planner Rojas clarified that Building and Safety staff gave approval for the applicant to begin working on his approved plans, but stated that the applicant has yet to complete the work, noting that Building and Safety staff cannot inspect work that has yet to be completed; advised that it is the applicant's responsibility to request an inspection following the completion of their work on site, reiterating that Building and Safety staff must be informed when the work has been completed.

Chairman Faletego opened the public hearing.

Zeke Vidaurri, representing the applicant, noted for the record that he is not receiving any compensation to represent this applicant. He submitted to the Commission this evening a list of items of the work that has been completed on this site and a financial tabulation of what has been spent; and stated that it also includes a cost estimate for those projects that have yet to be accomplished. He stated that the applicant has not been uncooperative, that he just doesn't have the money to do the necessary work to conform to the requirements. He added that this applicant wants to do what has to be done. He stated that a lot of money has already been spent; expressed his belief that some of the items required of him are not necessary, such as the requirement for a spray booth; and stated there is nothing in the code that requires a spray paint booth at this auto repair business. He advised that the applicant purchased a portable, assembled spray paint booth; and stated that he was directed to improve the fire hydrant in front of his property, but that the Fire Department has indicated that is not necessary because he is not proposing a new building. He stated that a shower area is necessary in auto shops so the employees can clean up before going home. He requested a zero setback for the businesses in this area, stating they all have zero setbacks. He expressed his belief that the City should have helped these businesses when redevelopment funds were available. He urged the City not to close down businesses, noting that jobs are lost when businesses close; and stated that this applicant needs more time to raise the funds to complete the work list.

Highlighting the paperwork distributed by the applicant this evening, Chairman Faletego asked if the figure of \$61,560.41 is the total amount spent from 2012 to today by the applicant.

Mr. Vidaurri indicated yes, noting that figure includes the \$25,000 for the assembled spray booth that he didn't need.

Chairman Faletego asked what the applicant is seeking at this point.

Mr. Vidaurri stated that the applicant is seeking an extension to comply with the remaining requirements, noting those items will cost approximately \$24,000 and for a zero setback.

Commissioner Schaefer asked for clarification on who is the owner of the business.

Mr. Guinto, applicant, stated that Mario Gomez operates the auto repair business.

Commissioner Schaefer asked if Mr. Guinto lives or stays overnight on this property.

Mr. Guinto indicated no, he does not live on site but sometimes he will stay the entire day to watch the business activities.

Mr. Vidaurri stated that Mr. Guinto acts as the caretaker of the property.

Commissioner Schaefer asked if Mr. Guinto's daughter still owns the business.

Mr. Guinto stated that his daughter owns the building.

Commissioner Schaefer asked if Mr. Guinto has applied for a business loan for the repairs. She asked for further clarification on what Mr. Guinto does at this site, whether he operates either the auto business or the painting business.

Mr. Vidaurri stated that few lending institutions will loan money to a business that is in the red every month. He noted for Commissioner Schaefer that the tenant operates the body shop.

Vice-Chairman Piñon asked how much time the applicant needs to complete the work.

Mr. Vidaurri stated that 24 months should be a sufficient time to get the work done.

Commissioner Goolsby thanked the applicant for the improvements he has made thus far.

Commissioner Verrett asked what the estimated cost will be for the fire-rated walls.

Mr. Vidaurri stated that cost has been included in the \$41,000 estimate of theirs for all repairs.

Commissioner Verrett stated that the Commission should take a look at the requirement for the fire-rated walls, believing it may not be necessary.

Mr. Vidaurri mentioned that the gate would cover any attempts at landscaping; and stated that some landscaping has been done at the front of the office. He stated that fire-rated walls are required when a business is painting vehicles; and stated that when a business has a spray booth, if there's an explosion, it's going to be contained inside the spray booth and, therefore, fire-rated walls are not necessary at this business.

Associate Planner Rojas stated that given the use of this property, the business that is operating there, and with the building sitting on the property lines, the fire-rated walls are required by building code; and stated that Planning staff has no discretion on eliminating those building code requirements.

Commissioner Verrett stated that the spray booth will contain an explosion and that the fire-rated walls should not be necessary.

Planning Manager Naaseh explained that the plans submitted to the City and reviewed by Building and Safety staff include fire-rated walls as a requirement regardless of this spray booth, but stated that staff will confirm with the County that requirement.

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

Planning Commission Decision:

Commissioner Saenz moved, seconded by Commissioner Brimmer, to give the applicant a 24-month extension. This motion was ultimately amended.

Commissioner Brimmer stated this would be their final extension.

Commissioner Verrett offered a friendly amendment to eliminate Condition No. 40, "The applicant may not submit for an extension of time"; and that a zero setback be permitted. She stated the other businesses in the area have a zero setback.

Commissioner Saenz stated that he would support this friendly amendment because he believes this applicant needs more space for his operations.

Commissioner Brimmer accepted the friendly amendment.

Planning Manager Naaseh stated that the Commission's motion would require staff to return with a separate public hearing for a zero setback for these properties in this area that back up against the residential areas, noting that would require an ordinance amendment. He pointed out that staff does not believe that is a good practice but stated it is within the Commission's purview to direct staff to bring back an ordinance amendment.

Commissioner Schaefer held up the photograph that was given by this applicant this evening, pointing out it is misleading and looks nothing like the current condition of this property; advised that twice today as she was passing by this property, she witnessed work being done on a car in the driveway, noting the parking lot was jammed full of cars; that the second time she went by, there was no place on site for a car to turn around; and that after multiple attempts to back out onto Main Street, the car's passenger exited the vehicle in order to guide the vehicle safely onto the roadway, pointing out this is a hazardous condition.

Commissioner Schaefer stated that she has been a long-time advocate for improving the poor conditions along this stretch of Main Street; and pointed out that now there is a motion to allow zero setbacks in this area, urging this Commission to make decisions that move this City forward, not go backward, with improving the aesthetics of this blighted area. She added that this street is near her home; that she routinely drives on this roadway and that she is opposed to allowing it to continue its blighted condition. She stated that this applicant has not provided any evidence tonight that he will conform any more than what has been done up to this point; stated that this Commission has given ample opportunities/extensions to this applicant; and pointed out to this Commission that the City is not asking any more of this applicant than it is asking of any other business. She stated she is sympathetic to the businessmen, but that she does not believe financial hardship is a proper justification for continuing to operate in an unsafe manner and operating without any regard to the adopted codes.

By way of a substitute motion, Commissioner Schaefer moved to revoke the applicant's conditional use permit. This motion died due to the lack of a second.

Commissioner Verrett noted her agreement that this area needs to be cleaned up, but stated she would prefer to see thriving businesses along this roadway rather than abandoned buildings; and stated that she is opposed to closing down businesses. She expressed her belief Mr. Guinto has made a good faith effort to comply and is doing all he can to bring the property into conformance.

Commissioner Gordon asked what happens if the Commission decides to revoke the CUP.

Planning Manager Naaseh stated the business would have to shut down until compliance is met. He noted this matter would be turned over to code enforcement and the City Prosecutor's Office.

Assistant City Attorney Ward noted that the applicant would have an opportunity to appeal the Planning Commission's decision to City Council; stated that the City Prosecutor's Office would cite the applicant for operating out of compliance with code; and he estimated that the revocation process could take up to four months if the applicant lost any appeal and did not file a writ in court challenging the City's decision.

Commissioner Gordon asked if the Carson Municipal Code requires auto repair body shops to have spray booths.

Planning Manager Naaseh expressed his belief it is not required by Carson's Municipal Code but is required by AQMD.

Commissioner Gordon urged staff to provide a final decision on what entity, if any, requires a spray booth for automotive body shops. He asked what will be done with the rest of the nonconforming body shops in Carson if spray booths are required.

Planning Manager Naaseh stated that if this Commission is seeking to allow zero setbacks for these properties, that will require a code amendment and a separate public hearing, with City Council having the final decision. He stated that staff cannot support any findings for a variance.

Commissioner Gordon expressed his desire to strike a balance between helping businesses and cleaning up this blighted area of Main Street.

Chairman Faleto go expressed his belief the fire-rated walls are not necessary or required if there is a complete, functioning spray booth in the business; and he recommended that condition be eliminated.

Associate Planner Rojas noted that the plans submitted by the applicant to Building and Safety included the fire-rated walls because those are requirements by L.A. County Building and Safety Code; and that those fire-rated walls are required because of the activity on site. He explained that within this canopy area, oil changes and other automotive repairs are taking place; that flammable fluids are located on site; and that these fire-rated walls are necessary to protect the neighboring businesses and neighboring residences from these activities. He reiterated that it is a requirement for all auto repair businesses that do spray painting to have spray booths.

Associate Planner Rojas explained that a good number of code enforcement citations are complaint-driven and that Planning staff responds to those complaints by resolving/seeking code compliance; and that conformity is also obtained when businesses seek discretionary approvals, noting that staff is able to require further improvements on properties during that process. He added that these processes afford staff opportunities to have violations corrected, making activities on site safe for neighbors, employees and patrons of those establishments. He added that inside of this canopy area, one can see right through those walls, noting there is no protection for any of the neighbors.

Planning Manager Naaseh explained that if the Commission decides not to revoke the conditional use permit, staff will need to return with a new report/resolution per the Commission's direction to allow a zero setback in the rear yard; and he added that it will be necessary for staff to address how a zero setback would impact the ML zoning throughout the entire City. He clarified that the Commission is talking about the rear setback, not the front setback.

Assistant City Attorney Ward noted his understanding the Commission is seeking a 24-month extension, allowance of a zero setback, and the deletion of Condition No. 40. He explained that a new public hearing would be necessary for the setback issue and suggested the Planning Commission direct staff to come back with a formal resolution to address those findings.

The makers of the motion agreed to direct staff to prepare the necessary paperwork to allow for a 24-month extension and to delete Condition No. 40, "The applicant may not submit for an extension of time"; and to put together a public hearing to address the recommendation for a zero setback. Commissioner Brimmer asked that staff provide clarification on the spray booth being a requirement and by what agency.

Chairman Faletogo stated that he would like to see this stretch of Main Street cleaned up but stated he does not want businesses to close down, asking staff to exhaust all means to work with this applicant because he is struggling financially to meet conformity; and he cautioned Mr. Guinto to fulfill his obligations, noting he has been granted a lot of time on these extensions.

The motion carried as follows, 7-1:

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

11. PUBLIC HEARING

A) Design Overlay Review No. 1529-13

Applicant's Request:

The applicant, Teshome Woldmagmy, is requesting to convert a single-family dwelling into a storage room, add 261 square feet to an existing adjacent market, and provide façade and site improvements in the ML-D (Manufacturing Light – Design Overlay) zoning district. The subject property is located at 21002 S. Main Street.

Staff Report and Recommendation:

Planning Technician Alexander presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 14-2532, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 1529-13 to convert a single-family dwelling into a storage room, expand an existing market, and provide façade and site improvements for a property located at 21002 S. Main Street."

Planning Technician Alexander noted for Commissioner Goolsby that the home is being converted to a commercial use, storing the market's supplies; and stated that this applicant is bringing this property into conformance with the City's codes.

Chairman Faletogo opened the public hearing.

Teshome Woldmagmy, applicant, noted his desire and willingness to improve this property and this building on Main Street; and stated he is in concurrence with the conditions of approval.

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

Highlighting the color rendering, Commissioner Schaefer stated she is pleased with this proposal, noting this is the kind of improvement that should be taking place in this area of Main Street.

Commissioner Brimmer stated that the Residential Property Report Checklist was very useful for her in making reference to what instructions have been given by the Building and Safety Department, suggesting it be included in all reports when applicable.

Planning Commission Decision:

Commissioner Piñon moved, seconded by Commissioner Gordon, to concur with staff recommendation, thus adopting Resolution No. 14-2532. Motion carried, 8-0 (absent Commissioner Diaz).

12. NEW BUSINESS DISCUSSION None

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

Planning Manager Naaseh advised that the Carson Street Improvement project is soon to start, noting the project bidding process will begin in January 2015; and that the construction is expected to begin in May 2015 and take approximately 18 months to complete.

Planning Manager Naaseh stated that staff and the City Attorney's Office are currently working on the ordinance amendment concerning the multi-family dwelling units in single-family zones.

Planning Manager Naaseh introduced new Community Development Director Abel Avalos, highlighting his education and professional background; and he noted Community Development Director Avalos will be meeting individually with the Planning Commissioners at the beginning of the year.

Community Development Director Avalos stated he is looking forward to working with this Commission and bringing forth good projects and taking on creative development challenges without the use of former Redevelopment Agency funds.

On behalf of the Commission, Chairman Faletogo welcomed Mr. Avalos to the City.

15. COMMISSIONERS' REPORTS

Commissioner Brimmer welcomed Mr. Avalos to the City; and asked him to address the need for a financial assistance program to aid small businesses with commercial façade improvements.

Vice-Chairman Piñon welcomed Mr. Avalos to the City. He asked for a status on the oil code update effort. He noted that he attended the Dominguez Area Homeowner Association's holiday party with Commissioner Diaz, along with Mayor pro tem Santarina.

Planning Manager Naaseh explained that the oil code update is taking a bit longer than expected; and stated it is likely another community meeting will be scheduled the first of the year and then go before the Planning and Environmental Commissions in March 2015.

Commissioner Verrett wished everyone a merry Christmas and happy New Year. She suggested that the Planning Commissioners send Bill Wynder a letter thanking him for his professionalism and hard work in Carson and with this Commission.

Commissioner Saenz wished everyone a merry Christmas.

Commissioner Goolsby wished everyone a merry Christmas and happy New Year.

Chairman Faletogo thanked and commended Planning staff for their work, noting their thorough reports are extremely helpful to the Commission; and he wished everyone a merry holiday season.

16. ADJOURNMENT

At 8:55 P.M. the meeting was formally adjourned to Tuesday, January 13, 2015, 6:30 P.M., Helen Kawagoe City Council Chambers.

Chairman

Attest By:

Secretary