

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***

January 13, 2015 – 6:30 P.M.

1. **CALL TO ORDER** Chairman Faleto go called the meeting to order at 6:30 P.M.
2. **PLEDGE OF ALLEGIANCE** Commissioner Diaz led the Salute to the Flag.
3. **ROLL CALL**
Planning Commissioners Present: Diaz, Faleto go, Goolsby, Gordon, Piñon, Schaefer, Saenz, Verrett
Planning Commissioners Absent: Brimmer
Planning Staff Present: Planning Manager Naaseh, Assistant City Attorney Ward, Associate Planner Gonzalez, 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, 8-0 (absent Commissioner Brimmer).
6. **INSTRUCTIONS TO WITNESSES** Chairman Faleto go 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**

Minutes: November 25, 2014; December 9, 2014

Motion: Commissioner Gordon moved, seconded by Commissioner Saenz, to approve the November 25, 2014, and December 9, 2014, Minutes as presented. Motion carried, 8-0 (absent Commissioner Brimmer).

10. CONTINUED PUBLIC HEARING

A) Conditional Use Permit No. 962-14 and Variance No. 554-14

Applicant's Request:

The applicant, Car Pros Kia of Carson, is requesting the Planning Commission consider the relocation of an electronic message center pylon sign for an automobile dealership located in the CA (Commercial, Automotive) zoning district. The subject property is located at 22020 Recreation Road.

Staff Report and Recommendation:

Continue to January 27, 2015.

Planning Commission Decision:

Chairman Faleto go moved, without objection, to continue this matter to January 27, 2014 (absent Commissioner Brimmer).

11. PUBLIC HEARING

A) Conditional Use Permit No. 964-14

Applicant's Request:

The applicant, Javier Perez, is requesting to approve a Conditional Use Permit to legalize an existing second dwelling unit located within the RS (Residential, Single-Family) zone district. The subject property is located at 200 E. 238th Place.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation that the Planning Commission APPROVE Conditional Use Permit No. 964-14 subject to the conditions of approval attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 15-2535, approving Conditional Use Permit No. 964-14 to legalize an existing second dwelling unit located at 200 E. 238th Place."

Chairman Faleto go opened the public hearing.

Javier Perez, applicant, noted his concurrence with the conditions of approval.

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

Planning Commission Decision:

Commissioner Diaz moved, seconded by Commissioner Schaefer, to concur with staff recommendation, thus adopting Resolution No. 15-2535. Motion carried, 8-0 (absent Commissioner Brimmer).

11. PUBLIC HEARING

B) Design Overlay Review No. 1560-14

Applicant's Request:

The applicant, SoCal Honda Power Sports, is requesting to remodel two existing buildings to operate a new SoCal Honda Power-sports dealership located in the CA (Commercial, Automotive) zone district. The subject property is located at 2055 E. 223rd Street.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 15-2533, entitled, "A Resolution approving Design Overlay Review No. 1560-14 to remodel two existing buildings for an approximate 18,305-square-foot SoCal Honda Power Sports dealership, to be located at 2055 E. 223rd Street."

Commissioner Diaz noted that he toured this site at the invitation of the applicant and asked questions about the proposed project.

Vice-Chairman Piñon noted that he also toured this site at the invitation of the applicant and asked questions about the proposed project.

Chairman Faleto go opened the public hearing.

Esequiel Pescina, representing the applicant, noted his concurrence of the conditions of approval.

Robert Young, representative, stated that they currently employ 6 people who will be working at this facility and that they anticipate hiring 12 to 14 additional employees, hoping to hire qualified Carson residents for these positions. He added that there are over 1,000 Honda dealerships in the nation but only 38 power sports facilities.

Commissioner Goolsby stated that he talked to a company representative over the phone. He asked when this facility will be open for business.

Robert Cavenah, representative, stated they would like to be open by the middle or end of February 2015.

Commissioner Verrett asked for further input on the sign at the top of the building.

Mr. Cavenah explained that they have not yet implemented a plan for that sign, noting their intention to meet with staff to discuss various options for signage.

Planning Manager Naaseh stated that the sign on top of the roof is an illegal sign; advised that the property owner was notified in 2011 and 2013 that the sign had to be removed because the conditions attached to the 1984 variance required that should the building be unoccupied for more than a year, the sign would need to be removed. He stated that this applicant knows the sign is illegal and must be removed unless they come in for another permit qualifying approval of that sign, noting it would require a new* variance today. He stated that by code, roof-mounted signs are not permitted, noting that the code is not clear on its definition for roof signs. He explained that this sign is not mounted on the roof, but is placed atop three poles that go through the building and into the ground; and stated that staff and the applicant need to meet next week to discuss the best way to address the freeway-oriented signage. He stated they are entitled to a digital signage board. He mentioned that it is the property owner's responsibility to remove the sign.

Associate Planner Gonzalez stated that a condition of approval requires Honda to remove the sign on the roof within 60 days of approval, noting that the applicant has 60 days to either remove the sign or come back in with a variance application.

Mr. Cavenah noted for Commissioner Goolsby that they have security cameras and other security measures on site.

Commissioner Gordon advised that he also took a tour of this site at the invitation of the applicant. He asked why a variance isn't being considered this evening.

Planning Manager Naaseh explained that the applicant did not file for a variance at the time this application was filed and because of the applicant's desire to open for business in February, staff did not want to halt this application process and delay their opening. He pointed out that the applicant is fully aware they may or may not be granted a variance for that sign, but they are ready to go forward with the business operations. He added that the applicant may apply for a variance or modify the building with a tower element, for instance, noting there are a number of things that can be considered.

Commissioner Gordon asked for clarification on the legality/definition of roof-mounted signs.

Planning Manager Naaseh explained that there is no written definition in the code for roof-mounted signs; stated that by definition, a sign could either be directly mounted on the roof or may look like it's mounted on the roof, again, stating there can be a couple arguments for what is a roof-mounted sign. He reiterated that this sign was approved with a variance in 1984; and that a condition of approval required that should this building become unoccupied for more than a year, that permit would become null and void. He added if the applicant applies for a variance, a number of design issues will be considered; and stated that signage has to meet the City's design standards.

Commissioner Gordon stated that before this Commission considers a variance for this signage, that a definition for roof-mounted signs should be made.

Planning Manager Naaseh explained that it is not unusual for the code not to be completely black or white in its definitions, noting it happens all the time with various issues; and added that is why the City has set policies. He pointed out that the City's

policy in this instance is that any sign mounted above the parapet is considered a roof-mounted sign; and he reiterated that there are various options for signage at this site that staff and the applicant will be considering.

Commissioner Diaz encouraged those who have yet to visit this site, to do so before a variance request returns to this Commission so the Commissioners have a clear understanding of this freeway-oriented signage issue.

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

Planning Commission Decision:

Vice-Chairman Piñon moved, seconded by Commissioner Schaefer, to concur with staff recommendation, thus adopting Resolution No. 15-2533. Motion carried, 8-0 (absent Commissioner Brimmer).

12. NEW BUSINESS DISCUSSION None

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

- Spray booths
- Multiple units in RS zone
- Schlotzky's

Planning Manager Naaseh summarized the paperwork that had been distributed to the Planning Commission this evening regarding spray equipment permit requirements, noting his appreciation of Associate Planner Rojas for gathering this information. He stated that spray booths are not required by the City's building code, that it is regulated and permitted by the Air Quality Management District (AQMD). He explained that a business operator must first obtain AQMD's permit(s) to perform spray painting operations before they obtain the required permit(s) for electrical and mechanical from the City for those uses, whether they take place in a spray booth or an enclosed area permitted by AQMD. He explained that AQMD will seek from an applicant information about the size of their business operations and how that applicant proposes to manage and contain all emissions from those painting operations; and that AQMD will then determine whether that business has an enclosed area adequate enough to maintain/control all emissions or whether that business will need a spray paint booth.

Planning Manager Naaseh clarified for Commissioner Saenz that as long as a shop can fully contain emissions resulting from those spray painting operations in a fully enclosed area, a spray booth is not required. He added that once an applicant receives their permit(s) from AQMD, an applicant would then come to the City Building Department to pull their permit(s) for electrical and mechanical and then finalize that process with an inspection to make sure the electrical and mechanical were installed properly in that spray paint booth or fully enclosed area. He summarized that the spray paint booth is regulated and required by AQMD; and that the electrical and mechanical permitting for a spray paint booth or fully enclosed area is required/regulated by the City.

Chairman Faletogo noted his concern with making it very clear to businesses that the emissions from their site need to be fully controlled and contained and that while there may be some businesses that aren't required to have a spray paint booth, they still need to abide by AQMD rules for containing all emissions onsite.

Planning Manager Naaseh stated that it is the business operator's responsibility to prove to AQMD how they will be controlling their emissions onsite.

Commissioner Schaefer asked how this clarification applies to International Auto Body following the Planning Commission's recent motion. **

Planning Manager Naaseh stated that the Commission made its final decision on that matter, that this clarification is to place on the record that this spray paint booth has been on site and permitted since 2000 when the business was Asian American Auto Repair and Body and that the spray paint booth was again permitted by AQMD in 2007 for International Auto Body & Repair Shop. He noted that the City did not start taking enforcement action on the nonconformities at International Auto Body & Repair Shop until 2009. He pointed out that Mr. Guinto made a statement on the record that the City required him to put in a spray paint booth, which was not an accurate statement. He added that the City was requiring Mr. Guinto to obtain the required mechanical and electrical permits for the already existing spray paint booth, noting that AQMD has indicated the spray paint booth has been on site since 2000, again, the spray paint booth being a requirement of AQMD.

With regard to multiple units in RS zones, Planning Manager Naaseh stated that staff and the City Attorney's Office are continuing their efforts to come to a reasonable solution for these nonconforming multiple units; and explained that it may be necessary to make zone changes and/or consider other creative approaches for these properties/areas. He stated that this matter will be coming back to the Planning Commission in the near future for a workshop.

Planning Manager Naaseh advised that because of financial issues, Schlotzsky's has decided not to go forward with their project across the street from City Hall.

Planning Manager Naaseh reminded the Planning Commissioners to turn in their W-9 forms and get in contact with Ms. Bothe to set up their meetings with Planning management.

Assistant City Attorney Ward wished everyone a happy New Year. He reminded the Commissioners that if they haven't already done so, they need to complete the training for AB 1234, Ethics Training for Local Officials; and noted that they may take the training on the California Fair Political Practices Commission website. He stated that the City Attorney's Office is reminding all Commissioners to be vigilant in situations that could trigger a Brown Act violation or perception of conflict of interest; stated that the Commissioners should never be in a meeting wherein more than four of the Planning Commissioners are present, a meeting being a gathering of a majority of the members of a board to hear, discuss, or deliberate on matters within the agency's or board's jurisdiction. He stated they should not discuss business matters within their jurisdiction or form an opinion prior to the hearing wherein a matter is to be considered.

Assistant City Attorney Ward clarified for Commissioner Verrett that if an applicant invites the entire Commission to tour their facility prior to the Planning Commission meeting, that they should not have any more than four members in attendance at the same time and that they should refrain from forming an opinion or discussing the merits of the project; and he explained that they may ask questions of the project.

15. COMMISSIONERS' REPORTS

Commissioner Saenz asked if the City is proactively working to get City-owned properties sold, such as the properties at Carson and Figueroa Streets.

Planning Manager Naaseh stated that the City has assembled a group of stakeholders from various development groups to work on an investment program that is actively looking for developers and users of available and/or underutilized properties throughout the City, noting they will meet next week to identify potential uses for various sites throughout Carson. He added that through this program, various property owners will be contacted to determine their interest in selling those properties.

Chairman Faletogo thanked everyone for their efforts this evening.

16. ADJOURNMENT

At 7:47 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