

MINUTES

CITY OF CARSON REGULAR MEETING OF THE PLANNING COMMISSION

*Helen Kawagoe Council Chambers, 2ND Floor
701 East Carson Street, Carson, CA 90745*

March 8, 2016 – 6:30 P.M.

1. **CALL TO ORDER** Chairman Diaz called the meeting to order at 6:36 P.M.
2. **PLEDGE OF ALLEGIANCE** Commissioner Andrews led the Salute to the Flag.
3. **ROLL CALL**

Planning Commissioners Present: Andrews, Diaz, Fe'esago, *Guidry, Madrigal, Mitoma, *Post, Thomas

*(Commissioners Guidry and Post arrived at 6:38 P.M.)

Commissioners Absent: Pimentel (excused)

Alternates Present: Palmer

Planning Staff Present: Planning Manager Naaseh, Assistant City Attorney Gerli, Assistant City Attorney Neumeyer, Senior Planner Rojas, Associate Planner Gonzalez, Associate Planner Alexander, Recording Secretary Bothe
4. **AGENDA POSTING CERTIFICATION** Recording Secretary Bothe indicated that all posting requirements had been met.
5. **AGENDA APPROVAL** Commissioner Palmer moved, seconded by Commissioner Fe'esago, to approve the Agenda as submitted. Motion carried, 7-0 (Guidry and Post had not yet arrived; absent Pimentel).
6. **ORAL COMMUNICATIONS** For items **NOT** on the agenda. Speakers are limited to three minutes. None
7. **CONSENT CALENDAR**

Chairman Diaz moved, seconded by Commissioner Mitoma, to approve the Minutes of February 23, 2016, as presented. Motion carried, 8-0 (Thomas abstained; absent Pimentel).

8. CONTINUED PUBLIC HEARING None

9. PUBLIC HEARING

A) Conditional Use Permit No. 996-16

Applicant's Request:

The applicant, FN Property Investments, is requesting to construct a new electronic message center sign for the approved Bellagio car wash located at 22303 S. Avalon Boulevard.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to APPROVE Categorical Exemption and Conditional Use Permit No. 996-16 subject to the conditions attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 16-2567, approving Conditional Use Permit No. 996-16 to construct a new electronic message center sign for the approved Bellagio Car Wash located at 22303 S. Avalon Boulevard.

Commissioner Palmer asked if a condition exists which prohibits this business from advertising anything not related to this establishment.

Associate Planner Gonzalez advised that the applicant has provided a statement that he will not advertise any other business on his sign. He added that the LED sign will have the time and temperature posted.

Commissioner Andrews asked what the hours of operation are for this business.

Associate Planner Gonzalez expressed his belief the business closes up to 7:30 P.M. depending on the time of year.

Commissioner Andrews expressed his belief the electronic sign should be dimmed at the close of business so as not to negatively impose on the nearby residents' quality of life.

Planning Manager Naaseh explained that staff believed it was important to be consistent with the conditions set for other electronic signage businesses in the City, such as with the car dealerships; and expressed his belief the lighting will not negatively impact the neighbors, adding it is a much smaller sign than those at the car dealerships.

Commissioner Guidry mentioned that the code does not allow for offsite business advertising at this site. She asked if there are other electronic message signs in this vicinity.

Associate Planner Gonzalez stated that this electronic message sign would be the first of its kind in the City, with the exception of the college and the City's Community Center, and the large electronic signs at the car dealerships.

Commissioner Mitoma asked if the applicant would be amenable to advertising City events on this electronic sign, public service advertising.

Commissioner Thomas asked how far away the residents are from this sign.

Associate Planner Gonzalez stated that the nearest residents' backyards are adjacent and facing this sign and that the townhomes are 243 feet away from this sign.

Chairman Diaz opened the public hearing.

Alex Nourollah, applicant, advised that he does not intend to do any offsite marketing on this sign; stated that at his other car wash locations, he does allow the sign to be used for public service announcements; and mentioned that the sign will advertise the car wash products that are used and sold, hours of operation, and the time and weather. He explained that this sign is intended to target the vehicles driving by during operating hours and when the vehicles only drive by when this business is closed, informing them of their hours of operation.

Commissioner Andrews reiterated his opinion that the sign should be dimmed at the close of business.

Commissioner Mitoma suggested the sign could also advertise local Amber Alerts or local emergencies.

Mr. Nourollah stated he is willing to display public service announcements, including election activities.

Chairman Diaz stated he would only like to see public safety announcements on this sign, no political advertisements on this sign.

Mr. Nourollah stated that in his experience, this sign's illumination will not reach any further than 30 or 40 feet.

Mr. Nourollah noted his support of the proposed conditions of approval.

Jerry De La Cruz, resident, advised that his home is located across the street in the townhome complex; advised that he is representing that development's HOA, noting they are worried the illumination of this sign will negatively impact their residents living closest to this intersection. He pointed out that they are pleased with this business coming to this site, but reiterated that the illumination might negatively impact their homes because the front of their homes face 223rd Street; and he added that his building in this complex will likely be the one most impacted by ambient illumination. He stated that they would like this business sign shut off when the business is closed, expressing his belief the illumination will travel further than 30 feet.

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

Commissioner Guidry expressed her reservations with setting a precedent in allowing a small, single-use business to have this type of sign that is typically in place at large businesses, such as the car dealerships; and she addressed her concerns with light

pollution and visual blight once other businesses start erecting the same type signs. She added that there is practically nothing at this intersection to block the view of this car wash and that it will be very visible to people driving across this intersection.

Commissioner Post agreed with Commissioner Guidry's comments.

Addressing Vice-Chairman Madrigal's inquiry, Planning Manager Naaseh stated that the sign sits at a 45-degree angle, in the same location the current sign is placed; and that it does face the townhomes.

Commissioner Mitoma stated there is not much that can be done if the sign conforms to the City's codes; and he noted his concern that as long as an applicant meets the requirements of the ordinance, to what extent does the Commission's discretion end.

Assistant City Attorney Gerli stated that Commissioner Mitoma raises a good point; explained that the purpose of having a conditional use permit is to impose conditions to mitigate some of the effects of a particular use; and that because this sign is close to residential, the City should be able to impose conditions such that they will have less of an impact on the nearby residents, rather than a car dealership that is located in a commercial area. She added that if a use is permitted and all the conditions are met, the level of discretion comes down to what the conditions are on the permit; advised that a city has the authority to not allow LED signs; and stated that in this case, if all the requirements have been met, the Commission should focus on conditions that minimize any negative impacts to the nearby neighbors.

Commissioner Guidry referred to Section 3 in the resolution, noting that if there are no other signs like this in the surrounding area, it is not compatible and consistent with the surrounding uses.

Assistant City Attorney Gerli explained that signs are protected by the First Amendment and that she would caution this Commission in denying such a permit based on compatibility and consistency, pointing out the sign is consistent with the City's General Plan. She reiterated that if the findings can be made that the proposed use is in compliance with the code and with the findings that are required by the ordinance representing that CUP, the best place for the Commission to focus its attention is on the conditions to impose on the use.

Chairman Diaz asked if the sign could be realigned differently if it creates an impact to the neighbors, a slight adjustment.

Chairman Diaz reopened the public hearing.

Mr. Nourollah stated no, the sign cannot be adjusted because it has been designed to be seen by people traveling in all four directions; and he reiterated that the illumination will not travel further than 30/40 feet.

Mr. De La Cruz mentioned that he is the HOA president; that there are three other HOA officers who all agree that additional restrictions should be imposed so as not to allow the illumination to negatively impact the residents.

Commissioner Palmer pointed out that allowing digital displays for small businesses replace banners that are typically worn and are unsightly.

Commissioner Guidry mentioned that Carson's code only allows banners to be displayed for a short period of time and added that if the banners are damaged, they are to be removed; and suggested since the applicant has stated the illumination won't be seen further than 30 feet away, that it be conditioned as such.

Associate Planner Gonzalez pointed out that Condition No. 12 identifies that on a quarterly basis, the applicant will work with staff to monitor the digital display sign to make sure that the illumination is not a nuisance, "(The applicant shall monitor the proposed digital LED display quarterly to ensure that the brightness of the sign does not exceed the standards set in Condition of Approval No. 11. The applicant shall correct any sign illumination deficiencies within a 24-hour period in coordination with the City's Traffic Engineer.)" He added that the illumination will be dimmed to 600 candelas per square foot in the evening; and pointed out that staff does not have the expertise to measure the candelas, but that it is a standard used in the industry.

Commissioner Thomas stated he would support a condition to limit the illumination to 90 feet.

Chairman Diaz expressed his belief Condition No. 12 will address the Commission's concerns.

Mr. Nourollah stated that the sign is only 10 feet high and that in order to get to the front door of the condos, one has to climb up 7 to 8 steps because those units are not at ground level; and that the sign illumination could not reach their window height.

Commissioner Guidry suggested conditioning the illumination to 100 feet, stating that the conditions and code standards need to be specific so there is no problem with enforcement activity if that should be necessary.

Planning Manager Naaseh suggested a 3-month review after the sign is in operation to address any concerns with the illumination, pointing out that's the best way to determine if the residents are impacted; or that if the Commission desires, the hearing could be continued to allow the applicant to bring in an expert in this field to address the Commission's questions.

Associate Planner Gonzalez advised that the illumination can easily be controlled/managed by an offsite computer.

Chairman Diaz and Commissioner Mitoma agreed that a 3-month review of this sign illumination would be the best way to handle this issue.

Having just talked with the applicant, Planning Manager Naaseh stated the applicant is not in agreement with a 3-month review of the sign.

Commissioner Thomas noted his concern with the applicant's comment that the sign won't be seen beyond 30/40 feet, pointing out all signs are visible down a street for a certain distance; and he suggested tripling the condition to 90 feet where the illumination can extend.

Mr. Nourollah reiterated that his sign is not even at eye level with these units because they have 7 to 8 stair steps before you get to the front door of these units.

Commission Thomas asked the applicant what is his hesitation in conditioning the sign's illumination.

Mr. Nourollah stated that this sign was designed to bring in more business, targeting people who drive by when the business is closed with information on their hours of operation and specials; advised that the traffic at this intersection travels at 35 miles per hour and he only has 3 to 4 seconds to grab their attention; and he questioned the sign expenditure of \$40,000 if it can't be used to its full potential. He stated that he does not want this sign to be a nuisance and that he has agreed to work with staff and the traffic engineer.

Planning Manager Naaseh stated that the issue is not that the light can be seen way down the road, but whether its illumination creates a nuisance for the nearby residents. He added again that the Commission may want to continue this matter to allow the applicant to bring in a lighting expert.

Commissioner Guidry agreed with staff's suggestion for a 3-month review to determine if any problems arise or for the applicant to provide an expert to address the Commission's inquiries.

Mr. Nourollah stated that he would agree to address the lumens in 3 months.

Vice-Chairman Madrigal stated that Condition No. 12 addresses revisiting this issue quarterly and he believes this is an appropriate condition.

Assistant City Attorney Gerli clarified that the way the condition is worded, it certainly allows the City to make sure the illumination is consistent with the conditions in the resolution for the CUP, but that it does not indicate this case can be returned in multiple 3-month reviews and continual conditions imposed.

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

Planning Commission Decision:

Chairman Diaz moved, seconded by Commissioner Guidry, to concur with staff recommendation; and moved to add another condition that the electronic message sign ambient light levels be reviewed in three months to determine/address if it is disruptive to the neighbors; also moved to modify Condition No. 11, that the dimming automatically occurs at 8:30 P.M. instead of 10:30 P.M. (This motion was superseded by the substitute motion.)

By way of a substitute motion, Commissioner Andrews moved, seconded by Commissioner Post, to concur with staff recommendation; moved to add another condition that the electronic message sign ambient light levels be reviewed in three months to determine/address if the ambient light is disruptive to the neighbors; that the electronic message sign be dimmed at the close of business; and moved to adopt Resolution No. 16-2567.

The substitute motion carried as follows, 6-3:

AYES: Andrews, Fe'esago, Guidry, Palmer, Post, Thomas
NOES: Diaz, Madrigal, Mitoma
ABSTAIN: None
ABSENT: Pimentel

9. PUBLIC HEARING

B) Conditional Use Permit No. 999-16

Applicant's Request:

The applicant, Aimee Minh Thy Huynh, is requesting for authorization to operate a massage services business located in the CG-D (Commercial General, Design Overlay) zoning district. The subject property is located at 23401 S. Main Street.

Staff Report and Recommendation:

Associate Planner Alexander presented staff report and the recommendation to APPROVE Categorical Exemption and Conditional Use Permit No. 996-16 subject to the conditions attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 16-2568, approving Conditional Use Permit No. 999-16 to authorize operation of a massage services business located at 23401 S. Main Street.

Chairman Diaz opened the public hearing.

Aimee Minh Thy Huynh, applicant, noted her agreement with the conditions of approval.

Chairman Diaz closed the public hearing.

Planning Commission Decision:

Vice-Chairman Madrigal moved, seconded by Commissioner Fe'esago, to concur with staff recommendation, thus adopting Resolution No. 16-2568. Motion carried, 9-0 (absent Commissioner Pimentel).

10. NEW BUSINESS DISCUSSION

11. MANAGER'S REPORT

- Commission Stipends – Briefly addressed payment to the Commissioners and alternates.
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12. COMMISSIONERS' REPORTS

Commissioner Palmer requested that staff look into amending Condition No. 1 that routinely applies to conditional use permits, noting he'd like to see more clarification on the timeline.

Commissioner Post stated that the City's sign ordinance needs to be updated.

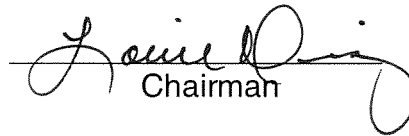
Vice-Chairman Madrigal commended the response time of the Sheriff's Department in a recent call for service in his neighborhood.

Commissioner Thomas advised that the faculty staff from all 23 CSU campuses will likely be on strike April 13th, 14th, 18th, 19th and 20th.


Chairman Diaz thanked staff and the Commissioners for their efforts this evening.

13. ADJOURNMENT

At 8:05 P.M., the meeting was formally adjourned to Tuesday, March 22, 2016, 6:30 P.M., Helen Kawagoe Council Chambers.


Chairman

Attest By:


Secretary