



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

UNFINISHED BUSINESS: January 10, 2012
SUBJECT: Design Overlay Review No. 1434-11
APPLICANT: True Value Hardware
Attn: Ron Ursich
20840 Leapwood Ave.
Carson, CA 90746
REQUEST: Approve a design overlay review for painting an American flag mural on the south elevation of the True Value Hardware building
PROPERTY INVOLVED: 20840 Leapwood Avenue

COMMISSION ACTION

☐ Concurred with staff
☐ Did not concur with staff
☐ Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Saenz
		Vice-Chair Gordon			Schaefer
		Brimmer			Verrett
		Diaz			Williams
		Goolsby			

Item No. 10A

I. Introduction

The applicant is proposing to paint an approximately 24'x10' American flag mural on the southeast elevation of the building. According to the applicant the flag is intended to communicate to the public that American made products are sold on the premises. In an effort to renovate the entire site, the applicant has repainted the building and plans to renovate the exterior of the building and the parking lot landscaping.

II. Background and Analysis

On October 25, 2011, the Planning Commission continued this item and directed staff to prepare a draft ordinance and a resolution for approval of the mural for True Value hardware store. After discussions with the City Attorney, staff is recommending approval of the proposed mural; however, an ordinance dealing with murals and public art will be presented to the Planning Commission at a later date. There are distinct issues that need to be addressed in the ordinance that will take additional research and discussion. Staff believes the subject request is relatively simple and can be processed in advance of the ordinance amendment.

As an interim process, staff recommends that Carson Municipal Code Section 9172.23 (Site Plan and Design Review) be utilized to review the proposed mural. The conditions of approval include specific requirements in terms of maintenance of the mural and waiver of artist's certain rights. These conditions of approval would have to be met prior to issuance of a mural permit. Staff believes that the proposed mural is appropriate in size in relation to the building and would enhance the large south elevation of the building.

III. Environmental Review

Based upon staff review of the project, the proposed mural will not have a significant effect on the environment since the project site is an existing building with no intensification of the use or structure. Thus, the project is found to be Categorically Exempt, pursuant to California Environmental Quality Act Guidelines, Article 19, Section 15301 – Existing Facilities.

IV. Recommendation

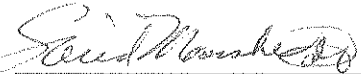
That the Planning Commission:


- **WAIVE** further reading;
- **ADOPT** Resolution No. _____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1434-11 TO PERMIT PAINTING AN AMERICAN FLAG MURAL ON THE SOUTH ELEVATION OF THE TRUE VALUE HARDWARE BUILDING LOCATED AT 20840 LEAPWOOD AVENUE."



VI. Exhibits

1. Planning Commission Minutes, October 25, 2011
2. Draft Resolution for Design Overlay Review No. 1434-11
3. Proposed Mural

Prepared by: 
Saied Naaseh, Senior Planner

Reviewed and Approved by: 
Sheri Repp Loadsman, Planning Officer

Commissioner Williams pointed out that art can be very subjective.

City Attorney Wynder commented on the need to define what constitutes a mural/art, how it is applied, and what could be protected by the First Amendment; stated that reasonable criteria should be defined; and reiterated that this does not have to be a complex ordinance amendment.

Vice-Chairman Gordon stated he would not like to see a complicated process and suggested that staff research how other cities handle mural requests. He recommended that staff come back with a workshop item to address murals and bring conditions of approval for this requested mural.

Ron Ursich, applicant, stated that True Value is not using the flag for advertizing purposes, that it is a simple request to remind people to buy American-made products. He stated that True Value will be tagging its store shelves to point out which items are made in America. He added that he maintains his property very well and that the mural will get the same attention.

Commissioner Williams stated he would support True Value's request for this mural at this time, pointing out there is no current policy in place regarding murals; and that an ordinance amendment process be started to guide future mural requests/consideration.

Commissioner Diaz recommended that staff develop conditions of approval for True Value's mural request and reiterated he does not believe a mural workshop is necessary.

Commissioner Goolsby stated that he believes a mural workshop is not necessary and noted his support of the applicant's request.

Chairman Faletogo noted his support of the applicant's request, asking that staff provide conditions of approval; he pointed out that other murals have been permitted in the City; but noted his support for addressing an ordinance amendment in a workshop at a later time. He expressed his preference to permit True Value's request, not having that business wait until an ordinance amendment is in effect; and he expressed his confidence that staff will be able to put forth appropriate conditions of approval for True Value's mural request prior to any ordinance amendment.

Planning Commission Decision:

Commissioner Williams moved to bring back a resolution with conditions to approve True Value's request at the next meeting; and to return at a later point to discuss an ordinance amendment for future mural requests. The motion died due to the lack of a second.

Commissioner Verrett moved, seconded by Vice-Chairman Gordon, to schedule a public hearing for a proposed ordinance amendment for murals; and to provide a resolution with conditions approving True Value's request. The motion unanimously carried, 9-0.

8. ORAL COMMUNICATIONS

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

9. CONSENT CALENDAR

A) Minutes: October 11, 2011

MOTION: Commissioner Diaz moved, seconded by Vice-Chairman Gordon, to approve the October 11, 2011, Minutes as presented. Motion carried, 8-0 (Commissioner Verrett had not yet arrived.)

Commissioner Diaz noted that the current agenda should reflect October 11th for the minutes approval category.

9. NEW BUSINESS CONSENT

B) Design Overlay Review 1434-11

Applicant's Request:

The applicant, True Value Hardware, is requesting approval of a design overlay review for painting an American flag mural on the southeast elevation of the True Value Hardware building. The property is located at 20840 Leapwood Avenue.

Staff Report and Recommendation:

Senior Planner Naaseh presented staff report and the recommendation for the Planning Commission to REVIEW and CONSIDER the process, procedures and standards for the review and approval of private murals; and to PROVIDE DIRECTION to staff and the applicant.

Commissioner Schaefer expressed her belief that conditions of approval should be created for the proper maintenance of this mural and stated that she would support a mural ordinance amendment.

Commissioner Diaz expressed his belief that applying conditions of approval for maintenance of murals is adequate and that an ordinance amendment is not necessary.

City Attorney Wynder stated it would be prudent to establish a uniform approach to dealing with murals citywide, pointing out he is not suggesting a complex amendment; and that it would be appropriate to consider defining a mural, what constitutes a mural, followed by a design review process.

Planning Officer Repp advised that the zoning ordinance already has a design review process for commercially zoned properties but that it would be advisable to also have one in place for industrially zoned properties when considering mural requests. She stated this would allow the City to address the size and design of any proposed mural.

Commissioner Brimmer stated she would like a mural workshop to be scheduled to discuss color, design, and size before there is a hearing to amend the ordinance.

Planning Officer Repp noted for Commissioner Goolsby that she anticipates the approval for True Value's mural and an ordinance amendment item will come back to the Planning Commission before the end of this year.

10. **CONTINUED PUBLIC HEARING** None.

11. **PUBLIC HEARING**

A) **Conditional Use Permit No. 823-10**

Applicant's Request:

The applicant, Jacqueline Adame, is requesting the approval of an auto repair business on a site located in the ML-D (Manufacturing, Light – Design Overlay) zoning district. The property is located at 20922 South Main Street.

Staff Report and Recommendation:

Associate Planner Song presented staff report and the recommendation to APPROVE Conditional Use Permit No. 823-10; and WAIVE further reading and ADOPT Resolution No. 11-2408, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 823-10 to permit an existing vehicle service and repair use located at 20922 South Main Street."

Associate Planner Song highlighted the following changes to the conditions of approval:

Modify Condition No. 28 to change the allotted timeline from 10 months to 9 months and add more specific language that all improvements have to meet building code requirements.

Add two conditions: No. 32 - The Planning Commission can revoke permit if they don't satisfy the performance standard schedule; and No. 31 - The applicant cannot ask for an extension of time.

Modify Condition Nos. 23 and 29: No. 23 – Change the word "canopy" to "enclosed work area" and clarify that they can construct in phases. The word was changed to provide more clarity, and; No. 29 – Add to the condition that they can operate during the construction of the enclosed work area.

Commissioner Diaz questioned whether an enclosed structure will be built in 12 months. Commissioner Saenz asked if all the violations have been corrected.

Associate Planner Song explained that minor corrections have been made; that the applicant has applied for a demolition permit; and that they have invested a reasonable amount of funds to show they are making a good attempt at correcting the nonconformities. She added that the remaining violations will be costly to correct.

Commissioner Schaefer highlighted staff's wording that the proposed business is compatible with the character of the surrounding area, expressing her belief these types of uses are not attractive at the gateway into Carson. She stated that while she does not want to put anyone out of business, she would like the businesses in this area to clean up their properties and conform to code.

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CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 12-_____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW
NO. 1434-11 TO PERMIT PAINTING AN AMERICAN FLAG
MURAL ON THE SOUTH ELEVATION OF THE TRUE VALUE
HARDWARE BUILDING LOCATED AT 20840 LEAPWOOD
AVENUE**

**THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA,
HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:**

Section 1. An application was duly filed by Ron Ursich, with respect to real property located at 21012 South Main Street, and described in Exhibit "A" attached hereto, requesting the approval of Design Overlay Review no. 1434-11 to permit painting an American flag mural.

A public meeting was duly held on January 10, 2012, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 2. The Planning Commission finds that:

- a) The proposed project is compatibility with the General Plan, any specific plans for the area, and surrounding uses.
- b) The proposed project is compatible with architecture and design of existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open spaces, and other features relative to a harmonious and attractive development of the area.
- c) The proposed project does not cause a negative impact on convenience and safety of circulation for pedestrians and vehicles.
- d) The proposed project adds to the attractiveness, effectiveness and restraint in signing graphics and color of the building.
- e) Proposed project is in conformance with any applicable design standards and guidelines which have been adopted pursuant to CMC 9172.15. Such design standards and guidelines may be generally applicable or may specify different requirements for different areas.

Section 3. The Planning Commission further finds that the proposed use will not have a significant effect on the environment. The proposed mural will not have a significant effect on the environment since the project site is an existing building with no intensification of the use or structure. Thus, the project is found to be Categorically Exempt, pursuant to California Environmental Quality Act Guidelines, Article 19, Section 15301 – Existing Facilities.



Section 4. Based on the aforementioned findings, the Commission hereby approves Design Overlay Review no. 1434-11 to permit painting an American flag mural with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 5. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 6. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 10th DAY OF January, 2012

CHAIRMAN

ATTEST:

SECRETARY

