

MINUTES
CITY OF CARSON
PLANNING COMMISSION REGULAR MEETING
CITY COUNCIL CHAMBERS
701 East Carson Street, 2nd Floor
Carson, CA 90745

January 27, 2009 – 6:30 P.M.

1. **CALL TO ORDER** Vice-Chairman Saenz called the meeting to order at 6:38 P.M.
2. **PLEDGE OF ALLEGIANCE** Commissioner Brown led the Salute to the Flag.
3. **ROLL CALL**
Planning Commissioners Present:
*Brimmer, Brown, Cannon, Gordon,
Graber, Saenz, Verrett

(*Brimmer arrived at 6:50 P.M.)

Planning Commissioners Absent:
Faletogo (excused)

Planning Staff Present: Planning
Manager Repp, City Attorney Wynder,
Senior Planner Signo, Associate
Planner Newberg, Associate Planner
Song, Assistant Planner Castillo,
Recording Secretary Bothe
4. **AGENDA POSTING
CERTIFICATION** Recording Secretary Bothe indicated that all posting requirements had been met.
5. **AGENDA APPROVAL** Commissioner Cannon moved, seconded by Commissioner Verrett, to approve the Agenda as submitted. Motion carried (absent Chairman Faletogo; Commissioner Brimmer had not yet arrived).
6. **INSTRUCTIONS
TO WITNESSES** Vice-Chairman Saenz 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.

None.

9. CONSENT CALENDAR

Minutes: January 13, 2009

MOTION: Commissioner Cannon moved, seconded by Commissioner Brown, to approve the January 13, 2009 Minutes as submitted. Motion carried (absent Chairman Faletogo; Commissioner Brimmer had not yet arrived).

10. CONTINUED PUBLIC HEARING None

11. PUBLIC HEARING

A) Design Overlay Review No. 1300-08

Applicant's Request:

The applicant, Watson Land Company, is requesting the Planning Commission consider the interior and exterior remodel of an existing industrial building located in the ML (Manufacturing, Light) zoning district and within the Merged and Amended Redevelopment Project Area. The subject site is located at 2000 East Carson Street.

Staff Report and Recommendation:

Assistant Planner Castillo presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. ____, entitled, "A Resolution of the Planning Commission of the city of Carson recommending approval of Design Overlay Review No. 1300-08 to the Carson Redevelopment Agency for the interior and exterior remodel of an existing building located at 2000 East Carson Street."

Vice-Chairman Saenz opened the public hearing.

Pilar Hoyos, representing the applicant, noted her concurrence with the conditions of approval.

Stefan Rubendall, representing the applicant, stated that the chain link fencing will be improved and advised that a master landscape plan is slated for this area in the future.

Vice-Chairman Saenz closed the public hearing.

Planning Commission Decision:

Commissioner Graber moved, seconded by Commissioner Verrett, to concur with staff recommendation, thus adopting Resolution No. 09-2243. Motion carried (absent Chairman Faletogo).

11. PUBLIC HEARING

B) Conditional Use Permit and security camera requirements for businesses with alcoholic beverage licenses and hotels/motels in order to address public safety concerns

Applicant's Request:

The applicant, Planning Division, is recommending approval of Ordinance No. 09-1417 to require conditional use permits (CUP) for Alcohol and Beverage Control (ABC) licenses and security camera requirements for businesses with on-sale and off-sale alcoholic beverage licenses and hotels/motels within the city of Carson.

Staff Report and Recommendation:

Associate Planner Song presented staff report and the recommendation to WAIVE further reading and RECOMMEND APPROVAL of Resolution No. 09-___, entitled, "A Resolution of the Planning Commission of the city of Carson recommending to City Council the approval of an Ordinance to amend the Carson Municipal Code, Article IX (Planning and Zoning), Section 9131.1, Section 9138.17, Section 9141.1, Section 9138.5, Section 9182.21, Section 9182.22 and adding Section 9138.19 in regard to conditional use permit requirements for Alcohol and Beverage Control licenses and security camera requirements for hotels/motels and businesses with liquor licenses." She added the following amendments to the verbiage for both Motels/Hotels and ABC licenses:

- All video recordings from said cameras shall be retained for a minimum of 30 days and made available to the Sheriff's Department upon request.

Re-worded for clarification:

- Outdoor security cameras must provide a clear day-time/night-time surveillance view of at least 50 feet from the location of the security camera.

Re-worded for clarification:

- Businesses are encouraged to install a security system with internet viewing capabilities and register a Uniform Resource Locator (URL) address with the Los Angeles County Sheriff's Department to provide real-time internet viewing capabilities. If the business is determined to be associated with an unusual level of criminal activity, the Planning Division shall forward a report to the Commission with an evaluation of the adequacy of the Security Camera Plan. The Commission shall determine if the Security Camera Plan should be modified to require registration of a Uniform Resource Locator (URL) address to the Los Angeles County Sheriff's Department.

The Commission moved to adopt Resolution No. 09-2245. Motion carried (absent Chairman Faletogo).

Vice-Chairman Saenz opened the public hearing.

Frank Gutierrez, business owner, noted his opposition to this ordinance, believing it will have a negative financial impact upon his business. He expressed his belief that most of the liquor store owners do not understand the impact of this ordinance and asked that the matter be delayed in order for him to contact the business owners and explain the full implications of this ordinance. He advised that his business had been grandfathered in and did not require a CUP.

City Attorney Wynder indicated those businesses that have a grandfathered status would now be required to obtain a CUP in the next three years if this ordinance is approved.

Planning Manager Repp confirmed that passage of this ordinance would remove the grandfather status.

Carlos Gutierrez, business owner, noted his opposition to this ordinance; stated that notice of this hearing was not given to all business owners and property owners of these establishments; and advised that a lot of the business owners do not speak English well and that they do not understand the effect this ordinance will have upon their businesses. He stated he is not opposed to security cameras, but that he is opposed to the requirement of the CUP, pointing out the conditions that will be placed upon those CUPs is not known at this time.

Associate Planner Song mentioned that all ABC license holders were notified of a workshop in November 2008 and that notice of this hearing had been sent out on December 16, 2008 to the ABC license holders.

Azbi Diab, business owner, stated she currently has a camera in her establishment; noted she is concerned with the unknown conditions that will be imposed upon her business; and stated that this ordinance will have a negative impact upon her business.

Planning Manager Repp stated it is not uncommon to consider further regulations of these businesses when considering a CUP, noting that hours of operation and elimination of single canned beer sales could be imposed, among other conditions.

Charles Cho, business owner, requested that this matter be continued for 90 days to allow more time for him to understand the ramifications of this ordinance, stating he is not clear on how it will impact his business; and he expressed concern that this may negatively impact his business.

Muhannad Mahfoud, business owner, noted his opposition to this ordinance; expressed his belief it will negatively impact his business in these harsh economic times; and stated this is not a good time to apply more restrictions that hinder business.

Nick Papadakis, business property owner, noted his opposition to this ordinance; stated he was only advised of this proposal late this evening; and stated this matter needs to be continued to allow all business owners the opportunity to understand how this ordinance will impact their businesses. He highlighted the prior attempt to apply CUPs to these businesses, noting 28 of these business establishments received a grandfathered status. He expressed his concern with the City's ability to apply unknown conditions to each establishment once a CUP is required; and pointed out that the Sheriff's Department has indicated none of these 28 businesses have created any problems for the Sheriffs or residents. He stated that most of these business owners are immigrants who don't fully understand the impact of a CUP upon a business and that more time is needed to educate these business owners.

Commissioner Cannon expressed his belief the notice was given well in advance and that these businesses should have had enough time to communicate their concerns with each other.

Mr. Papadakis stated that the workshop and notice of this meeting were done around the holiday season, a very busy time of year for these businesses, and that they were

not able to participate in those discussions. He stated that a CUP and its unknown future conditions can be onerous enough to put someone out of business.

David Marsella, representing K-Mart, asked how this ordinance will impact a business that already has cameras in place.

Associate Planner Song stated that K-Mart is exempt from this ordinance because it falls under the definition of a department store.

Planning Commission Decision:

Commissioner Verrett moved, seconded by Commissioner Graber, to concur with staff recommendation, including the following amendments:

Added verbiage to both Motels/Hotels and ABC licenses:

- All video recordings from said cameras shall be retained for a minimum of 30 days and made available to the Sheriff's Department upon request.

Re-worded for clarification:

- Outdoor security cameras must provide a clear day-time/night-time surveillance view of at least 50 feet from the location of the security camera.

Re-worded for clarification:

- Businesses are encouraged to install a security system with internet viewing capabilities and register a Uniform Resource Locator (URL) address with the Los Angeles County Sheriff's Department to provide real-time internet viewing capabilities. If the business is determined to be associated with an unusual level of criminal activity, the Planning Division shall forward a report to the Commission with an evaluation of the adequacy of the Security Camera Plan. The Commission shall determine if the Security Camera Plan should be modified to require registration of a Uniform Resource Locator (URL) address to the Los Angeles County Sheriff's Department.

The Commission moved to adopt Resolution No. 09-2245. Motion carried (absent Chairman Faletogo).

11. PUBLIC HEARING

C) Ordinance Amendments to the Carson Municipal Code relating to Section 9131.1 and 9138.17, Permitted Uses in the Mixed Use – Carson Street Zone

Applicant's Request:

The applicant, city of Carson – Economic Development Group, is requesting the Commission consider a comprehensive update to the zoning code regarding commercial properties, all properties zoned MU-CS (Mixed-Use – Carson Street).

Staff Report and Recommendation:

Staff recommended this matter be continued to the next Planning Commission meeting.

Vice-Chairman Saenz opened the public hearing.

Planning Commission Decision:

Commissioner Verrett moved, seconded by Commissioner Brown, to continue this matter to the Commission's February 10th meeting. Motion carried (absent Chairman Faletogo).

11. PUBLIC HEARING

- D) (1) Design Overlay Review No. 1287-08,
Conditional Use Permit No. 715-08 and
(2) Design Overlay Review No. 1292-08,
Conditional Use Permit No. 716-08**

Applicant's Request:

The applicants, (1) AT&T, Reliant Land Services, and (2) Royal Street Communications, are requesting roof-mounted cellular telecommunication facilities and related equipment within an existing office building in the MU-CS (Mixed Use – Carson Street) zone. The subject property is located at 357 East Carson Street.

Staff Report and Recommendation:

Associate Planner Newberg presented staff report and the recommendation to ADOPT Resolution No. ____, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 1287-08 regarding the installation of a roof-mounted telecommunication facility and related equipment on an existing 2-story office building located at 357 East Carson Street"; and

ADOPT Resolution No. ____, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 1292-08 regarding the installation of a roof-mounted telecommunication facility and related equipment on an existing 2-story office building located at 357 East Carson Street."

Vice-Chairman Saenz opened the public hearing.

Thomas Mundl, representing AT&T, noted his concurrence with the conditions of approval.

Alexander Lew, representing Royal Street Communications, stated everything will be fully screened from view and noted his concurrence with the conditions of approval.

Vice-Chairman Saenz closed the public hearing.

Planning Commission Decision:

Commissioner Cannon moved, seconded by Commissioner Brimmer, to concur with staff recommendation, thus adopting Resolution No. 09-2246 for Design Overlay Review No. 1287-08 and Resolution No. 09-2247 for Design Overlay Review No. 1292-08. Motion carried (absent Chairman Faletogo).

12. NEW BUSINESS DISCUSSION

A) Utility User's Tax

Applicant's Request:

The applicant, city of Carson, is requesting the Planning Commission discuss the enactment of Measure C establishing a 2-percent Utility Users' Tax (UUT) on gas and electric utilities that would involve properties citywide.

Staff Report and Recommendation:

City Manager Groomes presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. ____, entitled, "A Resolution of the Planning Commission of the city of Carson, California, in support of establishing a temporary two-percent Utility Users' Tax (UUT) as a general tax in the city of Carson." He highlighted the importance of this measure on the March 3rd ballot, noting that if it doesn't pass, it is likely the high level of City services will be decreased due to lack of funding. He commented on the economic crisis this state is facing and explained how the economy has impacted the City's revenue sources. He advised that seniors over 62 with the utility bill in their name will be exempted and that some low-income families will be exempt from this tax; he mentioned that 80-percent of these tax funds will come from the business community, noting that many businesses are supporting this measure; and advised that this tax will expire after 7 years and can only be extended by citizen vote. He encouraged everyone to attend the budget meetings and to provide helpful suggestions.

Commissioner Cannon stated that the City's residents have been sheltered from this tax for many years, and expressed his belief the 2-percent tax is more than reasonable in this economic era.

Commissioner Graber mentioned that he can easily cut back on his energy usage at home by 2 percent and noted he is in favor of this minimal initiative.

Commissioner Brown asked if the City receives any cash rebates for reductions in contracted service levels.

Addressing Commissioner Brown's inquiry, City Manager Groomes stated the City has not looked into that, but advised that he will bring this subject up at the upcoming meeting with the County of Los Angeles. He added that the Home Depot Center has entered into a 7-year contractual agreement with the City to pay a 2-percent admissions tax starting March 1, 2009.

Commissioner Brimmer stated she has not been provided enough information to make an informed decision this evening and stated she'd like to review other options to reduce costs.

Pilar Hoyos, representing Watson Land Company, stated that Watson Land Company and a significant number of its customers support the UUT; advised that a large number of other businesses have testified at the meetings declaring their support of this measure; and that the Carson Chamber of Commerce is also in support of the UUT. She added that a reduction in City services would have negative impacts upon the properties in the City and would further erode the City's ability to improve its financial

situation; noted that cutting back on City services will increase the potential for crime; that unmaintained roads will hurt businesses; and stated that the 2-percent tax is fair and equitable.

Planning Commission Decision:

Commissioner Brown moved, seconded by Commissioner Graber, to concur with staff's recommendation, thus adopting Resolution No. 09-2244. The motion carried as follows:

- AYES: Brown, Cannon, Graber, Saenz, Verrett
- NOES: None
- ABSTAIN: Brimmer, Gordon
- ABSENT: Faletego

12. NEW BUSINESS DISCUSSION

- B)** Workshop to discuss the consideration and processing of mobilehome conversion applications

(Due to the late hour, this item was continued to February 5th.)

Planning Commission Decision:

Commissioner Cannon moved, seconded by Commissioner Brown, to continue this matter to Thursday, February 5, 2009, 6:30 P.M. The motion carried (absent Chairman Faletego).

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

Planning Manager Repp encouraged the Commission to attend the 10th Annual General Assembly of the South Bay Cities Council of Governments on Friday, February 27, 2009, 8:30 A.M. to 3:00 P.M., at the Carson Community Center.

15. COMMISSIONERS' REPORTS

Commissioner Brown requested all reports include a copy of the public hearing notices.

Responding to Commissioner Brimmer's inquiry regarding bilingual written materials, Planning Manager Repp advised that it is the City's policy to provide its meeting materials in English only; and explained that only in highly specialized circumstances will a bilingual translation be given.

16. ADJOURNMENT

At 10:43 P.M. the meeting was adjourned to Thursday, February 5, 2009, 6:30 P.M.

Chairperson

Attest By:

Secretary