

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

August 25, 2009 – 6:30 P.M.

1. **CALL TO ORDER** Chairman Faleto go called the meeting to order at 6:38 P.M.
2. **PLEDGE OF ALLEGIANCE** The Salute to the Flag was led by Commissioner Schaefer.
3. **ROLL CALL**

Planning Commissioners Present:
*Brimmer, Brown, Faleto go, Gordon,
*Graber, Park, Schaefer, Saenz,

(Commissioners Brimmer and Graber arrived at 6:41 P.M.)

Planning Commissioners Absent:
Verrett (excused)

Planning Staff Present: Senior Planner Signo, Assistant City Attorney Konigar-Macklin, Associate Planner Newberg, Assistant Planner Castillo, Recording Secretary Bothe
4. **AGENDA POSTING CERTIFICATION** Recording Secretary Bothe indicated that all posting requirements had been met.
5. **AGENDA APPROVAL** Vice-Chairman Saenz moved, seconded by Commissioner Schaefer, to approve the Agenda as submitted. (Commissioners Brimmer and Graber had not yet arrived.)
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 Konigar-Macklin
8. **ORAL COMMUNICATIONS** For items **NOT** on the agenda. Speakers are limited to three minutes.

None.

9. CONSENT CALENDAR

Minutes: July 14, 2009; August 11, 2009

MOTION: Vice-Chair Saenz moved, seconded by Commissioner Brown, to approve the July 14, 2009 and August 11, 2009 Minutes as presented. Motion carried with Commissioner Park abstaining from the July 14, 2009 Minutes; absent Commissioners Brimmer and Graber.

10. CONTINUED PUBLIC HEARING None

11. PUBLIC HEARING

A) Tentative Tract Map No. 70818

Applicant's Request:

The applicant, Thomas Safran & Associates, is requesting a subdivision of seven existing lots on 4.29 acres into two ground lots and seven airspace lots for the development of a mixed-use project for 236 residential units, restaurants, and retail uses. The project site is zoned MU-CS (Mixed-Use – Carson Street) and is located within Redevelopment Project Area No. 4, 708-724 East Carson Street and 21720-21814 South Avalon Boulevard.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation to APPROVE Tentative Tract Map No. 70818, subject to the conditions of approval attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 09-2266, entitled, "A Resolution of the Planning Commission of the city of Carson approving Tentative Tract Map No. 70818 for the subdivision of seven lots into two ground lots and seven airspace lots for the construction of a mixed-use development located at 708-724 East Carson Street and 21720-21814 South Avalon Boulevard." He noted the following amendments to the Conditions of Approval: delete any reference to "traffic study" in Condition Nos. 17, 27, 87; delete Condition No. 73 and renumber accordingly; and add "prior to recordation of the final map" at the end of Condition No. 74.

Commissioner Graber stated that the senior residents should not have to pay the park fees for the low income housing, suggesting these fees be eliminated or reduced.

Senior Planner Signo explained that these fees are set by ordinance whether they are affordable or market rate housing.

Chairman Faletogo opened the public hearing.

Tyler Monroe, representing the applicant, provided a status report on the successful activities with financing this project; advised that Thomas Safran & Associates manages its own properties; and stated that this project should be complete within two years. He noted his concurrence with the amended Conditions of Approval.

Neva Rogers, resident, urged the City and Safran to allow pets in this building, noting that pets are the main/only companions for many seniors. She pointed out that when she applied for the Villagio housing, she was immediately turned away because they would not allow pets.

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

Commissioner Brimmer addressed Ms. Rogers comment, noting the applicant should consider allowing pets.

Chairman Faletogo asked that staff work with the applicant in addressing this legitimate request to allow pets.

Planning Commission Decision:

Vice-Chair Saenz moved, seconded by Commissioner Brimmer, to approve the applicant's request, deleting any reference to "traffic study" in Condition Nos. 17, 27, 87; delete Condition No. 73 and renumber accordingly; and add "prior to recordation of the final map" at the end of Condition No. 74. This motion was superseded by the second substitute motion.

By way of a substitute motion, Commissioner Graber moved to recommend that City Council either eliminate or reduce the Park and Recreation fee of \$4,672 per multi-family dwelling unit for this project and others that include senior and affordable housing. This motion failed due to the lack of a second.

By way of a substitute motion, Commissioner Park moved, seconded by Chairman Faletogo, to approve the applicant's request, deleting any reference to "traffic study" in Condition Nos. 17, 27, 87; delete Condition No. 73 and renumber accordingly; add "prior to recordation of the final map" at the end of Condition No. 74; and recommend that City Council consider either eliminating or reducing the Park and Recreation fees of \$4,672 per multi-family dwelling unit for this project and others that include senior and affordable housing; and moved to adopt Resolution No. 09-2266. The motion carried as follows:

AYES: Brimmer, Brown, Faletogo, Gordon, Graber, Park
NOES: Saenz, Schaefer
ABSTAIN: None
ABSENT: Verrett

11. PUBLIC HEARING

B) Conditional Use Permit No. 738-09

Applicant's Request:

The applicant, Ren Smith, is requesting approval of an existing legal non-conforming second dwelling located within the RS (Residential, Single-family) zoned district, 754 East Sepulveda Boulevard.

Staff Report and Recommendation:

Associate Planner Newberg presented staff report and the recommendation to approve a Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 738-09 for an existing legal non-conforming second dwelling located at 754 East Sepulveda Boulevard.

Commissioner Park questioned why the parking standard was not maintained along with other requirements for second units; stated that there is not adequate site circulation if two cars are parked in the right of way, addressing his concern with emergency access; and addressed his concern with too many people living on these small parcels. He stated that these properties should be brought up to residential standards.

Chairman Faleto go opened the public hearing.

Ren Smith, representing the applicant, explained that this property is a bank-owned foreclosure that is currently in escrow; noted that this property has been vacant for over a year, pointing out that potential clients have not wanted to deal with the City's CUP process for these second units; and he mentioned that the client, who is currently in escrow to purchase this property, will live in one unit and rent the second unit.

Ana Esturban, adjacent neighbor, stated that her brother owns the property that shares this driveway and asked if a dividing wall can be placed down the driveway, noting she has young kids who play outside.

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

Commissioner Park expressed his belief that similar properties in this city should not be allowed to deviate from the requirements of the zoning ordinance; reiterated his concern with too many people living on one site, creating a parking and trash problem; commented on over-crowding in the schools and people living in garages; and stated that these ordinances should be enforced.

Commissioner Schaefer pointed out that affordable housing is needed; stated that she visited this site and that she believes there is more than adequate room for traffic circulation; noted that this parcel is a nice looking property; and questioned what the alternative is for this property if it is denied.

Vice-Chairman Saenz echoed Commissioner Schaefer's comments.

Senior Planner Signo explained that there is no way for this property to meet the current garage parking requirements due to its size and that this property cannot be brought up to code unless the second unit is torn down.

Associate Planner Newberg stated that the only other alternative would be to build a small nonconforming garage on this small parcel, which staff would not recommend; and explained that staff has addressed this issue similar to an overriding consideration and therefore would recommend approval. He added that the Fire Department also approved this application, noting the Fire Department did not have any concern with emergency service access.

Commissioner Brown stated that he'd like more information on distance from the property lines.

Associate Planner Newberg stated that the property is 40' wide and the parcel is 4,135 square feet.

Commissioner Brimmer stated that the property, along with the adjoining property, looks like it's too small for those buildings.

Commissioner Gordon asked how many other properties in the city have this similar condition.

Staff indicated there are over 100 properties in the city with this condition.

Chairman Faletogo noted that denying these conditions for many properties in the city is a big concern for him, noting he is mindful of the allowances staff is recommending for the current property; and he suggested that the Planning Commission recommend to City Council they address the current codes for these types of houses, noting that additional codes are needed for these circumstances.

Commissioner Schaefer noted that the photograph in staff's report makes this property look more condensed than it really is, reiterating that she visited this site and saw that there is adequate room to maneuver.

Commissioner Brown stated that while he agrees more housing is needed, this should be denied because it does not meet the codes as currently written; and stated that since this has been vacant for over a year, no one will be displaced by eliminating the second unit.

Planning Commission Decision:

Commissioner Brown moved, seconded by Commissioner Brimmer, to deny the applicant's request. This motion failed following the failed vote on the substitute motion as follows:

AYES: Brimmer, Brown, Graber, Park
NOES: Faletogo, Gordon, Saenz, Schaefer
ABSTAIN: None
ABSENT: Verrett

By way of a substitute motion, Chairman Faletogo moved, seconded by Commissioner Gordon, to approve the applicant's request; and to recommend that City Council update the Municipal Code to address these properties so they can be brought into conformance. This motion failed as follows:

AYES: Faletogo, Gordon, Saenz, Schaefer
NOES: Brimmer, Brown, Graber, Park
ABSTAIN: None
ABSENT: Verrett

Commissioner Brown moved, seconded by Chairman Faletogo, to continue this matter to a meeting wherein a full Commission will be present. This motion carried as follows:

AYES: Brown, Faletogo, Graber, Park, Saenz
NOES: Brimmer, Gordon, Schaefer
ABSTAIN: None
ABSENT: Verrett

11. PUBLIC HEARING

C) Conditional Use Permit No. 740-09

Applicant's Request:

The applicant, Susan Mirzaie, is requesting approval of shared parking to facilitate a dance studio and dance hall use in an existing multi-tenant commercial center in the CR-D (Commercial, Regional; Design Overlay) zone and within Redevelopment Project Area No. 4, 860 East Carson Street.

Staff Report and Recommendation:

Assistant Planner Castillo presented staff report and the recommendation to APPROVE Conditional Use Permit No. 740-09, subject to the conditions of approval attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 09-2267, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 740-09 for shared parking to facilitate a dance studio and dance hall use located at 860 East Carson Street." He noted the following amendment to the Conditions of Approval: Condition No. 16, Units 112-1/2 and 113, closing time Monday through Thursday and Sunday, 12:00 a.m.

Assistant Planner Castillo noted for Commissioner Brown that no alcohol will be served.

Chairman Faletogo opened the public hearing.

Susan Mirzaie, shopping center manager, stated that she does not foresee any problem with parking availability, noting that most of these businesses are closed by 6:00 P.M.; and advised that no food or alcohol will be sold.

Nemi Chu, applicant, stated that he provides private dance lessons for adults and children; and noted that they may have a small party for their guests from time to time and will be handing out snacks. He added that he has had a dance studio in Carson for the past six years.

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

Planning Commission Decision:

Vice-Chairman Saenz moved, seconded by Commissioner Brimmer, to approve the applicant's request; to amend Condition No. 16, Units 112-1/2 and 113, closing time Monday through Thursday and Sunday, 12:00 a.m.; and moved to adopt Resolution No. 09-2267. Motion carried (absent Commissioner Verrett).

11. PUBLIC HEARING

D) Design Overlay Review No. 1331-09

Applicant's Request:

The applicant, David Nosrati, is requesting to permit a façade remodel and related site improvements for an existing multi-tenant retail and commercial center located at 930-940 East Dominguez Street within the CR-D (Commercial, Regional – Design Overlay) zoning districts and Redevelopment Project Area No. 1, 930-940 East Dominguez Street and 20930 Bonita Street.

Staff Report and Recommendation:

Associate Planner Newberg presented staff report and the recommendation to RECOMMEND APPROVAL of Design Overlay Review No. 1331-09 to the Redevelopment Agency, subject to the conditions of approval attached as Exhibit "B" to the Resolution; and WAIVE further reading and ADOPT Resolution No. 09-2268, entitled, "A Resolution of the Planning Commission of the City of Carson Recommending Approval of Design Overlay Review No. 1331-09 to the Redevelopment Agency for the façade remodel and related parking lot improvements for an existing multi-tenant commercial center located at 930-940 East Dominguez Street."

Chairman Faletoogo opened the public hearing.

David Nosrati, applicant, addressed his desire to improve this site.

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

Planning Commission Decision:

Commissioner Brown moved, seconded by Commissioner Graber, to approve the applicant's request, thus adopting Resolution No. 09-2268. Motion carried (absent Commissioner Verrett).

12. NEW BUSINESS DISCUSSION None

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

Senior Planner Signo encouraged the Planning Commissioners to attend the following: Leadership Workshop, Saturday, September 12, 2009, 8:00 A.M. – 12 noon at the Community Center, Carson-Dominguez Room; and the Watson Co-Generation Tour on September 3rd at 4:00 p.m.

15. COMMISSIONERS' REPORTS

Commissioner Graber commended Chairman Faletogo and staff for a job well done this evening.

16. ADJOURNMENT

At 10:26 P.M., the meeting was formally adjourned to Tuesday, September 8, 2009, 6:30 P.M., City Council Chambers.

Chairperson

Attest By:

Secretary