

MINUTES

CITY OF CARSON REGULAR MEETING OF THE PLANNING COMMISSION CITY COUNCIL CHAMBERS, CARSON CITY HALL

701 East Carson Street, Second Floor
Carson, CA 90745

June 12, 2012 – 6:30 P.M.

1. **CALL TO ORDER** Chairman Faletoogo called the meeting to order at 6:35 P.M.
2. **PLEDGE OF ALLEGIANCE** Chairman Faletoogo led the Salute to the Flag.
3. **ROLL CALL**

Planning Commissioners Present:
*Brimmer, Faletoogo, Goolsby,
Gordon, Schaefer, Saenz, Verrett,
Williams

*(Commissioner Brimmer arrived at
6:40 P.M.)

Planning Commissioners Absent:
Diaz (excused)

Planning Commissioners Departed
Early: Gordon, 8:15 P.M.

Planning Staff Present: Planning
Officer Repp, Senior Planner Signo,
Assistant City Attorney Soltani,
Associate Planner Naaseh,
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 Vice-Chairman Gordon, to approve the Agenda as presented. Motion carried, 7-0 (Commissioner Brimmer had not yet arrived; absent Commissioner Diaz).
6. **INSTRUCTIONS
TO WITNESSES** Chairman Faletoogo 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 Sunny Soltani

8. ORAL COMMUNICATIONS

For items **NOT** on the agenda. Speakers are limited to three minutes.

Dr. Rita Boggs, Tina Reznick, Fay Abad, residents, commented on the problems their neighborhoods are experiencing with the Kia car dealership employees parking on their residential streets, noting their streets are narrow and lack adequate parking for Kia's employees. They stated it creates a safety concern if large emergency vehicles must get down their streets; that the residents are being imposed on a daily basis; that they have not been able to get any support from the Kia dealership management; and they urged the City to take charge of this matter and to keep in mind the environmental impact their decisions have throughout the entire city.

9. CONSENT CALENDAR

A) Minutes: March 27, 2012

MOTION:

Chairman Faletogo moved, seconded by Commissioner Schaefer, to approve the March 27, 2012, Minutes as presented. Motion carried as follows:

AYES: Brimmer, Faletogo, Gordon, Saenz, Schaefer, Verrett, Williams
NOES: None
ABSTAIN: Goolsby
ABSENT: Diaz

10. CONTINUED PUBLIC HEARING

None.

11. PUBLIC HEARING

A) **Modification No. 3 to Special Use Permit No. 106-74**

Applicant's Request:

The applicant, Nader Qoborsi for Colony Cove Properties, is requesting Modification No. 3 to Special Use Permit No. 106-74 to grant a one-year time extension for permitting an additional 21 mobile home spaces to an existing 404-unit mobile home park (Colony Cove Mobile Estates) located at 17700 South Avalon Boulevard.

Staff Report and Recommendation:

Associate Planner Naaseh noted that staff is seeking to continue this matter to the Commission's June 26th meeting.

Chairman Faletogo opened the public hearing.

Planning Commission Decision:

Without objection, Chairman Faletogo continued this matter to the June 26, 2012, Planning Commission meeting.

11. PUBLIC HEARING

B) Variance No. 528-12

Applicant's Request:

The applicant, Paul Schifino, Anvil Steel President, is requesting a variance from Carson Municipal Code (CMC) Section 9146.24 for reduction of the required 10-foot setback to 2 feet along 168th Street for a site located in the MH (Manufacturing, Heavy) zoning district. The subject property is located at 16619 and 16629 South Main Street.

Staff Report and Recommendation:

Associate Planner Naaseh presented staff report and the recommendation to DENY Variance No. 528-12, and WAIVE further reading and ADOPT Resolution No. 12-2436, entitled, "A Resolution of the Planning Commission of the city of Carson denying Variance No. 528-12 for the property located at 16619 and 16629 South Main Street."

Chairman Faletogo noted that some of the neighboring properties in this area don't have the recommended upgrades.

Associate Planner Naaseh explained that the City's current standards have been upgraded over the years; and stated that today's standards require a 10-foot front landscaped setback.

Chairman Faletogo asked what is being done to those property owners who are violating codes in this area, expressing his concern with equity. Commissioner Saenz concurred with this concern.

Commissioner Williams stated that staff has been consistent with their recommendations and that they are applying the requirements of the codes when projects are proposed.

Associate Planner Naaseh explained that in order to approve a variance, special circumstances must be present on this property; advised that a variance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this section deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

Planning Officer Repp pointed out that while some properties are currently in violation of city codes, it may be because they are legal, nonconforming and are subject to abatement; stated that staff has been fairly consistent when applying updated codes;

advised that this applicant has long been aware of this requirement to remove the wall; and stated that a financial hardship is no grounds to approve a variance.

Commissioner Saenz asked if there is room on this site for a 10-foot setback.

Associate Planner Naaseh stated there is room and that the applicant had already submitted plans for that 10-foot setback.

Chairman Faletogo opened the public hearing.

Paul Schifino, applicant/owner, stated that they are nearing finalizing construction on this small project; advised that the project itself cost \$150,000 but that the consultant fees alone were \$110,000; stated that he does not agree with removing this wall because of the cost and also because he needs the space for storage; and expressed his belief it is unfair to require him to provide this 10-foot setback when the rest of the property owners in the immediate area do not have to provide the same setback. He stated this small project is not the type of project that should be saddled with such an expensive requirement. He stated that their previous/original plan was to move the wall back, but that it needs to be applied when he undertakes a larger, more affordable project.

Assistant City Attorney Soltani explained that the variance must be applicable to only this property, depriving this property owner of its use.

Mr. Schifino stated that he does not interpret the statute as staff has explained, pointing out that a variance shall be granted due to circumstances applicable to the property and surroundings enjoyed by other property in the vicinity and under identical zoning classification.

Vice-Chairman Gordon asked Mr. Schifino what his special circumstance is for granting a variance.

Mr. Schifino answered that the City is taking his property away and not his neighbors' properties.

Commissioner Williams pointed out that when those other property owners come in with a property upgrade or change, they too will be required to provide the same setback and other code upgrades.

Mr. Schifino stated that this \$150,000 project will not be completed if he has to spend \$100,000 to remove this wall, stating this small project has become too costly because of this requirement. He stated he will delay this project or let the permit lapse until it becomes more affordable and/or attach it to a more appropriately scaled project in the future.

Paul Collins, applicant's architect, distributed to the Commission a photo simulation of how the wall would look with green vines beautifully covering the wall in just a year;

stated there is enough room to provide irrigation; and commented on the messy properties in this area, noting this applicant nicely maintains his property and that he would like to move this project forward without having to move the wall. He stated that he too interprets the code as allowing a variance so that the applicant can enjoy the same property rights as those currently doing business in this area. He stated that a new business has moved in across the street and that they were not required to provide this 10-foot setback.

Planning Officer Repp stated that obtaining a new business license would not set a discretionary process in motion, that it would be put in motion when a building permit is being requested.

Vice-Chairman Gordon asked if it is possible for the code compliance costs to outrun the project improvements.

Planning Officer Repp stated it is possible for the compliance fees/costs to cost more than the project itself. She noted that the abatement period has lapsed and that this applicant inherited this condition; and she noted that there are no grounds to apply for an extension of nonconforming privilege in this case. She reiterated that the code is being applied fairly and consistently.

Associate Planner Naaseh explained that staff could provide the applicant additional time to comply by posting a bond to delay the removal of the wall for another 6 to 12 months after completion of the proposed project. He advised that this offer was made to the applicant, but stated that the applicant wanted to apply for a variance instead.

Mr. Schifino stated that he would get that same benefit of delay by allowing the permit to lapse.

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

Commissioner Brimmer stated that the municipal code language in the variance could be more succinct; and noted her support for those businesses that want to make improvements to their properties, stating she is in support of a variance.

Commissioner Verrett expressed her belief the applicant has not met any special circumstance to support granting a variance; and echoed the need for the municipal code to be more clear in its language concerning a variance.

Planning Officer Repp mentioned that a variance runs with the land, not the business; stated that the City's code is copied from state statutes; and inquired of the Commission what their findings would be if a variance is to be granted for this property.

Chairman Faleto go stated that while he has empathy for the applicant, he believes the codes must be followed.

Vice-Chairman Gordon expressed his belief there are no findings to support the granting of a variance.

Planning Commission Decision:

Commissioner Brimmer moved, seconded by Commissioner Goolsby, to grant the applicant's request for a variance. (This motion was ultimately amended then withdrawn.)

By way of a substitute motion, Commissioner Verrett moved, seconded by Commissioner Williams, to deny the applicant's request for a variance. (This motion ultimately failed.)

Commissioner Brimmer withdrew her motion to grant a variance and moved to have the applicant apply for an extension of nonconforming privilege. (This motion was ultimately withdrawn, now making Commissioner Verrett's motion the main motion on the floor.)

Commissioner Verrett's motion failed as follows:

AYES: Gordon, Verrett, Williams
NOES: Brimmer, Faletogo, Goolsby, Saenz, Schaefer
ABSTAIN: None
ABSENT: Diaz

Planning Officer Repp explained that the applicant could apply for a modification to his design permit by applying for a phased development plan that would take up to 12 to 18 months to complete; and that the applicant would come back to the Commission with a requested modification for consideration.

Chairman Faletogo re-opened the public hearing.

Mr. Schifino stated that would be a good option, requesting up to 3 years to remove the wall.

Chairman Faletogo closed the public hearing.

Vice-Chairman Gordon moved, seconded by Commissioner Verrett, to deny the applicant's request for a variance and to encourage the applicant to apply for a modification to his design permit, requesting more time to remove/reconstruct the wall. This motion carried, 8-0 (absent Commissioner Diaz). Adopted Resolution of Denial No. 12-2436.

Vice-Chairman Gordon departed the meeting at 8:15 P.M.

12. NEW BUSINESS DISCUSSION

**A) Modification No. 2 to Design Overlay Review No. 1364-10
and Conditional Use Permit No. 807-10**

Applicant's Request:

The applicant, Related, is requesting a sign program for the Via 425 apartment and live-work complex located at 425 East Carson Street.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation that the Planning Commission take one of the following options:

Option A

- **APPROVE** the sign program but require the applicant to eliminate the pylon sign and provide an identification wall sign designed to acceptable standards;
- **REQUIRE** the applicant to remove the front pylon sign and install an appropriate identification sign pursuant to an approved sign program; and
- **WAIVE** further reading and **ADOPT** a minute resolution approving Modification No. 2 to Design Overlay Review No. 1364-10 and Conditional Use Permit No. 807-10.

Option B

- **APPROVE** the sign program as proposed; and
- **WAIVE** further reading and **ADOPT** a minute resolution approving Modification No. 2 to Design Overlay Review No. 1364-10 and Conditional Use Permit No. 807-10.

Commissioner Williams noted his concern with the pylon sign having been erected before staff was aware of the error, stating it should have been caught during plan check.

Senior Planner Signo stated that a lot of focus was directed to the fire department concerns and that he became aware of this problem during construction.

Commissioner Brimmer noted her concern with the potential for graffiti on the business signage and tenant windows along this pedestrian area, questioning if there are any plans to protect from or inhibit graffiti activity.

Chairman Faletogo opened the public hearing.

Rick Westberg, applicant, stated that everyone has been focused on fire department changes; and stated they had made some artistic changes to their signage and did not give these changes to staff. He noted that they will work with staff on other options if the Commission does not allow the pylon sign to remain, suggesting it is a nice sign to display the address; and stated that an official sign plan had not been submitted.

Commissioner Brimmer stated that she'd like to see what will be proposed to replace the pylon sign.

Commissioner Schaefer noted the need to be consistent with the signage along Carson Street.

Planning Commission Decision:

Commissioner Schaefer moved, seconded by Commissioner Verrett, to concur with Option A: **APPROVE** the sign program but require the applicant to eliminate the pylon sign and provide an identification wall sign designed to acceptable standards; **REQUIRE** the applicant to remove the front pylon sign and install an appropriate identification sign pursuant to an approved sign program; and **WAIVE** further reading and **ADOPT** a minute resolution approving Modification No. 2 to Design Overlay Review

No. 1364-10 and Conditional Use Permit No. 807-10. Motion carried, 7-0 (absent Commissioners Diaz, Gordon).

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

Planning Officer Repp commented on the two recent community meetings to discuss Oxy Petroleum's proposal, noting they will now only be requesting oil drilling but no fracking activity; and stated that the draft EIR will likely be ready for review at the end of summer.

15. COMMISSIONERS' REPORTS

Commissioner Brimmer expressed her belief the City needs to do a better job of disseminating information to the community and needs to provide definitions for technical terms used when putting out information; she asked that a workshop be scheduled for massage businesses and zoning issues; and thanked those who sent her flowers while she was sick. She commented on former Associate Planner Steve Newberg's hard work and suggested consideration of a plaque in his honor.

Commissioner Saenz stated that the business owner of International Body Shop is seeking assistance.

Planning Officer Repp stated that the owner of International Body Shop is welcome to submit an application and talk with planning staff.

Commissioner Saenz noted that many residential properties which line heavy traffic areas are using various fencing materials that exceed the allowable height, suggesting that the code be revised to allow this increase in height and stated that there should be consistency in the use of these fencing materials throughout the City. He urged the City not to approve any massage businesses along Carson Street.

Commissioner Schaefer noted that a photograph in tonight's first item showed a neighboring property having razor wire on top of their fencing, questioning whether this conforms to code.

Planning Manager Repp stated that razor wire is not specifically prohibited and is allowed in certain areas and in some instances.

Commissioner Verrett thanked Commissioner Brimmer for her efforts and input at the second community meeting regarding Oxy's proposal, stating she did well; noted her support for a massage business workshop; and suggested that a letter to Associate Planner Steve Newberg's family could be considered instead of a plaque.

Planning Officer Repp highlighted a number of things Planning has done for Steve's family following his passing, such as providing his wife with a memory book; and commented on Trammel Crow's honoring of Steve during their ground-breaking ceremony, noting that Steve's family was in attendance. She added that Commissioner Verrett took staff up on its prior invitation to the Planning Commission to add something

to the memory book; and stated that she would be happy to forward a letter to Steve's family from any Commissioner.

Chairman Faletogo asked staff to follow up on the residents' complaints this evening regarding Kia employees parking in the neighborhood along 213th Street; and announced that Hope Square Community Church is reaching out to low-income senior citizens who need work done on their homes, such as lawns mowed, painting, and other odd jobs needed at their homes. He stated that those in need should contact him or the City. He noted his support for a massage business workshop; and he thanked staff for their expertise this evening.

16. ADJOURNMENT

At 9:23 P.M., the meeting was formally adjourned to Tuesday, June 26, 2012, 6:30 P.M., City Council Chambers.

Chairman

Attest By:

Secretary