

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

November 27, 2012 – 6:30 P.M.

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

Planning Commissioners Present: Brimmer, Diaz, Faletogo, Goolsby, Schaefer, Saenz, Verrett

Planning Commissioners Absent: Gordon (excused)

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 Commissioner Brimmer, to approve the Agenda as presented. Motion carried, 7-0 (absent Commissioner Gordon).
 6. **INSTRUCTIONS TO WITNESSES** Chairman Faletogo 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** Planning Officer Repp
 8. **ORAL COMMUNICATIONS** For items **NOT** on the agenda. Speakers are limited to three minutes. None
 9. **CONSENT CALENDAR** None
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(Commissioner Goolsby recused himself from consideration of this item due to a possible conflict of interest.)

10. CONTINUED PUBLIC HEARING

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

Applicant's Request:

The applicant, Nader Qoborsi, is requesting a one-year time extension for 21 additional mobilehome spaces at the Colony Cove Mobile Estates mobilehome park and adding conditions of approval to address the existing abandoned oil wells on the property. The subject property is located at 17700 South Avalon Boulevard.

Staff Report and Recommendation:

Associate Planner Naaseh presented staff report and the recommendation that the Planning Commission APPROVE Modification No. 3 for SUP No. 106-74 approving an extension of time to April 12, 2013, for the addition of up to 21 mobilehome spaces, affirming the findings and conditions of approval included in Resolution No. 08-2196 and Resolution 10-2300, and the addition of Condition Nos. 69-75 as follows:

OIL WELLS

69. Prior to commencing construction of any of the additional 21 mobilehome spaces, the applicant shall survey the precise location and leak test oil well numbers 120, 76, 96, 79, 71, and 103 and/or any other wells which will be within close proximity of any additional spaces. The results of the survey and leak tests shall be submitted to the city of Carson Planning Division ("Planning Division") for review and approval. If leaks are present in any of such oil wells, such oil wells shall be re-abandoned prior to commencement of construction of any additional spaces in the park in accordance with the requirements of Division of Oil, Gas & Geothermal Resources ("DOGGR") at the cost of the applicant. The term "close proximity" as used in this Condition No. 69 shall have the same meaning as described in Exhibit A of the Well Status Review Letter concerning the park dated June 21, 2012, as updated September 13, 2012 (collectively, "Well Status Review Letter").
70. Prior to commencing construction of any of the additional 21 mobilehome spaces, the applicant shall submit an updated plot plan to the Planning Division for review and approval showing that no new mobilehome space will be constructed atop any oil wells, setbacks as specified by DOGGR and described in the Well Status Review Letter will be established with respect to the new mobilehome spaces to be constructed from all oil wells, and methane mitigation measures pertaining to the oil wells are achieved in accordance with the mitigation plan as described in Condition of Approval 71 below. If any new mobilehome space cannot meet the requirements of Conditions of Approval 69, 70, 71, or 72 the updated plot plan shall eliminate such new space or spaces and such new space or spaces shall not be constructed. No new spaces shall be

constructed until such updated plot plan is approved in writing by the Planning Division.

71. Prior to commencing construction of any of the additional 21 mobilehome spaces, the applicant shall prepare and obtain approval from the Planning Division and the city of Carson Building and Safety Division of a plan identifying mitigation measures, including, but not limited to, venting systems for oil well numbers 120, 76, 96, 79, 71, 103, 114, 117, 119, and 121 venting systems for new parking lots, patios and other hardscape being constructed on or immediately adjacent to such oil wells, and methane detection systems and methane barriers for new building foundations, if any, being constructed on or immediately adjacent to such oil wells.
72. Prior to commencing construction of any of the additional 21 mobilehome spaces, the applicant shall record in the County Recorder's Office covenants, conditions and restrictions to run with the land for the benefit of the City and its respective successors and assigns indemnifying the City for any claims arising or related to the City's approval of the additional 21 units and/or related to the oil wells on the subject property (the "CC&Rs"). The CC&Rs shall be substantially identical to the form of CC&Rs attached hereto as Attachment 7 of this staff report. The CC&Rs shall be approved by the City Attorney's Office prior to recordation and shall be furnished to owners and/or tenants prior to the sale and/or occupancy of the proposed new mobilehome spaces.
73. No mitigation of leaking fluids or gas from abandoned oil wells, modifications to oil well casings, or any re-abandonment work on abandoned oil wells, nor any other work requiring a DOGGR permit, shall be performed without obtaining the prior written approval of DOGGR in the form of an appropriate permit.
74. Prior to commencing construction of any of the additional 21 mobilehome spaces, the applicant shall survey the precise location and leak test oil well numbers 114, 117, 119, and 121 and/or any other oil wells not previously leak tested as described in Condition 69 and which are located on the subject property. The results of the survey and leak tests shall be submitted to the Planning Division for review and approval. If leaks are present in any of such oil wells, such oil wells shall be re-abandoned in accordance with the requirements of DOGGR at the cost of the applicant. If necessary, the applicant may have to temporarily move some units to access such oil wells that are in need of re-abandonment.
75. Prior to obtaining any permits or approvals from HCD to construct any of the additional 21 mobilehome spaces and prior to commencement of construction of any of them, the applicant shall provide a compliance report to the City subject to the Planning Division's approval demonstrating compliance with Conditions of Approval 69 through 74. The applicant shall provide the compliance report at least 30 days prior to commencement of construction to allow the Planning Division to review and determine that the aforementioned conditions have been satisfied. If the Planning Division determines that further clarification is needed or additional steps are necessary to achieve compliance, the applicant shall delay construction until a final determination and approval is obtained. If the applicant proceeds with construction and knowingly fails to submit the

compliance report and obtain compliance approval, this condition shall cause the permit to become null and void immediately.

And ADOPT a minute resolution granting an extension of time to April 12, 2013, for the installation of up to 21 additional mobilehome units, adding Condition Nos. 69-75 and instructing staff to make the necessary changes to Resolution No. 08-2196 and Resolution 10-2300. Associate Planner Naaseh noted that the Commission was given a separate/new resolution for this item, Resolution No. 12-2454. He noted for Commissioner Schaefer that the permits are issued by the California Department of Housing and Community Development.

Nader Qoborsi, representing the applicant, noted for Commissioner Brimmer that they are not seeking any government funding.

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

Planning Commission Decision:

Chairman Faletogo moved, seconded by Commissioner Diaz, to approve the applicant's request, thus adopting Resolution No. 12-2454. Motion carried, 6-0 (Commissioner Goolsby abstained; absent Commissioner Gordon).

11. PUBLIC HEARING None

12. NEW BUSINESS DISCUSSION

- ss **A) Workshop: Main Street Connection (a program to establish community enhancement goals and improved property maintenance for the eastern portion of Main Street between 213th Street and Del Amo Boulevard)**

Planning Officer Repp presented staff report.

Commissioner Schaefer asked for input on the storage yard located next to the Gan property.

Planning Officer Repp explained that the process of cleaning up Main Street is an ongoing effort, noting there has been much progress thus far. She stated that while there has been a lot of outreach to these businesses and property owners, there are still some that have not contacted staff; and explained that it may become necessary for Code Enforcement action to get responses from those tenants/owners who have yet to respond to the letters. She noted for Commissioner Brimmer that approximately 12 out of the 20 noncompliant properties are now in full or near full compliance.

Senior Planner Signo provided the Commission with excerpt copies of the 2011 County of Los Angeles Building Code and the 2010 California Building Code, highlighting the permits required, clarification on unpermitted structures, and some information/applications from the South Coast Air Quality Management District regarding spray paint booths.

Commissioner Schaefer pointed out that while a lot of progress has been made on this portion of Main Street, she expressed her belief that it still is not an attractive gateway

into the City, questioning what else can be done to improve the aesthetics; and suggested the possibility of a Main Street master plan project. She added that the International Auto Body front fence is still situated well onto the public right of way.

Planning Officer Repp stated that International Auto Body is still being required to push the fence back onto their property, noting that work is continuing to take place. She pointed out that with the elimination of the Redevelopment Agency, there is not a lot the City can do along Main Street; but explained that the City will work with the property owners to make necessary improvements along this roadway; and added that some things will help to improve the aesthetics, such as new street trees, upgraded street lights, improved land use and amending the ordinance for compatible businesses on Main Street. She noted that staff will continue to work with the property owners and businesses.

Vice-Chair Verrett noted her concern with displacing businesses on Main Street, pointing out that many business people spend their entire life savings on their businesses; and stated that she is not in favor of taking away their property rights.

Planning Officer Repp stated that the City is mindful of property rights, but noted there are times and instances where the City has had to afford property owners a time to amortize their investments over the short and long term in order for the City to move forward and improve over the years.

Chairman Faletogo, on behalf of the Commission, thanked staff for their report, stating he has noticed the improvements on Main Street.

12. NEW BUSINESS DISCUSSION

js B) Workshop to discuss recent moratorium of Cash for Gold businesses and review of existing regulations

Senior Planner Signo presented staff report, noting this is only a workshop; and stated that an ordinance amendment is likely to come back before the Commission sometime next year. He added that this moratorium is for new businesses, not those already in existence. He noted for Chairman Faletogo that the first cash for gold business started in the Carson mall in 2010, 'Gold Fever.'

Chairman Faletogo asked what necessitated this moratorium.

Senior Planner Signo highlighted law enforcement's safety concerns with these types of businesses because of the likelihood that stolen gold and other precious metals can be easily sold to these establishments without accountability and that other communities have identified these types of businesses with an increase in criminal activity in areas where they are located.

Planning Officer Repp stated that this issue was brought before the City Council at the request of Councilmember Davis-Holmes; and advised that there has been a proliferation of these businesses in the last year, noting the need to make sure these businesses are compatible with the community's needs.

Vice-Chair Verrett stated she is reluctant to curtail any business if there is adequate supply and demand to sustain them; and asked if all these businesses have been notified that this process is taking place.

Commissioner Brimmer stated that the only problem she sees with these businesses is a proliferation of signage.

Ronald Shimokaji, resident, expressed his belief these businesses are driven by the economy and noted his support for them being allowed in the regional, commercial zones.

Jon Straub, attorney representing various businesses, stated the City has not produced any evidence to indicate a higher crime rate due to these businesses; advised that these businesses are heavily regulated by the Department of Justice, being in contact with these businesses on a monthly basis; that the owners/operators have to go through background checks and fingerprinting; stated that once a piece is purchased, it has to be on hold for a month in order to attempt to determine if it is a stolen piece; and stated it is very difficult for these establishments to sell fenced merchandise because of the routine law enforcement contact. He noted his opposition to arbitrary zoning of these establishments; and stated that all the affected businesses need to be advised of this hearing process.

Vice-Chair Verrett reiterated her concern for property rights and stated she'd like a copy of the Business and Professions Code regarding these businesses.

Commissioner Brimmer noted that staff report does not indicate any city having banned these businesses.

Planning Officer Repp reminded the Commission this is only a preview workshop, noting the ordinance may only slightly change after all is said and done at the City Council level; but noted that the City needs to address the land use issues and make sure these establishments are allowed in the zones wherein they are now located.

Senior Planner Signo mentioned that second-hand stores are not permitted in the CR zone, indicating that a survey of other cities shows these businesses are often categorized as second-hand stores or pawn shops and may require a conditional use permit.

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

Planning Officer Repp announced that the December 25th Planning Commission meeting will be cancelled.

15. COMMISSIONERS' REPORTS

Commissioner Schaefer noted her appreciation of the Main Street report this evening.

Commissioner Brimmer stated she will be participating in the Oxy tour in December.

Chairman Faletogo thanked staff for the Main Street report and for their efforts this evening.

16. ADJOURNMENT

At 8:25 P.M., the meeting was formally adjourned to Tuesday, December 11, 2012, 6:30 P.M., City Council Chambers.

Chairman

Attest By:

Secretary