

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

MAY 28, 2013 – 6:30 P.M.

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

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

*(Commissioner Gordon arrived at
6:43 P.M.)

Planning Commissioners Departed
Early: None

Planning Staff Present: Planning
Officer Repp, Senior Planner Signo,
Assistant City Attorney Soltani,
Associate Planner Gonzalez,
Associate Planner Naaseh,
Recording Secretary Bothe
4. **AGENDA POSTING
CERTIFICATION** Recording Secretary Bothe indicated that all posting requirements had been met.
5. **AGENDA APPROVAL** Vice-Chair Verrett moved, seconded by Commissioner Saenz, to approve the Agenda as presented. Motion carried, 8-0 (Commissioner Gordon had not yet arrived).
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** Assistant City Attorney Sunny Soltani
8. **ORAL COMMUNICATIONS** For items **NOT** on the agenda. Speakers are limited to three minutes. None

9. CONSENT CALENDAR

A) Minutes: May 14, 2013

Chairman Faletogo moved, seconded by Commissioner Schaefer, to approve the May 14, 2013, Minutes as presented. Motion carried (Commissioner Diaz abstained; absent Commissioner Gordon).

10. CONTINUED PUBLIC HEARING None

11. PUBLIC HEARING

A) Conditional Use Permit No. 751-09

Applicant's Request:

The applicant, Andrea J. Cukrov, is requesting the Planning Commission consider a Conditional Use Permit to legalize an existing second dwelling unit located at 2603-2605 East Jackson Street.

Staff Report and Recommendation:

Associate Planner Naaseh presented staff report and the recommendation to APPROVE Conditional Use Permit No. 751-09, subject to the conditions of approval attached as Exhibit "B" to the resolution; and WAIVE further reading and ADOPT Resolution No. 13-2473, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 751-09 for an existing second dwelling unit for a property located at 2603-2605 East Jackson Street (APN 7308 011 026)."

Commissioner Goolsby asked if the garage can be enlarged to 20x20.

Associate Planner Naaseh explained there is not enough room on site to increase the width of the garage, noting that it can be longer but explained that change may make it difficult to maneuver.

Commissioner Schaefer asked if it is standard not to allow laundry facilities inside a garage.

Associate Planner Naaseh explained that if a garage cannot also accommodate vehicles, laundry facilities are not permitted. He added that there is room for approximately three vehicles to park onsite outside of the garage.

Commissioner Brimmer noted her concern with the limited parking, expressing her belief it can create a fire hazard.

Associate Planner Naaseh advised that the Fire Department had no concerns with this proposal and that it meets their requirements.

Chairman Faletogo opened the public hearing.

Zak Baskerville, applicant's representative, stated that the garage is too small for a vehicle, which is why it is being used for laundry and storage. He advised that the driveway is long and that it can easily accommodate four vehicles. He noted his concurrence with the conditions of approval, but addressed his concern with the large tree and questioned which property owner is responsible for its maintenance; and addressed the trimming of this tree and possibly affecting its integrity/safety.

Staff indicated the applicant and adjoining property owner should work together in determining who is responsible for the large tree and its maintenance.

Commissioner Gordon questioned why there is a requirement to remove the laundry facilities and storage from the garage if it is not big enough to park a vehicle.

Associate Planner Naaseh stated if the Commission votes to leave the garage for laundry service, the applicant would need to get the proper plumbing permit.

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

Planning Commission Decision:

Commissioner Gordon moved, seconded by Chairman Faletogo, to approve the applicant's request; moved to add a condition that the chain link gate either be removed or replaced with a two-door tubular gate; to allow the laundry machines to remain in the garage; and moved to adopt Resolution No. 13-2473. Motion carried, 8-0 (Commissioner Brimmer abstained).

11. PUBLIC HEARING

**B) Modification No. 2 to Conditional Use Permit No. 408-93 and
Zone Change Case No. 170-13**

Applicant's Request:

The applicant, John Killen, is requesting the Planning Commission consider approval of modification to a shared parking conditional use permit and a zone change from ML-ORL-D (Manufacturing, Light-Organic Refuse Landfill-Design Overlay) to CG-ORL-D (Commercial General-Organic Refuse Landfill- Design Overlay) to allow a secondary school use. The subject property is located at 20795 South Main Street.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to ADOPT the negative declaration; and WAIVE further reading and ADOPT Resolution No. 13-2474, entitled, "A Resolution of the Planning Commission of the city of Carson approving Modification No. 2 to CUP No. 408-93 and recommending approval to the City Council of Zone Change No. 170-13 from ML-ORL-D (Manufacturing Light-Organic Refuse Landfill-Design Overlay) to CG-ORL-D (Commercial General-Organic Refuse Landfill-Design Overlay) for a secondary school use to be located at 20795 South Main Street."

Chairman Faletogo noted his concern with methane gas emissions.

Associate Planner Gonzalez explained that the former landfill is not located in the area where the buildings are situated and that routine environmental studies/tests confirm there are no significant findings to raise any concern.

Planning Officer Repp advised that this landfill is not a deep landfill and that there is no evidence of any problems through the DTSC investigations/tests.

Commissioner Brimmer noted her concerns with adequate painting, landscaping and signage; and noted her concern with the safety of the youth illegally crossing the streets.

Associate Planner Gonzalez stated there are conditions for landscaping; advised that the property owner is in the process of painting the buildings; and he advised that the traffic study indicated no issues of concern.

Planning Officer Repp stated there are crosswalks at the appropriate traffic signal locations; and commented on the school possibly having a safe-route-to-school program.

John Killen, representing the property owner, noted his concurrence with the conditions of approval.

Richard Rand, property owner, noted his concurrence with the conditions of approval; commented on the property improvements he is currently undertaking, such as exterior painting; advised that DTSC has been monitoring the neighboring former landfill for the past 30 years, generating quarterly reports for methane emissions; and stated that there are no issues of concern with those testing results. He advised that the landscaping will be maintained and that they are fast-tracking the improvements to get this site available for the school this August. He stated there is permanent property maintenance taking place onsite six days a week.

Cristalle Callis, school director, stated that the hours of school operation are from 7:00 A.M. to 4:00 P.M., noting that classes start at 8:00 A.M.; advised that there will be supervision for the crosswalks, posting personnel at different positions before and after school; and advised that this is a closed campus during school hours. She added that new signage will be erected. She stated they plan to open at this site August 12th of this year; that they currently have approximately 475 students; and noted that this site will only have 9th and 10th grade students. Addressing Commissioner Brimmer's inquiry, she advised that they have hired a campus security guard.

Simone Delisser, representing Glory Christian Church, noted her concern with the limited building maintenance at this site; advised that the landlord has advised the church that it needs to paint the backside of the church building; and stated she hopes the school's hours of operation do not conflict with the church's hours of operation. She advised that the church has a lease up to 2017 with a two-year option for renewal.

Planning Officer Repp stated that the paint is to be a consistent color throughout the property; that there is to be no deterioration of building materials; and that the landscaping and irrigation is to be maintained and replaced on an as-needed basis.

Vice-Chair Verrett asked if the property owner is responsible for painting all the buildings on this property.

Planning Officer Repp noted for Vice-Chair Verrett that it depends on the lease agreement each tenant has with the landlord.

Mr. Rand stated there is a legal lease agreement with the church which requires the church to maintain its building; and advised that the painting of the exterior of the building has already commenced.

Ms. Delisser advised that the property owner told them they had to complete the painting on the backside of the building.

Chairman Faleto go asked the City to help out in setting up a meeting with the tenants and the landlord, if necessary.

Planning Officer Repp stated that if it becomes necessary, the Planning division will get involved to set up a meeting with the tenants and landlord; explained that this process has moved very quickly so the school can open this summer; and advised that Glory Christian Church is not allowed to conduct large events and that they will need to coordinate with the school on special events. She added this is a good location for this school.

Vice-Chair Verrett asked that a condition be added to reference on-going property maintenance with painting and landscaping.

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

Planning Commission Decision:

Chairman Faleto go moved, seconded by Commissioner Gordon, to approve the applicant's request; moved to add a condition that all building exterior paint shall be consistent in color and maintained on an ongoing basis, no paint deterioration, peeling, or cracking; that landscaping and irrigation shall be maintained and replaced on an as-needed basis; that the school is to develop a safe-route-to- school program for its students; and moved to adopt Resolution No. 13-2474. Motion carried, 9-0.

11. PUBLIC HEARING

C) Design Overlay Review No. 1477-13, Variance No. 540-13 and Modification No. 2 to Conditional Use Permit No. 462-98

Applicant's Request:

The applicant, Mike Pourtemour, is requesting to permit the construction of a new modular office building, allow the continued operation of a vehicle impound yard, and to retain an existing masonry wall on Broadway Street to be located in the MH-D (Manufacturing, Heavy, Design Overlay) zoning district. The subject property is located at 19135 South Main Street.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 13-2475, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 1477-13 for new office and support buildings, Modification No. 2 to CUP No. 462-98 and approving Variance No. 540-13 to reduce the setback along Main Street for a vehicle impound yard located at 19135 South Main Street."

Chairman Faletogo asked for clarification on who will bear the cost of the corner improvements.

Associate Planner Gonzalez explained that the total project area fronting Carson Tow will be approximately \$500,000, noting that staff believes the funds can be found either through the state or federal for this project.

Chairman Faletogo opened the public hearing.

Michele Pourtemour, applicant, stated that this family-run business is the only Carson-based towing/storage service; that they have had no violations in the past 12 years; stated that while they agreed to all the conditions set forth in their conditions of approval from 2001, they should not have to comply with Section 9148.1 because this business is not a trucking operation and they are not permitted off-street parking. She stated they should not have to remove the entire wall along Broadway. She noted that in 2003, the City tore up 4,000 square feet of their property for Main Street improvements, but stated the gradation at their entrance is too steep and that their vehicles are bottoming out at this area. She advised that they would lose their onsite parking if they have to provide a 5-foot setback.

Planning Officer Repp stated that former Planner O'Rourke developed the conditions of approval for their conditional use permit in 2001, noting their property was not in compliance with code; advised that they need to remove a trailer from the property; and stated that the City has been consistently applying the code regarding the required setbacks with landscaping. She explained that the corner will be pushed back to accommodate the improvements; stated that the wall along Broadway is very unsightly and that it's located on the property line; and stated that the plans for the capital improvement project are ready to be undertaken. She pointed out that the truck yard across the street has just provided a 25-foot setback with extensive landscaping; and stated it is Planning's job to get full compliance of these properties on Main Street. She pointed out there are no zero setbacks in this area on Broadway.

Referring to Ms. Pourtemour's comment about Section 9148.1, Commissioner Diaz asked if that section was wrongly applied when their CUP was granted in 2001, creating a more stringent set of requirements and whether a variance was appropriate since this is not a trucking facility.

Ms. Pourtemour highlighted Section 9148.1, Vehicle Dismantling Yards, Junk and Salvage Yards, Vehicle Impounding Yards -- Page 5 or her handout, "The fences and walls shall be of a uniform height in relation to the ground upon which they stand and shall be a minimum of 8 feet and shall not exceed 15 feet in height. Except in the yard areas where off-street parking is required or provided, said fences or walls shall be set back 5 feet from the lot line along all frontages abutting a public street or walkway or abutting a more restrictive zone." She stated that nowhere in the rest of the Carson Municipal Code (CMC) does it say that every single piece of the wall that touches that parking area must be set back; stated that Planning staff has told them a 10-foot

setback is required, yet it does not say that in the code; and that code says 5 feet where the parking area is provided. She advised they are providing 8 new parking stalls; and that staff is recommending the entire wall be removed, stating they should not have to apply for a variance. She added that the proposed 5-foot setback is where their parking is being provided. She noted her opposition to Condition No. 21, stating that nobody else has to have a licensed landscaped engineer and stamped plans; asked that Condition Nos. 24, 26, 28 be removed, noting the Sheriff's Department will not link to their camera system. She advised that their monitoring system is on a hard drive; and asked that Condition Nos. 54, 58, and 59 be deleted.

Planning Officer Repp commented on what standard should apply to this property, mentioning she recommended approval of this tow yard in 2001; advised that this property has not been in compliance with the requirements of the CMC or the conditions of approval for the CUP; and that the issue with this site is strictly about gaining compliance with the City's Municipal Code. She stated that staff agrees the code for a 25-foot setback is excessive, one that is typically applied to container storage yards, truck yards, for example; advised that all the salvage yards have a 5-foot setback with a wall behind the landscaping, which has been consistently applied; and reiterated they need to remove an unpermitted trailer they've been using onsite. She highlighted the difficulty of pushing the wall back on Main Street, noting there is some landscaping there, but added that the wall along Broadway is on the property line and is unsightly. She explained that Broadway has been fully designed for its improvements but delayed because of undergrounding of utility lines; and advised that at this point, plans are ready to go. She added that staff is recommending that if a zero setback is permitted on Main Street, then it is appropriate to have some compensation along Broadway for pushing the wall back.

Planning Officer Repp reminded those that just across the street, the truck yard business has a 25-foot setback with a wall at the interior line of the 25 feet with generous landscaping; and commented on other properties on the same street with the required setbacks and attempts for gaining full compliance along this road in this area. She added that the area along Broadway is in transition and reiterated that no other properties have a zero setback on this roadway.

Assistant City Attorney Soltani explained that CMC Section 9148.1(b) suggests "Except in the yard areas where off-street parking is required or provided, said fences or walls shall be set back 5 feet from the lot line along all frontages abutting a public street or walkway. Where off-street parking is required or provided, said wall or fence shall be constructed at the rear of the parking area." She stated it is her understanding this has always been consistently applied.

Planning Officer Repp stated the 10-foot setback is simply a recommendation as opposed to the 5-foot requirement; pointed out there is some landscaping provided along the Main Street frontage, but there is none provided along the Broadway frontage; that with the public improvements going in on Broadway, the new curb/sidewalk will abut the wall if the wall is not required to be set back; and that it is staff's recommendation for consistent application of the CMC and compatibility with the surrounding area.

Ms. Pourtemour stated they will plant vines to cover the outside of the wall along Broadway once the improvements have been completed on Broadway; and if there's more room, she will put plants along Broadway once the Broadway improvements are made.

Ms. Pourtemour stated it is her understanding the code states where parking is being provided, there be a 5-foot setback, which is what she did and that it doesn't say the remainder of the wall or the entire area of the lot is to be set back; and noted her opposition to providing any setback along Broadway.

Assistant City Attorney Soltani explained that in the area where off-street parking is required, the wall or fence shall be constructed at the rear of the parking area; and that at the areas where there are no off-street parking requirements, then the fence or wall shall be set back 5 feet from the lot line along the frontage abutting a public street or walkway.

Mike Pourtemour, applicant, expressed his belief this process has become a personal one.

The following people spoke in support of the applicant's request:

Sonya Lakei; Tauamo Leaupepe; Rick Pulido.

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

Planning Commission Decision:

Vice-Chair Verrett moved to concur with staff recommendation but to eliminate Condition Nos. 21, 24, 26, 28, 54, 58, and 59, thus allowing a zero setback along Broadway Street.

Commissioner Brimmer seconded the motion, offering a friendly amendment that the applicant still be required to submit landscape plans but not require a "licensed" landscape architect.

Vice-Chair Verrett did not accept Commissioner Brimmer's friendly amendment.

Assistant City Attorney Soltani reminded the Commission that some of the conditions being proposed for deletion are required under the City's Municipal Code; and added that code requires a 5-foot setback, not a 10-foot setback. She stated that a variance with proper findings would be required to delete some of those conditions, noting the Commission is limited to looking at the physical condition of the property to make its findings.

Commissioner Gordon stated that the setback requirements are required of all businesses and that this body has not made any appropriate findings in this case to support a variance along Broadway.

Commissioner Brimmer's second was withdrawn.

Commissioner Goolsby seconded Vice-Chair Verrett's motion.

By way of a substitute motion, Commissioner Gordon moved to concur with staff's recommendation; that Condition No. 21 be modified that the landscape plans not require they be drafted by a "licensed" landscape architect; that Condition No. 24 be modified to require a 5-foot landscaped setback along Broadway Street, zero setback permitted on Main Street; that Condition No. 26 be deleted, renumber accordingly; that the last sentence in Condition No. 28 be deleted, "...To ensure public safety, security cameras shall be provided linked to the Los Angeles County Sheriff Office"; and delete Condition No. 54, renumber accordingly.

Commissioner Schaefer seconded the motion.

By way of a friendly amendment, Commissioner Brimmer suggested the word “if” be added to the beginning of the first sentence of Condition No. 58.

The makers of the motion accepted the friendly amendment and further moved to amend Condition No. 59, adding at the end, “with the exception of Broadway”; and moved to adopt Resolution No. 13-2475.

The substitute motion failed as follows:

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

Vice-Chair Verrett stated that she would agree to having landscape plans provided but not required by a “licensed” landscape architect. No agreement was voiced by Commissioner Goolsby who seconded the original motion.

The original motion carried as follows:

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

Assistant City Attorney Soltani asked that the Commission direct staff to bring back to the next Planning Commission meeting a resolution reflecting the changes and to continue this public hearing.

Chairman Faletogo so ordered.

12. NEW BUSINESS DISCUSSION

A) Modification No. 2 to Design Overlay Review No. 764-01

Applicant’s Request:

The applicant, Equilon Enterprises, Inc., is requesting a modification to a development plan for a truck loading facility to increase the maximum number of truck trips per day from 180 to 210, with a maximum annual average of 195 truck trips per day. The subject property is located in the MH (Manufacturing, Heavy – Design Overlay) zoning district. The subject property is located at 20945 South Wilmington Avenue.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation that the Planning Commission APPROVE Modification No. 2 to Design Overlay Review No. 764-01, subject to the Conditions attached as Exhibit “B” of Resolution No. 06-29; and WAIVE further reading and ADOPT a minute resolution amending Condition No. 29 to Resolution No. 06-29 to increase the maximum number of truck trips per day from 180

to 210, and establish a maximum annual average of 195 truck trips per day to accommodate Shell's E10 project.

Senior Planner Signo noted for Commissioner Piñon that AQMD notice of this proposal was given to the Environmental Commission.

Matias Melendez, applicant's representative, stated there are no safety issues; and noted concurrence with the conditions of approval.

Planning Commission Decision:

Commissioner Diaz moved, seconded by Commissioner Brimmer, to concur with staff recommendation. Motion carried as follows:

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

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

Planning Officer Repp advised that the Economic Development Element will be presented at the next Planning Commission meeting, recommending the Commission review this information on the City's website. She announced that Associate Planner Song's last day with the city of Carson is June 13th, noting her hopes that Planning will be able to fill her position in a timely fashion. She added that the next agenda will also have the Master Plan of Bikeways for approval.

15. COMMISSIONERS' REPORTS

Commissioner Brimmer stated that the Memorial Day event was well attended, noting that Commissioner Gordon was in attendance.

Commissioner Schaefer stated that she attended the Memorial Day event at the Lincoln Cemetery; and that she attended the Carson Women's Scholarship luncheon, encouraging everyone to support this effort.

Commissioner Piñon stated that he toured the Long Beach and Carson Oxy sites; and stated he attended the Memorial Day event at the Lincoln Cemetery.

Vice-Chair Verrett stated that this morning, she witnessed the Sheriff's Department ticketing three truck drivers traveling westbound on Victoria, asking that the trucking companies be given adequate warning that this roadway is no longer an available truck route.

Chairman Faletogo stated he attended the Memorial Day event at the Lincoln Cemetery, noting that Dr. McClain was the guest speaker from L.A. Technical College; and that the guest of honor was a member of the Tuskegee Airmen from WWII. He thanked all staff and the Commission for their efforts this evening.

16. ADJOURNMENT

At 11:05 P.M., the meeting was formally adjourned to Tuesday, June 11, 2012, 6:30 P.M., City Council Chambers.

Chairman

Attest By:

Secretary