

## 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**

**December 10, 2013 – 6:30 P.M.**

- 1. CALL TO ORDER** Chairman Faletogo called the meeting to order at 6:34 P.M.
- 2. PLEDGE OF ALLEGIANCE** Vice-Chair Verrett led the Salute to the Flag.
- 3. ROLL CALL**

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

Planning Commissioners Absent: Diaz (excused)

Planning Commissioners Departed Early: Commissioner Brimmer departed during discussion of the fence workshop

Planning Staff Present: Planning Officer Repp, Senior Planner Signo, Assistant City Attorney Soltani, Associate Planner Naaseh, Recording Secretary Faagata
- 4. AGENDA POSTING CERTIFICATION** Recording Secretary Faagata indicated that all posting requirements had been met.
- 5. AGENDA APPROVAL** Commissioner Saenz moved, seconded by Commissioner Gordon, to approve the Agenda as presented. Motion carried, 8-0 (absent Commissioner Diaz).
- 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.

---

**8. ORAL COMMUNICATIONS**

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

**9. CONSENT CALENDAR**

**A) Minutes:** November 26, 2013

Chairman Faletogo moved, seconded by Commissioner Brimmer, to approve the November 26, 2013, Minutes as presented. Motion carried, 7-0 (Commissioner Goolsby abstained, absent Commissioner Diaz).

---

**10. CONTINUED PUBLIC HEARING** None

**11. PUBLIC HEARING**

sn **A) Design Overlay Review No. 1488-13, Conditional Use Permit No. 916-12, Variance Nos. 542-13, 543-13, and 544-13**

Applicant's Request:

The applicant, George Marc George Architect, is requesting to construct a new 926-square-foot truck service structure and convert an existing residential duplex structure to an office and storage use for the truck service facility; variances for reduction of landscaped setback area along Alameda Street and Jackson Street and reduction of required parking spaces on a 9,894-square-foot site located in the ML-D (Manufacturing, Light – Design Overlay) zoning district. The subject property is located at 21252 and 21262 South Alameda Street.

Staff Report and Recommendation:

Associate Planner Naaseh presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 13-2502, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 1488-13, Conditional Use Permit No. 912-12 and Variance Nos. 542-13, 543-13, and 544-13 to construct a new 926-square-foot truck service structure and convert an existing residential duplex structure to an office and storage use for the truck service facility; variance requests for reduction of landscape setback area along Alameda Street and Jackson Street and reduction of required parking spaces for a property located at 21252 and 21262 South Alameda Street."

Commissioner Goolsby asked for clarification on the number of employees permitted to work on site, noting his concern with the employment limitations being imposed.

Associate Planner Naaseh explained that the business is limited by the number of parking spaces they can provide for their employees, suggesting they may need to split shifts if more employees are needed.

Commissioner Goolsby asked staff for clarification on the requirements for the Alameda Street wall.

Associate Planner Naaseh stated that the wall was built without providing any setback on Alameda Street and that the applicant is seeking the Planning Commission's approval for it to remain as is. He added that the City is seeking to improve the aesthetics along this corridor by requiring more landscaped areas where possible.

Commissioner Goolsby pointed out this lot is a small lot, questioning if a vine on the wall would be acceptable to staff. Associate Planner Naaseh indicated that decision is up to the Planning Commission.

In response to Commissioner Brimmer's inquiry regarding Condition No. 21, Associate Planner Naaseh suggested adding the following language, "This structure shall not be subtlet by the operator or by the owner of the business."

Responding to Commissioner Brimmer's inquiry regarding the cleanup efforts along this corridor, Planning Officer Repp explained that this corridor has been getting worse over the years and that it is staff's intent to repeat the same process/cleanup efforts that have taken place on Main Street. She noted that a lot of the buildings on this corridor are operating without benefit of permits and that code enforcement activity is necessary.

Chairman Faletogo opened the public hearing.

Alex Nicole, property owner, stated that this business is along this corridor and that it employs a good number of people, expressing his concern with laying off people because of parking limitations. He pointed out there is not one 5-foot setback at any of the businesses along Jackson Street to the 405 Freeway; and that he doesn't see the necessity of landscaping when he is in need of more space for the business operations, especially during these difficult economic times. He stated that more room is needed on site for efficient maneuverability, noting his opposition to providing interior landscaping.

Commissioner Gordon stated there should be some compromise on both ends. He asked the applicant how a denial of his request would deprive him the use of his property.

Mr. Nicole indicated it does not, but added that he will be investing upwards of \$100,000 into this property.

Planning Officer Repp noted that the automotive work is being done in open air, which is not permitted by the municipal code.

Mr. Nicole thanked the Planning Department and Code Enforcement Department for working with him over the past two years to keep this business open; explained that this site is a small, 77-foot wide property that needs all the space it can get for adequate maneuvering, stating that taking 5 feet off for a landscaped setback would decrease the use of his property by 6.5 percent; and he offered a compromise -- leaving the existing wall on Alameda Street but taking out 1-foot sections to plant ivy that will climb/cover the existing wall. He expressed his belief that taking down this 77 feet of block wall to

plant vegetation is illogical; reiterated that the 5 feet of setback area is crucial to site circulation and parking, and for that reason he is suggesting the compromise. He also asked to either delete Condition No. 26, limiting the number of employees, or to increase the number allowed to 8 people per shift. He stated this is a poor economy, and the business operator needs all the help he can get. He noted his concern with Condition No. 25, believing it is vague, open-ended and allows for the City to make excessive changes at will when they come before the Commission for review in 12 months.

Associate Planner Naaseh indicated that the Planning Commission may decide to modify or delete Condition No. 26, but mentioned it would be important to bring this back for review in 12 months if this condition is deleted.

Planning Officer Repp pointed out that Condition No. 25 is seeking to check for compliance in 12 months; that if the tenant creates too intensive of a use, the Planning Commission may need to modify the conditions or otherwise determine what should happen with this property; and stated that staff is hopeful the tenant will operate in good faith, complying with the code. She pointed out that regardless of this item coming back for a 12-month review, staff will continue its compliance checks of this business.

Mr. Nicole noted for Commissioner Gordon that he does not remember being told about a required landscaped setback before he erected the wall, pointing out that because every property on this street has a zero front setback, he never thought it would be an issue. He stated it will cost him \$10,000 to \$15,000 to tear the wall down and put plants in place, and stated that would deprive his tenant efficient onsite maneuverability. He stated he can accomplish beautification of this property by keeping the wall, cutting one-foot sections out and growing ivy up the wall.

Commissioner Gordon explained that there must be appropriate findings to grant a variance, noting that the City has already been making accommodations to keep this business open.

Planning Officer Repp explained that the Commission can take into consideration the location, topography, shape, size of the property; and advised that the site plan demonstrates they can comply. She explained that there was a prior development on this site that received approval of a variance for a reduced setback along Alameda Street to 5 feet so they would have more room for parking and maneuvering; noted that that Planning Commission still required a 5-foot setback on Jackson Street; but explained that staff would recommend eliminating the entire setback along Jackson Street to give them a little bit more room on the property but still retain the 5-foot setback along Alameda Street; noted that staff is being more lenient on Jackson Street because the applicant is proposing a land use that requires more land, believing this reasonably balances the land use with the requirements.

Planning Officer Repp noted it is her understanding the property owner was advised of the City's zoning code for setback requirements; and stated it is also the property owner and business operator's obligation to check on zoning laws in the community they're planning to operate a business. Planning Officer Repp noted that this business has been operating in non-compliance for many years and not performing the repairs in an enclosed area.

Assistant City Attorney Soltani highlighted the legal standards for approving a variance; stated that the code requires 10-foot setbacks on both Alameda and Jackson Streets, but pointed out that staff is attempting to accommodate this business by allowing a zero setback on Jackson Street but still requiring a 5-foot landscaped setback on Alameda Street, and 5-percent landscaping on the interior of the lot, which is required for all businesses. She reminded this Commission they are policy makers; that they need to make their decision based on the size, shape, location and topography when considering granting a variance and to determine if a property owner will be deprived of using their property the same way their business neighbors are using their properties. She stated this is a unique case, in essence, that they have been operating for a while without the benefit of permits and because staff is trying to accommodate this business and not shut it down, staff is being creative in resolving some issues by reducing the setback requirements to allow them to legally continue to operate this business; but she cautioned this body that every time this body grants a variance, it sets precedence, opening the door for other businesses who are going to want the same treatment/decision.

Addressing Chairman Faletogo's inquiry, Associate Planner Naaseh explained that the existing wall on Alameda Street would have to be completely torn down and rebuilt with a 5-foot setback; indicated there are other properties in the area with zero landscaped setbacks, but questioned whether those properties have permits for zero setbacks. He asked the Commission how they want this corridor to look, noting staff would like to soften up the edges of these properties.

Assistant City Attorney Soltani reiterated that just because other businesses currently have zero front setbacks with no permits is not justification for granting a variance to this business.

Commissioner Brimmer asked what the current efforts are to clean up this corridor, noting she is concerned with the slow progress in this area.

Planning Officer Repp explained that this area has been getting worse over the years; that when it was under the Redevelopment Agency, staff was hoping to be able to use those funds to facilitate changes along this corridor, which did not happen; and that now the City is requiring private developments to be of assistance in improving their properties along this corridor as well as code enforcement activity. She explained that staff would like to use the efforts similar to those that are taking place along Main Street,

with a focused task force that evaluates each and every property. She added there has been tremendous success on Main Street as a result of those efforts; and mentioned that 5-foot setbacks were required along Main Street with those similar sized properties. She agreed with Associate Planner Naaseh's comment that as new development comes to this corridor, they should meet the standards that otherwise would be required for this property. She pointed out that a lot of the properties along Alameda Street do not have proper approvals, taking older buildings and converting them; and explained that a lot of these auto repair businesses have been the most problematic businesses for code enforcement.

Planning Officer Repp stated there is some justification for a zero landscaped setback on Jackson Street; explained that when you look at the public right-of-way, there is an area behind the sidewalk that almost mimics a side-yard setback, and to provide an even further setback, it would equate to a 10-foot area of landscaping if that Jackson Street variance were not approved.

In response to Chairman Faletogo's inquiry regarding parking requirements, Associate Planner Naaseh explained that the City's municipal code requirement for parking takes into consideration the number of employees regardless if they carpool or take a bus to work.

Planning Officer Repp reminded the Commission there are significant code violations at this time on this site; stated the Commission can remove the restriction on the number of employees; but noted that the business operator will be cited if they continue to perform the work in the open air.

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

Planning Commission Decision:

Vice-Chair Verrett moved to continue this matter to allow staff and the applicant more time to work out their issues of concern. (This motion was ultimately withdrawn.)

Planning Officer Repp explained that staff is not necessarily recommending any continuance; that staff's only reference to a continuance was if the Commission was interested in removing the interior landscaping requirement, it would necessitate the need for another variance; and in that case, the applicant would need to provide a revised site plan showing how they would use the interior without that landscaping. She explained that based on the current site plan, staff believes the applicant can comply with that interior landscaping requirement and that staff does not believe there are currently any findings to support that extra variance.

Vice-Chair Verrett withdrew her motion for a continuance.

Vice-Chair Verrett moved, seconded by Commissioner Goolsby, to add specific language in Condition No. 25 requiring the 12-month review only for purposes of determining whether the business operator is in compliance; and that the applicant be allowed a zero setback along Alameda Street, thereby not being required to remove the existing wall.

---

Commissioner Gordon noted his opposition to allowing a zero landscaped setback, stating the City needs to continue on with its vision for improving blighted areas and not making precedent-setting approvals that negatively impact the City.

Vice-Chair Verrett pointed out these are difficult economic times and that she is not supportive of coming down hard on businesses.

Commissioner Schaefer stated she does not like to see any loss of jobs, but pointed out the Commission must make its decisions based on the Municipal Code.

By way of a substitute motion, Commissioner Gordon moved, seconded by Commissioner Schaefer, to concur with staff recommendation; and moved to delete Condition No. 26, which limits the number of employees. (This motion was ultimately amended.)

By way of a friendly amendment, Commissioner Brimmer suggested that language be included that there be no subleasing of this property.

Planning Officer Repp stated that staff had suggested the following amended language to Condition No. 21, "This structure shall not be sublet by the operator of the business or the owner of the property." She highlighted her understanding of the substitute motion, to concur with staff's recommendation, providing a zero setback on Jackson Street (justification for a zero landscaped setback on Jackson Street because there is already a 5-foot parkway setback); to provide a 5-foot setback on Alameda Street; and to delete Condition No. 26.

Commissioner Gordon indicated that is a correct understanding of his motion.

The substitute motion carried as follows, thus adopting Resolution No. 13-2502:

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

**11. PUBLIC HEARING**

**js B) Zone Text Amendment No. 17-13**

Applicant's Request:

The applicant, city of Carson, is requesting the Planning Commission consider an ordinance amendment to prohibit chain-link, barbed wire, and other types of materials in residential zones for properties citywide.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation to OPEN the public hearing and TAKE public testimony; RECOMMEND to the City Council approval of Zone Text Amendment No. 17-13; and ADOPT Resolution No. \_\_\_\_\_, entitled, "A Resolution of the Planning Commission of the city of Carson recommending approval to the City Council of Zone Text Amendment No. 17-13 regarding an Ordinance Amendment to increase the maximum front yard fence height and prohibit the use of

chain-link fencing, barbed wire, and other materials under certain circumstances in residential zones.”

Commissioner Schaefer asked how the residents were notified of this meeting, noting there is a small number of people present in the audience.

Senior Planner Signo highlighted the legal requirements for posting in the adjudicated newspaper, which is *Our Weekly*, advising that the city of Carson had been ordered by the court to post its legal notices in this newspaper.

Commissioner Schaefer stated she has never heard of the *Our Weekly* newspaper.

Planning Officer Repp explained that prior to that publication company taking the City to court, the City utilized the *Daily Breeze* for its legal notices; and pointed out that the City also posted this meeting in the 2013/2014 Winter Issue of the Carson Reports (page 5), which gets delivered to every Carson residence.

Commissioner Schaefer stated that those efforts have failed to get people to this meeting and that something else needs to be done to get the residents to a public hearing that will have a large impact throughout the city.

Commissioner Gordon noted his concern with the lack of people present, pointing out this amendment will have an effect on a lot of people in this city; and asked for an explanation on the process the City will utilize to enforce this ordinance amendment should it pass.

Senior Planner Signo stated that a notice will be mailed to each homeowner, likely giving them a 3-year abatement process; that if compliance is not obtained through that notice after 3 years, those residents will be cited by code enforcement personnel, pointing out the City has a limited code enforcement team; and that if compliance is still not met, those residents will be referred to the City Prosecutor's Office for noncompliance and eventually to court to get full compliance. He noted the importance of compliance being successfully accomplished across the board for those properties with noncompliant fencing; and he added this will be a difficult and costly task.

Commissioner Gordon asked if the City is prepared and willing to carry through with its enforcement efforts should this amendment be adopted. He stated that his biggest concern in adopting this type of ordinance amendment is for it to have enough teeth and follow-through that allows for comprehensive and fair enforcement to everyone with a nonconforming fence. He added that businesses located in the residential areas shouldn't have to remove their fences unless the residents also have to, all or none.

Chairman Faletogo stated this is going to be an important and costly process that will impact a lot of residents, pointing out the limited number of people in the audience; and he suggested opening the public hearing, taking testimony of those present, then continuing this item to January 28, 2014.



Vice-Chair Verrett stated that notice should go into a newspaper of wide circulation in this community and not solely rely on such limited circulation with the *Our Weekly* paper.

Planning Officer Repp stated that staff could do a courtesy notice in the *Daily Breeze* as an extra notice, but pointed out that in her experience, people typically don't read legal notices; and stated that the strongest form of advertising for this meeting was the City's Carson Reports. She added that the Planning Department does not have the budget to send a notice to every homeowner.

Chairman Faletogo suggested using donated billboard time to advertise this effort.

Commissioner Brimmer stated that discussion is needed to figure out a better way to more effectively disseminate information to the City's residents and property owners.

Chairman Faletogo opened the public hearing.

Steven Rajagh, resident, stated that a fence is necessary for his property because of stray dogs and coyotes, noting he has pets and a garden he needs to protect. He advised that prior to erecting his chain-link fence, he had a wooden fence that was constantly being tagged with graffiti. He added that he lives two blocks away from StubHub and has cars and people constantly circling around his neighborhood. He pointed out that gangs are rampant in this area, routinely chasing kids through their yards; and he reiterated his need to secure his property. He stated that he cannot afford to erect another fence and that he believes this effort will be burdensome on this City's residents who are already struggling in this poor economy. He expressed his opinion it is disingenuous to notify the residents through a newspaper that has very limited circulation in this community.

Daniel Copeland, resident, noted his opposition to this effort, stating that rusted chain-link fencing can easily be painted; and he stated that the City should be concentrating its efforts on cleaning up the blighted areas in this community.

George Loewy, Dominguez Homeowner's Association (HOA) member, stated that he roughly estimates at least 50 percent of the homes in this neighborhood have noncompliant fences; stated there needs to be more community involvement before this is voted upon; and invited staff to make a presentation before his HOA. He suggested that the Municipal Code be amended to allow higher fences; and he stated that the City should make the investment to send a letter to each homeowner and property owner of this effort.

Commissioner Goolsby suggested that the residential and the commercial fence hearings be held separately.

Planning Officer Repp stated that if it is the intent of the Commission to carry forward with an amendment, she could request the *Daily Breeze* write an article on the City's plans. She added that notices can be sent to the homeowner associations again, urging each association to provide further outreach to their members.

Chairman Faletogo suggested possibly conducting a survey to determine exactly how many fences are out of compliance.

Commissioner Schaefer requested that notice of the public hearing be placed at all the parks; and that the public hearing be announced on the City's cable stations and placed on the City's website.

Chairman Faletogo moved, seconded by Vice-Chair Verrett, to continue this matter to February 11, 2014. This motion carried, 7-0 (absent Commissioners Brimmer and Diaz).

---

**12. NEW BUSINESS DISCUSSION**                      None

---

**13. WRITTEN COMMUNICATIONS**                      None

---

**14. MANAGER'S REPORT**

Planning Officer Repp wished everyone a happy holiday season, reminding all that this will be the Commission's last meeting for the year.

Assistant City Attorney Soltani introduced Adriana Mendoza, a second-year associate from her office, noting she has been assisting her with a lot of Carson's CEQA litigation.

---

**15. COMMISSIONERS' REPORTS**

Chairman Faletogo thanked staff and the Commission for their efforts this evening and wished everyone a happy holiday season.

---

**16. ADJOURNMENT**

At 9:40 P.M., the meeting was adjourned to January 14, 2014, 6:30 P.M., City Council Chambers.

---

Chairman

Attest By:

---

Secretary