

## MINUTES

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

**701 East Carson Street, Second Floor  
Carson, CA 90745**

**March 25, 2014 – 6:30 P.M.**

1. **CALL TO ORDER** Chairman Faletogo called the meeting to order at 6:32 P.M.
2. **PLEDGE OF ALLEGIANCE** Commissioner Diaz led the Salute to the Flag.
3. **ROLL CALL**

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

\*(Vice-Chair Verrett arrived at 7:43 P.M.)

Planning Commissioners Departed Early: Chairman Faletogo, 8:25 P.M.

Planning Staff Present: Senior Planner Signo, Assistant City Attorney Soltani, Associate Planner Gonzalez, Assistant Planner Raktiprakorn, Recording Secretary Bothe
4. **AGENDA POSTING CERTIFICATION** Planning 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 submitted. Motion carried, 8-0 (Vice-Chair Verrett 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 Soltani

**8. ORAL COMMUNICATIONS**

For items **NOT** on the agenda. Speakers are limited to three minutes. None.

**9. CONSENT CALENDAR**

**A) Minutes:** February 11, 2014; February 25, 2014

Commissioner Diaz moved, seconded by Commissioner Piñon, to approve the February 11, 2014 and February 25, 2014, Minutes as presented. Motion carried, 8-0 (absent Vice-Chair Verrett.)

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**10. CONTINUED PUBLIC HEARING**

None

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**11. PUBLIC HEARING**

**A) Design Overlay Review No. 1506-13**

Applicant's Request:

The applicant, A&D Design, Inc., is requesting to consider the construction of 2 new 2,800-square-foot and 3,500-square-foot commercial and retail buildings on a vacant space and parking area of a shopping center located in the CN (Commercial Neighborhood) zone. The subject property is located at 23401 South Avalon Boulevard

Staff Report and Recommendation:

Assistant Planner Raktiprakorn presented staff report and the recommendation to APPROVE the proposed project subject to the conditions of approval attached as Exhibit "B" to the Resolutions; and WAIVE further reading and ADOPT Resolution No. 14-2510, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 1506-13 for the construction of two new retail/restaurant buildings located at 23401 South Avalon Boulevard."

Chairman Faletogo opened the public hearing.

Jin Lee, applicant's representative, noted his concurrence with the conditions of approval.

Mr. Oh, applicant's representative, stated that the developer is experienced in this field and has the financing available to complete the job.

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

Planning Commission Decision:

Chairman Faletogo moved, seconded by Commissioner Schaefer, to approve the applicant's request, thus adopting Resolution No. 14-2510. Motion carried, 9-0.

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**11. PUBLIC HEARING**

**B) Conditional Use Permit No. 947-13 and  
Zone Text Amendment No. 16-13**

Applicant's Request:

The applicant, Thomas Safran & Associates, is requesting to permit a drive-through restaurant at a mixed-use development (Renaissance at City Center) and amend the Carson Municipal Code to allow such use for the property at 21720 South Avalon Boulevard.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation to APPROVE Conditional Use Permit No. 947-13, subject to the conditions of approval included in the attached resolution; RECOMMEND APPROVAL to the City Council of Zone Text Amendment No. 16-13 regarding an ordinance amendment to allow drive-through restaurants in the MU-CS zone with an approved conditional use permit; and WAIVE further reading and ADOPT Resolution No. 14-2511, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 947-13 for a restaurant drive-through located at 21720 South Avalon Boulevard, and recommending to the City Council approval of Zone Text Amendment No. 16-13 regarding an ordinance amendment to allow drive-through restaurants in the MU-CS zoning district."

Chairman Faleto go highlighted staff report, expressing his belief staff's position of approval is an apprehensive decision.

Senior Planner Signo noted his concern with the pedestrian-friendly goals and objectives for the Carson Street Corridor project; pointed out this is a higher-scale sit-down deli; and explained that the proposed ordinance has been tailored to stop the proliferation of drive-throughs, noting that currently, only 3 parcels along Carson have four acres of land that can qualify under this ordinance to have a drive-through restaurant.

Commissioner Diaz noted his concern with the residents living above this drive-through, noting his concern with queuing, noise and fumes.

Commissioner Brimmer noted her concern that previous applicants seeking drive-through restaurants have been denied and existing drive-throughs that have become nonconforming and are in the abatement process; and expressed her concern this has been crafted just to accommodate this applicant.

Senior Planner Signo highlighted the drive-through businesses along the Carson Street corridor, such as Foster Freeze, KFC, Carl's Jr., Ted's Burgers, Yoshinoya, the former Del Taco, noting the difference with this project being a mixed use development.

Assistant City Attorney Soltani explained that it is not uncommon to amend the Municipal Code for a proposed project.

Commissioner Gordon expressed his belief staff is not strongly supporting the applicant's request, asking staff why they are supporting the drive-through request; and he stated that the Commission and staff have been talking for several years about not allowing drive-through establishments along the Carson Street corridor.

Senior Planner Signo stated that staff is supporting this request because it will be part of this mixed-use development, that it is another quality amenity for those living on site; and he reiterated that the ordinance has been crafted to place a limit on any future proposals for drive-throughs along this corridor, noting that other properties along this corridor with a minimum of 4 acres in a mixed-use development could be considered for a proposed drive-through use. He stated there are only three properties that currently qualify, which are City Center, City View, and the northwest corner of Carson/Avalon. He stated that the primary use of Schlotzkey's Deli is their sit-down restaurant.

Commissioner Gordon asked if the City is going to follow through with its planned abatement of the existing drive-throughs along Carson Street.

Senior Planner Signo stated that the existing drive-throughs have likely already passed the abatement/amortization period, but stated it is unlikely that those will be closed down unless staff is given that direction to enforce the abatement.

Commissioner Gordon noted his discomfort with the planned abatement of the existing drive-throughs along Carson Street, yet the Commission is being asked to support this request for a drive-through.

Commissioner Saenz reminded the Commission that it has changed the zoning many times for other project proposals.

Tyler Monroe, representing Safran & Associates, commented on their efforts to bring high quality retail tenants into this development, pointing out that Safran & Associates is very proud of this development and that they would not do anything to negatively affect this development. He stated that Schlotzkey's Deli will be an exceptional and unique addition to this development. He stated the drive-through will all be concealed from outside view and within the structure, noting they have spent many hours considering safety, use, parking, signage, visibility and traffic issues associated with this proposal and believe they have ended up with an efficient and responsible plan.

Mr. Monroe stated that an independent traffic consultant determined at an absolute peak period, there would be 2 to 3 cars queuing with this type of use and that they have designed this area to be able to handle twice that number, providing room for 6 cars to stack without interfering with traffic inside/outside this parking structure. He noted his concurrence with the conditions of approval.

Mr. Monroe noted for Chairman Faletogo that the seating capacity of the restaurant is 150. He added that they propose to open the drive-through at 7:00 a.m. and close the drive-through at 9:00 p.m., noting they have done everything they can to not impact the residents living on site.

Commissioner Diaz asked what has been planned to keep the residents living above safe from the fumes and noise from drive-through operations and safe for pedestrians.

Mr. Monroe stated they are very committed to a safe operation for all involved on this development; explained that the concrete between the residents and the parking structure is approximately 16 inches thick; advised that the wall along Avalon Boulevard is dual insulated; that the upgraded windows will block more noise than typical windows, noting they hired an acoustical consultant for this development; stated that fresh air conditioning units are throughout this building; and advised that a new traffic control light will be erected on Avalon Boulevard from the Ralph's parking lot. He added that the secured residential entrance/underground residential parking to this development is located at the south side of this building and also another residential entrance from the south side of Carson Street, noting it is separate from the retail parking areas. He added there are over 100 cameras to monitor this site.

Commissioner Brimmer asked if those living in this development were apprised of the drive-through; and she stated she is not convinced this drive-through is the best use for this development.

Mr. Monroe explained that the drive-through will be an ancillary use to the sit-down restaurant, approximately 40 percent of its business being from the drive-through. He stated that they have had conversations with the tenants/residents, noting they are looking forward to these uses; but added that the Schlotzkey's Deli name had not been disclosed because they wanted to get through the approval process before they announced what business would be coming to this development. He stated the tenants/residents are aware of the proposal at this time because of the public hearing notice. He noted for Commissioner Gordon that the drive-through component for Schlotzkey's Deli is a deal-breaker, and pointed out that Schlotzkey's Deli is proactively working with Safran & Associates to make this an efficient and safe operation.

Owner (no name) of Schlotzkey's Deli commented on the menu items, noting they have high standards for their fresh food items; and stated that the drive-through offers convenience to the handicapped and elderly people who have difficulty getting out of their cars.

Commissioner Diaz noted his concern with the 4-acre ordinance restriction that potentially can hurt small businesses, putting them and the legal, non-conforming drive-through businesses at a disadvantage.

Vice-Chair Verrett expressed her belief the concerns with noise and the drive-through operations have been adequately addressed.

Senior Planner Signo stated that a traffic monitor could be considered, Condition No. 20, "A traffic monitor shall be provided **at all times when queuing is more than 6 cars** to prevent overflow of the drive-through and to ensure safe maneuvering within the parking garage."

Commissioner Brimmer stated there are many issues yet to be addressed, concern for the businesses, the existing businesses that have been turned down for drive-through proposals along this corridor and now staff is recommending approval of a drive-through; and she stated she is not prepared this evening to vote on this matter. She stated that she'd like to see the businesses and residents informed of what's coming to this development and the intent to change the ordinance.

Glenn White, Park Avalon resident, noted his opposition to two Commissioners voicing their support of this project before the public hearing is closed. He stated that the park residents are concerned with pedestrian safety; stated that there has been great effort to make this corridor a pedestrian friendly environment, stating this drive-through is not pedestrian friendly and asked how other businesses are to be denied for the same request; noted his concern with the idling cars and the exhaust in this underground garage and its impact upon the residents in the park; and noted his concern with the echoing noise of the cars and people placing their orders flowing into Park Avalon. He stated he has no trust in the Safran & Associates company stemming from a prior experience. He expressed his concern with the access off Carson Street from this development, stating that the park residents can no longer safely exit left out of their park because of the increase in traffic; and stated they need a traffic light at this exit to their park. He stated that upscale restaurants do not have drive-throughs.

Norm Peterson, Park Avalon resident, echoed Mr. White's comments; expressed his belief there will be more than 6 cars queuing in this drive-through; and stated that the access way from Carson Street is used by residents, delivery trucks, and retail clients, creating an increase in traffic for those exiting Park Avalon.

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

Assistant City Attorney Soltani advised that the applicant has agreed with the amendment to Condition No. 20, "A traffic monitor shall be provided **at all times when queuing is more than 6 cars** to prevent overflow of the drive-through and to ensure safe maneuvering within the parking garage."

Planning Commission Decision:

Commissioner Diaz moved, seconded by Commissioner Brimmer, to deny the applicant's request. (This motion ultimately failed.)

Commissioner Goolsby moved, seconded by Commissioner Schaefer, to approve the applicant's request; moved to amend Condition Nos. 19, "Hours of operation for the drive-through shall be limited to between **7** a.m. to 9 p.m. The Planning Commission may consider extended hours of operation based upon guidance from the Sheriff's Department or City Traffic Engineer; moved to amend Condition No. 20, "A traffic monitor shall be provided **at all times when queuing is more than 6 cars** to prevent overflow of the drive-through and to ensure safe maneuvering within the parking garage; and moved to adopt Resolution No. 14-2511. (This motion ultimately carried.)

Commissioner Gordon expressed his concern that the plan was to have no drive-throughs along this corridor; and that there are still plans to abate the existing legal, non-conforming drive-throughs along this corridor, noting the existing businesses rely heavily on that operation. He stated there needs to be a better balance/fairness in the ordinance amendment.

Commissioner Diaz expressed his belief this proposed ordinance amendment hurts small businesses and noted that the City has been working so hard to eliminate the drive-throughs along this corridor, yet is now proposing a new one.

Motion to approve the applicant's request carried as follows:

AYES: Faletogo, Goolsby, Saenz, Schaefer, Verrett

NOES: Brimmer, Diaz, Gordon, Piñon

ABSTAIN: None

ABSENT: None

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**12. NEW BUSINESS DISCUSSION**

**A) Modification No. 1 Conditional Use Permit No. 370-90 and Modification No 1 Design Overlay Review 529-90**

Applicant's Request:

The applicant, Christine Song, Zoning Manager, is requesting removal and replacement of one antenna per sector for a total of three (3) antennas, relocating and re-using three (3) existing antennas per sector, for a total of nine (9) antennas, and adding twelve (12) new RRUs on an existing legal, non-conforming 60'-high mono-pole on a property located in the CG (Commercial, General) zone. The subject property is located at 22025 South Figueroa Street.

Staff Report:

Associate Planner Naaseh noted the applicant's request to continue this matter to April 8<sup>th</sup>.

Planning Commission Decision:

Commissioner Diaz moved, seconded by Chairman Faletogo, to continue this matter to April 8, 2014. No objection was noted.

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**12. NEW BUSINESS DISCUSSION**

**B) Workshop regarding multifamily units in the RS Zone**

Applicant's Request:

The applicant, city of Carson, Planning Division, is presenting a workshop to discuss properties zoned RS (Residential, Single-Family) with existing multi-family units for properties citywide.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation to CONSIDER and DISCUSS the information provided for in this workshop; and DIRECT staff in procedures dealing with properties with existing nonconforming multiple units located in the RS zone.

Commissioner Saenz stated this process needs to be consistent.

Senior Planner Signo stated there are a total of 10 units in this cluster that are zoned RS, Single-Family Residential, which only allows a maximum of two under the City's current code.

Jose Hernandez, property owner, stated that all of his properties were built prior to the incorporation of Carson and urged the City to allow his multiple units to remain as is. He stated these units are his source of income during his retirement years.

Senior Planner Signo noted that Mr. Hernandez received a conditional use permit for his property at 433 Pacific.

Mr. Hernandez noted his concern with new, future leadership in Carson and the potential for changes down the road.

Donyea Adams, realtor, noted he represents one of the owners of a triplex on Lincoln Street, noting his concern with the potential to remove one of those units if a change is made to correct the non-conformity. He advised that this property is in escrow and that it is urgent to come to a consensus on this issue. He highlighted the need for affordable housing, and stated there is a potential to create financial hardship for the property owners of these multiple units and their tenants who will have to look for other housing. He asked that these properties be allowed to remain as is, rezoning to Residential Multiple. He added that the new owner will be performing a considerable rehabilitation of each unit, noting the potential new owner will likely not purchase this property if the three units are reduced to two.

Miguel Uribe, 541 E. Pacific Street, noted that he owns six units on four continuous lots on Fries Avenue; stated that he is supportive of changing the zone to Residential Multiple; stated he purchased these properties in 1974, noting the dwellings were built prior to 1953; and advised that all his units and properties are very well maintained. He added that there is plenty of parking for his tenants. He added that due to financial hardships, many people will seek to live with family members, creating a crowded and unsafe condition.

Senior Planner Signo explained that the locations of these multiple family units are all spread out throughout the neighborhood; and he stated that the amortization period for these multiple units has passed.

Commissioner Diaz noted his support of a zone change to maintain the multiple units, Residential Multiple.

Julia Sylva, law office representative for the property owner of 434 and 4421/2 Lincoln Street, a 10-unit complex, five units on each parcel, stated that the dwellings were built in 1952; advised that these properties are well-maintained and that there is onsite parking; and stated that changing these properties to Residential Multiple will help the City to continue to meet its Housing Element. She stated that the rents are low and that there is a low turnover of tenants and commented on the financial burden for these people if they are to move. She noted that time is of the essence to make a decision because they have a property in probate and that they'd like to get the property sold.



Vice-Chair Verrett noted her support of changing the zoning to Residential Multiple.

Senior Planner Signo noted that the entire area would be rezoned, noting that they cannot spot zone; and stated that other single-family owners would be able to increase the number of units on their properties if they meet current code, highlighting increased cars and other drains on the infrastructure. He noted for Commissioner Gordon that this issue is before the Commission because there are a few properties in the process of being sold and/or in escrow. He stated that more research is necessary to see how many properties would be eligible to build multiple units and how many properties have these nonconformities, such as setbacks, which would run with the land and be allowed to continue indefinitely. He added that new construction proposals would have to meet current code, but added that changing the zone could have some unintended impacts.

Commissioner Gordon stated that more information is needed to determine how many properties are involved and if there is a way to bring them in to conformity, yet remain with the same number of units; and how many lots in this neighborhood would qualify for new multi-family housing. He stated he would support a zone change to cover the existing properties in this cluster, asking staff to determine what impacts/consequences an ordinance amendment would have and bring that information back to the Commission so they can make an informed decision.

Commissioner Diaz noted support for a zone change for the existing multiple units to Residential Multiple.

Assistant City Attorney Soltani noted her understanding the Commission is directing staff to study the best approach in bringing these homes into conformity through a zone change on the existing units in this area.

Commissioner Brimmer noted her support for changing the zoning for the existing units in this neighborhood, but noted her concern about giving any impression that the City is giving the idea that they are allowing the building of any new, non-conforming multiple housing units.

Commissioner Diaz stated, echoed by Commissioner Gordon, that he is supportive of changing the zoning for just this cluster at this time, not for other multiple non-conforming unit clusters throughout the City.

Senior Planner Signo stated that there are less than 38 non-conforming, multiple unit properties citywide. He stated that it would be helpful to look at most of these on a case-by-case basis.

This item was received and filed (absent Chairman Faletogo).

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**13. WRITTEN COMMUNICATIONS**                      None

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**14. MANAGER'S REPORT**

Senior Planner Signo reminded the Commissioners to submit their Form 700's.

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**15. COMMISSIONERS' REPORTS**

Commissioner Gordon announced that Planning Commissioner Brimmer was honored as the 64<sup>th</sup> Assembly District's "Woman of the Year" at the State Capitol in Sacramento on March 10th.

Charlotte Brimmer was also one of several local women who received acknowledgement from Assemblyman Hall for the District's 2014 "Women of the Year Awards," also included were Vice-Chair Olivia Verrett and Anita Santarina.

Commissioner Schaefer asked staff to consider revisiting the abatement of other drive-through restaurants in this area, suggesting that staff develop other alternatives to consider for these businesses.

Commissioner Saenz asked for a status report on the bike route project.

Commissioner Diaz noted he had attended a recent bike route meeting wherein they discussed some shortfalls with bond funds having been earmarked for this venture; and stated that there is still some work being done on studying the infrastructure.

Senior Planner Signo advised that Carson received a generous Caltrans grant for the bike path project; that staff is continuing to work with Caltrans; and that the City is currently in the process of receiving that earmarked funding, noting the project will commence when the funding is received.

Commissioner Saenz asked for the Commission's support to send a resolution to City Council to rezone the former Fletcher Oil Well site, hoping to get it rezoned to commercial/industrial before the Sanitation District builds on this site. He stated this would benefit the City with more revenue and jobs. There was no input by the other Commissioners.

Commissioner Saenz expressed his belief that the trucking industry should be charged a special fee to use the City's roadways, noting that the trucks cause a lot of damage to the roads. He also asked to agendaize a building color code item.

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**16. ADJOURNMENT**

At 9:55 P.M. the meeting was formally adjourned to Tuesday, April 8, 2014, 6:30 P.M., Helen Kawagoe City Council Chambers.

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Chairman

Attest By:

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Secretary