

MINUTES

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

***701 East Carson Street, 2nd Floor
Carson, CA 90745***

November 25, 2014 – 6:30 P.M.

1. **CALL TO ORDER** Chairman Faleto go called the meeting to order at 6:34 P.M.
2. **PLEDGE OF ALLEGIANCE** Commissioner Schaefer led the Salute to the Flag.
3. **ROLL CALL**
Planning Commissioners Present: Brimmer, Diaz, Faleto go, Goolsby, Gordon, Piñon, Schaefer, Saenz, Verrett
Planning Commissioners Absent: None
Planning Staff Present: Planning Manager Naaseh, Senior Planner Signo, City Attorney Soltani, Assistant City Attorney Ward, Associate Planner Rojas, Planning Technician Alexander, Contract Planner Ketz, Recording Secretary Bothe
4. **AGENDA POSTING CERTIFICATION** Recording Secretary Bothe indicated that all posting requirements had been met.
5. **AGENDA APPROVAL** Commissioner Saenz moved, seconded by Vice-Chairman Piñon, to approve the Agenda as submitted. Motion carried, 9-0.
6. **INSTRUCTIONS TO WITNESSES** Chairman Faleto go 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** City Attorney Soltani
8. **ORAL COMMUNICATIONS** For items **NOT** on the agenda. Speakers are limited to three minutes. None

9. CONSENT CALENDAR

A) Minutes: October 28, 2014

Motion: Commissioner Diaz moved, seconded by Commissioner Brimmer, to approve the October 28, 2014, Minutes as presented. Motion carried, 9-0.

9. CONSENT CALENDAR

B) Extension of Time for Conditional Use Permit No. 929-13 and Design Overlay Review No. 1481-13

Applicant's Request:

The applicant, Storm Western Development, is requesting a one-year time extension for a 16-unit detached residential condominium project on a site located in the RM-18-D (Residential, Multiple-Family – 18 units per acre – Design Overlay) zoning district. The subject property is located at 22111 S. Main Street.

Staff Recommendation:

APPROVE the extension of time until November 6, 2015, for Design Overlay Review No. 1481-13 and Conditional Use Permit No. 929-13; and ADOPT a minute resolution extending the approval of Design Overlay Review No. 1481-13 and Conditional Use Permit No. 929-13 to November 6, 2015.

Planning Commission Decision:

Chairman Faletogo moved, without objection, to approve the applicant's request, granting an extension to December 6, 2015.

9. CONSENT CALENDAR

C) Extension of Time for Conditional Use Permit No. 941-13

Applicant's Request:

The applicant, Richard Gould, is requesting a one-year time extension to convert three existing detached rental units to condominiums on a 0.46-acre property located in the RM-8-D (Residential, Multiple-Family – 8 units per acre – Design Overlay) zoning district. The subject property is located at 545, 547, 549 E. 213th Street.

Staff Recommendation:

APPROVE the extension of time until July 23, 2015, for Conditional Use Permit No. 941-13; and ADOPT a minute resolution extending the approval of Conditional Use Permit No. 941-13 to July 23, 2015.

Planning Commission Decision:

Chairman Faletogo moved, without objection, to approve the applicant's request, granting an extension to July 23, 2015.

10. CONTINUED PUBLIC HEARING None

11. PUBLIC HEARING

A) Variance No. 553-14

Applicant's Request:

The applicant, Tetra Tech, is requesting a variance for construction noise which will exceed the allowed noise levels at The Boulevards at South Bay mixed use project. The subject property is located at 20400 S. Main Street.

Staff Report and Recommendation:

Planning Consultant Ketz presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 14-2530, entitled, "A Resolution of the Planning Commission of the city of Carson approving Variance No. 553-14 allowing the construction noise from The Boulevards at South Bay to exceed Section 5500, et al., (L.A. County Code Section 12.08.40B1 b) of the Noise Ordinance at 20400 S. Main Street (The Boulevards at South Bay)."

Chairman Faletogo opened the public hearing.

Deba Dayman, representing Tetra Tech, provided input on the current status of this project, noting that the poor economy has placed a hold on the construction of the shopping center.

Commissioner Verrett asked if Tetra Tech would agree to start construction on the weekends no earlier than 8:30 a.m. or 9:00 a.m.

Ms. Dayman stated that construction usually does not take place on the weekends, but she indicated that would be acceptable.

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

Planning Commission Decision:

Commissioner Diaz moved, seconded by Commissioner Gordon, to approve the applicant's request as submitted, thus adopting Resolution No. 14-2530. Motion carried, 8-0. Due to a possible conflict of interest, Commissioner Schaefer recused herself from consideration.

11. PUBLIC HEARING

B) Conditional Use Permit No. 962-14 and Variance No. 554-14

Applicant's Request:

The applicant, Car Pros Kia of Carson, is requesting to consider the relocation of an electronic message center pylon sign for an automobile dealership located in the CA (Commercial, Automotive) zoning district. The subject property is located at 22020 Recreation Road.

Staff Report and Recommendation:

Planning Manager Naaseh presented staff report and the recommendation to DENY Conditional Use Permit No. 962-14 and Variance No. 554-14; and WAIVE further reading and ADOPT Resolution No._____, entitled, "A Resolution of the Planning Commission of the city of Carson denying Conditional Use Permit No. 962-14 and Variance No. 554-14 for a second freeway-oriented electronic message center pylon sign for an automobile dealership located at 22020 Recreation Road."

Commissioner Gordon questioned if the additional sign will help draw in more customers and make it easier to find the location of this lot.

Commissioner Saenz stated that ample signage is necessary for people to locate this dealership.

Planning Manager Naaseh pointed out that the City's Municipal Code does not allow a second business sign.

Commissioner Goolsby stated that when he is driving on the 405 Freeway, he is not able to see any of the car lots from the freeway because those lots are on a lower level, questioning how far down these car lots are from freeway level.

Planning Manager Naaseh estimated the lots are around 30 feet down from the freeway level. He clarified for Commissioner Saenz that if the applicant's request is approved, it would allow Car Pros Kia of Carson two signs that advertise Kia and one billboard that has the potential for additional Car Pros Kia advertising should the applicant pay for advertising on that billboard; and mentioned that the applicant has indicated he would like to remove the billboard after the lease runs out in approximately 5 years.

Chairman Faletoogo asked why the Municipal Code wasn't enforced with the former business operator.

Planning Manager Naaseh explained that was not the case, that this site had 2 billboards and 1 business sign; and he clarified that the applicant is seeking 2 business signs, with the future elimination of the remaining billboard.

Vice-Chairman Piñon asked what the allowable distance is between business signs.

Planning Manager Naaseh indicated that business signs must be a minimum of 500 feet from one another; and he stated that one of the billboards has already been removed from this site and that one still exists and will be removed once the billboard lease has expired. He reiterated that Kia could advertise from that billboard if they paid the billboard company.

Commissioner Gordon stated he is opposed to an additional freeway-oriented billboard along the 405 Freeway, but stated that directional signage may be necessary. He stated that these signs are most likely expensive and that he believes the applicant would not spend that kind of money on a sign that he believed had little benefit to his business.

Planning Manager Naaseh stated that directional signage could be placed at the street level in the public right-of-way for travelers seeking directions after they exit the freeway; noted that directional signs are typically 13 feet high and are not visible from the freeway; and reiterated staff's opinion that this site has adequate visibility from the 405 Freeway and that a second business sign is not needed nor permitted at this time. He added that the applicant has not provided staff with a sign mockup to determine the

visibility of their approved 65-foot-tall sign, so it is speculation at this time as to whether a freeway traveler can adequately see the tall sign from both sides of the freeway. He mentioned that the topography is fairly flat.

Planning Manager Naaseh confirmed for Commissioner Diaz that a second sign for this site would violate the City's current Municipal Code, which only allows for 1 business sign; pointed out that Condition No. 21 requires removal of the Altman's sign, bringing this site into conformance with development standards; and he explained that if the Commission approves the applicant's request, staff would have to amend this condition.

Responding to Commissioner Brimmer's inquiry regarding staff's meetings with the applicant, Planning Manager Naaseh explained that he offered to meet with the applicant because the project planner, Associate Planner Gonzalez, is currently out on family leave; but that Mr. Philips was not able to meet with him to discuss this project.

Chairman Faletogo opened the public hearing.

Ken Phillips, applicant, stated that he'd like a second business sign for this site, placing it on the north end of this property so people can see where the entrance is to this lot; and expressed his belief it is not clear where to exit after leaving the freeway for those travelers headed southbound on the 405 Freeway. He confirmed that one of the billboards has been taken down; that he plans to remove that last billboard when the lease ends, stating there is some disagreement with the billboard owner as to whether that lease ends after 2.5 years or 7 years; and stated that if approved, they will end up with 2 attractive signs that will help generate additional sales and jobs. He advised that they are cleaning up this site and creating an appealing frontage along the 405 Freeway; and stated that the added investment will be worth it to help people locate this lot.

Commissioner Goolsby asked if the applicant would be willing to continue this matter and meet with staff to work through an agreeable solution to all.

Rod Wilson, representing EMI signage, stated they met with staff on April 22nd to discuss the main marquee for Car Pros and their flagging of this irregular shaped property that has 2,000 feet of freeway frontage, noting it was determined that once a traveler passes the main marquee, they would not be able to identify the entrance of the dealership; and because of that finding, they are now requesting to move the current Altman's sign to the northwest corner of this property. He stated that approximately 1 million cars pass this area each month along the 405 Freeway and that with the additional signage, they believe their sales will increase by 10 to 12 percent. He stated that one of these signs will promote car sales, rebates, leasing, etc., and the other sign will highlight how to get to this lot, expressing his belief the variance request is justified.

Commissioner Brimmer asked why staff is recommending denial.

Planning Manager Naaseh highlighted staff report which outlines the reasons staff is recommending denial and pointed out that the Carson Municipal Code does not allow for a second business sign.

Commissioner Brimmer asked the applicant if he was able to counter staff's findings for denial.

Mr. Wilson stated that he had been in communications with Mr. Gonzalez before his family leave but had not been in communication with other staff until just a few days ago.

Commissioner Brimmer asked that the applicant and staff take extra time to work out a solution.

Planning Manager Naaseh reiterated that Condition No. 21 would need to be amended if this is to be approved and that a public hearing notice would need to go out, suggesting the soonest to meet would be January 13th. He stated that up to this point, this applicant has not provided valid findings to support a variance.

Commissioner Diaz stated that the ordinance is very clear; he asked that the applicant provide any additional information that would support findings to grant a variance; and he pointed out that this Commission must make its decisions based on the adopted ordinance, stating that the Planning Commission's decisions are not always popular. He added that the City's Municipal Code was put in place to protect the interests of the entire City.

Commissioner Gordon asked that the applicant provide proof that an additional sign will bring increased sales.

Planning Manager Naaseh stated that the applicant needs to provide new facts that would demonstrate a variance is justified; that circumstances are special to this property; that the applicant would suffer if the City did not approve the variance request; added that they will have to prove their situation is different than Toyota or the other automotive dealerships down the freeway, such as locating one of these dealerships once getting off this freeway; and stated that if new information is not provided, staff will maintain its denial of this request. He added that approval of this extra sign would necessitate an ordinance amendment.

Mr. Wilson asked about the status of prior Planning Commission discussions suggesting the placement of a freeway exit sign at Wilmington Avenue to show the direction of auto row on 223rd Street and/or curb markings or median directional signage. He reiterated there is no way for people to know which way to go for Kia once they exit the freeway.

Planning Manager Naaseh stated he is not familiar with that discussion, but stated that staff and the applicant can have those discussions prior to the January meeting.

Mr. Wilson stated that auto dealerships are allowed to have two pole signs: one at the front of the property and one at the back of the property, pointing out there is no backside purpose for a pole sign on this property.

Commissioner Verrett expressed her opinion that a continuance is not necessary and that they should be allowed another pole sign if a front and back sign are permitted for auto dealerships.

Planning Manager Naaseh explained that the key word in this instance is "freeway-oriented," reiterating that the ordinance only allows one freeway-oriented sign, one sign that is visible from the freeway.

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

Commissioner Schaefer stated she does not see what is to be gained from a continuance.

Commissioner Brimmer pointed out that the applicant does not believe he has had ample conversations with staff and given enough opportunity to provide findings that would support the request for a variance.

City Attorney Soltani noted that if a denial passes, the applicant cannot come back for another variance request on this sign.

Planning Commission Decision:

Chairman Faletogo moved, seconded by Commissioner Goolsby, to continue this to January 13, 2015, giving the applicant more time to discuss with staff alternate ideas that might support his request for a variance. This motion ultimately carried.

By way of a substitute motion, Commissioner Diaz moved, seconded by Commissioner Schaefer, to deny the applicant's request for a variance. This motion failed as follows:

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

The motion for continuance carried as follows:

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

11. PUBLIC HEARING

C) Design Overlay Review No. 1524-13

Applicant's Request:

The applicant, Ideal Designs, is requesting to construct a 2,717-square-foot two-story warehouse and office building in the ML-D (Manufacturing Light – Design Overlay) zoning district. The subject property is located at 21100 S. Main Street.

Staff Report and Recommendation:

Planning Technician Alexander presented staff report and the recommendation to WAIVE further reading and APPROVE the proposed project subject to the conditions of approval attached as Exhibit "B" to the Resolutions; and ADOPT Resolution No. 14-2531, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 1524-13 for a new two-story warehouse and office building for a property located at 21100 S. Main Street."

Chairman Faletogo opened the public hearing.

Oscar Sanchez, applicant, noted his concurrence with the conditions of approval.

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

Planning Commission Decision:

Commissioner Schaefer moved, seconded by Commissioner Gordon, to approve the applicant's request, thus adopting Resolution No. 14-2531. Motion carried, 9-0.

11. PUBLIC HEARING

D) Conditional Use Permit No. 831-10

Applicant's Request:

The applicant, Reggie Guinto, is requesting to consider revocation of Conditional Use Permit No. 831-10 for an auto repair business on a site located in the ML-D (Manufacturing, Light – Design Overlay) zoning district. The subject property is located at 21012 S. Main Street.

Staff Recommendation:

Continue to December 9, 2014

Planning Commission Decision:

Chairman Faleto go moved, without objection, to continue this item to December 9, 2014.

11. PUBLIC HEARING

E) Conditional Use Permit No. 959-14

Applicant's Request:

The applicant, Stephanie Dillard, is requesting to permit three existing nonconforming single-family residential units on a site located in the RS (Residential Single-Family) zoning district. The subject site is located at 630 E. Lincoln Street.

Staff Report and Recommendation:

Associate Planner Rojas presented staff report and the recommendation to DENY Conditional Use Permit No. 959-14; and WAIVE further reading and ADOPT Resolution No. 14-__, entitled, "A Resolution of the Planning Commission of the city of Carson denying, without prejudice, approval of Conditional Use Permit No. 959-14 to legalize three existing units in the RS zone located at 630, 632 and 634 E. Lincoln Street."

Commissioner Gordon asked if this is the area of clustered properties with more than 2 on a lot the Commission considered not too long ago.

Associate Planner Rojas indicated yes, that staff brought before this Commission the amendments for the existing nonconforming properties to potentially allow for them to be legalized if they met appropriate standards, noting that ordinance amendment was later approved by City Council.

Commissioner Gordon noted that at that time, there were some people in the audience who were waiting on escrow to close and couldn't go forward if this ordinance amendment was not approved; and stated it was his understanding that this

Commission had not agreed for any of these nonconforming properties to be torn down but that they were to apply for a conditional use permit.

Associate Planner Rojas explained that if all these units were to remain, it would likely require a zoning map amendment from single family to multiple family.

Planning Manager Naaseh stated that what was approved by the Planning Commission was that an applicant would come in for a conditional use permit; that if they met code, they would be able to keep those units; and if not, they would have to comply. He explained that this property is not consistent with the City's General Plan density provisions because it exceeds the density provisions, among other deficiencies. He stated that the City's current General Plan zoning code requires a lot size of 5,000 square feet for each unit, pointing out that this entire lot with 3 units is only 6,500 square feet total.

Commissioner Gordon asked what the standard is for a second dwelling on one lot.

Planning Manager Naaseh stated that per state law, second dwelling units are not part of that minimum zoning requirement; advised that there are currently 30 properties which are subject to this ordinance, with only 8 meeting density requirements.

Commissioner Gordon stated it was his understanding the Commission's intent was to allow these properties to exist as long as they were safely habitable, questioning if 22 of those properties will have to be structurally altered and/or demolished.

Planning Manager Naaseh indicated yes, as the ordinance is currently written, these properties must comply with the established standards.

Commissioner Gordon reiterated that was neither his intent nor what he believed was conveyed by staff at that meeting.

Commissioner Brimmer stated she visited this site and expressed her belief this property is similar to the property across the street, believing that staff has not provided enough information to get a full picture of this area; and stated that when the Commission made its recommendation, it understood there were setback issues with these properties.

Planning Manager Naaseh explained that this applicant was fully informed of the deficiencies on this property through the Residential Property Report (RPR) process prior to her purchase, pointing out it clearly states she would have to demolish one of the units; and that she signed her acknowledgement and understanding of that condition on the RPR. He stated that the ordinance amendment was later passed that gave these nonconforming uses that had run out of their amortization period another 5 years to apply for a conditional use permit which would still require them to meet the requirements of the code for parking, setback, and density provisions.

Commissioner Gordon expressed his belief that this amended ordinance is not written to accomplish what the Planning Commission intended to be accomplished; and reiterated his inquiry that after this additional 5 years, these properties must conform or be torn down.

Planning Manager Naaseh stated that is correct.

Commissioner Gordon asked if the City is prepared to enforce this upon each of these nonconforming property owners.

Planning Manager Naaseh explained that the ordinance is designed to protect all property owners and neighborhoods as a whole, but stated that if it is the desire of the Commission to amend an ordinance, that is within the Commission's purview. He explained that these lots/units are situated in predominantly detached, single-family neighborhoods; stated that these properties were given 20 years to abate and an additional 5 years to file for a conditional use permit; and pointed out that the ordinance impacts 2 groups: the property owners that have these multiple units and the neighborhoods.

Commissioner Schaefer stated it would not have been her intent to make a blanket agreement to allow these units to remain as is, regardless of their nonconforming condition, that she agreed there would be some discretion on the conditions of these multiple-unit properties.

Commissioner Diaz noted his concurrence with Commissioner Schaefer's comment, stating these properties would still need to go through the conditional use permit process on a case-by-case basis so issues such as parking and safety aspects could be addressed.

Chairman Faletogo opened the public hearing.

Stephanie Dillard, applicant, stated that she purchased this property as an investment; noted that the remediation statement indicated she would have to remove 1 unit and keep 2 units; but stated that it was her understanding the Planning Commission had recommended to City Council approval of the existing units being grandfathered. She advised that she has spent a lot of money on this property to beautify it; that all the units have tenants currently living in them; and stated that these 2 lots are very long and narrow and only 31 and 25 square feet wide, expressing her belief they won't comply with code. She clarified that her 3 units are on 2 lots. She explained that she does not want to wait 5 years for the conditional use permit because she wants to refinance her high-interest rate loan on this property; mentioned that she has worked in the housing lending business since 2000; advised that she owns 4 lots out of these 7 at Broad and Lincoln Streets; and stated that this property has three 1-car garages and a parking space behind the garage for another vehicle, stating she has 2 extra parking spaces.

Chairman Faletogo asked Ms. Dillard why she is not waiting until 2019 to go through the conditional use permit process; and why she is not agreeable in remediating the substandard conditions and asked what is preventing her from obtaining the proper permits at this time.

Ms. Dillard stated she wants to get the conditional use permit now and not wait until 2019; that she was waiting for City Council to make a final determination for grandfathering these units and granting a variance on her documented violations; and stated that these units are safe, clean and habitable and that she is not in agreement with demolishing a unit in order to meet the setback provision.

Chairman Faletogo asked Ms. Dillard what her understanding was of the deficiencies when she purchased this property.

Ms. Dillard stated that she understood 2 of the units would be permitted and that they needed to be cleaned up, made habitable and safe.

John Bazan, applicant's husband, expressed his belief the Planning Commission has the discretion to issue a conditional use permit without any conditions; and stated it was his understanding City Council had grandfathered these nonconforming properties. He

stated it is physically impossible to get the required setbacks for these 2 properties, stating she would need to demolish the building; and stated that none of the options offered by staff is feasible. He stated that in order to conform to the ordinance, they would have to tear the building down, costing a lot of money; and stated that tenants are currently living in these dwellings. He added that his wife has beautified these dilapidated properties, improving the aesthetics in this neighborhood; and pointed out that there are 4 vacant lots on that street, which creates poor aesthetics in this neighborhood. He added that none of the neighbors has complained about this property and that he does not believe the front-facing garages create poor aesthetics in the neighborhood. He commented on the need for affordable housing stock; and he asked that these units be allowed to remain as is. He stated it would be unfair to these property owners to take these on a case-by-case basis and not allow a grandfather clause for these properties; and he urged the Planning Commission to grant this conditional use permit request without any conditions.

Commissioner Brimmer asked for clarification on the 5-year extension.

Associate Planner Rojas explained that the applicant was offered an additional 5 years but she did not accept that extension; and stated that the applicant has indicated she wants an approval now because she wants to get her high-interest loan reduced but the bank will not approve a lower interest rate if the conditional use permit is only granted for 5 years.

Commissioner Brimmer asked if there was interest in constructing 7 units in this area.

Senior Planner Signo explained that plans were approved in 2007 and 2010 to build 1 unit on each of these 7 lots, but added that those approvals have expired; and he stated that due to the poor economy, that developer was not able to go forward with those approved plans. He added that staff met with Ms. Dillard and informed her of what staff had approved on these nonconforming properties, pointing out that she was informed the 20-year amortization period had expired in 1997 and that the properties were given another extension of time. He advised that Ms. Dillard and another entity now owns these 7 lots. He stated that the developer was given more time in 2007 to demolish these 3 units and build 7 homes on those 7 lots; and that Ms. Dillard was informed from the beginning that staff is still supportive of 1 unit per lot on those 7 lots.

Associate Planner Rojas highlighted page 23, wherein a copy of the RPR states a conditional use permit would be required for this property and 1 unit must be demolished; and that it also includes a copy of a compliance schedule on page 25, which notes this applicant's agreement and her acknowledgement of the nonconformity. He commented on staff's helpful assistance and sharing of these approved building plans with this applicant in an attempt to speed up and help her through this process.

Associate Planner Rojas pointed out that staff has shown the same efforts with the other property owner of these 7 lots being discussed, reminding the Commission that just two months ago, the Planning Commission approved that development, authorizing the construction of three new 2-story 1,839-square-foot single-family homes on three 25-foot-wide lots located at 628, 636, and 638 East Lincoln Street.

Commissioner Gordon noted his understanding that the applicant indicated she did agree to demolish 1 of the units, but asked if that agreement was made before the ordinance amendment.

Associate Planner Rojas stated that is correct, noting the ordinance amendment did not take effect until September.

Commissioner Gordon stated that it was not his intent to give blanket approval on these properties; that he understood each property would come before this Commission on a case-by-case basis to make sure the dwellings were safe and habitable, but that he does not remember agreeing to complete compliance with the City's General Plan and all other development standards.

Commissioner Brimmer asked when Ms. Dillard purchased these properties.

Associate Planner Rojas expressed his belief the purchase took place in May 2014, noting that Ms. Dillard was aware of all the nonconformities and expectations prior to entering into escrow.

Planning Technician Alexander noted that part of her job with the City is to assist with the RPR process; explained that the text being referred to is on page 23, indicating the property inspections were conducted in 2013; and that sometime later, the applicant came in and indicated she was interested in purchasing these properties and that she agreed to assume those responsibilities. She pointed out that what the Commission is referencing is what Ms. Dillard did in May of this year; that what the Commission is reviewing are the residential property report inspection and corrections that were conducted in 2013 with the prior property owner. She stated that the property remediation agreement indicates Ms. Dillard's acknowledgment about the need for these corrections to be made and the applicant's willingness to assume clearing those corrections; and stated that the agreement/acknowledgment was signed in May 2014.

Commissioner Brimmer asked how this document is transferred over to the new owner.

Planning Technician Alexander explained that the RPR process allows for a buyer to assume these correction responsibilities; that all the corrections needed are divulged during this process, and that in order for a buyer to assume the responsibility, the buyer and the seller have a responsibility to share that information so they'll know what they're inheriting and will be responsible for correcting; and she stated it is very clear in this documentation of the buyer's responsibility to correct the checklist of nonconformities. Planning Technician Alexander pointed out that Ms. Dillard's signature is part of the complete packet, indicating both the buyer and the seller are aware of the nonconformities, so that the buyers know from the very beginning to the end what they're inheriting and what they're agreeing to fix.

Mr. Bazan stated that Ms. Dillard corrected all code violations.

Chairman Faletogo asked Ms. Dillard why she turned down the offer for a 5-year extension.

Ms. Dillard stated this is a tiresome process; and stated that she does not plan on building new houses on these lots.

Mr. Bazan stated the main reason is it's physically impossible to maintain those existing units and comply with the setback regulations, that it would require demolition.

Commissioner Gordon asked for clarification, that the intent of staff is that all these nonconforming units in question must come into conformance with the City's General Plan and current building regulations.

Planning Manager Naaseh stated that is correct; explained that staff's only intent is to enforce the ordinance that was adopted by the City Council; he pointed out that City Council did not pass any grandfathering clause; that there are no provisions to reduce setbacks; and that there is certainly no way staff would ever recommend approval of a project that is not consistent with the City's General Plan, noting staff does not have that authority/power.

Commissioner Gordon asked if the size of the lot does not meet density, do they have to be abated.

Planning Manager Naaseh indicated, yes, they have to abate to begin the process; and that this ordinance gave them another 5 years of noncompliance, but they still have to comply with the City's codes.

Associate Planner Rojas explained that drafting a single amendment would not address the various nonconformities at each property, that it's not intended to be a one-size-fits-all process. He explained that what was created was a solution for some of the 8 units; for the others, it may be appropriate to support a zone change for them to become multiple family; and that with others, where they meet the setback but don't meet parking, more creative ways may be needed to address that parking requirement. He pointed out that this ordinance has been drafted to be fair and protect the interests of all property owners from such things as unfairly imposing overcrowding/additional parking needs on the neighbors.

Chairman Faleto go asked what staff is expecting in these 5 years from the applicant.

Planning Manager Naaseh explained that the ordinance gives all these nonconforming property owners 5 years to file for a conditional use permit. He stated that this applicant has chosen to file for a conditional use permit now because she does not want to wait; and pointed out that right now as the City's General Plan, codes, and ordinances are written, staff's hands are tied as to what can be approved. He reiterated that these properties do not meet the City's code standards; and that they're not consistent with the City's General Plan, therefore, staff is not able to recommend approval unless the standards are officially changed.

Chairman Faleto go asked what an applicant needs to do in 5 years in order to comply.

City Attorney Soltani explained that the 5 years is an allowance of extra time, some flexibility for owners who can't afford to do the improvements right now; and that it gives them 5 years and hopefully during that time, those property owners phase in the necessary improvements that bring them into compliance. She stated the 5 years is basically a protected period of time for them to phase in their improvements for their property to conform.

Commissioner Diaz noted the lengthy discussions the Planning Commission has had on this issue; that the Planning Commission's recommendation for approval went before City Council; that City Council approved this extension for 5 more years, noting they may have even modified it a bit, but pointed out that City Council passed a resolution that after 5 years, these properties must conform and that staff is recommending denial based on City Council's decision.

Commissioner Saenz asked what Ms. Dillard needs to do in order to conform.

Associate Planner Rojas stated there are a few standards where Ms. Dillard's properties are deficient; advised that by code, a lot size is required to be a minimum of 5,000 square feet per unit; and that this property only provides 2,157 square feet per unit. He added that the front yard setback standard is 25 feet, but that this property only provides 5.5 feet of front yard setback. He stated that the rear yard setback standard is 15 feet, but that this property only provides 2.5 feet of rear yard setback. He added that the parking standard is 2 spaces per unit, but that this property only provides 1 space per unit.

Commissioner Gordon stated that this Planning Commission has approved prior projects that did not meet some of these standards, asking what the difference is.

Planning Manager Naaseh explained that the parking requirements for second units is flexible if there is space available; stated that if a nonstandard setback were approved, it must have been accompanied by a variance, noting that the City does not deviate from setbacks; and with regard to the number of units on a lot, he explained that second units do not count towards the density like regular units, per state law provisions for affordable housing.

Commissioner Gordon asked if the difference is this property has 3 units and the ones Planning Manager Naaseh just referred to have 2 units.

Planning Manager Naaseh indicated yes. He explained further that in the past, this Commission has approved variances where they really shouldn't have been approved, pointing out why the Commission workshops are so important and vital.

Planning Manager Naaseh stated that the most important issue here is the number of units on one lot, that the Commission is required to approve projects that provide at least 5,000 square feet of lot per unit; and he reiterated that this project does not provide that minimum standard. He stated that if the Commission wants to accommodate these nonconforming units, an ordinance amendment would be necessary.

Commissioner Brimmer asked if there is any creative solution to getting some of these nonconformities met, adding that it may be necessary for the applicant to spend additional money; and asked that staff and the applicant revisit some of these issues while still recognizing the City's codes. She asked what happens if the Planning Commission does not agree with staff recommendation.

City Attorney Soltani explained that it is very typical for a city or county to adopt its own rules and ordinances when it becomes incorporated, thereby requiring abatement periods for various properties; and she noted that a lot of cities and counties strictly adhere to fulfilling those abatement periods and reaching full compliance. She explained that there are studies and analyses that get done which take into consideration of the financial impacts on property owners to come into compliance in those abatement timeframes/periods; and pointed out that this City's Planning Commission has been very sympathetic with those abatement issues and has gone out of its way to be accommodating, but cautioned this Planning Commission to be very careful and not violate its own ordinance in making its decision. She stated that if this Commission believes the ordinance does not comply with the policies the Commission wants to see and the Commission is struggling with this every time it has one of these applications, then it would be appropriate for the Commission to encourage staff to look at amending the ordinance to provide some flexibility to keep these buildings the way they are and keep them grandfathered in somehow; but she reiterated her caution for

this Commission to not violate its own code and cautioned this Commission not to issue a variance when there are no legitimate findings to support a variance, noting it can open the City up to lawsuits for violating its own codes.

Commissioner Verrett noted that during a long abatement period, it would be helpful if the City were to keep in contact with these property owners from time to time to remind them of the pending abatement period remaining and the need for them to phase in improvements to reach conformity; and she noted her support for continuing this matter so staff and the applicant can work out a favorable solution for all.

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

Planning Manager Naaseh reiterated that these nonconforming properties are allowed to be used/maintained for 5 more years; and that it is not necessary for the Commission to make a decision at this time because the Municipal Code allows her 5 years to comply.

Commissioner Gordon noted he would like this request continued to allow staff to draft an ordinance amendment that allows for some flexibility to deal with these nonconforming multi-unit properties, allowing for these units to be maintained as long as they are safe and that they don't negatively impact neighborhood aesthetics and property values.

Planning Commission Decision:

Commissioner Gordon moved, seconded by Commissioner Verrett, to continue this request and direct staff to come back with an ordinance amendment proposal that will allow safe, habitable, existing multi-units to remain. This motion was amended.

Assistant City Attorney Ward noted his understanding the Commission's motion is to direct staff to come back to the Planning Commission with an amended ordinance for consideration taking into account this evening's discussion and he suggested that instead of this matter being continued, that it be tabled.

By way of an amended motion, Commissioner Gordon moved, seconded by Commissioner Verrett, to table this request and direct staff to come back with an ordinance amendment proposal that will allow safe, habitable, existing nonconforming multi-units to remain. Motion carried, 9-0.

12. NEW BUSINESS DISCUSSION None

13. WRITTEN COMMUNICATIONS None

14. MANAGER'S REPORT

Planning Manager Naaseh announced that the new Community Development Director, Abel Avalos, would like to meet individually with each Planning Commissioner; and he briefly explained that new programs are being considered to increase the quality of development in Carson.

15. COMMISSIONERS' REPORTS

Commissioner Diaz asked that the Commissioners not assume every Commissioner agrees with them on Planning Commission items and not to make the comment that "the Commission believes," when, in fact, that is not always the case.

Planning Technician Alexander noted for Commissioner Brimmer that plans have been submitted for a Harbor Freight store to be located at the former J.C. Penney's Automotive building at the back of the mall, stating it should come before the Planning Commission the first quarter of next year.

Commissioner Brimmer expressed her belief the Commission should have been presented with more facts this evening regarding the multi-unit item.

Commissioner Schaefer noted her frustration with this evening's discussion from some of the Planning Commissioners not keeping in mind the City's ordinances when making their statements; stated she likes the direction the City is going and believes a good deal of the improvements are due to Carson's Municipal Codes, urging the Commissioners to keep the adopted ordinances in focus when making their decisions and not to be so eager to change the ordinances from an emotional point of view; and she further urged the Commission to think about the greater good of this entire City instead of narrowing their focus on individual projects. She stated that she enjoyed herself at the Boys and Girls Club fundraiser; and she thanked staff for their efforts this evening.

Vice-Chairman Piñon congratulated Saied Naaseh and Sunny Sultani on their promotions and welcomed Assistant City Attorney Brandon Ward to the City.

Commissioner Verrett congratulated Saied Naaseh on his promotion and welcomed Assistant City Attorney Brandon Ward to the City. She wished everyone happy holidays.

Commissioner Gordon thanked staff for their reports and presentations this evening and for putting in place some of the things the Commission has requested as far as the conditions of approval; he congratulated Saied Naaseh on his promotion and welcomed Assistant City Attorney Brandon Ward to the City; and he wished everyone a happy Thanksgiving.

Commissioner Diaz echoed Commissioner Gordon's comments; he stated that he has much respect for the Planning Commissioners and their compassion for people and explained that his earlier comment was only to remind the Commission that they have a duty to make their decisions based on the adopted ordinances and the City's General Plan, pointing out it's not always going to be a popular or comfortable decision. He requested to soon meet with staff to get a current status/update on the 13 single-family housing development at Dominguez Street and Prospect Avenue.

Chairman Faletogo congratulated Saied Naaseh on his appointment as Planning Manager; and he welcomed Assistant City Attorney Brandon Ward to the City. He thanked everyone for their efforts this evening.

16. ADJOURNMENT

At 10:05 P.M., Chairman Faletogo adjourned the meeting to Tuesday, December 9, 2014, 6:30 P.M., Helen Kawagoe City Council Chambers.

Chairman

Attest By:

Secretary