

ACTION MINUTES OF THE SANTA PAULA PLANNING COMMISSION

Tuesday, June 9, 2009
6:30 P.M.

CALL TO ORDER: Chairman Paul Skeels
PLEDGE OF ALLEGIANCE Commissioner Steve Brown
ROLL CALL:

Commissioners present: Steve Brown, Gary Nasalroad, Michael Sommer, and
Chairman Paul Skeels

Commissioners Absent: None

Staff Present: Assistant City Attorney John Cotti, Planning Director
Janna Minsk, Deputy Planning Director Stratis Perros,
and Secretary Audrey Ellington

FINAL AGENDA: No changes requested, therefore the Agenda was final as
presented.

PUBLIC COMMENT: None at this time.

CONSENT CALENDAR:

A. Minutes of the Planning Commission Meeting on May 26, 2009

ACTION: Commissioner Nasalroad moved for approval the Minutes of May
26, 2009, as presented. Commissioner Brown seconded the motion that carried
by a unanimous roll call vote, with Commissioner Sommer abstaining because
he was absent on May 26, 2009.

B. 09-CI-06; A review of the 2009-2010 Capital Improvement Program for Conformance with the City's General Plan.

Location: Various locations city-wide

Applicant: City Initiated

Commissioner Nasalroad asked to pull this item from the Consent Calendar
for discussion. The Commissioners agreed that discussion was needed, and
Chairman Skeels asked staff to present their report.

Staff Presentation: Planning Director Janna Minsk explained the annual
requirement for review of the CIP for conformance with the General Plan. She
noted that Interim Public Works Director Jon Turner was available to answer any
specific questions they may have.

Discussion: Interim Public Works Director Jon Turner addressed the Planning
Commission and responded to questions.

Commissioner Nasalroad questioned what chance there was for the actual amounts listed to be spent, given the current financial situation.

Mr. Turner explained that the Capital Improvement Project (CIP) is actually the CIPP, Capital Improvement Project Plan. He stated that the City is not sure how the State Budget will affect our Plan. Mr. Turner indicated that some projects may be put on hold and others have funds secured and available. He then outlined three street paving projects that are ready because they are Federally funded, indicating that Federal funds may only be used for arterial streets. Commissioner Nasalroad expressed concern for the poor condition of many of our city streets.

ACTION: Chairman Skeels moved to Adopt Resolution No. 3645 documenting conformance of the FY 2009-2010 Capital Improvement Program with the City's General Plan. Commissioner Nasalroad seconded the motion that carried by a unanimous roll call vote.

ORDER OF BUSINESS

A. Amendment to Procedural Rule 2.3, Meeting Dates/Time for the Planning Commission.

Staff presentation: Chairman Skeels opened the item and called upon Planning Director Janna Minsk to present the item. Director Minsk provided a brief overview stating that the economy, a decline in project submittals, and the reduced staff levels, have brought about the recommendation to reduce the number of meetings.

Public testimony: There were no members of the public who wished to speak at this time.

Discussion: Chairman Skeels expressed concern that the City might have difficulty meeting deadlines for submittals, and Commissioner Sommer questioned why the 4th Tuesday was recommended rather than the 2nd Tuesday.

Planning Director Minsk explained that the Deputy City Clerk would be helping out along with other staff who would be sharing the secretary's duties, and that the Deputy City Clerk's Council schedule was taken into consideration for the recommendation.

Commissioner Nasalroad suggested the meetings could be extended to end at 11:00 p.m. rather than 10:00 p.m. The Commissioners agreed that there was no reason to change the rules because any meeting can be extended depending on what the situation dictates.

ACTION: Commissioner Brown moved to Adopt Resolution No. 3647 amending the regular meeting dates for the Planning Commission as recommended by staff to once a month on the fourth Tuesday of each month. Commissioner Sommer seconded the motion that carried by a unanimous roll call vote.

- B. 09-MISC-03,** Appeal of the Building Official action regarding Change of Occupancy of a commercial building to a residential use for property located at 136 N. Ojai Street

Location: 132-136 N. Ojai Street, APN 101-0-212-035

Appellant: Shahin Azarmehr

Declaration of conflicts: None

Declaration of ex parte contacts: None

Chairman Skeels opened the item and asked the appellant, seated in the audience, if he wished to present his argument prior to staff's presentation. Mr. David T. Romney, Attorney, representing the appellant, indicated that he would prefer to hear the staff's presentation before his statement.

Staff presentation: Planning Director Janna Minsk introduced the item as described above and then called upon Deputy Planning Director Stratis Perros to present the staff report.

Deputy Director Perros gave a brief overview of the staff report dated June 3, 2009, along with a slide presentation of maps, photographs, and statements in support of the City's determination that the Commercial building at 136 N. Ojai Street had been recently and unlawfully (without permits) converted to residential units, and that the construction lacks even the minimal safety requirements. He also noted that there is an existing duplex at the rear of the property. Color photographs of the commercial building interior were passed to the Commissioners for review. Deputy Director Perros stated that the Building Official and his staff were present to answer questions from the Planning Commission.

Public testimony: Attorney David T. Romney, 137 North Tenth Street, addressed the Planning Commission as representative for the Appellant Shahin Azarmehr. Mr. Romney presented a large display of photographs of the units on the subject property. Mr. Romney presented a memo from his office, dated June 9, 2009, and reviewed the document outlining his argument that the residential unit within the commercial building had existed on the property since 1922. Mr. Romney read from Ordinance 250, allowing the construction of residential use on the commercially zoned property. He then suggested that the Planning Commission use their discretion in favor of the appellant.

Chairman Skeels asked Mr. Azarmehr how long he had owned the property and what was there when he purchased it. Mr. Azarmehr responded that he had owned the property less than one year and there were tenants using the building as residences.

Deputy Planning Director Perros responded to questioning and reported that the previous property owner, Mr. Egen, was not living at 136 N. Ojai Street, but was operating a motorcycle business from the building.

Cat Woodruff-Caezza, 136 A. North Ojai Street, addressed the Planning Commission and spoke against the Appellant. Ms. Woodruff-Caezza stated that she was a tenant on the property, in the rear house, at the time Mr. Azarmehr purchased the property. She stated that Mr. Azarmehr knew that the front building (136 N. Ojai St.) was a commercial building when he purchased it because he started reconstruction of the interior of the building to residences in July, 2008. She indicated that construction was not permitted and had taken place at night time and on weekends, and that she had dealt with unhappy workers who were looking for Mr. Azarmehr because they hadn't gotten paid. Ms. Woodruff-Caezza stated that Mr. Azarmehr has harassed her and that she has given 30-days notice to move out. Ms. Woodruff-Caezza presented her signed statement to Deputy Planning Director Perros to be placed in the file for public record.

Mr. John W. Fettis, 1239 Maple Street, addressed the Planning Commission and spoke against the Appellant. Mr. Fettis commented that he had been hired by Mr. Azarmehr to do some work in the conversion of the commercial building into a residential unit and that he had lived in the units while under construction last year. He stated that the building was obviously commercial and he recalled the motorcycle business was in the building since the 1980s.

Deputy Planning Director Perros commented that the history of the property indicates there were both residential and commercial uses on the property and the addresses were changed when the second commercial unit was constructed. He noted that the appellant was given the option to apply for a conditional use permit with redesigned units to meet Code requirements, and obtain building permit, but the appellant has chosen not to do so. Deputy Director Perros then introduced the building officials that were present to answer questions from the Commissioners.

Building Inspector Gladys Izaquirre, with Fire Inspection Services, commented on her inspection of the buildings at 134 and 136 N. Ojai Street in 2003, because of a FEMA grant for seismic upgrades to commercial buildings, stating they were identified as B-2 Retail at that time and were definitely commercial buildings. Ms. Izaquirre stated there were no kitchens inside the commercial building, only bathrooms for the businesses.

Building Official Larry Beem commented that the residential units would not have met the building Codes in 1946, and new construction would have to meet today's building Codes. He stated it is currently a zoning issue and the units will not pass Building Code requirements in their current configuration.

Supervising Building Official Terresa Young-Kiernan read from sections of the Building Code and noted that permits are governed by the Code effective at the time of issuance, and that no permits for alterations to residential were issued. She stated the work was determined to be very recent by the tags left on items and the exposed materials, and no certificate of occupancy was issued. Ms. Kiernan also noted that the report from the 1982 inspection did not indicate a residential use to be legal, only existing non-conforming.

Mr. Romney spoke in rebuttal indicating that the inspector's memorandum did not tell the owner what he needed to do. Mr. Romney commented that he believed the maps indicate that the addresses did not change after 1929, and that Mr. Egen lived at 136.

Chairman Skeels closed the public testimony.

Discussion:

Commissioner Nasalroad commented that he felt the buildings were clearly designed as commercial buildings and that fact is supported by the FEMA funding for commercial buildings only. He also expressed concern for the lack of permitting and violations and stated he could not support the appeal. He suggested Mr. Azarmehr should get the recommended zoning permit to change the use and then get the proper building permits.

Commissioner Brown thanked Deputy Planning Director Perros for presenting such a comprehensive report on a difficult subject. He felt staff's rebuttal was good and he could not support the appeal.

Commissioner Sommer stated that he agreed with Commissioners Nasalroad and Brown's comments.

Chairman Skeels commented that he looked at the situation objectively and the buildings certainly look like and he felt they were intended to be commercial buildings, and that he was not satisfied that the buildings were converted legally.

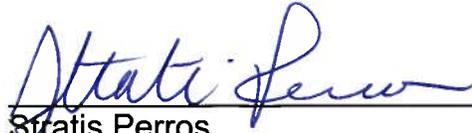
ACTION: Commissioner Brown moved to adopt Resolution No. 3646 denying the appeal and upholding the Building Official's action. Commissioner Sommer seconded the motion that carried by a unanimous roll call vote of the members present.

NEW BUSINESS: No new business was scheduled or discussed at this time.

CITY COMMUNICATIONS:

- A.** Planning Department – Planning Director Janna Minsk reported on the following:
1. City Manager Wally Bobkiewicz will be leaving the City on July 16, 2009, and will be taking a position in Evanston, Illinois.
 2. One item is scheduled for the June 23, 2009, Planning Commission meeting, and that meeting will be Commissioner Nasalroad's last meeting.
 3. On June 15, 2009, The City Council will be interviewing candidates for two vacancies on the Planning Commission.
- B.** Planning Commission – None at this time.

ADJOURNMENT: The meeting was adjourned at approximately 8:05 p.m.



Stratis Perros
Deputy Planning Director

NOTICE: Actions by the Planning Commission on the above items cannot be appealed to the City Council after **5:00 p.m. on Friday, June 19, 2009**. Be advised that if you bring a legal challenge to a Planning Commission decision, you may be limited to raising only those issues you or someone else raised at the meeting or in written correspondence delivered to the Planning Commission at or before the meeting.

For further details of the discussions held in this meeting, a taped recording is available in the Planning Department office, for a period of approximately one year.

These Minutes approved by the Planning Commission on 6-23-09



Planning Secretary Audrey Ellington