

## MINUTES

### CITY OF CARSON REGULAR MEETING OF THE PLANNING COMMISSION

*Helen Kawagoe Council Chambers, 2<sup>ND</sup> Floor  
701 East Carson Street, Carson, CA 90745*

*November 24, 2015 – 6:30 P.M.*

- 1. CALL TO ORDER**

Recording Secretary Bothe called the meeting to order at 6:30 P.M., as there was no seated Chair and Vice-Chair; and she designated Deputy City Attorney Chaffin to assist with the Planning Commission Chair and Vice-Chair nomination process.

Commissioner Diaz was then selected as the Chair and Commissioner Madrigal as the Vice-Chair.
- 2. PLEDGE OF ALLEGIANCE**

Commissioner Mitoma led the Salute to the Flag.
- 3. ROLL CALL**

Planning Commissioners Present: Diaz, Fe'esago, Guidry, Madrigal, Mitoma, Newcombe, Palmer, Post

All Commissioners present indicated they had been sworn in with the City Clerk's Office

Planning Commissioners Absent: Andrews, Pimentel, Thomas (excused)

Planning Staff Present: Planning Manager Naaseh, Deputy City Attorney Chaffin, Interim City Manager Farfsing, Senior Planner Rojas, Associate Planner Alexander, Recording Secretary Bothe
- 4. AGENDA POSTING CERTIFICATION**

Recording Secretary Bothe indicated that all posting requirements had been met.
- 5. AGENDA APPROVAL**

Without objection, Chairman Diaz moved to consider Agenda Item Nos. 10 A, B and C before Item No. 9A, and moved to accept the Agenda as amended.

**7. CONSENT CALENDAR**

**A) Selection of Chair and Vice-Chair**

Louie Diaz was selected as the Chair, and Ray Madrigal was selected as the Vice-Chair after the Call to Order.

**B) Minutes: October 13, 2015; October 27, 2015**

Vice-Chair Madrigal moved, seconded by Commissioner Post, to approve the October 13, 2015, Minutes as presented. Motion carried, 6-0, as follows:

AYES: Diaz, Guidry, Madrigal, Mitoma, Newcombe, Post  
NOES: None  
ABSTAIN: Fe'esago, Palmer  
ABSENT: Andrews, Pimentel, Thomas

Vice-Chair Madrigal moved, seconded by Commissioner Post, to approve the October 27, 2015, Minutes as presented. Motion carried, 4-0, as follows:

AYES: Guidry, Madrigal, Mitoma, Post  
NOES: None  
ABSTAIN: Diaz, Fe'esago, Newcombe, Palmer  
ABSENT: Andrews, Pimentel, Thomas

---

**8. CLOSED SESSION (Executive Conference Room)**

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) and (e) in one case.

The public was provided an opportunity to comment prior to the closed session item. No members of the public provided a comment. The Planning Commission held closed session at 6:38 P.M. and reconvened at 7:07 P.M. Deputy City Attorney Chaffin noted for the record there were no reportable actions taken in closed session.

---

**9. CONTINUED PUBLIC HEARING**

**A) Zone Text Amendment No. 19-15**

Applicant's Request:

The applicant, city of Carson, is requesting the Planning Commission consider adoption of a Comprehensive Update of the City's Oil and Gas Ordinance Regulating Petroleum Operations and Facilities, and a finding of a Class 8 Categorical Exemption under CEQA Guidelines §15308 for properties citywide.

Staff Report and Recommendation:

Planning Manager Naaseh and the consultants presented staff report and the following recommendation: If the Planning Commission is inclined to recommend approval of the proposed ordinance and the CEQA finding to the City Council, staff recommends the

Planning Commission ADOPT Resolution No. 15-2557, RECOMMENDING APPROVAL of a finding of a Class 8 Categorical Exemption under CEQA Guidelines §15308, as the Ordinance is an action taken by a regulatory agency for the protection of the environment; and RECOMMENDING APPROVAL to the City Council an Ordinance to adopt Zone Text Amendment No. 19-15, an Oil and Gas Ordinance for regulation of petroleum facilities and operations, by adding Chapter 5 to Article IX, consisting of Sections 9500 through 9537, amending Sections 9121.1, 9121.12, 9123, 9131.1, 9133, 9141.1, 9146.3, 9146.7, and 9151.12, and repealing Sections 9128.6, 9138.10 and 9148.2 of the Carson Municipal Code. Staff also recommends the proposed ordinance be updated to include i) the bonding language for Section 9519; ii) a 500-foot setback; and iii) to allow the incentive program to transfer between the Wilmington and Dominguez fields.

Planning Manager Naaseh clarified that tonight's item does not include the fracking issue. He advised that the resolution being presented this evening is consistent with the Planning Commission's directions; and he stated that the resolution was corrected to reflect that the meetings were held in the p.m. hours, not the a.m. hours. He added that the Commission was provided a letter from Alston & Bird, dated November 18, 2015, objecting to the proposed changes to the code with regard to the setback.

Luis Perez, MRS consultant, provided an update on the progress made since the last meeting, noting there were a number of questions for staff; advised that those included the review of Section 9519 with regard to the requirements for bonding and securities and what type of bonding would be adequate; questions regarding the use of the City Manager as the enforcement agent for nuisance procedures under Section 9515; and finally, questions regarding setback implications.

Mr. Perez explained that with regard to bonding requirements under Section 9519, the state does not specify bond rating requirements, but that the Department of Conservation requires the bonds should be rated "A" or better; stated that if the Planning Commission chooses to move forward, he would suggest the final resolution include the following additional language under Section 9519.A.7, "...and must be rated "A" or better by a nationally recognized bond rating organization."

With regard to having the City Manager responsible for nuisance procedures instead of the Director of Public Safety, Mr. Perez explained that it could be counterproductive to have the City Manager acting on nuisance issues because he/she has many other responsibilities and many other time constraints; that if he/she were the person designated to address those issues, it could cause delays and result in fewer enforcement actions and cause appeals conflicts; and for those reasons, he would recommend that the Planning Commission keep the process language as currently proposed, with the Director providing additional enforcement authority for nuisance violations of the ordinance. He added that ultimately, those things would be overseen by the City Manager regarding legal issues.

Mr. Perez stated there are ramifications when instituting a setback that is 1,000 feet rather than the recommendation of 500 feet; and advised that they conducted noise studies to determine what the existing noise parameters are within the existing facilities to try to ascertain whether there were some out-of-the-ordinary issues going on with the existing facilities and also for purposes of establishing a baseline that can be used in the future to try to determine what the increases would be if superimposing additional projects or drilling. He stated that some people have expressed concern that the oil facilities purposely were more quiet during this oil noise study, but he pointed out that

the oil companies were not informed that these tests were taking place; that the only people who knew the tests were taking place were those residents in whose backyards those tests were being performed; he explained that because these results will be used for baseline purposes, it would be counterproductive for an oil company to purposely put out less noise because their baseline will be lower than usual, so those rumors are false; and he added that the lowest site tested at 39 decibels.

Mr. Perez added that what they found in the noise study is that even though at times it was quiet, with the mitigation measures that would be imposed as part of the oil code, that 500-foot setback would be sufficient. He added that moving into the incentive program, the 1,000-foot setback would remove approximately 1,200 more acres from the incentive program and would leave fewer locations for the oil companies to move, creating less of an incentive for oil companies to move away from residents; and pointed out that the intent of the incentive program is to try to move existing locations away from sensitive resources/residences that could be affected by existing operations. He added that the graph also has been updated and illustrates how different a 1,000-foot setback would work in Carson. He added that because the original drafting of the ordinance was predicated upon a 500-foot setback, when you summarize the effects of a 1,000-foot setback, it has repercussions with the code and makes some of the provisions that they created within that code meaningless, noting it takes away from making things more stringent with some of those requirements.

With regard to consolidation and relocation, Mr. Perez highlighted one cleanup item identified in Section 9521.A, amending the language as follows: "...at a 1:2 ratio to another (~~new or~~ existing) receiving site(s)..."; and explained that this is more protective for the City to work within all the existing sites rather than new sites.

Mr. Perez highlighted the following suggested changes under Incentives, D.3, "...the receiving well location or site must be located ~~at least 1,000 feet from the property~~ **outside the** boundaries..."; and delete the following sentence: "The receiving site must also extract petroleum from the same oil or gas field; consolidation or relocation between fields is prohibited for incentive purposes," noting this would limit the number of locations within which the exchange within the fields could occur.

Mr. Perez highlighted the oil wells at different facilities that exist in the city of Carson and those current setbacks: and he noted there are 9 undrilled wells within a 500-foot setback with vested rights where the property owner(s) can proceed at the existing facility(s) without an additional CUP. He pointed out that one of the complications of having a 1,000-foot setback would create a division through the middle of the E&B Natural Resources Main Street field, creating an operational issue for that company.

Mr. Perez advised that the noise monitoring was conducted at two different locations: near E&B sites in south Carson and near Cal State Dominguez Hills in north Carson; stated that the results indicated a quiet nighttime hourly average of 40 decibels; and stated there were a lot of different noises and that they were able to look at the noise spikes and digital data to know with certainty when a certain noise occurred, noting they were able to go back to that exact time and determine where the noise was coming from and what the source of the noise was. He stated that some of the things they heard were a lot of trains, planes, residential noise sources, and gardeners' tools; and that they did find with the current oil activities, while they were not doing any drilling, they were relatively quiet with minimal impacts in the nighttime measurements. He stated that the converse would be true if a facility were drilling for a 24-hour period, thereby

possibly causing substantial nighttime noise increases without any mitigation. He added that subsequent mitigation would prevent those noises from reaching a nearby residential community.

Mr. Perez advised that a more expansive setbacks survey was done for various jurisdictions in California; he highlighted some of the setbacks on the graph, mentioning that Orange County is typically used as a barometer for different ordinances and other regulations; and noted that staff recommendation is one that would be way ahead of a lot of other locations/jurisdictions, and is consistent with some of the conservative ones throughout the state.

Commissioner Mitoma expressed his belief the City Manager should assume full responsibility and authority, stating he/she can choose to designate a knowledgeable person to go out and physically do the enforcement; and he stated that a 500-foot setback to sensitive receptors is not acceptable.

Derrick Bulmer, resident, stated that this industry provides steady, high paying jobs for the residents and is important to the economy; and noted his support for the energy industry and his support of staff recommendation.

Cruz Gonzales, resident, stated that reducing local oil production will increase prices and will eliminate good paying jobs for this community; and pointed out that this community greatly benefits from energy production and the revenues it creates for vital city services, such as police, fire, schools, and libraries.

Frank Amoro, resident, urged the Planning Commission to support staff recommendation.

Barry Spradling, resident, urged the Planning Commission to adopt a 1,500-foot setback, noting his concern with the health impacts of this industry.

Harry Wilson, resident, urged the Planning Commission to adopt a 1,500-foot setback, noting his concern for the health and safety of this community.

Antonio Garcia, Gardena, representing Southern California Hispanic Chamber of Commerce, stated that the oil industry is essential to the local economy, employing thousands of people who in turn help drive this economy; and he urged the Planning Commission to support staff recommendation.

Antonio Araiza, Torrance, representing Southern California Hispanic Chamber of Commerce, stated that this industry provides high paying jobs and essential revenues to support this community; and he urged the Planning Commission to support staff recommendation.

Diane Thomas, resident, noted her disappointment with staff report recommending a 500-foot setback after the Planning Commission voted for approval of a 1,000-foot setback at the prior meeting; she stated she is not concerned about going to court to defend a better quality of life for this community; and she stated that more communities are passing greater setback distances from residential uses. She stated that regardless of the noise study, she can still hear noise and smell odors from these facilities; and stated that the setback should be 1,500 feet.

Alexandra Nagy, Southern California Food and Water Watch representative, stated that Carson is one of the most polluted communities in California; that it's also considered one of the prime areas for environmental injustice/racism; and noted that if Beverly Hills can put forth a strong oil code to protect its residents, Carson should likewise be able to

do the same thing. She added that chemicals from these facilities can travel up to a half mile away and some can travel even farther away; and she stated that a minimum 1,500-foot setback should be adopted. She noted her opposition to the 2:1 incentive, expressing her belief this increases drilling activity in Carson.

Robert Leslie, resident, stated that this plan does not include analysis of abandoned wells; that it does not include the types of chemicals and pressures used for downhole drilling; nor does it include walls for blowback, expressing his belief this ordinance is too ambiguous. He stated that a 1,500-foot setback is already required under Title 5 of Section 14010 of the California Code of Regulations, stating there should not be any sensitive receptors within that setback.

Jeff Cooper, Cooper & Brain, stated that this company operates a small crude oil facility in south Carson, operating 9 different oil leases which produce a total of 270 barrels a day; and stated that Cooper & Brain has a well in Signal Hill right up next to a residence, noting they have never experienced any problems or complaints with that site. Mr. Cooper stated that his kids attend a school in Seal Beach which has nearby oil wells, noting that to his knowledge, there has never been an issue of concern. He stated that staff has worked hard to develop a code that has taken into consideration comments from both sides of this argument; and noted his support of staff recommendation.

Pilar Hoyos, representing Watson Land Company and the well shareholders who are primarily charity organizations, noted for Commissioner Post that she has not invited/encouraged any of this evening's speakers to address loss of jobs. Ms. Hoyos stated that staff has provided a very comprehensive ordinance, one that has taken an inordinate amount of time, energy, effort and cost to develop for both sides of this argument; and she added that the kind of divisive and negative attitudes and false accusations that have been put forth from some audience members throughout this process has been disturbing. She stated that this is a tough ordinance, as also proclaimed by the experts who were hired; and she urged the Commission to base its decision on facts and not fear and not the kind of discriminatory language that has been used by some of the audience members throughout this process. She added that this industry has safely operated in this area, Dominguez Technology site, without any problems for over 70 years, without causing earthquakes and everything else that's been blamed on oil drilling; and she urged this Commission to adopt an ordinance that is fair not only to the residents, but also to the mineral rights owners. She noted her support for staff recommendation.

John Quirk, Bright and Brown, representing Brea Canon Oil company, noted his support of staff recommendation, stating they expressed their opinions of staff recommendation in a letter provided for this evening's meeting; and stated that a 500-foot setback is more than adequate to address any objective need for community safety. With respect to the actions of Beverly Hills or other communities, Mr. Quirk noted his belief that the main question remains: what is objectively necessary, noting it is not objectively necessary to make excessive mistakes such as with Beverly Hills having an excessive setback; and he stated that's not a good reason for Carson to have an excessive setback distance. He stated that the excessive setback distance together with relocating existing wells within that setback area to the same field or to existing sites tends to operate against the effectiveness of those relocation provisions; added that Brea Canon Oil has an existing parking lot well within 500 feet of Target that has caused no problems, questioning where they would relocate; and noted that economics

enters into whether or not to turn off a well and relocate it if it's making money. He stated that limiting the sites for relocation also limits/hinders the operation of those provisions. He stated that a provision to restrict/limit sites for a relocated well to a certain area of the community where the well has been abandoned tends to create a distinction between property and people in different parts of the city, believing this may ultimately be harmful to the community. He closed by saying that Brea Canon wants to work with the City in developing an ordinance that mutually benefits the oil companies and the community.

Nicki Carlsen, Alston & Bird, representing E&B Natural Resources, stated that they submitted a letter and that they also fully agree with the letters put forth this evening by Manatt Phelps for Californians for Energy Independence and Bright and Brown for Brea Canon. She stated that they believe the 500-foot setback is more than adequate; and that they support the incentive program transfers between the Wilmington and Dominguez fields. She stated that the City's staff is very experienced, well-qualified, and respected and that they have brought on board competent, well-qualified experts who have prepared an analysis and provided solid information for the Commission to support the 500-foot setback and the transfer between fields. She stated that the incentive program should include both new or existing sites; and she urged the Commission to support staff recommendation.

Faye Walton, resident, stated that the setback should be 1,500 feet, noting her concern with the safety and health of this community.

Ted Cordova, representing E&B Natural Resources, noted his appreciation of those Commissioners who toured their site, and he urged the Planning Commission to support staff recommendation; stated there is no incentive program for setbacks over a 500-foot restriction; and stated that while they are not completely happy with what is being proposed, they are willing to move this forward. He noted his appreciation for everyone's hard work through this process.

Chairman Diaz closed the public hearing.

Planning Commission Decision:

Commissioner Mitoma moved, seconded by Commissioner Post, to approve the oil code update with a 1,000-foot setback; and to allow the City Manager to designate someone to address the nuisance complaints instead of the Director of Public Safety.

Deputy City Attorney Chaffin noted his understanding of the motion as follows: to approve the resolution as drafted with a 1,000-foot setback; that the Director of Public Safety will not be in charge of enforcement of the nuisance procedures, that it will be the City Manager who will delegate that authority; to allow the incentive program to transfer between the Wilmington and Dominguez fields; and he asked if the motion also includes the bonding language for Section 9519.

Commissioner Mitoma indicated yes.

By way of a substitute motion, Vice-Chairman Madrigal moved, seconded by Chairman Diaz, to concur with staff recommendation for a 500-foot setback.

Deputy City Attorney Chaffin noted his understanding of the substitute motion as follows: to approve the resolution as drafted with a 500-foot setback; that the proposed ordinance be updated to include the bonding language for Section 9519, as stated in staff report; that the Director of Public Safety will remain as the primary enforcement

authority of the nuisance procedures; and to allow the incentive program to transfer between the Wilmington and Dominguez fields.

The substitute motion as put forth by Vice-Chairman Madrigal failed as follows, 2-6:

AYES: Diaz, Madrigal  
NOES: Fe'esago, Guidry, Mitoma, Newcombe, Palmer, Post  
ABSTAIN: None  
ABSENT: Andrews, Pimentel, Thomas

The original motion put forth by Commissioner Mitoma carried as follows, thus adopting Resolution No. 15-2557, 6-2:

AYES: Fe'esago, Guidry, Mitoma, Newcombe, Palmer, Post  
NOES: Diaz, Madrigal  
ABSTAIN: None  
ABSENT: Andrews, Pimentel, Thomas

---

**10. PUBLIC HEARING**

**A) Design Overlay Review No. 1540-15**

Applicant's Request:

The applicant, Jerry N. Garner, is requesting to remove an existing food court, including 7,392 square feet of common eating area and replace it with a large retail tenant in the CR-MUR-D (Commercial, Regional – Mixed Use Residential-Design Overlay) zone for the property located at 20700 Avalon Boulevard.

Staff Recommendation:

Continue this matter to December 22, 2015.

Chairman Diaz opened the public hearing. There being no input, Chairman Diaz closed the public hearing.

Planning Commission Decision:

Vice-Chairman Madrigal moved, seconded by Commissioner Post, to continue this matter to December 22, 2015. No objection was noted. (This motion was later amended to continue this matter to January 12, 2016.)

---

**10. PUBLIC HEARING**

**B) Design Overlay Review No. 1566-15 and  
Conditional Use Permit No. 975-15**

Applicant's Request:

The applicant, Matt Garland, is requesting to replace an existing one-story multiple-family dwelling unit and two detached garages with a new two-story, 3-bedroom

multiple-family dwelling unit over three 2-car garages, storage, utility and laundry rooms attached to an existing single-family dwelling; and related site improvements within the RM-12-D (Residential, Multi-family – 12 units/acre – Design Overlay) zone. The subject property is located at 259 W. 220<sup>th</sup> Street.

Staff Report and Recommendation:

Associate Planner Alexander presented staff report and the recommendation to APPROVE Design Overlay Review No. 1566-15 and Conditional Use Permit No. 972-15 subject to the conditions of approval attached as Exhibit “B” to the Resolution; WAIVE further reading and ADOPT Resolution No. 15-2555, entitled, “A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 1566-15 and Conditional Use Permit No. 972-15 to demolish an existing dwelling and two detached garages and construct a 1,572-square-foot, two-story, three-bedroom multiple-family dwelling with three 2-car garages and related site improvements for the property located at 259 W. 220<sup>th</sup> Street.”

Associate Planner Alexander made the following changes to staff report:

- Remove Condition No. 12 relating to CC&R’s; and
- Amend Condition No. 60, deleting “along Vera Street” and replace it with “along Moneta Avenue and 220<sup>th</sup> Street.”

Associate Planner Alexander noted for Commissioner Palmer that the CC&R’s are being stricken because this is a multi-family dwelling unit and not a condominium and that CC&R’s aren’t required. She stated that a condition could be added to require that the tenants are not to use the guest parking spaces.

Planning Manager Naaseh advised that the City’s municipal code has provisions for property maintenance. He noted for Commissioner Mitoma that staff will recommend an applicant to conduct a courtesy neighborhood meeting on a case-by-case basis, typically being recommended for unusual situations and/or those commercial uses directly adjacent to residential.

Chairman Diaz opened the public hearing.

Matt Garland, applicant, noted his concurrence with the amended conditions of approval.

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

Planning Commission Decision:

Commissioner Mitoma moved, seconded by Vice-Chairman Madrigal, to approve staff recommendation, thus adopting Resolution No. 15-2555. Motion carried, 8-0 (absent Commissioners Andrews, Pimentel, Thomas).

---

**10. PUBLIC HEARING**

- C) Design Overlay Review No. 1585-15 and  
Conditional Use Permit No. 986-15**

Applicant's Request:

The applicant, Robert E. Stenson, is requesting to construct a two-story, 13-unit garden style apartment building within the MU-CS (Mixed-Use – Carson Street) zoning district. The subject property is located at 21721 Moneta Avenue.

Staff Report and Recommendation:

Associate Planner Alexander presented staff report and the recommendation to APPROVE Design Overlay Review No. 1585-15 and Conditional Use Permit No. 986-15; and WAIVE further reading and ADOPT Resolution No. 15-2556, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 1585-15 and Conditional Use Permit No. 986-15 for development of a two-story, 13-unit apartment building located at 21721 Moneta Avenue."

Associate Planner Alexander made the following changes to staff report:

- Clarified that the applicant is Equassure – Moneta, LLC;
- Condition No. 12, remove the reference to CC&R's; and
- Correct the discretionary permit numbers to reflect "Design Overlay Review No. 1585-15 and Conditional Use Permit No. 986-15" throughout the resolution.

Commissioner Mitoma expressed his belief some of these units are too small.

Associate Planner Alexander stated that the smaller units target smaller families, singles or couples moving into their first place or seniors looking to downsize.

Commissioner Palmer asked about the existing block wall that separates the gas station and this development, asking if the parking is against that block wall.

Associate Planner Alexander indicated that the parking is adjacent to the block wall and stated that the City's municipal code has provisions for property maintenance and requires the removal of graffiti within 24 hours.

Commissioner Post asked if any investigation was done for any contamination from the gas station.

Associate Planner Alexander advised that this applicant has been proactive in testing for contaminants; stated that the gas station is currently going through the mitigation process; that the applicant has conducted a Phase 2 assessment, which found that low contamination has leaked onto their site where the proposed parking is going on the north end; pointed out that the discovery of that contamination was insignificant and under the reportable requirement; and that there was no contamination found where the residential units are being built.

Commissioner Guidry asked if any of the units will be affordable.

Chairman Diaz opened the public hearing.

---

Robert Stenson, applicant's representative, noted his concurrence with the amended conditions of approval; advised that this project will target market rate apartments only, noting they are not seeking any subsidies; and stated this development will appeal to a mix of potential young professionals who are just starting out where affordability is a large issue; and he pointed out that the more amenities they provide, the more expensive the units will be.

Commissioner Mitoma asked what the rents will be.

Mr. Stenson stated that they may start out from \$1,600 to \$1,700 for the studios, noting it depends on the market when the project is completed. He added that the size of these units is very typical in today's projects, with many cities offering half the size of these units; and stated it is a matter of supply and demand. He stated there will be a row of parking spaces along the existing masonry wall; that all of the tenant parking will be behind a security gate with two guest parking spaces on the outside decorative paving; and one additional handicapped guest parking space where they can be buzzed in to park their car. He added that this project was designed in accordance with what has been approved for the Carson Street Master Plan and mixed use, noting they have not requested any exceptions from that plan.

Planning Manager Naaseh advised that this process went through the new architectural review process and that the applicant has incorporated those comments into this request.

Mr. Stenson advised that there is ongoing remediation efforts on the gas station property; that a Phase I assessment was performed, noting it was mentioned there is a slight leak from an underground storage tank at the gas station that is under observation and being cleaned up as a result of that; that their environmental specialist has performed a Phase 2 environmental review, which was attached to staff report; and he explained that the most important thing to take from that review is on page 34, Section 6, their recommendation and opinions. He summarized that they drilled 12 borings looking for vapors that could appear; that only two of those borings closest on the north side of the property near the gas station detected very small amounts of benzene vapor, one at 10 feet and one at 11 feet below grade level; and advised that the results were so low that they are not required to be reported for residential and commercial properties, per state reporting standards. He added that this project site has been occupied with residential properties throughout its history and that they have not been able to find any issue/problem related to the property. He mentioned that there will not be any structures over that area on the north side of the property where a very small amount of vapors were found, that it is strictly limited to the parking area.

Dr. Rita Boggs, resident, noted her concern with the finding of benzene on this site and asked that this matter be continued so additional information can be gathered.

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

---

Planning Commission Decision:

Commissioner Mitoma moved, seconded by Commissioner Post, to approve staff recommendation, thus adopting Resolution No. 15-2556. Motion carried, 8-0 (absent Commissioners Andrews, Pimentel, Thomas).

---

**11. WRITTEN COMMUNICATIONS** None

**12. MANAGER'S REPORT**

- December 22<sup>nd</sup> Planning Commission meeting

Planning Manager Naaseh briefly addressed the following:

- explained that since there are no other items for the December 22<sup>nd</sup> meeting, he would recommend amending the continuance date to January 12, 2016, for Design Overlay Review No. 1540-15. The Commission unanimously agreed, 8-0 (absent Commissioners Andrews, Pimentel, Thomas);
  - noted for Chairman Diaz that staff has not been able to locate any additional funding for the Alameda Corridor sound wall but stated they will continue to investigate other funding resources for that project;
  - added that an email was sent to the Commission to address diesel retrofit regulations for trucks, per Commissioner Andrew's request;
  - and asked Vice-Chairman Madrigal to pinpoint the locations where he has witnessed speeding truck drivers on Alameda, noting that Sheriff's Captain Marks can place some motorcycle officers in those locations.
- 

**13. COMMISSIONERS' REPORTS**

Commissioner Post wished everyone a happy Thanksgiving.

Vice-Chairman Madrigal wished everyone a happy Thanksgiving.

Chairman Diaz welcomed the newest Planning Commissioners; thanked the Commission for electing him as the Commission Chair, stating it is a great honor; and wished everyone a happy Thanksgiving.

On behalf of the City Attorney's Office, Deputy City Attorney Chaffin thanked and commended the Planning Commission on coming to a resolution on the oil matter this evening, pointing out it has been a very complicated issue.

---

**14. ADJOURNMENT**

At 9:12 P.M., the meeting was formally adjourned to Tuesday, December 8, 2015, 6:30 P.M., Helen Kawagoe Council Chambers.

\_\_\_\_\_  
Chairman

Attest By:

\_\_\_\_\_  
Secretary