

MINUTES

CITY OF CARSON REGULAR MEETING OF THE PLANNING COMMISSION

*Helen Kawagoe Council Chambers, 2ND Floor
701 East Carson Street, Carson, CA 90745*

December 13, 2016 – 6:30 P.M.

1. **CALL TO ORDER** Chairman Diaz called the meeting to order at 6:35 p.m.
2. **PLEDGE OF ALLEGIANCE** The Salute to the Flag was led by Commissioner Andrews.
3. **ROLL CALL**

Planning Commissioners Present: Andrews, Diaz, Fe'esago, Mitoma, Pimentel, Post

(Post arrived just after roll call)

Planning Commissioners Absent: Madrigal and Thomas (excused), Guidry

Planning Staff Present: Planning Manager Naaseh, Assistant City Attorney Neumeyer, Senior Planner Rojas, Associate Planner Gonzalez, Associate Planner Alexander, Assistant Planner Raktiprakorn, Recording Secretary Bothe
4. **AGENDA POSTING CERTIFICATION** Recording Secretary Bothe indicated that all posting requirements had been met.
5. **AGENDA APPROVAL** Chairman Diaz moved, without objection, to consider Item 9E as the first public hearing this evening. The Agenda, as amended, was approved. (absent Guidry, Madrigal, Thomas).
6. **ORAL COMMUNICATIONS** For items **NOT** on the agenda. Speakers are limited to three minutes. None
7. **CONSENT CALENDAR**

Minutes: November 22, 2016

Chairman Diaz moved, seconded by Commissioner Fe'esago, to approve the Minutes of November 22, 2016, as presented. Motion carried, 5-0 (Mitoma abstained; absent Guidry, Madrigal, Thomas).

8. CONTINUED PUBLIC HEARING

A) Conditional Use Permit No. 1007-16

Applicant's Request:

The applicant, Poura Investments, LLC, is requesting approval of a second dwelling within the Single-Family Residential (RS) to bring the dwellings into CMC compliance. The property involved is located at 436 E. Pacific Street (APN 7406009007).

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to APPROVE a CEQA Categorical Exemption for said project; and WAIVE further reading and ADOPT Resolution No. 16-2590, approving Conditional Use Permit No. 1007-16 for a second dwelling unit located in the RS (Residential, Single-Family) zone for property located at 436 E. Pacific Street (7406-009-007).

David Pouravrahim, property owner, noted his concurrence with the conditions of approval. He noted for Commissioner Andrews that all repairs have been made, per code.

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

Planning Commission Decision:

Commissioner Mitoma moved, seconded by Commissioner Post, to approve the applicant's request, thus adopting Resolution No. 16-2590. Motion carried, 6-0 (absent Guidry, Madrigal, Thomas).

9. PUBLIC HEARING

A) Conditional Use Permit No. 997-16

Applicant's Request:

The applicant, Richard Rodriguez, is requesting the Commission approve an existing second dwelling unit located within the RS (Residential, Single-Family) zoning district. The property involved is located at 2552 E. Washington Street.

Staff Report and Recommendation:

Assistant Planner Castillo presented staff report and the recommendation to WAIVE further reading and ADOPT Resolution No. 16-2592, "Approving Conditional Use Permit No. 997-16 for a second single-family dwelling unit in the RS (Residential, Single-Family) zone for property located at 2552 E. Washington Street (7316-009-033.)"

Chairman Diaz opened the public hearing.

Richard Rodriguez, applicant, noted his concurrence with the conditions of approval.

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

Planning Commission Decision:

Commissioner Fe'esago moved, seconded by Commissioner Andrews, to approve the applicant's request, thus adopting Resolution No. 16-2592. Motion carried, 6-0 (absent Guidry, Madrigal, Thomas).

9. PUBLIC HEARING

B) Conditional Use Permit No. 1016-16

Applicant's Request:

The applicant, Ken Porter Auctions, is requesting to continue existing auction operations and other related uses on approximately 14.1 acres on a site zoned CA (Commercial, Automotive). The properties involved are located at 21126, 21140, 21212 S. Avalon Boulevard and 640 E. 213th Street.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation to Adopt Resolution No. 16-2593, "Approving Conditional Use Permit No. 1016-16 for the continued operation of the Ken Porter Auctions until December 31, 2019, located at 21126, 21140, 21212 S. Avalon Boulevard and 640 E. 213th Street."

Planning Manager Naaseh added that staff is recommending amending Condition No. 21 to allow the large, outdated, black freeway-oriented electronic sign to remain for six months from the approval date of this proposal to allow the applicant some flexibility in attracting a tenant who wants freeway exposure to lease the remaining portion of this site, Area 0, the area on 213th/Avalon. He added that because of the current poor condition of this large sign, the applicant has agreed to refurbish the sign; mentioned that leasing Area 0 for a three-year period will be difficult and that this sign may enhance that opportunity; and advised that this new tenant would have to be approved by the City Council because it is located within the moratorium area.

Chairman Diaz asked what happens after six months if the applicant has not been able to secure a tenant.

Planning Manager Naaseh indicated the sign would need to be removed if a tenant is not found.

Commissioner Pimentel asked about the vision plan for this area, questioning if the Kott family has future plans for this site.

Planning Manager Naaseh noted that the Kott family does have plans for this site; that it is going to take approximately two to three years to obtain entitlements for the proposed project; and that staff would prefer this site be occupied and not vacant during that time.

Commissioner Pimentel asked if any sales tax revenues are received from Back in the Day and/or auction business.

Planning Manager Naaseh stated that the City does receive some sales tax revenues.

Chairman Diaz opened the public hearing.

Paul Freeman, agent for the Kott Family Trust, advised that the Kott family is planning to come in the first quarter of the new year to present a master plan for redeveloping the properties on this side of the freeway along Avalon Boulevard; and that they will be proposing a specific plan consistent with the City's vision plan for this area, noting it is a radical transformation from the current site. He explained that given the scope and scale of the proposed development, it will take approximately 20 months to do the necessary environmental and overall analyses, public hearing process, final approvals and construction level drawings; and he estimated breaking ground in year three. He noted his expectation this 14.1-acre parcel will have mixed use residential and retail components; and stated there are currently no plans for the 4-acre site across the street. He noted his agreement with the conditions of approval, including amended Condition No. 21 regarding the large electronic sign.

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

Planning Commission Decision:

Commissioner Post moved, seconded by Commissioner Fe'esago, to approve the applicant's request; to add Condition No. 21a, "The applicant shall remove the digital sign at the south end of the property within 180 days from the Planning Commission approval unless the applicant obtains approval of a tenant that requires a freeway-oriented sign; that the sign shall be refurbished to the satisfaction of the Planning Manager; that the sign shall be removed when the CUP is null and void; and moved to adopt Resolution No. 16-2593. Motion carried, 6-0 (absent Guidry, Madrigal, Thomas).

9. PUBLIC HEARING

C) Design Overlay Review No. 1613-16

Applicant's Request:

The applicant, John Dodson of ADN Architects, is requesting to remodel an existing Burger King restaurant and related site improvements in the SP-3 (Specific Plan No. 3) zoning district. The property involved is located at 20950 Figueroa Street.

Staff Report and Recommendation:

Associate Planner Alexander presented staff report and the recommendation to APPROVE the proposed project subject to the conditions of approval attached as Exhibit "B" to the Resolutions; and ADOPT Resolution No. 16-2594, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 1613-16 to remodel an existing Burger King restaurant and related site improvements for a property located at 20950 S. Figueroa Street."

Chairman Diaz opened the public hearing.

John Dodson, project architect, offered to answer questions.

Wayne Burke, Burger King representative, stated that this 20-year-old building has a dated look; added that Burger King remodels 20 facilities each year; and he noted his concurrence with the conditions of approval.

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

Planning Commission Decision:

Commissioner Andrews moved, seconded by Chairman Diaz, to approve the applicant's request, thus adopting Resolution No. 16-2594. Motion carried, 6-0 (absent Guidry, Madrigal, Thomas).

9. PUBLIC HEARING

D) Design Overlay Review No. 1615-16

Applicant's Request:

The applicant, McDonald's Corporation, is requesting to remodel an existing co-branded McDonald's Restaurant in the CG-D (Commercial General – Design Overlay) zoning district. The property involved is located at 17455 Central Avenue.

Staff Report and Recommendation:

Associate Planner Alexander presented staff report and the recommendation to APPROVE the proposed project subject to the conditions of approval attached as Exhibit "B" to the Resolution; and ADOPT Resolution No. 16-2595, entitled, "A Resolution approving Design Overlay Review No. 1615-16 to remodel an existing co-branded McDonald's restaurant for a property located at 17455 Central Avenue."

Chairman Diaz opened the public hearing.

Chris Perry, project architect, advised that the new design will be a unified and complimentary design with the Chevron; and noted his concurrence with the conditions of approval.

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

Planning Commission Decision:

Commissioner Mitoma moved, seconded by Commissioner Post, to approve the applicant's request, thus adopting Resolution No. 16-2595. Motion carried, 6-0 (absent Guidry, Madrigal, Thomas).

9. PUBLIC HEARING

E) Variance No. 562-16

Applicant's Request:

The applicant, city of Carson, is requesting a variance for construction noise which will exceed the allowable noise levels at the Carson Reclamation Authority's 157-acre site. The property is located at 20400 S. Main Street.

Staff Report and Recommendation:

WAIVE further reading and ADOPT Resolution No. 16-2591, entitled, "A Resolution of the Planning Commission of the city of Carson approving Variance No. 562-16 allowing the construction noise from the 157-acre site to exceed Section 5500, et al., (L.A. County Code Section 12.08.40B1 b) of the Noise Ordinance located at 20400 S. Main Street."

John Gebhardt, representing Carson Reclamation Authority (CRA), responsible for the day-to-day site activities, provided history/background of this site and the EIR approval; noted the CEQA/EIR issues fall under the control of the Department of Toxic Substances Control (DTSC), the lead agency for the 157-acre landfill; and added that the Air Quality Management District (AQMD) is also a lead agency for this site. He explained that the noise variance was originally approved around 2008/9 and was meant to address the excessive noise construction activities and stated it also addresses other protocols, such as emissions and vibrations. He added this variance has been renewed in 2-year increments.

Mr. Gebhardt advised that due to the poor economy in the past years, this site has not been in active development since 2008/9; explained that there was a transfer from the Carson Marketplace to the Carson Reclamation Authority in May 2015; and mentioned that this noise variance request is coming from the CRA.

Ray Hart, Carson Reclamation Authority (CRA) environmental consultant, noted that the economy is improving and the project is getting prepared to cycle back up soon; addressed the prior approval process, public review and Planning Commission approvals/agreements, which includes mitigation measures for any construction activities and components that will cause noise at excess levels that can't be avoided.

Mr. Gebhardt advised that the entire 157 acres is a former landfill with five individual trash cells consisting of mostly municipal trash; explained that the noise variance will mostly be related to pile installation; and that the piles will be dropped down 20 feet, augered through the unstable trash layers and then pounded down. He informed the Commission that deep dynamic impaction had taken place a few years ago on this site which was noisy and caused vibrations; and advised that the prior site owner worked with some of the adjacent neighbors to fix the expected problems associated with this activity. He added that an operations center on the southerly portion of the site has been completed, which addresses methane gas extraction and water filtration. He advised that the pile installation will need to be done in the future to support the buildings and utility components, such as light poles, which has to be done because of

the nature of this site; and stated that this utility pile driving could be as many as 6,500 pilings. He stated that along with this variance, a City-approved mitigation monitor and construction relations officer can be contacted through the hotline number that is on the City's website and also posted onsite for anyone seeking information.

Mr. Hart advised that the noise from the pile driving activity and related equipment was analyzed as a construction impact in the EIR, noting the pile driver will make the loudest sound; stated that the maximum allowable noise is 101 decibels with the variance; and pointed out that as the activities move away from sensitive receptors, the noise will get lower for those sensitive receptor areas. He advised that future construction activities will follow the mitigation measures which were approved in the EIR; that construction activity is limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday; that noise generating equipment is to have noise control devices and must be properly maintained; when pile driving, that effective, temporary sound barriers must be erected when near sensitive receptors and within 150 feet of residences; and that loading, staging and hauling areas are to be located away from those sensitive receptor uses.

Mr. Gebhardt advised that 5 piles will be put in place each day until completed, estimating 6,500 piles will be needed on site; explained that because of the nature of this construction activity, there will be noise that can't be avoided; and, therefore, a Statement of Overriding Consideration had been adopted by the CRA previously, which basically states the benefits outweigh the impacts. He added that they are not able to tell when these operations will be taking place, but the variance should be in place to allow for flexibility, noting that from time to time, opportunities are presented to obtain free rubble/gravel and other fill materials to use on site.

Commissioner Pimentel asked for clarification on the hours of operation.

Deba Daymon, construction relations officer representing Tetra Tech, explained that the approved EIR restricts construction from 7:00 a.m. to 6:00 p.m. but that the noise variance allows the hours of 7:00 a.m. to 8:00 p.m.; but pointed out that they stop at 6:00 p.m. because the EIR hours take precedence. She advised that she has been the construction relations officer from the start and pointed out that in the last 9 years, she has not received one noise complaint; and she confirmed that anyone seeking information or lodging a complaint can call the hotline number.

Commissioner Mitoma noted his concern with various construction companies being covered under one variance, questioning how violations of the noise variance will be handled.

Mr. Gebhardt advised that the agency in charge is DTSC, adding that a contractor who violates the noise variance can be shut down.

Assistant City Attorney Neumeyer added that they could be shut down with the use of a court order if necessary.

Commissioner Mitoma noted he is not comfortable with an umbrella variance for multiple contractors, questioning also how one penalizes the CRA if in violation.

Planning Manager Naaseh pointed out that all must comply with the requirements of the EIR and variance, noting the activities will be closely monitored.

Mr. Hart stated that in addition, work plans that are produced must adhere to monitoring requirements for noise, dust, vibration thresholds; that work will cease if those thresholds are exceeded; and advised that these work plans/documents would be approved by DTSC and must be reported to the City.

Assistant City Attorney Neumeyer stated that the City limits noise at 60 decibels, with a violation of that ordinance only being a misdemeanor; that the granting of a variance gives them the ability to exceed 60 decibels; and that the variance can be revoked if the 101 decibel level is exceeded.

Planning Manager Naaseh stated that this blanket variance extends the allowable noise thresholds for the project and can't exceed 101 decibels; that if the project activities violate the 101 decibels limit, the variance could be revoked and the project activities would then need to abide by the 60 decibel limit; and mentioned that the City is the holder of the variance.

Mr. Gephardt noted for Commissioner Mitoma that the CRA would be engaging the contractors to do the installation of the piles, funded by the developer; that the City is the liable party should the piles fail; but pointed out the specifics of those agreement negotiations are still ongoing.

Assistant City Attorney Neumeyer confirmed that those issues are still in negotiations and there is not yet any final agreement on this development.

Commissioner Mitoma urged the City to thoroughly protect itself in these negotiations.

Commissioner Post asked how the residents will be protected from the fumes/particles from the pile driving activities.

Ms. Daymon clarified for Commissioner Post that the liner will not be broken through with the pile driving.

Mr. Hart confirmed that the piles will not go through the liners; and advised that only 30 percent of this site is currently lined, that the majority of the site still remains to be capped.

Ms. Daymon advised that there are currently 99 piles on site that have been put in place for the operations center; and that they use foam trucks to suppress methane gas when augering the piles.

Commissioner Post stated she is concerned about the residents who live around this site, concerned with the noise, fumes, contamination in the air, hours of operations, pile driving hours; and questioned what mitigation steps are in place to protect these residents, stating there is a lot of mitigation to consider. She suggested the residents be relocated during this activity, stating it is not fair to put them through this disruption; that the work should not start before 9:00 a.m. and should stop by 4:00 p.m., no later

than 5:00 p.m.; stated she has a lot of objections; and reiterated that there should be some solid mitigation measures in place for these residents.

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

Planning Commission Decision:

Chairman Diaz moved, seconded by Commissioner Andrews, to approve the applicant's request, thus adopting Resolution No. 16-2591. Motion carried, 4-1 as follows:

AYES: Andrews, Diaz, Fe'esago, Pimentel
NOES: Post
ABSTAIN: Mitoma
ABSENT: Guidry, Madrigal, Thomas

10. MANAGER'S REPORT

Planning Manager Naaseh advised that he met with DTSC recently to discuss the cleanup of the Turco property next to the Carousel tract; that they'll be holding a community meeting in regard to those efforts, date yet to be determined; and that if the Commission desires, a meeting can be set up with DTSC to discuss this issue.

Planning Manager Naaseh reminded the Commissioners that the December 27th Planning Commission meeting is cancelled; and on behalf of staff, he wished everyone a happy holiday season.

11. COMMISSIONERS' REPORTS

Commissioner Pimentel asked for a status report on Cinemax Theater's alcohol beverage request; and stated that the Mayor will be appealing the Planning Commission's approval/decision this evening regarding the Ken Porter request. She wished everyone a Merry Christmas.

Planning Manager Naaseh noted that Cinemax never came back to reapply for that alcohol beverage request.

Commissioner Fe'esago wished everyone a Merry Christmas, happy holidays, and happy New Year.

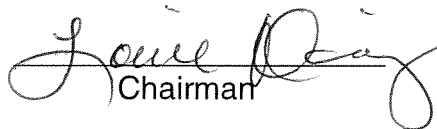
Commissioner Mitoma stated that he recently came back from visiting Malaysia; announced that their waterways are heavily polluted/contaminated; and expressed his gratitude for the environmental laws and quality of life that we have here in America versus those of third world countries. He added that he witnessed a major demonstration in Malaysia and pointed out that the people conducted themselves in a peaceful/respectful manner, comparing that to the property damaging demonstrations we have here in the United States. He wished everyone happy holidays.

Commissioner Post commended staff for fantastic staff report presentations, pointing out there are few questions necessary in making a decision on a project. She wished everyone a Merry Christmas and happy New Year.

Chairman Diaz echoed those sentiments about staff's presentations this evening, stating he is looking forward to more detailed staff reports in the future. He thanked Councilmembers Santarina and Hilton for attending last week's Dominguez Area HOA meeting; and stated that anyone is welcome to attend their HOA meetings, which take place the first Wednesday of each month at 7:00 p.m., noting the attendees get to see and hear what is going on in the east side of Carson. He expressed warm wishes to everyone for a happy holiday season; and thanked the Commissioners for their hard work.

12. ADJOURNMENT

At 8:32 p.m., the meeting was adjourned to Tuesday, January 10, 2016, 6:30 p.m., Helen Kawagoe Council Chambers.


Chairman

Attest By:


Secretary