



TUESDAY, APRIL 11, 2017
701 East Carson Street, Carson, CA 90745
Helen Kawagoe Council Chambers, 2nd Floor
6:30 p.m.

**MINUTES
REGULAR MEETING OF THE
PLANNING COMMISSION**

Members:

De Shon Andrews	Chair Louie Diaz	Uli Fe'esago
Sharon Guidry	Ray Madrigal	Michael Mitoma
Vice-Chair Ramona Pimentel	Barbara Post	Charles Thomas

Alternates:

Jane Osuna	Christopher Palmer	Myla Rahman
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Staff:

Planning Naaseh	Manager	Assistant City Attorney Neumeyer	Senior Planner Rojas
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"In accordance with the Americans with Disabilities Act of 1990, if you require a disability related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the Planning Department at 310-952-1761 at least 48 hours prior to the meeting." (Government Code Section 54954.2)

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

Chairman Diaz led the Salute to the Flag.

3. ROLL CALL

Planning Commissioners Present: Diaz, Fe'esago, Guidry, Madrigal, Mitoma, Pimentel, Thomas

Planning Commissioners Absent: Andrews, Post (both excused)

Planning Commission Alternates Present: Osuna, Palmer

Planning Staff Present: Planning Manager Naaseh, Assistant City Attorney Neumeyer, Senior Planner Rojas, Associate Planner Gonzalez, Associate Planner Alexander, Recording Secretary Bothe

4. ORAL COMMUNICATION FOR MATTERS NOT ON THE AGENDA

The public may at this time address the members of the Planning Commission on any matters within the jurisdiction of the Planning Commission. No action may be taken on non-agendized items except as authorized by law. Speakers are requested to limit their comments to no more than three minutes each, speaking once. None.

5. CONSENT CALENDAR

A) APPROVAL OF MINUTES - February 28, 2017; March 14, 2017

Motion:

Without objection, Chairman Diaz ordered the approval of the February 28, 2017 and March 14, 2017 Minutes as presented (Madrigal abstained from the March 14th minutes; absent Commissioners Andrews, Post).

6. CONTINUED PUBLIC HEARING

A) Design Overlay Review No. 1631-16

Applicant's Request:

The applicant, Chas Fisher, Cypress Equities, is requesting to permit the remodel of the existing Sears building within SouthBay Pavilion Mall by demising the existing floor area into four retail spaces, updating the exterior façade, and minor landscape improvements, located in the CR-MUR-D (Commercial, Regional Mixed Use Residential – Design Overlay) zoning district. The subject property is located at 20700 S. Avalon Boulevard.

Staff Report and Recommendation:

Senior Planner Rojas presented staff report and the recommendation to ADOPT Resolution No. 17-2601, "Approving Design Overlay Review No. 1631-16 to permit the remodel of the existing Sears building within SouthBay Pavilion Mall by demising the existing floor area into four retail spaces, updating the exterior façade, and minor landscape improvements for a property located at 20700 S. Avalon Boulevard." Condition No. 15 will be amended to reflect the correct name of the company.

Commissioner Thomas asked if the square footage includes the basement area and whether the basement will be utilized by a tenant.

Chairman Diaz opened the public hearing.

Mr. Carroll, applicant's representative, stated that the basement area is and will be useable square footage; and he announced that Burlington Coat Factory will be one of the tenants, opening in 2018.

Commissioner Thomas requested clarification regarding the \$30,000 community transit improvement fund.

Planning Manager Naaseh explained that the discussions with the applicant were informal regarding the \$30,000 transit improvement fee; that staff had requested the applicant volunteer to pay this fee to help in providing these improvements, noting there currently is no requirement for an applicant to pay such payments; advised that no other business has been asked to pay this fee at this time; stated that as of the drafting of

staff report last Thursday, staff had not received confirmation from the applicant as to whether they would agree to pay this fee; and he advised that the applicant has since indicated they will not be in agreement with this condition and, therefore, staff is recommending the removal of Condition No. 12. He mentioned that the City Manager's Office is looking into funding resources for transit improvements.

Brian Walsh, Seritage representative, stated that they do intend to use the basement area for retail space and a small portion of it for loading/unloading operations, noting it currently has a truck dock with a clearance of 17 feet.

Commissioner Mitoma asked if the City is working with Metro, noting they just received \$150 million.

Planning Manager Naaseh stated that the City is currently pursuing funding with various transit agencies, likely partnering with other large transit agencies.

Chairman Diaz closed the public hearing.

Planning Commission Decision:

Commissioner Guidry moved, seconded by Alternate Commissioner Osuna, to approve the applicant's request; to delete Condition No. 12; to amend Condition No. 15, inserting the proper business name; and moved to adopt Resolution No. 17-2601. Motion carried, 9-0 (absent Andrews, Post).

7. PUBLIC HEARING

**A) Design Overlay Review No. 1551-14 and
Conditional Use Permit No. 960-14**

Applicant's Request:

The applicant, Bijan Radnia, is requesting to construct a new 3,510-square-foot convenience store with associated site improvements and allow alcoholic beverage sales at an existing Shell auto service station located in the CG-D (Commercial General – Design Overlay) zoning district. The subject site is located at 21633 Wilmington Avenue.

Staff Report and Recommendation:

Associate Planner Alexander presented staff report and the recommendation to ADOPT a resolution approving Design Overlay Review No. 1551-14 to construct a new 3,510-square-foot convenience store with related site improvements at an existing Shell auto service station and Conditional Use Permit (CUP) No. 960-14 to allow alcoholic beverage sales at a property located at 21633 Wilmington Avenue. Condition No. 14 will be corrected to reflect the proper name of this business.

Chairman Diaz opened the public hearing.

Bijan Radnia, applicant, distributed photos of his property; stated that he is proposing to demolish the old building, replacing it with a larger building; advised that this station has been on site for 50 years; and advised that the beer/wine sales is tightly regulated both by the state and by Shell Oil Company.

Jane Bresler, 1820 E. Carson Street, stated that she owns/operates the convenience store across the street, noting she has a full liquor license; and noted that she does not need any more competition in this area, pointing out there is another liquor store next door to this gas station. She stated that approval of this request will severely impact her sales.

Anh Tran stated that his parents own the liquor store next door to this gas station; expressed his belief there is no need for another convenience store in this area; stated that an additional convenience store at this intersection will hinder the quality of life for his family; and that this business should remain a gas station with plenty of pumps to serve this area.

Charles Choe, 1823 East Carson Street, stated that he is the owner of the liquor store next door to this site which has been at this location for a long time; and noted his opposition to this applicant's request to sell beer/wine.

Marie Jaubin, 1754 E. Carson Street, stated that she is the owner of Car-Wil Plaza across the street; stated that her shopping center has an existing liquor store and market; noted there is another liquor store across the street next to this gas station; and stated she is opposed to another store selling beer/wine in this area.

Chairman Diaz closed the public hearing.

Commissioner Fe'esago stated that he is friends with the pastor at the Samoan church and that he will be abstaining from this item; and he pointed out that the Samoan church is in support of this item.

Commissioner Madrigal noted his concern with the number of alcohol sales establishments near this intersection; and noted his concern with the large truck diesel sales at this gas station.

Associate Planner Alexander stated that the diesel sales for large trucks was approved by the Planning Commission around 2010.

Commissioner Guidry expressed her belief the Samoan church is operating a school on site.

Associate Planner Alexander stated that there is no business license on file for a school being operated by the Samoan church.

Commissioner Guidry asked staff to double check for the existence of a school being operated at the Samoan church, stating she has seen those activities in the past.

Associate Planner Alexander noted for Commissioner Thomas that this applicant would only be permitted to sell beer/wine, no hard liquor as is done at the neighboring stores.

Commissioner Thomas asked that Page 7, Section 4 be amended to reduce the amount of square footage for the display/storage of beer/wine, believing the 20-percent cap is too much; and he suggested reducing that number to 200 square feet.

Associate Planner Alexander stated that code allows up to 20 percent and that it would be up to the Commission if it wants to reduce the sales/display/storage area for beer/wine.

Mr. Radnia stated that he would be amenable to reducing that area to 200 square feet; and stated that because this is a convenience store, his prices would be higher than a typical market and liquor store; and he pointed out those existing stores are not convenience stores. He mentioned that the liquor store next door does not have enough parking for its customers and that those customers improperly park on his property to go to that liquor store; and added that he will have plenty of parking spaces on his property for his customers. He expressed his belief that the existing liquor store customers will continue to purchase from those businesses; and he stated that each business should be allowed to operate on a competitive/level playing field.

Mr. Radnia stated that he has obtained software that will require the register to correctly verify customer I.D.'s for the sale of alcohol and tobacco; and noted that the register will not complete the sale if the I.D. is rejected, reiterating that these sales are highly regulated. He added that should he deviate from the strict guidelines established by the state and Shell, he will lose his license.

Commissioner Thomas noted that while Carson allows 70 liquor licenses, it only has 48, making this one 49; and stated that going forward, when possible, these licenses should be evenly distributed throughout the City.

Commissioner Mitoma asked the applicant if he will go ahead with the improvements if the beer/wine sales request is denied.

Mr. Radnia explained that it will not be financially feasible to spend the money; advised that it is going to cost \$1.8 million to put up that building; stated that the loan has been approved; and expressed his belief that people have gotten used to having a convenience store available to them while they fuel their vehicles.

Alternate Commissioner Palmer stated that he does not have an issue with the beer and wine sales and the issue of increased competition, noting the liquor stores' full alcohol licenses will be no competition for this limited alcohol sales gas station/convenience store; and he asked why the pole sign is being permitted until October 4, 2021.

Associate Planner Alexander explained that the former Planning Commission approved the nonconforming sign until October 2021 to properly allow the applicant to amortize his investment on the pole sign.

Commissioner Guidry suggested this item be brought back at the next meeting to allow staff to do a site check and confirm whether there is a school at the Samoan church. She stated she does not have an issue with the beer/wine sales, but if there is a school operating behind this store, that would affect this applicant's request.

Planning Manager Naaseh stated that if there is a school in operation at the Samoan church, it is operating illegally, and stated that staff will investigate.

Alternate Commissioner Palmer mentioned that the liquor store on Main/Carson Streets will be closing, leaving the licenses in Carson at 48. He added that if the Samoan church is operating a school, they would be illegally operating it; and pointed out that the issue would make the separation restriction a moot point.

Commissioner Guidry stated she would like a confirmation as to whether there is a school in operation at the Samoan church.

Vice-Chair Pimentel stated that if the Samoan church is operating any kind of school or daycare, they need to be obtaining the proper permits to legally operate.

Alternate Commissioner Osuna asked the applicant if there is any deadline issue with his construction loan.

Mr. Radnia stated that the loan has been approved and that he has 30 days to pull out the funds. He stated that as far as he knows, there is no school operating at the Samoan church; and he added that the church is in support of his request.

Commissioner Madrigal stated that Starbucks will be across the street selling coffee, which is also sold at convenience stores; and noted he is concerned with the concentrated competition at this intersection.

Chairman Diaz closed the public hearing.

Planning Commission Decision:

Commissioner Palmer moved, seconded by Vice-Chair Pimentel, to approve the applicant's request; and to amend Condition No. 14, inserting the proper business name. (This motion ultimately failed.)

By way of a friendly amendment, Commissioner Thomas asked that the beer/wine sales be limited to 200 square feet. The makers of the original motion (which ultimately failed) accepted this friendly amendment.

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

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

The original motion to approve the applicant's request failed as follows:

AYES: Diaz, Palmer, Pimentel, Thomas
NOES: Guidry, Madrigal, Mitoma, Osuna
ABSTAIN: Fe'esago

ABSENT: Andrews, Post

Chairman Diaz moved, seconded by Commissioner Guidry, to continue this matter to the May 9th Planning Commission meeting to allow staff the opportunity to investigate/confirm whether the Samoan Church next door is illegally operating a school. The motion carried as follows:

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

7. PUBLIC HEARING

B) Conditional Use Permit No. 1003-16

Applicant's Request:

The applicant, Greg Levine, Standard Metals Recycling, is requesting to operate a large recycling scrap metal facility within an existing 74,093-square-foot warehouse building. The subject property is located at 2132 East Dominguez Street.

Staff Report and Recommendation:

Associate Planner Gonzalez presented staff report and the recommendation that the Planning Commission ADOPT Resolution No. 17-2602, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 1003-16 for the operation of a large recycling scrap metal facility within an existing 74,093-square-foot building located at 2132 East Dominguez Street." Assessor's Parcel No. 7316-026-024.

Chairman Diaz opened the public hearing.

Michael Volk, applicant, stated there will be plenty of landscaping to almost screen the building and yard from the street.

Ken Jordan, 1910 E. Dominguez Street, stated that he is the adjoining property/business owner; asked if this operation next door will negatively impact his environment and property value; addressed his concern with the public hearing notice indicating these operations will not cause a significant adverse effect on the environment, stating his opinion of significant adverse effect may be different from the city's; and stated that the verbiage is vague and can vary greatly from his definition. He stated that should these operations become problematic for him in the future, he would want this addressed; stated that Article 19 of the guidelines for implementation of CEQA is pretty unintelligible; and noted he is being forced to trust that the city has done its due diligence in interpreting the CEQA language. He stated that he wants to be a good neighbor and that he wants to have good neighbors who do not negatively impact his environment or property value.

Associate Planner Gonzalez pointed out that this is not a new business operation, that it already exists; advised that this is not a metal processing business nor a smelting or

grinding operation; and added that this business at this location is simply storing, compacting/bundling metals that are transported to another location for processing/reuse.

Mr. Volk explained that this business receives scrap metal from various manufacturers in the area; that the scrap metal arrives to his site and is sorted into bins; from there, it goes inside the building to a compactor; and is then wire-bound and stacked inside the warehouse and later trucked to the Inland Empire. He stated that no metal cutting, grinding or any other use is done at this site; and confirmed that it is simply a scrap metal collection operation at this site. He added that they have a water management system on site which collects/treats rain water before it is released to the storm system, which they are required to do; and he confirmed that this business operation conforms to code and is not creating any dust or disturbance.

Senior Planner Rojas stated that the City had the same concerns which is why the applicant was required to submit a noise and air quality analysis/report to provide for the CEQA consultant's review; advised that the City wanted to make sure this business conforms with AQMD requirements; that the independent consultant confirmed all requirements were addressed and the impact would not exceed any thresholds established by AQMD; and, therefore, there would be no significant adverse impact. He added this was the justification staff used to move forward with this recommendation of approval.

Mr. Volk pointed out that Standard Metals receives scrap metals exclusively from corporations and businesses that end up with scrap metals from their manufacturing processes; and advised that any radiators they receive must be flushed of fluids before it reaches their site.

Greg Levine, owner, advised that he would like the ability to operate a second shift should that become possible in the future, up until 9:00 p.m. He confirmed that all activities are done inside the building, with the exception of sorting the metals, which is done outside in the yard; and stated they have two loading docks which typically service five trucks each day.

Addressing Commissioner Guidry's concerns with noise, Associate Planner Gonzalez stated his review of the noise study clearly identified all the uses in the area; and that the study indicated the thresholds of noise would not exceed 70 decibels at any time, which is considered not significant.

Mr. Volk explained that during the course of the day, there is a small amount of metals sorting activity outside the building; that the bulk of activity is done inside the building; that the bundled metal remains inside the building until it is trucked to another facility; and advised that the product arrives by company-owned trucks and leaves by company-owned trucks. He noted his approval of the conditions, including any new condition allowing them to operate a second shift in the future.

Chairman Diaz closed the public hearing.

Planning Commission Decision:

Chairman Diaz moved, seconded by Commissioner Madrigal, to approve the applicant's request; to allow a second shift to run until 9:00 p.m. on weekdays; and moved to adopt Resolution No. 17-2602. Motion unanimously carried, 9-0 (absent Andrews, Post).

8. MANAGER'S REPORT

Planning Manager Naaseh advised that the City Council approved the 45-day urgency moratorium regarding logistics on March 21st; advised that several Ad Hoc Committee meetings have taken place thus far, noting that both Chair Diaz and Vice-Chair Pimentel are part of that committee; and stated that the City will be considering an extension of this moratorium at the City Council's May 2nd meeting.

9. COMMISSIONERS' ORAL COMMUNICATIONS

Alternate Commissioner Palmer commented on the possibility of companies contributing money into a mandatory transit improvement fund.

Planning Manager Naaseh briefly commented on the upcoming comprehensive General Plan update and the difficult process of finalizing the DIF program, noting a consultant will be working on this effort. He stated that the update of the General Plan can take a couple of years to complete.

Commissioner Mitoma wished everyone a happy Easter.

Commissioner Thomas stated it would benefit the mall owner/tenants to help finance a transit center.

Commissioner Pimentel wished everyone a happy Easter.

Commissioner Fe'esago asked if the new gas tax will filter down to Carson; and he wished everyone a happy Easter.

Planning Manager Naaseh indicated it will, but stated that the City's deficit is large and that these additional funds will not be nearly enough.

Commissioner Madrigal highlighted a hazardous condition on the border of Carson and Long Beach out by the Dominguez area coming up Santa Fe at 218th, just below Carson Street on the southeast corner; stated that the container storage yard is moving containers in and out; that he saw a line of cars from 218th all the way down and up to where that train trestle is, near where people park who are doing community service; and advised that those vehicles were double-parked on the other side up until that point, limiting the lanes to one coming north on Santa Fe.

Planning Manager Naaseh stated that he will contact the Sheriff's Department to report this traffic-related matter.


Chairman Diaz stated that he will be out of town on a work assignment and not able to attend the April 25th Planning Commission meeting; and he wished everyone a happy Easter.

10. ADJOURNMENT

At 8:55 p.m., the meeting was formally adjourned to Tuesday, March 28, 2017, 6:30 p.m., Helen Kawagoe Council Chambers.


Chairman

Attest By:


Secretary