



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: June 14, 2011
SUBJECT: Retail sale of diesel fuel for large-body trucks
APPLICANT/PROPERTY OWNER: Bijan Radnia
Mobil Gas Station
21633 South Wilmington Avenue
Carson, CA 90810
REQUEST: To consider a major modification to allow large-body trucks on-site for retail sale of diesel fuel or revocation of approval for retail sale of diesel fuel at an existing Mobil gas station located in the CG-D (Commercial, General – Design Overlay) zoning district.
PROPERTY INVOLVED: 21633 South Wilmington Avenue

COMMISSION ACTION

Concurred with staff
 Did not concur with staff
 Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairperson Faletogo			Gordon
		Vice-Chair Park			Saenz
		Brimmer			Schaefer
		Diaz			Verrett
		Goolsby			

Item No. 11A

I. Introduction

This item was continued from February 22, 2011 at the request of the applicant so that his traffic consultant can attend the meeting and provide staff the opportunity to review the recent submittal of the site's traffic circulation analysis. On March 10, 2011, the Planning Commission continued consideration of the revocation or modification of approval for the retail sale of diesel fuel to provide an opportunity for the applicant/property owner to address compliance issues and to demonstrate safe maneuvering of large-body trucks on and off-site by installing appropriate safeguards (Exhibit 2). Staff requested a 30-day continuance to May 10, 2011 to allow adequate time to provide further opportunity for the applicant to comply with the following:

- All of the Commissions directives;
- Conditions of approval (October 2000, April 2008, October 2008);
- All regulatory agency requirements, including but not limited to resolution of expired and/or required building, plumbing, mechanical and electrical permits to legalize the existing illegally operated convenience store and other modifications done without permits. Obtain final inspections and/or approval from all relative regulatory agencies as needed; and
- Provide efficient time for staff to observe the property for safe maneuvering after adequate signage have been recently installed and re-striping completed for parking and staging areas that is consistent with the interim site plan that was approved by the Commission on March 10, 2011.

These issues were previously discussed in both March 10, 2011 and May 10, 2011 Planning Commission hearings.

II. Background

Staff has been in constant contact with the applicant from February, 2011 through mid-May, 2011. The following are the order of events from March 10, 2011 Planning Commission public hearing through May 17, 2011:

- March 10, 2011 – The continued public hearing held before the Planning Commission. Applicant and property owner, Bijan Radnia, agreed to comply with the Planning Commission's 14-day (March 24, 2011) and 45-day (May 10, 2011) performance schedule. The matter is continued to May 10, 2011.
- March 17, 2011 – To follow-up the Commission's direction, staff e-mailed and mailed a letter to the applicant summarizing the Commission's expectations. Additionally, staff discussed in person with the applicant the Commission's performance schedule to make sure the applicant understood the agreement and to provide the opportunity to answer any questions. Staff recommended to the applicant to use the letter as a check list (Exhibit 3). Staff requested that the applicant provide the dimensions and color of each sign (suggested



using the same approved interim site plan and submit to staff). The applicant agreed to provide the information and stated that he has ordered the signs and should install them in a week.

- March 24, 2011 (14-day) – Staff conducted a site visit. Applicant is not in compliance with the performance schedule because the agreed upon improvements have not been put in place.
- March 29, 2011 – Staff conducted a site visit. Applicant is not in compliance with the performance schedule because the agreed upon improvements have not been put in place.
- March 30, 2011 – Staff contacted Mr. Radnia by mail and e-mail to advise him of staff's observation that no improvements had been made to the property and requested a meeting to discuss his lack of compliance and proposed performance schedule (Exhibit 4).
- April 6, 2011 – Mr. Radnia called to inform staff that the signage was installed that day. Consequently, staff conducted a site visit and noted that the signage was not installed and designed per the approved interim site plan. Also, the lot was not re-striped to ensure safe maneuvering, staging and parking. Staff returned to office and called the applicant and requested a revised site plan to reflect the new signage (location, color, size) because it differed from the approved interim site plan. Additionally, staff expressed to Mr. Radnia the concern that the signage would be ineffective because it is obscure due to the small size, color and locations.
- April 14, 2011 – Staff conducted a site visit and observed trucks did not comply with the signage (entering wrong driveways, blocking driveway while waiting to fuel). However, it was also noted that truck activity had been reduced.
- April 19, 2011 – Applicant asked staff what type of trees to propose for the west interior lot line. Staff reminded the applicant to submit revised drawings, landscape information and resolve Building and Safety's expired permits. To assist with the applicant's landscape plans, staff gave the applicant CMC Section 9138.12.
- April 20, 2011 – Staff responded to the applicant's inquiry by e-mail and suggested the use of either Crape Myrtle or Gold Medallion trees for the west interior lot line. Staff conducted a joint site visit with the Traffic Engineer. After the site visit, staff called the applicant to request a meeting. Mr. Radnia stated that he was sick and requested to meet with staff on April 27, 2011.
- April 27, 2011 – Planning staff and the Traffic Engineer met with Mr. Radnia and advised the applicant to remove signage that was installed inappropriately and to conform to the approved interim site plan (designed by his professional engineer) so that the signage can be seen by the drivers. The applicant agreed to install the signage per plan, install an additional bollard at the exterior lane of the Carson Street pumping station to protect the traffic controller cabinet and to submit a proposed landscape plan to staff. Mr. Radnia also acknowledged and understood to bring into compliance all expired Building and Safety permits.



- May 3, 2011 – Staff contacted the applicant for an update and was advised the signage, re-stripping of lot and landscape installation/refurbish will be done by the weekend.
- May 4, 2011 – Staff contacted applicant and requested a letter from Mobil stating that the installation of canopy barrier signs are prohibited. Additionally, staff reminded the applicant that additional time may be requested from the Commission so the applicant can obtain complete compliance and provide effective time for staff to observe the newly installed signage and safeguards.
- May 9, 2011 – Staff called the applicant and was advised that the signage and re-stripping was done over the weekend.
- May 10, 2011 (45-day) – Staff conducted a site visit and confirmed the installation of additional signage and re-stripping of the parking stalls. However, the existing signs were not removed as requested. The Planning Commission continued public hearing was held and the Commission approved staff's request for a 30-day continuance.
- May 11, 2011 – At the Building and Safety manager's behalf, staff contacted the applicant by e-mail and phone to request Mr. Radnia's attendance to mandatory meetings scheduled for May 16, 2011 or May 17, 2011 at 9:00 a.m. Staff asked the applicant to call to confirm which date he would be able to attend.
- May 17, 2011 – The Building and Safety manager and building inspector facilitated the mandatory meeting with Mr. Radnia and staff. The Building and Safety staff went over each expired permit and necessary actions to resolve them (Exhibit 5). The applicant stated that he would return in one week with the required materials to submit to Building and Safety for review.

Staff has had minimum contact with the applicant from mid-May through June. During subsequent site visits, staff did not observe significant truck activity. Staff conducted a site visit on May 26, 2011 and observed that the requested changes to the signs and additional safeguards were not done. On June 1, 2011, the gas station appeared to be closed. Staff observed what appeared to be maintenance work being done to underground equipment. About a week later, staff conducted a site visit on June 7, 2011 and most of the non-compliant signage was removed except for one cabinet sign on a light pole near the west Carson Street entrance. This sign will need to be removed. Staff also noted that the corner landscape needs to be refurbished, landscape along the west interior lot line and four trees within the planter located along the northern interior lot line are missing, an additional bollard and vertical canopy barrier signage has not been installed. On June 8, 2011, staff called the applicant and left a message regarding staff's observation.

III. Analysis

Modification

The applicant requests consideration of a modification to allow diesel fuel sales to large-body trucks. Although staff has been concerned with the applicant's performance schedule, staff recognizes the applicant's effort to comply. Though staff



has not observed consistent truck activity, staff believes with the safeguards in place and compliance with the traffic circulation standards, vehicles can safely circulate on the property (Exhibit 6). However, staff has concerns about the neighboring properties being adversely affected by the large-body truck activity and with the applicant's history of agreeing to conditions of approval but failing to completely comply.

Areas of Concern:

1. Large-body truck fueling may adversely affects the adjacent residential community.
2. Applicant's follow through to resolve all expired permits. According to Building and Safety, the convenience store is currently operating illegally. Staff understands that the applicant recently submitted plans to Building and Safety for review. Once Building and Safety confirms that the plans are complete for review and appropriate plan check fees have been submitted, then the plans will be formally reviewed. The plan check process including subsequent building inspections may take up to six (6) months.
3. The applicant's compliance with the conditions of approval.

Revocation

At this time, there are inadequate findings to support revocation of the sale of diesel fuel.

IV. Conclusion

If the Planning Commission considers the opportunity for large-body truck fueling, it is strongly recommended by staff and the Traffic Engineer that such authorization is provided with a 6-month term subject to a full and complete evaluation of compliance and successful safety standards.

The applicant shall abide by the following conditions:

- Install canopy vertical barriers or provide staff a letter from Mobil Corporation stating that installation of vertical barriers onto the canopies are prohibited;
- Remove the cabinet sign on the light post on Carson Street near the west driveway approach entrance;
- Install an additional bollard at the exterior lane of the Carson Street pumping station so that a third bollard will be placed near the traffic signal controller cabinet;
- Landscape the interior west side perimeter by planting six Crape Myrtle trees pursuant to CMC Section 9138.12. Install automatic irrigation system and provide 6-inch by 6-inch curbing;
- Refurbish, increase and maintain landscape areas at the corner planter and along the northern wall to include planting four (4) trees pursuant to Planning Division review;



- Comply with all regulatory agency (City, County and State) requirements, including but not limited to resolution of expired and/or required building, plumbing, mechanical and electrical permits. Obtain final inspections and/or approvals from all relative regulatory agencies as needed
- Provide a report prepared by an engineer or traffic engineer analyzing the effectiveness of the written policy and/or training manual for employees related to diesel sales.

V. Recommendation

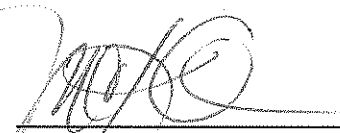
It is recommended that the Planning Commission:

- **OPEN** the continued public hearing; **TAKE** public testimony; and **APPROVE** the minute resolution to allow large-body truck fueling with review in six (6) months of compliance and successful safety standards;

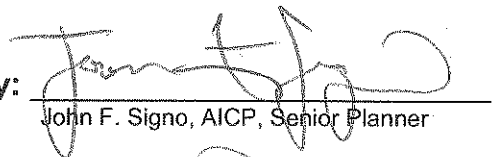
VI. Exhibits

1. Site Map
2. March 10, 2011 Minutes: Item No. 10A
3. Staff letter to applicant dated March 17, 2011
4. Staff letter to applicant dated March 30, 2011
5. Building and Safety's permit and plan check status dated May 10, 2011
6. Applicant's traffic circulation guidelines
7. Development plans (under separate cover)


Prepared by: _____


McKina Alexander, Planning Technician

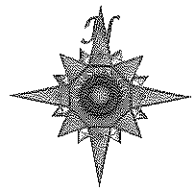
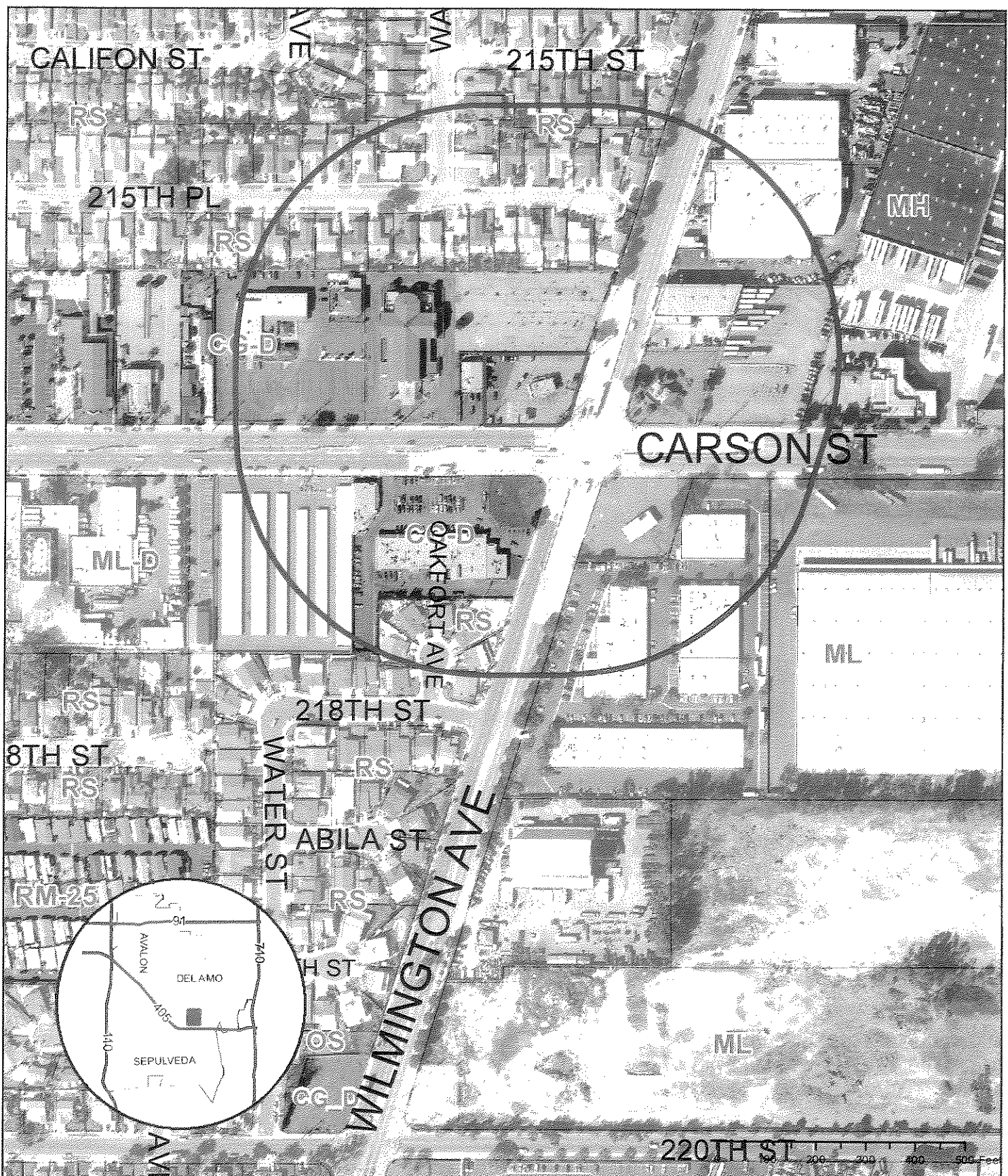
Reviewed by: _____


John F. Signo, AICP, Senior Planner

Approved by: _____


Sheri Repp-Loadsman, Planning Officer





City of Carson
 500 Foot Radius Map
 21633 S Wilmington Ave

EXHIBIT NO. 1-



- 7. **SWEARING OF WITNESSES** City Attorney Wynder
- 8. **ORAL COMMUNICATIONS** For items **NOT** on the agenda. Speakers are limited to three minutes.

9. **CONSENT CALENDAR**

A) **Minutes:** February 22, 2011

MOTION: Chairman Faletogo moved, seconded by Commissioner Saenz, to approve the February 22, 2011, Minutes as presented. Motion carried as follows:

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

Vice-Chairman Park commended and thanked Recording Secretary Bothe for her thorough minutes of the last meeting.

10. **CONTINUED PUBLIC HEARING**

A) **Retail Sale of Diesel Fuel for Large-Body Trucks**

Applicant's Request:

The applicant, Bijan Radnia, Mobil Gas Station, is requesting to consider a major modification to allow large-body trucks on-site for retail sale of diesel fuel or revocation of approval for retail sale of diesel fuel at an existing Mobil gas station located in the CG-D (Commercial, General – Design Overlay) zoning district. The subject property is located at 21633 South Wilmington Avenue.

Staff Report and Recommendation:

Planning Technician Alexander presented staff report and the recommendation to open the public hearing, take testimony and provide direction to staff and the applicant.

Chairman Faletogo asked why the applicant has not abided by the conditions of approval for this property in the past 10 years.

Planning Technician Alexander explained that the applicant has stated due to the lack of funds and the poor economy, he has not been able to afford to implement some of the improvements for this business.

Planning Officer Repp explained that on the west/southwest side of this property, there has been a shared parking arrangement between this operator and the adjacent liquor store owner to provide overflow parking to the liquor store business; and that because the liquor store patrons were using this applicant's site for parking and not visiting his convenience store for purchases, this property owner constructed the wall on the west in 2008, and as a result, the circulation changed at that point with few passenger vehicles coming to his site. She noted that somewhere along this time, there was more interest by the large truck drivers to visit this site for fueling; and she pointed out a need for painted stalls and directional signage for safe maneuvering and circulation of small vehicle and truck traffic on this site. Planning Officer Repp advised that staff has recently observed trucks maneuvering in both directions, sometimes blocking circulation



on this site, sometimes backing out onto Wilmington Avenue; and stated that the trucks have been utilizing this site in an unsupervised manner, noting a need to control it with the use of proper signage.

Planning Officer Repp advised that there have been a number of meetings with the property owner, staff explaining to him there is a necessity for immediate action; and stated that to date, staff has not seen any signage or substantive effort to correct these violations. She added that staff has suggested to the applicant that failure to comply would require the Planning Division to submit a revocation hearing before the Planning Commission; and noted this is why this item is before this Commission this evening.

Planning Officer Repp pointed out that in fairness to the applicant, the diesel sales are a substantial portion of his business and without the diesel sales, the owner would likely go out of business; and therefore, staff is requiring the applicant to show staff how he can provide for safe operations on this site. She explained that the Commission has the opportunity this evening to review and consider the revocation versus an opportunity for the applicant to continue to provide diesel sales for the trucks.

Vice-Chairman Park noted it is necessary to provide diesel fuel in this town; and asked if any consideration has been given to lowering the canopy so the larger trucks are not able to access those prohibited fueling areas.

Planning Technician Alexander stated that staff had recognized the canopies are high enough to allow large trucks but explained that one of the ways this property owner was supposed to have controlled that use was not to have allowed automatic payment at the pumping stations, which would have made the truck drivers physically pay for their diesel fuel inside the building and requiring the employees to direct the truck drivers to the proper pump area. Sometime following that direction, she explained that the property owner had installed a pumping station with automatic payment at the pump, thus allowing trucks to now pay at the pump station, pointing out this change was all done without benefit of a permit.

Commissioner Brimmer asked what dialogue has been taking place in this 10-year period.

Planning Officer Repp stated there was substantial dialogue in 2007 and 2008 with regard to the addition of the wall and modifications proposed to the site, pointing out at that time, there was no issue with large trucks using this property.

Planning Technician Alexander added that in 2008, the property owner had been making changes on this property without benefit of permits/authorization, such as the service bays being converted into a convenience store and other interior modifications, construction of the west wall, installation of new pumping stations; and noted that staff was not aware of any circulation problems in 2008.

Chairman Faletogo opened the public hearing.

Bijan Radnia, business owner and gas station operator, stated that these issues only started to become a problem when the adjoining liquor store owner became angry when he installed the property line wall two to three years ago; advised that there are only three other gas stations in Carson that accommodate diesel sales and large trucks – Arco at Santa Fe/Carson, Chevron at Wilmington/223rd, and Shell at Wilmington/223rd; and pointed out that out of all three of those stations, his lot is the largest and can more easily accommodate the large trucks. He stated that if he is no longer permitted to sell diesel, that will force all the large trucks to do business at the heavily congested Wilmington/223rd stations, noting those properties are much more difficult to access. He



added that if the diesel sales are revoked, by law, all the diesel underground storage tanks and pipes will have to be removed; and pointed out this would cause enough damage to the remaining pipes and pumping system that he will have to go out of business. He stated that the business at this station has been very slow for the past two years; pointed out that he does not have a beer and wine license that other stations have; that if the diesel fuel sales are revoked, it will put him at a severe disadvantage with his competitors, noting the diesel sales are the larger percentage of his business. He reiterated that any limitations forced upon him will cause his business to be shut down. He stated he has 10 employees at this station; and advised that this station generates \$50,000 a month in sales tax. He stated that in the last 11 years of operating this station, there has not been any accidents onsite or any incidents resulting from business at this station.

Mr. Radnia advised that he did pull permits for the wall and due to a misunderstanding with Planning and Building and Safety, his permits expired, noting that the building inspector told him everything was fine. He stated that he does not want to spend the money on the improvements if he is going to shut down this business, reiterating his business is slow. He mentioned that if his station does not sell 50,000 gallons of gasoline each month, he is fined by Mobil for not meeting their quota. He stated that since he put up the wall on the west end of the property, that area remains empty most of the time, with very few cars or trucks coming to his station; and pointed out that because this is an industrial area, business almost comes to a halt after 5:00 P.M. and is very slow on weekends.

Chairman Faletogo expressed his concern that this applicant has a long history of doing things without the benefit of permit or authorization.

Patrick Fiedler, representing Mr. Radnia, stated that he drafted the revised site plans.

Commissioner Goolsby asked the applicant if he is willing to put the money into this property and correct all the violations if the diesel sales are not revoked and the revised site plan is approved.

Planning Officer Repp explained that if there is adequate directional signage and if the truck drivers comply, then vehicles can safely circulate on this property.

Mr. Fiedler stated that when he analyzed the location and observed the same issues, he identified ways that modifications could be implemented to enable the safe fueling of the tandem diesel trucks; and stated that his computer simulated revised plans generated a worst case scenario for these trucks to safely maneuver at this site.

Planning Officer Repp asked how they plan to keep trucks from fueling on the opposite side of the pumps closer to the roadway.

Mr. Fiedler stated that guard posts/bollards would need to be installed along those outer island areas, which would limit the width and create too narrow of an area for the large trucks to pull into; stated the same would be done along the Wilmington Avenue side; and noted it would need to be clearly identified which side is for truck fueling and which side is for auto fueling. He stated it would also be helpful to hang vertical signs low enough that trucks could not fit under, which would be an additional barrier; and that directional signs would also help to direct auto fueling and truck fueling. He stated there is enough space to keep the trucks off the public sidewalk while fueling; and expressed his belief the trucks will need 25 feet to safely swing out onto Carson Street to exit this site.

Vice-Chairman Park questioned if there is enough room on this property for both trucks and passenger vehicles to safely maneuver.

Mr. Fiedler stated that this industrial area has the roadway to support the activities of these large vehicles.

Planning Officer Repp stated that based on staff's observation, the large truck combinations extend into the northerly portion of the property enough so that the driveway would be constrained.

Planning Technician Alexander advised that there currently are no signs posted on site; and stated that while staff was recently observing site operations, no employee came out to stop any large trucks from fueling in the wrong area. She noted that both the property owner and adjoining property owner were supposed to have added landscaping on the west property line; if that covenant couldn't be agreed upon between the two property owners, this applicant was then directed to install the landscaping himself; and advised that currently, there is no landscaping present in that area. She added that this applicant was also to provide ground cover and trees and noted there is none present. She added that the applicant's permits expired because the applicant did not complete the landscaping requirements by Building and Safety; and noted that staff had advised the applicant of that fact in December 2010 and directed him to work out the various issues with Building and Safety and that as far as staff is aware, he has yet to do that.

Commissioner Brimmer stated there is not enough supporting information at this time to support this business any longer, noting it has been operating out of control for too long and has had ample time to comply.

Mr. Radnia reiterated that he is willing to do the improvements as long as he is able to continue selling the diesel fuel; and stated that whatever the direction is, he will follow through. He noted that he will immediately put up the signage. He stated there are some obstacles because the Mobil franchise agreement sets certain image guidelines he must abide by; and stated that he will reinstate the permits he had pulled earlier.

Commissioner Verrett noted her support for hanging signage that keeps trucks from entering certain pumping stations.

Commissioner Diaz stated that he would support a revocation because this applicant has been given plenty of time to comply with the regulations.

Commissioner Saenz stated he would not like to see the diesel sales stop at this location, believing the revocation will cause traffic problems at the remaining stations that offer diesel fuel at 223rd Wilmington.

Mr. Radnia stated that approximately 99 percent of the tractor trailers that visit his site are locally owned and operated, taking trips back and forth from the harbor to Carson; and stated that because of the high price of fuel, these truck drivers rarely fill their tanks, typically pumping \$50 to \$100 just to get back and forth. He stated the majority of his truck driving clients are not long-distance drivers; and noted that he typically sees these drivers every day and that they're not filling up their tanks on these short trips because they don't have the money.

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



Planning Commission Decision:

Commissioner Diaz moved, seconded by Chairman Faletogo, to revoke the permit for diesel sales at this site as recommended by staff. (This motion was ultimately withdrawn.)

Planning Officer Repp clarified that staff's recommendation is not for revocation or modification at this time; and that staff is recommending the Planning Commission provide direction. While staff recognizes the problems at this site, Planning Officer Repp explained it may be possible to develop appropriate conditions for the safe operation of diesel truck fueling and also recognizes this applicant having a history of not abiding by the conditions of approval; and noted that there has been some compelling information given this evening from a business interest/perspective. She noted her concern that the truck drivers have learned improper use of this station over the last couple of years and that they need to learn the proper ways to access and fuel at this site. She noted that the applicant needs to submit for a building inspection report that clearly identifies the outstanding building permit corrections that are necessary and a comprehensive plan of improvement which can be installed within a short period of time.

Chairman Faletogo noted his concern with this operator's long history of noncompliance.

Commissioner Verrett pointed out that the applicant has stated on the record he will take the necessary steps to get this station in compliance with the conditions of approval; and stated she'd like staff to work with the applicant and clearly explain to him what needs to be done to keep him from getting his permits revoked.

Vice-Chairman Park said he sympathizes with the owner and the difficult business he is in but pointed out the need for safe operations.

Vice-Chairman Park moved, seconded by Commissioner Saenz, for the applicant to immediately put in the safeguards per site circulation drawings, with the trucks cuing in/out as indicated on his design drawings; that the applicant erect directional signs; that the applicant obtain all necessary permits from Building and Safety; that the applicant install the required landscaping; and that the applicant be given 60 days to complete this work and come back before this Commission with all requirements completed.

City Attorney Wynder clarified the motion as follows: to approve the revised site plans with the understanding the items would be installed within 30 days.

Planning Officer Repp recommended that the Commission continue the public hearing for 60 days, to May 10th; that in the meantime, within 14 days, the applicant shall install the necessary signs to demonstrate the safe maneuvering of trucks on site, including canopy signage restricting access of large bodied trucks; that at the end of that 60-day period, the Planning Commission will review the ability for the site to safely operate; that during this period, the applicant will obtain a building inspection report to determine what corrections are required, noting this will require a licensed/qualified architect/engineering professional to properly evaluate the condition of the buildings and to take all corrective measures within these 60 days. She noted that staff will then prepare a resolution, both for approval and denial, for the Commission's consideration at the end of that 60-day period; and if staff determines this site is then not operating safely, staff will also draft a resolution of revocation for the Commission's decision.

City Attorney Wynder asked if the makers of the motion agree with Planning Officer Repp's recommendation.

Vice-Chairman Park and Commission Saenz concurred with Planning Officer Repp's recommendation.

By way of a friendly amendment, Commissioner Brimmer asked that the motion also include that the sale of diesel fuel be stopped until all the corrections have been made; and that a training plan be put in place for the employees.

Vice-Chairman Park did not accept the friendly amendments proposed by Commissioner Brimmer.

By way of a friendly amendment, Commission Gordon asked that an employee direct the large truck traffic on site for the next 30 days until the signs can be erected to make sure the truck drivers learn the new way to safely maneuver on site.

The makers of the motion accepted Commissioner Gordon's friendly amendment to have a station employee on site direct truck traffic to the correct fueling areas until the new directional signs have been installed.

Planning Officer Repp recommended that the applicant also prepare an instruction sheet for the employees' use to properly educate them on the proper direction of large vehicle traffic onsite and any restrictions that may apply, which is to be done within 14 days from this evening; and that in the interim, gas station staff is to immediately be outside directing the truck drivers to safely maneuver on site.

Vice-Chairman Park and Commissioner Saenz noted their concurrence.

Planning Officer Repp asked that the public hearing be opened and that this matter be continued to May 10, 2011. She noted that the applicant shall provide staff a copy of the property inspection report for preparation of staff report for the Planning Commission's May 10th meeting.

Commissioner Brimmer stated that a training manual should be developed, not simple instructions; and stated that the diesel sales should be suspended for 60 days to see whether the applicant complies.

Vice-Chairman Park stated that this Commission has made it very clear to the applicant what is expected of him within the next 60 days.

Chairman Faletogo re-opened the public hearing and continued this matter to the May 10th Planning Commission meeting.

Mr. Radnia stated he agrees with the motion as amended.

Chairman Faletogo recessed the meeting at 8:15 P.M. Vice-Chairman Park reconvened the meeting at 8:20 P.M. Chairman Faletogo departed the meeting during the break.

10. CONTINUED PUBLIC HEARING

- B) Conditional Use Permit No. 747-09 and Conditional Use Permit No. 832-10**

Applicant's Request:

The applicant, Mohammad Malek, is requesting to approve two separate conditional use permits for vehicle service and convenience goods sales at a retail petroleum outlet



CITY OF CARSON

March 17, 2011

Mr. Bijan Radnia
21633 S. Wilmington Avenue
Carson, CA 90810

Via U.S. Mail and E-mail

**SUBJECT: MAJOR MODIFICATION REQUEST TO ALLOW
LARGE-BODY TRUCKS TO PURCHASE DIESEL FUEL OR
REVOCATION OF APPROVAL FOR RETAIL SALE OF DIESEL FUEL
21633 SOUTH WILMINGTON AVENUE – MOBIL GAS STATION**

Dear Mr. Radnia:

This letter is to follow-up to the Planning Commission meeting on March 10, 2011 and the performance schedule to allow a determination to be made at the continued public hearing scheduled for May 10, 2011. The Planning Commission stated their concern for the current situation but expressed a willingness to allow the continued diesel sales subject to appropriate conditions to be determined on May 10, 2011. In effort to help you through this process, please review the following compliance schedule set by the Planning Commission:

COMPLIANCE DUE BY MARCH 24, 2011:

1. Provide proposed signage and canopy barrier plans (site plan and elevations) to Planning staff for review and approval prior to posting signs and changes to canopies;
2. Once approved, post professionally constructed signs at approved locations and install barriers on canopies so to prohibit large-body trucks from entering unauthorized pumping locations;
3. Re-stripe all parking spaces and truck staging per the interim site plan;
4. Prepare a written policy and/or training manual for employees and provide effective implementation related to diesel sales; Provide copy to Planning Division.
5. Obtain a building inspection and operations report from a licensed professional (i.e. engineer, architect or contractor) to conduct a full audit of all regulatory agency (City, County and State) requirements, including but not limited to resolution of expired and/or required building, plumbing, mechanical and electrical permits. Submit the complete report and compliance schedule to staff.

EXHIBIT NO. 3 -

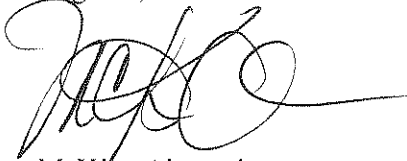
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COMPLIANCE DUE BY MAY 10, 2011:

1. Comply with the following conditions of approval:
 - Refurbish, increase and maintain landscape areas along the northern wall and at the corner planter by enhancing landscaping pursuant to Planning Division review. Plant four (4) trees along the northern wall landscape area per prior approved plan. Repair and/or replace existing automatic irrigations system.
 - Landscape interior west side perimeter pursuant to CMC Section 9138.12. Install automatic irrigation system and provide 6-inch by 6-inch curbing.
 - Install four (4) 15-gallon Giant Bird of Paradise plants (other as approved by the Planning Division) with terra cotta colored plastic or ceramic pots, one at each end of canopy.
2. Comply with all regulatory agency (City, County and State) requirements, including but not limited to resolution of expired and/or required building, plumbing, mechanical and electrical permits. Obtain final inspections and/or approvals from all relative regulatory agencies as needed.
3. Provide a report prepared by an engineer or traffic engineer analyzing the effectiveness of the written policy and/or training manual for employees related to diesel sales.

Staff encourages you to comply with the above in a timely manner. Staff will be monitoring compliance during this interim 60-day period and will be reporting back to the Planning Commission. In preparation for the May 10, 2011 continued public hearing, we will meet with you and your representative to discuss the proposed conditions of approval should the Planning Commission favorably consider the request for modification. Alternatively, we will also discuss if revocation of diesel sales will be recommended due to lack of compliance or ineffectiveness of proposed operation and facility standards. Please contact me if you need further assistance at 310-952-1700 ext. 1326 or e-mail malexand@carson.ca.us.

Regards,



McKina Alexander
Planning Technician

Cc: Planning Commission
S. Repp-Loadsman, Planning Officer
Frances Roberts, Code Enforcement Supervisor
Patrick Fiedler, P.E.





CITY OF CARSON

March 30, 2011

Mr. Bijan Radnia
21633 S. Wilmington Avenue
Carson, CA 90810

Via U.S. Mail and E-mail

**SUBJECT: MAJOR MODIFICATION REQUEST TO ALLOW
LARGE-BODY TRUCKS TO PURCHASE DIESEL FUEL OR
REVOCATION OF APPROVAL FOR RETAIL SALE OF DIESEL FUEL
21633 SOUTH WILMINGTON AVENUE - MOBIL STATION**

Dear Mr. Radnia:

On March 10, 2011, you accepted the Planning Commission's 14-day performance schedule and agreed to comply with this schedule by March 24, 2011. As a reminder, the Planning Commission stated their concerns about the current situation but expressed a willingness to allow further sales of diesel fuel subject to appropriate conditions. However, staff has conducted a couple of site visits since March 24th and observed that you are out of compliance with the performance schedule because no improvements have been made to the property. Additionally, staff understands that your consultant Patrick Fiedler is not directly involved with the sign installation or other improvements at this time. As such, please call immediately to arrange a meeting to discuss your performance actions. You may contact me at 310-953-1700 ext. 1326.

Regards,

McKina Alexander
Planning Technician

Cc: Planning Commission
S. Repp-Loadsman, Planning Officer
Frances Roberts, Code Enforcement Supervisor

EXHIBIT NO. 4 -



EXH-5

**21633 Wilmington Avenue - Permit and Plancheck Status
May 10, 2011**

Expired Permits

- BL 0804280009 Convert S-3 Into Mini-Mart
- BL 0807160044 Vapor Enclosure
- BL 0711010028 Reface Two Wall Signs and Pole Sign

- EL 0806260013 Electrical Permit for Mini Mart
- EL 0806230044 Install (4) 20 Amp Circuits

- ME 0905130023 A/C

- PL 0805120004 Plumbing

Current Status

Building – Project plans originally proposed unconditioned space. With heating and air conditioning installed, plans must be revised and resubmitted for review under Title 24 Energy requirements. Permits must then be reinstated, required additional fees paid, and inspection made in the field.

Mechanical - Plans must be revised and resubmitted for review under Title 24 Energy and structural requirements. Permits must then be reinstated, required additional fees paid, and inspection made in the field.

Electrical – Owner to verify that expired permits cover all work actually completed, and permits must then be reinstated, required additional fees paid, and inspection made in the field.

Plumbing - Owner to verify that expired permits cover all work actually completed, and permits must then be reinstated, required additional fees paid, and inspection made in the field.

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Special Notice for All Truckers

In order to improve the circulation of trucks through the site and comply to city of CARSON requirements the following access restrictions are effective immediately:

Wilmington Avenue Access

Access from Wilmington Avenue is restricted to the southerly approach. Only the north side of the fueling island for the Carson Street fueling canopy can be used for all trucks.

Carson Street Access

Access form Carson Street is restricted to the westerly approach on Carson Street. A queuing area is provided along the north property line for truckers to wait for the fueling position to clear. Only the west side of the fueling island for the Wilmington Avenue fueling canopy can be used for all trucks.

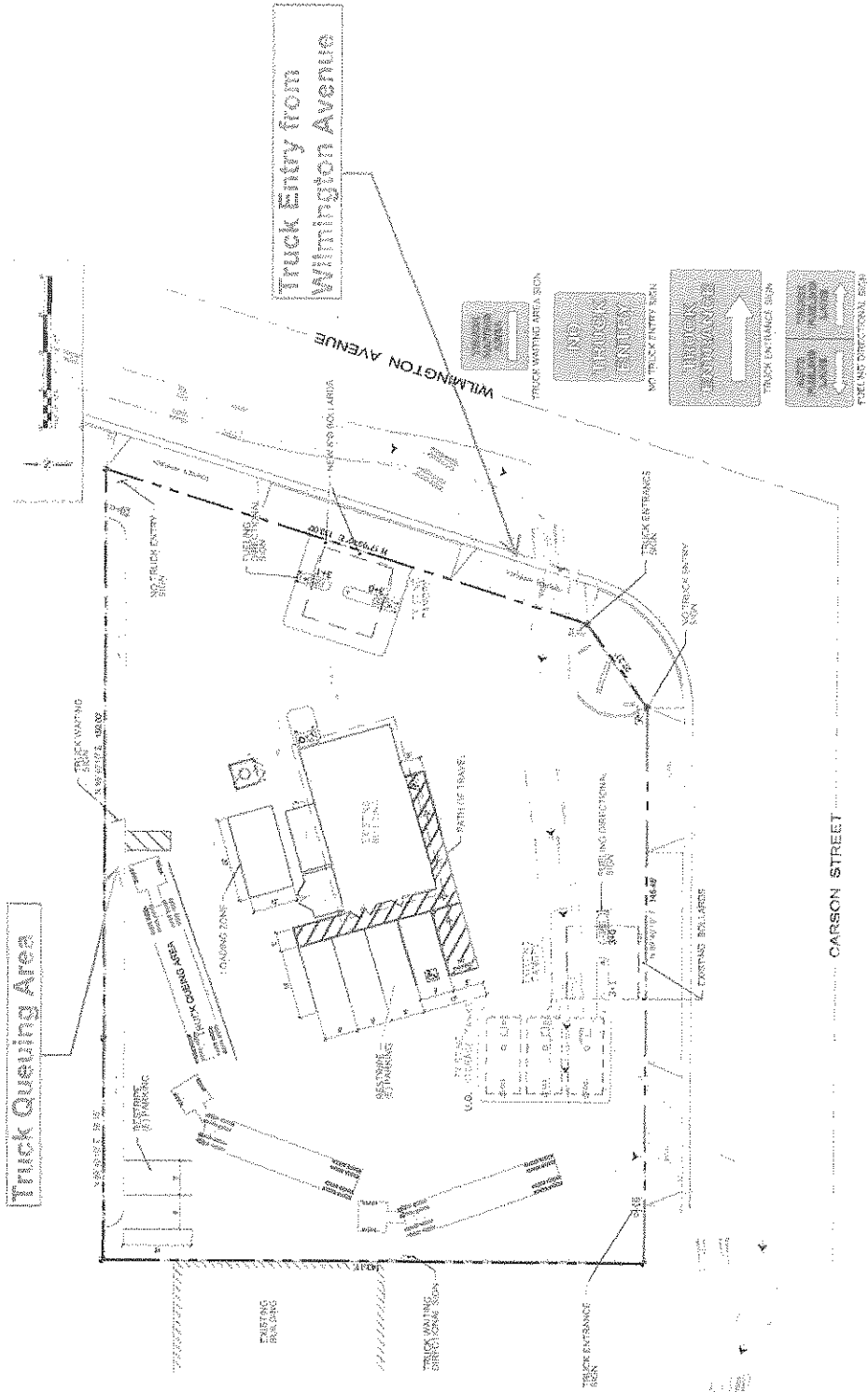


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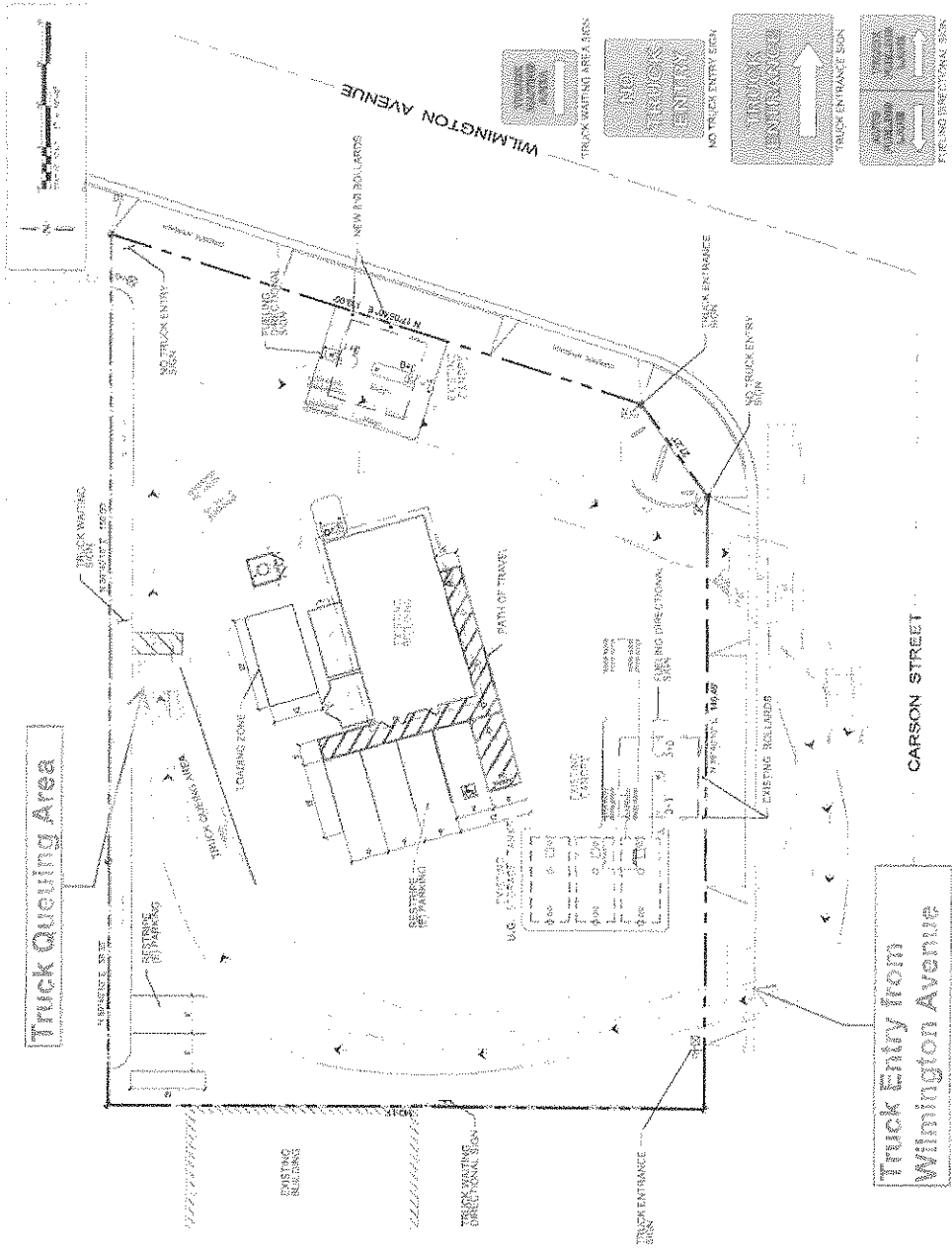


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EXH 6

